



## The Bombay Village Panchayats Act, 1958

Act 3 of 1959

### Keyword(s):

Repealed, Associate Member, Building, Cattle, Zilla Parishad, Factory, Gram Sabha, Land, List of Voters, Octroi, Panchayat, Sarpanch, Upa-Sarpanch, Scheduled Tribes, Secretary, Street, Tax, Village, Ward

Amendments appended: 37 of 2006, 38 of 2006, 21 of 2007, 5 of 2009, 27 of 2009, 16 of 2010, 23 of 2010, 28 of 2010, 33 of 2010, 19 of 2011, 27 of 2011, 39 of 2011, 16 of 2012, 22 of 2012, 29 of 2012, 18 of 2014, 43 of 2014, 7 of 2015, 10 of 2016, 28 of 2017, 42 of 2017, 11 of 2018, 24 of 2018, 54 of 2018, 66 of 2018

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## THE BOMBAY VILLAGE PANCHAYATS ACT, 1958

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BC-54B



BOMBAY ACT No. III OF 1959<sup>1</sup>.

[THE BOMBAY VILLAGE PANCHAYATS ACT, 1958]

[This Act received the assent of the President on the 14th January 1959 ; the assent was first published in the *Maharashtra Government Gazette*, Part IV, on the 23rd January 1959].

Amended by Bom. 53 of 1959.

Adapted and modified by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

Amended by Mah. 48 of 1961. Amended by Mah. 34 of 1970.

"	"	"	5 of 1962.	"	"	"	35 of 1972 (1-11-1973)*.
"	"	"	43 of 1962.	"	"	"	38 of 1973 (1-11-1973)*.
"	"	"	26 of 1963.	"	"	"	6 of 1975 (1-5-1975)†.
"	"	"	35 of 1963.	"	"	"	13 of 1975. ‡
"	"	"	36 of 1965.	"	"	"	16 of 1975 (1-4-1975)*.
"	"	"	50 of 1965.	"	"	"	11 of 1976 (14-4-1976)*.
"	"	"	10 of 1968.	"	"	"	4 of 1981 (2-3-1981)*.

**An Act to amend and consolidate the law relating to the constitution and administration of Village Panchayats in the State of Bombay, and for certain other matters.**

WHEREAS it is expedient to amend and consolidate the law relating to the constitution and administration of village *panchayats* in the State of Bombay with a view to establishing a village *panchayat* for every village or group of villages and investing them with such powers and authority as may be necessary to enable them to function as units of local self-government and of development activities in rural areas and for certain other matters ; It is hereby enacted in the Ninth Year of the Republic of India as follows :—

## CHAPTER I.

## PRELIMINARY.

1. This Act may be called the Bombay Village Panchayats Act, 1958.

Short title.

2. (1) It extends to the whole of the <sup>2</sup>[State of Maharashtra], except the areas within the limits of a municipal corporation, municipality or cantonment established by or under any law for the time being in force.

Extent and commencement.

(2) It shall come into force on such date<sup>3</sup> as the State Government may, by notification in the *Official Gazette*, appoint.

3. In this Act, unless the context otherwise requires—

Definitions.

<sup>4</sup>[(a-1) "associate member" means a member who is entitled to attend and to take part in the deliberations of a *panchayat* or Committee, but shall have no right to vote, and shall not be eligible to hold the office of *Sarpanch* or *Upa-Sarpanch* ;

Bom.  
XXV  
of  
1930.

(a-2) "Auditor" means an Auditor as defined in the Bombay Local Fund Audit Act, 1930] <sup>5</sup>[and in relation to a *panchayat* having an annual income

<sup>1</sup> For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1958, Part V, pp. 279-289.

<sup>2</sup> These words were substituted for the words "State of Bombay" by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

<sup>3</sup> 1st day of June 1959, vide G. N., L.S.G. and P.H.D., No. VPA 1059-P, dated 23rd May 1959.

<sup>4</sup> This clause was inserted by Mah. 36 of 1965, s. 2(a).

<sup>5</sup> This portion was added by Mah. 13 of 1975, s. 2(a).

\*This indicates the date of commencement of Act.

†This indicates the date of commencement of Act so far as it amends the Bombay Village Panchayats Act, 1958.

‡Section 1 of Mah. 13 of 1975 came into force on 28-5-1975. Sections 3 to 17, 19 to 21 and, 24 to 38 came into force on 15-8-1975 and sections 2, 22 and 23 of the said Act came into force on 1-10-1975 (vide G.N., R.D.D., No. VPA. 1074/12739-XII, dated 1st August 1975).

(including grant received from the State Government) of less than Rs. 5,000, also includes an Extension Officer duly authorised in writing by the Chief Executive Officer ];

(1) "building" includes a hut, shed, or other enclosure, whether used as a human dwelling or for any other purpose whatsoever and also includes walls, verandahs, fixed platforms, plinths, doorsteps and the like ;

(2) "bye-laws" means the bye-laws made by the <sup>1</sup>[Zilla Parishad] under section 177 ;

\* \* \* \* \*

(4) "cattle" includes elephant, camels, buffaloes, horses, mares, geldings, ponies, colts, fillies, mules, asses, swine, sheep, ewes, rams, lambs, goats and kids ;

\* \* \* \* \*

<sup>2</sup>[(6) "Zilla Parishad" means a Zilla Parishad constituted under the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 ;]

\* \* \* \* \*

(8) "factory" means a factory as defined in the Factories Act, 1948 ;

LXIII

(9) "Gram Sabha" means a Gram Sabha deemed to be constituted under section 6 ;

of

1948.

(10) "land" includes land which is built upon, or covered with water ;

(11) "list of voters" means a list of voters provided for and maintained, under section 12 ;

\* \* \* \* \*

(13) "octroi" or "octroi duty" means a tax on the entry of goods into a village for consumption, use or sale therein ;

(14) "panchayat" means a panchayat established or deemed to have been established under this Act ;

<sup>3</sup>[(14A) "population" means the population as ascertained at the last preceding census of which the relevant figures, whether provisional or final, have been published ;]

(15) "prescribed" means prescribed by rules ;

(16) "rules" means rules made, or deemed to have been made, under this Act ;

(17) "Sarpanch" and "Upa-Sarpanch" means a Sarpanch and Upa-Sarpanch elected under section 30, 41 or 43 ;

(18) "Scheduled Castes" means such castes, races or tribes or parts, of, or groups within, such castes, races or tribes as are deemed to be Scheduled Castes in relation to the <sup>4</sup>[State of Maharashtra] under article 341 of the Constitution of India ;

<sup>1</sup> These words were substituted for the words " District Village Panchayat Mandal " by Mah. 5 of 1962, s. 286, Tenth Sch.

<sup>2</sup> Clauses (3), (5) and (12) were deleted by Mah. 13 of 1975, s. 2(b).

<sup>3</sup> Clause (6) was substituted by Mah. 5 of 1962, s. 286, Tenth Sch.

<sup>4</sup> Clause (7) was deleted, *ibid.*

<sup>5</sup> Clause (14A) was inserted by Mah. 13 of 1975, s. 2(c).

<sup>6</sup> These words were substituted for the words "State of Bombay" by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

(19) "Scheduled Tribes" means such tribes or tribal communities or parts of, or groups within, such tribes or tribal communities as are deemed to be Scheduled Tribes in relation to the [State of Maharashtra] under article 342 of the Constitution of India ;

(20) "Secretary" means a secretary of a *panchayat* appointed or deemed to be appointed under section 60 of this Act ;

(21) "street" means any road, footway, square, court, alley or passage accessible whether permanently or temporarily to the public, whether a thoroughfare or not ;

\* \* \* \* \*

(23) "tax" means a tax, cess, rate or other impost leviable under this Act, but does not include a fee ;

(24) "village" means any local area declared to be a village under section 4 or deemed to be a village ;

(25) "ward" means an area into which a village is divided under clause (b) of sub-section (1) of section 10 for the purpose specified therein ;

(26) the expression "the term of a *panchayat*" means the period for which the members thereof elected or deemed to be elected shall hold office under section 27 ;

<sup>3</sup>[(27) the expressions "Standing Committee", "*Panchayat Samiti*" ["Chief Executive Officer"] ["Block Development Officer" and "block grant"] shall have the meanings respectively assigned to them in the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961.]

Mah.  
V of  
1962.

## CHAPTER II.

### *Gram Sabhas, ESTABLISHMENT AND CONSTITUTION OF Panchayats.*

4. (1) After making such enquiry as may be prescribed, the State Government may, by notification in the *Official Gazette*, declare any local area, comprising a revenue village, or a group of revenue villages or hamlets forming part of a revenue village, or other such administrative unit or part thereof, to be a village [to be known by the name of .....village : Declaration of village.

Provided that, where a group of revenue villages or hamlets or other such administrative unit or part thereof is declared to be a village, the village shall be known by the name of the revenue village, hamlet or as the case may be, administrative unit or part thereof, having the largest population.]

<sup>1</sup> These words were substituted for the words "State of Bombay" by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

<sup>2</sup> Clause (22) was deleted by Mah. 13 of 1975, s. 2(b).

<sup>3</sup> Clause (27) was inserted by Mah. 5 of 1962, s. 286, Tenth Sch.

<sup>4</sup> These words were substituted for the words "and Chief Executive Officer" by Mah. 36 of 1965, s. 2(b).

<sup>5</sup> These words were substituted for the words "and Block Development Officer" by Mah. 34 of 1970, s. 2.

<sup>6</sup> These words were inserted by Mah. 36 of 1965, s. 3.

(2) After consultation with the '[Standing Committee] and the *panchayat* concerned (if it has already been established), the State Government may, by like notification, at any time—

(a) include within, or exclude from, any village, any local area or otherwise alter the limits of any village, or

(b) declare that any local area shall cease to be a village ;

and thereupon the local area shall be so included or excluded, or the limits of the village so altered, or, as the case may be, the local area shall cease to be a village.

5. In every village there shall be a *panchayat*.

Establishment of  
*panchayats*.

6. On the publication of a notification under section 4 in respect of any village, or in respect of any local area which is deemed to be a village under clause (1) of section 186, all persons whose names are included in the list of voters referred to in section 12 shall be deemed to constitute a *Gram Sabha* for the village.

*Gram Sabha*.

7. (1) There shall be held at least two meetings of the *Gram Sabha* '[every financial year] on such date, on such time and place, as may be prescribed '[and if the *Sarpanch*, or in his absence the *Upa-Sarpanch* fails without sufficient cause to '[hold any one of such two meetings], he shall be disqualified for continuing as *Sarpanch* or, as the case may be, *Upa-Sarpanch* or for being chosen as such for the remainder of the term of office of the members of the *panchayat*. The decision of the Collector on the question whether or not there was such sufficient cause shall be final :]

Meetings of.  
*Gram Sabha*.

[Provided that, the *Sarpanch* may, at any time of his own motion, and, shall, on requisition of the Standing Committee, *Panchayat Samiti*, or Chief Executive Officer, call a meeting of the *Gram Sabha* within the period specified in the requisition and, on failure to do so, the Chief Executive Officer shall require the Block Development Officer to call the meeting within fifteen days from the date he is so required to do. The meeting shall, notwithstanding the provisions of sub-section (3), be presided over by him or any officer authorised by the Block Development Officer, in that behalf.]

(2) Any Officer authorised in this behalf by the '[Standing Committee, *Panchayat Samiti* or Chief Executive Officer] by general or special order shall have the right to speak in, and otherwise to take part in, the proceedings of a meeting of the *Gram Sabha*, but shall not be entitled to vote.

(3) Unless otherwise provided in this Act, the *Sarpanch*, and in the absence of the *Sarpanch*, the *Upa-Sarpanch* shall preside over every meeting of the *Gram Sabha*. In the absence of the *Sarpanch* and *Upa-Sarpanch*, the members of the *Gram Sabha* shall elect one of the members of the *panchayat* present to preside.

1. These words were substituted for the words "*Panchayat Mandal*" by Mah. 5 of 1962, s. 286 Tenth Sch.

2. These words were substituted for the words "every year" by Mah. 36 of 1965, s. 4(a).

3. These words were added, *ibid.*, s. 4(a).

4. These words were substituted for the words "hold such two meetings" by Mah. 38 of 1973, s. 2.

5. This proviso was substituted for the original by Mah. 36 of 1965, s. 4(b).

6. These words were substituted for the word "Collector", *ibid.*

(4) If any dispute arises as to whether a person is entitled to attend a meeting of a *Gram Sabha*, such dispute shall be decided by the person presiding, regard being had to the entry in the list of voters for a whole village or ward thereof, as the case may be, and his decision shall be final.

*Panchayat to place before Gram Sabha* 8. (1) The first meeting of the *Gram Sabha* in [every financial year] shall be held within two months from the commencement of that year, and the *panchayat* shall place before such meeting—

*Statement of accounts etc. and duties of Gram Sabha.* (i) the annual statement of accounts ;  
(ii) the report of the administration of the preceding financial year ;  
(iii) the development and other programme of work proposed for the current financial year ;

(iv) the last audit note and replies (if any) made thereto ;

(v) any other matter which the <sup>2</sup>[Standing Committee, *Panchayat Samiti* or Chief Executive Officer or any officer authorised by the Standing Committee or *Panchayat Samiti*] in this behalf, requires to be placed before such meeting.

(2) It shall be open to the *Gram Sabha* to discuss any or all of the matters placed before it under sub-section (1) and the *panchayat* shall consider suggestions, if any made by the *Gram-Sabha*.

(3) A *Gram Sabha* shall carry out any other functions as the State Government may by general or special order require.

*Incorporation of panchayat.* 9. Every *panchayat* shall be a body corporate by the name of "the Village Panchayat of \_\_\_\_\_", having perpetual succession and a common seal, with power to acquire and hold property, both moveable and immovable, whether within or without the limits of the village over which it has authority and may in its corporate name sue and be sued.

*Constitution of Panchayats.* 10. (1) Subject to any general or special order which the State Government may make in this behalf—

<sup>3</sup>[(a) A *panchayat* shall consist of—

(i) such number of members not being less than seven and not more than fifteen as the Collector may determine, who shall be elected in accordance with section 11 ;

(ii) the Chairman or Chairmen, of a co-operative society or societies, conducting business in the village relating to agriculture or granting of loans (to be associate member or members).

*Explanation.*—For the purposes of sub-clause (ii) of clause (a), the expression "Chairman" in relation to a co-operative society includes the Administrator appointed to manage the affairs of the society or where more than one Administrator or a committee or corporation is appointed to manage the affairs of the society under sub-section (1) of section 78 of the Maharashtra Co-operative Societies Act, 1960, such person representing the Administrator, committee or corporation as the Collector or any officer authorised by him in this behalf, may direct.] Mah. XXIV of 1961.

(b) each village shall be divided into such number of wards, and the number of members of a *panchayat* to be elected from each ward shall be such, as may be determined by the Collector <sup>4</sup>[in the prescribed manner].

<sup>1</sup> These words were substituted for the words "every year" by Mah. 36 of 1965, s. 5.

<sup>2</sup> These words were substituted for the words "*Panchayat Mandal* or Collector or any Officer authorised by the Collector" by Mah. 5 of 1962, s. 286, Tenth Sch.

<sup>3</sup> Clause (a) was substituted for the original by Mah. 6 of 1975, s. 50 Sch.

<sup>4</sup> These words were inserted by Mah. 36 of 1965, s. 6(1)(b).

(2) In every *panchayat* two seats shall be reserved for women. And if, having regard to population of Scheduled Castes and Scheduled Tribes in the village, the '[Collector] is of opinion that reservation of seats is necessary for such Castes and Tribes in the village there shall be reserved for such Castes and Tribes, such number of seats [as may be determined by the Collector in the prescribed manner] such reservation shall cease to have effect on the expiration of [the period for the time being specified in article 334 of the Constitution of India.] but the fact that the reservation of seats has so ceased to have effect shall not render any person elected and in office immediately before such cesser ineligible from continuing as a member during the rest of the term to which he was validly elected.

(3) If for any reason an election does not result in the return of the required number of qualified persons willing to take office, the '[Standing Committee] shall, as soon as possible, appoint from persons qualified to be elected, such persons as are necessary to make up the required number, and the persons so appointed shall be deemed to have been duly elected under sub-section (1). [The names of members following under clause (a) of sub-section (1)] and also members appointed as aforesaid shall be published by the Collector in the prescribed manner.

(4) Notwithstanding anything in sub-section (1) where two-thirds or more of the total number of members required to be elected "[under sub-clause (i) of clause (a) of sub-section (1)] are elected, failure to elect the remaining members shall not affect constitution of the *panchayat*.

11. (1) The election of members to a *panchayat* shall be held on such date Election. as the Collector may appoint in this behalf.

(2) Such election shall be conducted in the prescribed manner.

12. (1) The electoral roll of the '[Maharashtra Legislative Assembly] List of voters. prepared under the provisions of the Representation of the People Act, 1950, of and in force on such day as the State Government may by general or special order notify in this behalf for such part of the constituency of the Assembly as is included in a ward or a village shall be the list of voters for such ward or village.

(2) An officer designated by the Collector in this behalf shall maintain a list of voters for each such ward or village.

13. (1) Every person whose name is in the list of voters shall, unless disqualified, under this Act or any other law for the time being in force, be qualified to vote at the election of a member for the ward to which such list pertains. Persons qualified to vote and be elected.

(2) Every person whose name is in the list of voters shall, unless disqualified under this Act or under any other law for the time being in force be qualified to be elected for any ward of the village. No person whose name is not entered in the list of voters for such village shall be qualified to be elected for any ward of the village.

<sup>1</sup> These words were substituted for the words "State Government" by Mah. 13 of 1975, s. 3(a)

<sup>2</sup> These words were substituted for the words "as may be prescribed", *ibid.*, s. 3 (b).

<sup>3</sup> These words, and figures were substituted for the words "a period of twelve years from the commencement of the Constitution of India" by Mah. 48 of 1961, s. 2, Sch.

<sup>4</sup> These words were substituted for the words "*Panchayat Mandal*" by Mah. 5 of 1962, s. 286, Tenth Sch.

<sup>5</sup> These words were substituted for the portion beginning with "The names of the elected members" and ending with "as the case may be" by Mah. 6 of 1975, Sch.

<sup>6</sup> These words, brackets, letter and figure were inserted, *ibid.*

<sup>7</sup> These words were substituted for the words "Bombay Legislative Assembly" by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

(3) Subject to any disqualification incurred by a person, the list of voters shall be conclusive evidence for the purpose of determining under this section whether any person is qualified or is not qualified to vote, or as the case may be, is qualified or is not qualified to be elected, at any election.

Vacation of seats. <sup>1</sup>[13A. If a person is elected to more than one seat in a village panchayat, then unless, within the prescribed time he resigns all but one of the seats by notice in writing signed by him and addressed to the Collector or any officer authorised by him in this behalf, all the seats shall become vacant.]

Disqualifications. 14. No person shall be a member of a *panchayat*, or continue as such, who—  
(a) has, whether before or after the commencement of this Act, been convicted—

(i) of an offence under the Untouchability (Offences) Act, 1955, or under the Bombay Prohibition Act, 1949 or any law corresponding thereto in force in any part of the State, unless a period of five years, or such lesser period as the State Government may allow in any particular case, has elapsed since his conviction, or XXII of 1955. Bom. XXV of 1949.

(ii) of any other offence and been sentenced to imprisonment for not less than six months, unless a period of five years, or such lesser period as the State Government may allow in any particular case, has elapsed since his release ; or

<sup>2</sup>[(a-1) has been disqualified for corrupt practice under section 8A of the Representation of the People Act, 1951, unless the Election Commission has removed such disqualification or the period of such disqualification or the said period as reduced by the Election Commission under section 11 of that Act has expired ;] XLIII of 1951.

(b) has been adjudged by a competent court to be of unsound mind ; or

(c) has been adjudicated an insolvent and has not obtained his discharge ; or

<sup>3</sup>[(c-1) having held any office under any Government or local authority, has, whether before or after the commencement of this Act, been dismissed for misconduct, unless a period of five years has elapsed since his dismissal ; or]

(d) has been removed from office under sub-section (1) of section 39 and a period of five years has not elapsed from the date of such removal, unless he has, by an order of the State Government notified in the *Official Gazette*, been relieved from the disqualification arising on account of such removal from office ; or

(e) has been disqualified from holding office under sub-section (2) of section 39 and the period for which he was so disqualified has not elapsed ; or

(f) holds any salaried office or place of profit in the gift or disposal of the *panchayat*, while holding such office, or place ; or

(g) has directly or indirectly, by himself or his partner, any share or interest in any work done by order of the *panchayat*, or in any contract with, by or on behalf of, or employment with or under, the *panchayat* ; or

(h) fails to pay any tax or fee due to the *panchayat* <sup>4</sup>[or the *Zilla Parishad* within three months from the date on which the amount of such tax or fee is demanded, and a bill for the purpose is duly served on him ; or]

<sup>5</sup>[(h-1) fails to pay the amount of surcharge or charge under section 140 or the amount ordered to be paid under section 178 together with interest, if any within the period provided in that behalf, and where an appeal has been

<sup>1</sup> Section 13A was inserted by Mah. 36 of 1965, s. 7.

<sup>2</sup> Clause (a-1) was inserted by Mah. 13 of 1975, s. 4(a).

<sup>3</sup> This clause was inserted by Mah. 36 of 1965, s. 8 (1).

<sup>4</sup> These words were substituted for the portion beginning with the words " within three months " and ending with the words and figures " section 129 ; or ", *ibid.*, s. 8(2).

<sup>5</sup> Clause (h-1) was inserted by Mah. 13 of 1975, s. 4(b).

made, then within one month from the date of receipt of the decision rejecting such appeal ;]

- (i) is a servant of the Government or a servant of any local authority ; or
- (j) has voluntarily acquired the citizenship of a foreign State, or is under any acknowledgement of allegiance or adherence to a foreign State ; or
- (k) is disqualified under any other provisions of this Act, and the period for which he was so disqualified has not elapsed.

*Explanation 1.*—A person shall not, by reason only of his being a share holder in or a member of, any incorporated or registered company or a co-operative society registered under any law for the time being in force in the [State of Maharashtra], be held to be interested in any contract entered into between the company or co-operative society and the *panchayat*.

<sup>2</sup>[*Explanation 1A.*—A person shall not be disqualified under clause (g) by reason only of such person—

(i) having a share or interest in any newspaper in which any advertisement relating to the affairs of the *panchayat* is inserted ; or

(ii) having a share or interest in the occasional sale to the *panchayat* of any article in which he regularly trades, or in the purchase from the *panchayat* of any article, of a value in either case not exceeding in any financial year two hundred rupees ; or

(iii) having a share or interest in the occasional letting out on hire to the *panchayat* or in the hiring from the *panchayat* of any article for an amount not exceeding in any financial year twenty-five rupees or such higher amount not exceeding one hundred rupees, as the *panchayat*, with the sanction of the Collector, may fix in this behalf ; or

(iv) having any share or interest in any lease for a period not exceeding ten years, of any immovable property or in agreement for the same ; and before such lease or agreement is executed, the Block Development Officer certifies that no other suitable premises were available to the *panchayat* on lease.]

*Explanation 2.*—For the purposes of clause (h)—

(i) a person shall not be deemed to be disqualified if he has paid the amount of any tax or fee due, prior to the day prescribed for the nomination of candidates ;

(ii) failure to pay any tax or fee due to the *panchayat* by a member of an undivided Hindu family, or by a person belonging to a group or unit the members of which are by custom joint in estate or residence, shall be deemed to disqualify all members of such undivided Hindu family or as the case may be all the members of such group or unit.

Mah. XLVI of 1967. <sup>3</sup>[*Explanation 3.*—For the purposes of clause (i), a Police-patil appointed under section 5 of the Maharashtra Village Police Act, 1967, shall be deemed to be a servant of Government.]

<sup>1</sup> These words were substituted for the words " State of Bombay " by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

<sup>2</sup> This *Explanation* was inserted by Mah. 36 of 1965, s. 8(3).

<sup>3</sup> This *Explanation* was substituted for the original by Mah. 13 of 1975, s. 4(c).



<sup>1</sup>[*Explanation 4.*—For the purposes of clause (g), a person shall not be deemed to have any share or interest in any employment by reason only of any relation of his being employed with or under a *panchayat*, as an Officer or servant thereof.]

Disqualifi-  
cation arising  
out of certain  
conviction  
and corrupt  
practices  
under this  
Act.

<sup>2</sup>[14A. If any person—

(a) is convicted of an offence punishable under section 153A or section XLV 171E or section 171F or sub-section (2) or sub-section (3) of section 505 of of the Indian Penal Code, or of an offence punishable under section 24, or 1860. clause (a) of sub-section (2) of section 25 of this Act; or

(b) is upon trial of an election petition under section 15 of this Act, found guilty of any corrupt practice,

he shall be disqualified for being elected, or for continuing as a member, or for voting at any election to a *panchayat*, unless a period of six years from the date of the conviction or from the date on which a declaration that the candidate is disqualified is made under sub-section (5) of section 15 of this Act, or such lesser period which the State Government may allow in any particular case has elapsed.]

Determina-  
tion of  
validity of  
elections :  
enquiry by  
Judge  
procedure.

15. (1) If the validity of any election of a member of a *panchayat* is brought in question by <sup>3</sup>[any candidate at such election or by] any person qualified to vote at the election to which such question refers, <sup>4</sup>[such candidate or person] may, at any time within fifteen days after the date of the declaration of the result of the election, apply—\* \* \* \* \* to the Civil Judge (Junior Division), and if there be no Civil Judge (Junior Division) then to the Civil Judge (Senior Division) (hereinafter, in each case, referred as "the Judge") having ordinary jurisdiction in the area within which the election has been or should have been held for the determination of such question.

(2) Any enquiry shall thereupon be held by the Judge and he may after such enquiry as he deems necessary pass an order, confirming or amending the declared result, or setting the election aside. For the purposes of the said enquiry the said Judge may exercise all the powers of a civil court, and his decision shall be conclusive. <sup>5</sup>[If the election is set aside, a date for holding a fresh election shall forthwith be fixed under section 11.]

(3) All applications received under sub-section (1)—

(a) in which the validity of the election of members to represent the same ward is in question, shall be heard by the same Judge; and

(b) in which the validity of the election of the same member elected to represent the same ward is in question, shall be heard together.

<sup>1</sup> This *Explanation* was inserted by Mah. 34 of 1970, s. 3.

<sup>2</sup> Section 14A was inserted by Mah. 13 of 1975, s. 5.

<sup>3</sup> These words were inserted by Mah. 36 of 1965, s. 9(1).

<sup>4</sup> These words were substituted for the words "such person", *ibid.*

<sup>5</sup> The portion from "(a) in the Hyderabad area" to "transferred territories" was omitted by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

<sup>6</sup> This portion was added by Mah. 36 of 1965, s. 9(2).

(4) Notwithstanding anything contained in the Code of Civil Procedure, 1908, <sup>v of 1908.</sup> the Judge shall not permit (a) any application to be compromised or withdrawn or (b) any person to alter or amend any pleading unless he is satisfied that such application for compromise or withdrawal or the application for such alternation or amendment is *bona fide* and not collusive.

(5) (a) If on holding such enquiry the Judge finds that a candidate has for the purpose of the election committed a corrupt practice within the meaning of sub-section (6) he shall declare the candidate disqualified for the purpose of that election and of such fresh election as may be held under '[sub-section (2)]' and shall set aside the election of such candidate if he has been elected.

(b) If, in any case to which clause (a) does not apply, the validity of an election is in dispute between two or more candidates, the Judge shall after a scrutiny and computation of the votes recorded in favour of each candidate, declare the candidate who is found to have the greatest number of valid votes in his favour to have been duly elected :

Provided that for the purpose of such computation no vote shall be reckoned as valid if the Judge finds that any corrupt practice was committed by any person known or unknown, in giving or obtaining it :

Provided further that after such computation if an equality of votes is found to exist between any candidates and the addition of one vote will entitle any of the candidates to be declared elected, one additional vote shall be added to the total number of valid votes found to have been received in favour of such candidate or candidates as the case may be, selected by lot drawn in the presence of the Judge in such manner as he may determine.

(6) A person shall be deemed to have committed a corrupt practice—

(a) who, with a view to inducing any voter to give or to refrain, from giving a vote in favour of any candidate, offers or gives any money or valuable consideration, or holds out any promise of individual profit, or holds out any threat of injury to any person, or,

(b) who with a view to inducing any person to stand or not to stand or to withdraw from being a candidate at an election, offers or gives any money or valuable consideration or holds out any promise of individual profit or holds out any threat of injury to any person, or

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<sup>1</sup> This was substituted for the word and figures " section 17 " by Mah. 36 of 1965, s. 9(3).

(c) who hires or procures, whether on payment or otherwise, any vehicle or vessel for the conveyance of any voter (other than the person himself, the members of his family or his agent) to and from any polling station :

Provided that the hiring of a vehicle or vessel by a voter or by several voters at their joint cost for the purpose of conveying him or them to or from any such polling station shall not be deemed to be a corrupt practice under this clause if the vehicle or vessel so hired is a vehicle or vessel not propelled by mechanical power :

Provided further that the use of any public transport vehicle or vessel or any tram-car or railway carriage by any voter at his own cost for the purpose of going to or coming from any such polling station shall not be deemed to be a corrupt practice under this clause.

*Explanation 1.*—A corrupt practice shall be deemed to have been committed by a candidate, if it has been committed with his knowledge and consent, or by a person who is acting under the general or special authority of such candidate with reference to the election.

*Explanation 2.*—“ A promise of individual profit ” does not include a promise to vote for or against any particular measure which may come before a *panchayat* for consideration, but subject thereto, includes a promise for the benefit of the person himself or any person in whom he is interested.

*Explanation 3.*—The expression “ vehicle ” means any vehicle used or capable of being used for the purpose of road transport, whether propelled by mechanical power or otherwise, and whether used for drawing other vehicles or otherwise.

<sup>1</sup>[(7) If the validity of any election is brought in question only on the ground of an error made by the Officer charged with carrying out the rules made in this behalf under section 176 read with sub-section (2) of section 10 and section 11, or of an irregularity or informality not corruptly caused, the Judge shall not set aside the election.]

16. (1) If any member of a panchayat,—

(a) who is elected or appointed as such, was subject to any of the disqualifications mentioned in section 14 at the time of his election or appointment, or

(b) during the term for which he has been elected or appointed, incurs any of the disqualifications, mentioned in section 14,

he shall be disabled from continuing to be a member, and his office shall become vacant.

(2) <sup>2</sup>If any question whether a vacancy has occurred under this section is raised by the Collector *suo motu* or on an application made to him by any person in that behalf, the Collector shall decide the question as far as possible within sixty days from the date of receipt of such application. Until the Collector decides the question, the member shall not be disabled under sub-section (1) from continuing to be a member.] Any person aggrieved by the decision of the Collector may, within a period of fifteen days from the date of such decision, appeal to the State Government, and the orders passed by the State Government in such appeal shall be final :

Provided that no order shall be passed under this sub-section by the Collector against any member without giving him a reasonable opportunity of being heard.

17. [Fresh election if election or appointment is invalid.] Deleted by Mah. 36 of 1965, s. 11.

<sup>1</sup>Sub-section (7) was added by Mah. 34 of 1970, s. 4.

<sup>2</sup>This was substituted for the portion beginning with the words “ In every case ” and ending with the words “ from continuing to be a member ” by Mah. 36 of 1965, s. 10.

Prohibition  
of canvassing in  
or near  
polling  
stations.

18. (1) No person shall, on the date or dates on which a poll is taken in any polling station, commit any of the following acts within the polling station, or in any public or private place within a distance of one hundred yards of the polling station, namely :—

- (a) canvassing for votes, or
- (b) soliciting the vote of any voter ; or
- (c) persuading any voter not to vote at the election ; or
- (d) persuading any voter not to vote for any particular candidate ; or
- (e) exhibiting any notice or sign (other than an official notice) relating to the election.

(2) Any person who contravenes the provisions of sub-section (1) shall, on conviction, be punished with fine which may extend to two hundred and fifty rupees.

(3) An offence punishable under this section shall be cognizable.

Penalty for  
disorderly  
conduct  
in or near  
polling  
station.

19. (1) No person shall, on the date or dates on which a poll is taken at any polling station,—

(a) use or operate, within or at the entrance of the polling station, or in any public or private place in the neighbourhood thereof, any apparatus for amplifying or reproducing the human voice, such as a megaphone or a loud-speaker, or

(b) shout, or otherwise act in a disorderly manner, within or at the entrance of the polling station or in any public or private place in the neighbourhood thereof, so as to cause annoyance to any person visiting the polling station for the poll, or so as to interfere with the work of the officers and other persons on duty at the polling station.

(2) Any person who contravenes, or wilfully aids or abets the contravention of, the provisions of sub-section (1) shall, on conviction, be punished with fine which may extend to two hundred and fifty rupees.

(3) If the presiding officer of a polling station has reason to believe that any person is committing or has committed an offence punishable under this section he may direct any police officer to arrest such person, and thereupon the police officer shall arrest him.

(4) Any police officer may take such steps and use such force, as may be reasonably necessary for preventing any contravention of the provisions of sub-section (1), and may seize any apparatus used for such contravention.

Penalty for  
misconduct  
at polling  
station.

20. (1) Any person who during the hours fixed for the poll at any polling station, misconducts himself or fails to obey the lawful directions of the presiding officer may be removed from the polling station by the presiding officer or by any police officer on duty or by any person authorised in this behalf by such presiding officer.

(2) The powers conferred by sub-section (1) shall not be exercised so as to prevent any voter who is otherwise entitled to vote at a polling station from having an opportunity of voting at that station.

(3) If any person who has been so removed from a polling station re-enters the polling station without the permission of the presiding officer, he shall, on conviction, be punished with fine which may extend to two hundred and fifty rupees.

(4) An offence punishable under sub-section (3) shall be cognizable.

21. (1) Where an election is held by ballot, every officer, clerk, agent or other person who performs any duty in connection with the recording or counting of votes at an election shall maintain and aid in maintaining, the secrecy of the voting and shall not (except for some purpose authorised by or under any law) communicate to any person any information calculated to violate such secrecy. Maintenance of secrecy of voting.

(2) Any person who contravenes the provisions of sub-section (1) shall, on conviction, be punished with imprisonment for a term which may extend to three months or with fine or with both.

22. (1) No person who is a returning officer, or a presiding or polling officer at an election or an officer or clerk appointed by the returning officer or the presiding officer to perform any duty in connection with an election shall, in the conduct or the management of the election, do any act (other than the giving of his vote) for the furtherance of the prospects of the election of a candidate. Officers, etc. at elections not to act for candidates or influence votings.

(2) No such person as aforesaid, and no member of a police force, shall endeavour—

- (a) to persuade any person to give his vote at an election, or
- (b) to dissuade any person from giving his vote at an election, or
- (c) to influence the voting of any person at an election in any manner.

(3) Any person who contravenes the provisions of sub-section (1) or sub-section (2) shall, on conviction, be punished with imprisonment for a term which may extend to six months or with fine or with both.

23. (1) If any person to whom this section applies is without reasonable cause guilty of any act or omission in breach of his official duty, he shall, on conviction, be punished with fine which may extend to five hundred rupees. Breaches of official duty in connection with elections.

(2) No suit or other legal proceedings shall lie against any such person for damages in respect of any such act or omission as aforesaid.

(3) The persons to whom this section applies are the returning officers, presiding officers, polling officers and any other persons appointed to perform any duty in connection with the maintenance of the list of voters, the receipt of nominations or withdrawal of candidatures, or the recording or counting of votes at an election and the expression "official duty" shall for the purposes of this section be construed accordingly, but shall not include duties imposed otherwise than by or under this Act.

24. (1) Any person who, at any election, fraudulently takes, or attempts to take a ballot paper out of a polling station, or wilfully aids or abets the doing of any such act, shall, on conviction, be punished with imprisonment for a term which may extend to one year or with fine which may extend to five hundred rupees or with both. Removal of ballot papers from polling stations to be offence.

(2) If the presiding officer of a polling station has reason to believe that any person is committing or has committed an offence punishable under sub-section (1), such officer may, before such person leaves the polling station, arrest or direct a police officer to arrest such person and may search such person or cause him to be searched by a police officer :

Provided that when it is necessary to cause a woman to be searched, the search shall be made by another woman with strict regard to decency.

(3) Any ballot paper found upon the person arrested on search shall be made over for safe custody to a police officer by the presiding officer, or when the search is made by a police officer, shall be kept by such officer in safe custody.

(4) An offence punishable under sub-section (1) shall be cognizable.

Other  
offences and  
penalties  
therefor.

25. (1) A person shall be guilty of an offence if, at any election, he—

(a) fraudulently defaces or fraudulently destroys any nomination paper ; or

(b) fraudulently defaces, destroys or removes any list, notice or other document affixed by or under the authority of a returning officer ; or

(c) fraudulently defaces or fraudulently destroys any ballot paper or the official mark on any ballot paper ; or

(d) without due authority supplies any ballot paper to any person ; or

(e) fraudulently puts into any ballot box anything other than the ballot paper which he is authorised by law to put in ; or

(f) without due authority destroys, takes, opens or otherwise interferes with any ballot box or ballot papers then in use for the purposes of the election ; or

(g) fraudulently or without due authority, as the case may be, attempts to do any of the foregoing acts or wilfully aids or abets the doing of any such acts.

(2) Any person guilty of an offence under this section shall—

(a) if he is a returning officer or a presiding officer at a polling station or any other officer or clerk employed on official duty in connection with the election, on conviction, be punished with imprisonment for a term which may extend to two years or with fine or with both ;

(b) if he is any other person, on conviction, be punished with imprisonment for a term which may extend to six months or with fine or with both.

(3) For the purposes of this section, a person shall be deemed to be on official duty if his duty is to take part in the conduct of an election or part of an election including the counting of votes or to be responsible after an election for the used ballot papers and other documents in connection with such election, but the expression "official duty" shall not include any duty imposed otherwise than by or under this Act.

(4) An offence punishable under clause (b) of sub-section (2) shall be cognizable.

Prosecution  
in certain  
offences.

26. No Court shall take cognizance of an offence punishable under section 22 or under section 23 or under clause (a) of sub-section (3) of section 25 unless there is complaint made by an order for under authority from, the Collector.

Term of  
office of  
members.

27. (1) The members of a *panchayat* shall, save as otherwise provided in this Act, hold office for a <sup>1</sup>[term of five years].

(2) The State Government may, after consulting the <sup>2</sup>[Standing Committee] by order in writing and for reasons recorded therein, extend the said term for a period not exceeding in the aggregate <sup>3</sup>[five years and six months]. Any such order shall be notified in such manner as the State Government may approve.

<sup>1</sup> These words were substituted for the words " term of four years " by Mah. 38 of 1973, s. 3(1).

<sup>2</sup> These words were substituted for the words " *Panchayat Manal* " by Mah. 5 of 1962, s. 286, Tenth Schedule.

<sup>3</sup> These words were substituted for the words " five years " by Mah. 38 of 1973, s. 3(2).

28. (1) The term of office of the members elected at a general election [including the Chairman or Chairmen of the co-operative society or societies, as the case may be, referred to in clause (a) of sub-section (1) of section 10] or appointed under sub-section (3) of section 10 shall be deemed to commence on the date of the first meeting of the *panchayat*. The first meeting of the *panchayat* shall be held on a day fixed by the [Collector] within four weeks from the date on which the names of elected members are published under section 10 :

Commence-  
ment of  
term of  
office.

<sup>3</sup>[Provided that, if such day fixed for the first meeting falls prior to the date on which the term of office of the retiring members expires under section 27 or prior to the expiry of the period for which the *panchayat* has been superseded under section 145, the first meeting shall be held on a date not exceeding ten days from such expiry of the term of office of the members or the expiry of the period of supersession.]

(2) The term of office of the outgoing members shall be deemed to extend to, and expire with, the day before such meeting.

<sup>4</sup>[29. (1) Any member who is elected may resign his office by writing under his hand addressed to the *Sarpanch* and the *Sarpanch* may resign his office of member by writing under his hand addressed to the Chairman of the *Panchayat Samiti*. The resignation shall be delivered in the manner prescribed.

Resignation  
of member  
and disputes  
regarding  
resignation.

(2) On receipt of the resignation under sub-section (1), the *Sarpanch* or, as the case may be, the Chairman of the *Panchayat Samiti* shall forward it to the Secretary who shall place it before the meeting of the *panchayat* next following.

(3) If any member or the *Sarpanch* whose resignation is placed before the meeting of the *panchayat* wants to dispute the genuineness of the resignation, he shall refer such dispute to the Collector within seven days from the date on which his resignation is placed before the meeting of the *panchayat*. On the receipt of dispute, the Collector shall decide it, as far as possible, within fifteen days from the date of its receipt.

(4) The member or *Sarpanch* aggrieved by the decision of the Collector may, within seven days from the date of receipt of the Collector's decision, appeal to the Commissioner who shall decide it, as far as possible, within fifteen days from the date of receipt of the appeal.

(5) The decision of the Collector, subject to the decision of the Commissioner in appeal, shall be final.

(6) The resignation shall take effect,—

(a) where there is no dispute regarding the genuineness, after the expiry of seven days from the date on which it is placed before the meeting of the *panchayat* ;

(b) where the dispute is referred to the Collector and no appeal is made to the Commissioner, after the expiry of seven days from the date of rejection of the dispute by the Collector ;

<sup>1</sup> These words were inserted by Mah. 36 of 1965, s. 12(1).

<sup>2</sup> This word was substituted for the words " Chief Executive Officer " by Mah. 43 of 1962, s. 26, Sch.

<sup>3</sup> This proviso as added by Mah. 36 of 1965, s. 12(2).

<sup>4</sup> Section 29 was substituted for the original by Mah. 13 of 1975, s. 6.

(c) where an appeal is made to the Commissioner, immediately after the appeal is rejected by the Commissioner.]

**30.** Every *panchayat* shall be presided over by a *Sarpanch* who shall be elected <sup>1</sup>[by the *panchayat* from amongst its elected members.] <sup>2</sup>[If in a village notified by the Collector, the population of Scheduled Tribes or Scheduled Castes or Nomadic Tribes and Vimukta Jatis, therein is not less than sixty per cent of its total population, the *Sarpanch* shall be elected by the *panchayat* of such village from amongst its elected members of Scheduled Tribes or Scheduled Castes or Nomadic Tribes and Vimukta Jatis, as the case may be]. The *panchayat* shall also elect <sup>3</sup>[one of its elected members] to be *Upa-Sarpanch*;

<sup>4</sup>[Provided that if an *Upa-Sarpanch* is elected a *Sarpanch*, the office of *Upa-Sarpanch* shall become vacant :]

<sup>5</sup>[Provided further that, no member shall be eligible for being elected, or for continuing, as *Sarpanch* or *Upa-Sarpanch* if he holds the office of the President or Vice-President of any *Zilla Parishad* or Chairman of any Subjects Committee thereof or <sup>6</sup>[the Chairman or Deputy Chairman of any *Panchayat Samiti* ; and if a *Sarpanch* or *Upa-Sarpanch* is elected to any of such offices, his office as *Sarpanch* or, as the case may be, *Upa-Sarpanch* shall become vacant from the date of such election].

**31.** Save as otherwise provided in this Act, a *Sarpanch* and an *Upa-Sarpanch* shall hold office for the term of the *panchayat* and when the term is extended also for such extended term.

**32.** After the expiry of his term of office, the *Sarpanch* shall continue to carry on the current duties of his office until such time as a new *Sarpanch* is elected and takes over charge.

**[32A.]** The members of a *panchayat* (including its *Sarpanch* and *Upa-Sarpanch*) may be paid such travelling and daily allowances for journeys undertaken in relation to any business of the *panchayat* as may be prescribed.]

**33.** (1) On the establishment of a *panchayat* for the first time under this Act, or on its reconstitution or establishment under sections 145 and 146, or on the expiry of the term or extended term of a *panchayat* a meeting shall be called on the date fixed under sub-section (1) of section 28 by the <sup>7</sup>[Collector], for the election of the *Sarpanch* and *Upa-Sarpanch*. In the case where the offices of both the *Sarpanch* and *Upa-Sarpanch* become vacant simultaneously, a meeting shall be called on the date fixed by the <sup>8</sup>[Collector] for the election of the *Sarpanch* and *Upa-Sarpanch*.

<sup>1</sup> These words were substituted for the words " by the members from amongst their own number " by Mah. 36 of 1965, s. 14(a).

<sup>2</sup> This portion was inserted by Mah. 13 of 1975, s. 7 (a).

<sup>3</sup> These words were substituted for the words " one of its members " by Mah. 36 of 1975, s. 14(b).

<sup>4</sup> This proviso was inserted, *ibid.*, s. 14(c).

<sup>5</sup> This proviso was inserted by Mah. 34 of 1970, s. 5.

<sup>6</sup> This portion was substituted for the words " the Chairman of any *Panchayat Samiti* " by Mah. 13 of 1975, s. 7(b).

<sup>7</sup> Section 32A was inserted, by Mah. 36 of 1965, s. 15.

<sup>8</sup> This word was substituted for the word " Chief Executive Officer " by Mah. 43 of 1962, s. 26, Sch.



(2) The meeting called under sub-section (1) shall be presided over by such officer as the <sup>1</sup>[Collector] may by order appoint in this behalf. The officer aforesaid shall, when presiding over such meeting, have the powers and follow the procedure prescribed, but shall not have the right to vote.

(3) No business other than the election of the *Sarpanch* and *Upa-Sarpanch* shall be transacted at such meeting.

(4) If in the election of the *Sarpanch* or *Upa-Sarpanch* there is an equality of votes, the result of the election shall be decided by lot drawn in the presence of the officer presiding in such manner as he may determine.

(5) In the event of a dispute arising as to the validity of the election of a *Sarpanch* or *Upa-Sarpanch* under sub-section (1) <sup>2</sup>[the officer presiding over such meeting or any member (other than an associate member) may, within fifteen days from the date of the election, refer the dispute to the Collector for decision. An appeal against the decision of the Collector may, within fifteen days from the date of such decision, be filed before the Commissioner, whose decision shall be final. The Collector or Commissioner shall give his decision as far as possible within sixty days of the receipt of the reference, or as the case may be, appeal].

34. <sup>3</sup>[(1) The *Sarpanch* may resign his office by writing under his hand \* \* \* \* \* Resignation by *Sarpanch* addressed to the Chairman of the *Panchayat Samiti*, \* \* \* \* \* or  
(2) The *Upa-Sarpanch* may resign his office by writing under his hand \* \* \* \* \* *Upa-Sarpanch* addressed to the *Sarpanch*, \* \* \* \* \*]

(3) The notice of resignation shall be delivered in the manner prescribed.]

<sup>4</sup>[(4) The provisions of sub-sections (2), (3), (4), (5) and (6) of section 29 shall *mutatis mutandis* apply to the resignations tendered under sub-sections (1) and (2) of this section as they apply to the resignation tendered under sub-section (1) of that section.]

35. <sup>5</sup>[(1) A motion of no confidence may be moved by not less than one-third of the total number of the members (other than associate members) who are for the time being entitled to sit and vote at any meeting of the *panchayat* against the *Sarpanch* or the *Upa-Sarpanch* after giving such notice thereof to the Tahsildar as may be prescribed. Motion of no confidence.]

(2) Within seven days from the date of receipt by him of the notice under sub-section (1), the Tahsildar shall convene a special meeting of the *panchayat* for considering the motion of no confidence at the office of the *panchayat* at a time to be appointed by him and he shall preside over such meeting. At such special meeting, the *Sarpanch* or the *Upa-Sarpanch* against whom the motion of no confidence is moved shall have a right to speak or otherwise to take part in the proceedings at the meeting (including the right to vote).

(3) If the motion is carried by a majority of not less than two-thirds of the total number of the members (other than associate members) who are for the time being entitled to sit and vote at any meeting of the *panchayat*, the *Sarpanch* or the *Upa-Sarpanch* as the case may be, shall cease to hold office after seven days

<sup>1</sup> This word was substituted for the word "Chief Executive Officer" by Mah. 43 of 1962, s. 26, Sch.

<sup>2</sup> This portion was substituted for the portion beginning with the words "the dispute shall be referred" and ending with the words "any such decision" by Mah. 36 of 1965, s. 16.

<sup>3</sup> Section 34 was substituted, *ibid.*, s. 17.

<sup>4</sup> The words "and his office shall thereupon become vacant" were deleted by Mah. 13 of 1975, s. 8(a).

<sup>5</sup> Sub-section (4) was inserted, *ibid.*, s. 8(b).

\* These sub-sections were substituted for sub-sections (1), (2) and (3), *ibid.*, s. 9.

from the date on which the motion was carried unless he has resigned earlier or has disputed the validity of the motion so carried as provided in sub-section (3B); and thereupon the office held by such *Sarpanch* or *Upa-Sarpanch* shall be deemed to be vacant.

(3A) If the motion is not carried by a majority of not less than two-thirds of the total number of the members (other than associate members) who are for the time being entitled to sit and vote at any meeting of the *panchayat*, no such fresh motion shall be moved against the *Sarpanch* or, as the case may be, the *Upa-Sarpanch* within a period of six months from the date of the rejection of the motion.

(3B) If the *Sarpanch* or, as the case may be, the *Upa-Sarpanch* desires to dispute the validity of the motion carried under sub-section (3), he shall, within seven days from the date on which such motion was carried, refer the dispute to the Collector who shall decide it, as far as possible, within fifteen days from the date on which it was received by him; and any such decision shall, subject to an appeal under sub-section (3C), be final.

(3C) Any person aggrieved by the decision of the Collector may, within seven days from the date of receipt of such decision, appeal to the Commissioner who shall decide the appeal, as far as possible, within fifteen days from the date on which the appeal is received by him; and any such decision shall be final.

(3D) Where on a reference made to him under sub-section (3B), the Collector upholds the validity of the motion carried under sub-section (3) and no appeal is made by the *Sarpanch* or the *Upa-Sarpanch* under sub-section (3C) within the limitation period specified in that sub-section, or where an appeal is made under sub-section (3C) but it is rejected by the Commissioner, the *Sarpanch* or as the case may be, the *Upa-Sarpanch* shall cease to hold office, in the former case, immediately after the expiry of the said limitation period and, in the latter case, immediately after the rejection of the appeal, and thereupon the office held by such *Sarpanch* or *Upa-Sarpanch* shall be deemed to be vacant.]

(4) In cases where the offices of both the *Sarpanch* and *Upa-Sarpanch* become vacant simultaneously, the District Village Panchayat Officer or such other officer as he may authorise in this behalf shall, pending the election of the *Sarpanch*, exercise all the powers and perform all the functions and duties of the *Sarpanch* but shall not have the right to vote in any meetings of the *panchayat*.

36. The time and place of sitting, and the procedure at a meeting, of the *panchayat* shall be such as may be prescribed :

Time and place of sitting of *panchayat* and procedure at meeting.

<sup>1</sup>[Provided that, if the *Sarpanch*, or in his absence the *Upa-Sarpanch*, fails without sufficient cause, to convene the meetings of the *panchayat* in any financial year according to the rules prescribed in that behalf, he shall be disqualified for continuing as *Sarpanch* or, as the case may be, *Upa-Sarpanch* or for being chosen as such for the remainder of the term of office of the members of the *panchayat*. The decision of the Collector on the question whether or not there was sufficient cause shall be final.]

37. No resolution of a *panchayat* shall be modified, amended, varied or cancelled by a *panchayat* within a period of three months from the date of the passing thereof, except by a resolution supported by two-thirds of the total number of members of such *panchayat* <sup>2</sup>[(other than the associate members)].

Modification or cancellation of resolutions.

38. (1) The executive power, for the purpose of carrying out the provisions of this Act and the resolutions passed by a *panchayat*, vests in the *Sarpanch* who shall be directly responsible for the due fulfilment of the duties imposed upon the *panchayat* by or under this Act. In the absence of the *Sarpanch*, the powers and duties of the *Sarpanch* shall, save as may be otherwise prescribed by rules, be exercised and performed by the *Upa-Sarpanch*.

Executive of *panchayat*. Functions of *Sarpanch* and *Upa-Sarpanch*.

(2) Without prejudice to the generality of the foregoing provisions—

(i) the *Sarpanch* shall—

(a) <sup>3</sup>[save where otherwise provided in this Act, preside over] and regulate the meeting of the *panchayat* ;

4\* \* \* \* \*

(c) exercise supervision and control over the acts done and action taken by all officers and servants of the *panchayat* <sup>5</sup>[including supervision over the keeping and maintenance of records and registers of the *panchayat* in the custody of the Secretary] ;

6\* \* \* \* \*

(h) cause to be prepared all statements and reports required by or under this Act ;

(i) exercise such other powers and discharge such other functions as may be conferred or imposed upon him by this Act or rules made thereunder ;

<sup>1</sup>This proviso was added by Mah. 36 of 1965, s. 18.

<sup>2</sup>These words were added by Mah. 34 of 1970, s. 7.

<sup>3</sup>These words were substituted for the words "preside over" by Mah. 13 of 1975, s. 10(a).

<sup>4</sup>Sub-clause (b) was deleted by Mah. 36 of 1965, s. 19(a)(i).

<sup>5</sup>This portion was added, *ibid.*, s. 19(a)(ii).

<sup>6</sup>Sub-clauses (d), (e), (f) and (g) were deleted by Mah. 4 of 1981, s. 2 (a).

<sup>1</sup>[(i-a) a *Sarpanch* may issue under his signature and under the seal of the *panchayat*, income certificates which are required to be issued under any directions of Government ;]

(j) call meetings of *Gram Sabha* as provided in section 7 and preside over them ;

(ii) the *Upa-Sarpanch* shall—

(a) in the absence of the *Sarpanch* preside over and regulate the meetings of the *panchayat* <sup>2</sup>[except where otherwise provided in this Act];

(b) exercise such of the powers and perform such of the duties of the *Sarpanch* as the *Sarpanch* may, from time to time, delegate to him ;

(c) pending the election of a *Sarpanch* or in case the *Sarpanch* has been continuously absent from the village for more than fifteen days or is incapacitated, exercise the powers and perform the duties of the *Sarpanch*.

(3) Every meeting of a *panchayat* shall, in the absence of both the *Sarpanch* and the *Upa-Sarpanch*, be presided over by such one of the members present as may be chosen by the meeting to be Chairman for the occasion.

<sup>3</sup>[(4) Save as otherwise provided by this Act, the powers, duties and functions of the *Sarpanch* shall, in cases where there is no person competent to exercise or perform them for any reason whatsoever, be exercised and performed by any member of the *Gram Sabha* nominated by the *Panchayat Samiti* who is qualified to be elected. The member so nominated shall, when presiding over any meeting of the *panchayat*, have powers and follow the procedure prescribed, but shall not have the right to vote.]

<sup>4</sup>[(5) Nothing contained in this section shall make the *Sarpanch* liable for any action taken by the Secretary for which he is made solely responsible under sub-sections (3) and (4) of section 57.]

**Removal from office.** 39. (1) The <sup>5</sup>[Standing Committee] may \* \* \* remove from office any member or any *Sarpanch* or *Upa-Sarpanch* who has been <sup>7</sup>[guilty of misconduct in the discharge of his duties, or of any disgraceful conduct, or of neglect of] or incapacity to perform his duty, or is persistently remiss in the discharge thereof. A *Sarpanch* or an *Upa-Sarpanch* so removed may at the discretion of the <sup>5</sup>[Standing Committee] also be removed from the *panchayat* :

<sup>8</sup>[Provided that, no such person shall be removed from office unless the Chief Executive Officer under the orders of the President of the *Zilla Parishad* concerned holds an inquiry after giving due notice to the *panchayat* and the person concerned; and the person concerned has been given a reasonable opportunity of being heard and thereafter the Chief Executive Officer submits his report to the Standing Committee.]

<sup>1</sup> Clause (i-a) was inserted by Mah. 34 of 1970, s. 8.

<sup>2</sup> These words were added by Mah. 13 of 1975, s. 10(b).

<sup>3</sup> Sub-section (4) added by Mah. 36 of 1965, s. 19(b).

<sup>4</sup> Sub-section (5) was inserted by Mah. 4 of 1981, s. 2 (b).

<sup>5</sup> These words were substituted for the words "*Zilla Parishad*", by Mah. 36 of 1965, s. 20(1).

<sup>6</sup> The words "after giving due notice to the *panchayat* and the the person concerned, and after such inquiry as it thinks fit," were deleted by Mah. 34 of 1970, s. 9(1).

<sup>7</sup> These words were substituted for the words "guilty of misconduct, or neglect of" by Mah. 13 of 1975, s. 11.

<sup>8</sup> This proviso was substituted by Mah. 34 of 1970, s. 9(2).

<sup>1</sup>[(1A) Where a person is removed from office of the *Sarpanch* or *Upa-Sarpanch*, he shall not be eligible for re-election as *Sarpanch* or *Upa-Sarpanch* during the remainder of the term of office of members of the *panchayat*.]

(2) The [Standing Committee] may subject to like condition disqualify for a period not exceeding five years, any person who has resigned his office as a member, *Sarpanch* or *Upa-Sarpanch* and has been guilty of the acts and omissions specified in sub-section (1) :

Provided that such action is taken within a reasonable time after such resignation.

(3) Any person aggrieved by an order of the [Standing Committee] under sub-section (1) or (2) may, within a period of thirty days from the date of the communication of such order, appeal to the Commissioner.

40. (1) Any member of a *Panchayat* who, during his term of office—

Leave of absence.

(a) is absent for more than four consecutive months from the village, <sup>2</sup>[(such absence not being on account of his being a Chairman or Deputy Chairman of a *Panchayat Samiti*)], unless leave not exceeding six months so to absent himself has been granted by the *panchayat*, or

(b) absent himself for six consecutive months from the meetings of the *panchayat*, without the leave of the said *panchayat*,

shall cease to be a member and his office shall be vacant.

<sup>3</sup>[(2) If any question whether a vacancy has occurred under this section is raised by the President of a *Zilla Parishad suo motu* or on an application made to him in that behalf, the President shall as far as possible decide the question within sixty days from the date of receipt of such application. Until the President decides the question, the member shall not be disabled from continuing to be a member of the *panchayat*. Any person aggrieved by the decision of the President may, within fifteen days from the date of such decision, appeal to the State Government ; and the decision of the State Government in appeal shall be final :

Provided that, no decision shall be given under this sub-section by the President against any member without giving him a reasonable opportunity of being heard.]

(3) Wherever leave is granted under sub-section (1) to a member who is an *Upa-Sarpanch* another member shall subject to the conditions to which the election of the *Upa-Sarpanch* so absented himself was subject, be elected to perform all the duties and exercise all the powers of an *Upa-Sarpanch* during the period for which such leave is granted.

41. (1) The Collector may suspend from office any *Sarpanch* or *Upa-Sarpanch* against whom any criminal proceedings have been instituted or who has been detained in a prison during trial under the provisions of any law for the time being in force.

Suspension of *Sarpanch* or *Upa-Sarpanch*.

(2) Where any *Upa-Sarpanch* has been suspended under sub-section (1) another member shall, subject to the conditions to which the election of the *Upa-Sarpanch* so suspended was subject, be elected to perform all the duties and exercise all the powers of an *Upa-Sarpanch* during the period for which such suspension continues.

<sup>1</sup> Sub-section (1A) was inserted by Mah. 36 of 1965, s. 20(2).

<sup>2</sup> These words were substituted for the words "*Zilla Parishad*", *ibid*, s. 20(1).

<sup>3</sup> These brackets and words were inserted by Mah. 43 of 1962, s. 26, Sch.

<sup>4</sup> Sub-section (2) was substituted for the original by Mah. 36 of 1965, s. 21.

42. A member of a *panchayat* whose office has become vacant under '[section 16, if his disqualification or disability has ceased, or under section 40 shall] be Eligibility of certain members for re-election.

43. (1) Any vacancy of which notice has been given to the '[Collector] in the Filling up of vacancies. prescribed manner due to the disablement, death, resignation, disqualification, absence without leave or removal of a *Sarpanch* or *Upa-Sarpanch* or member shall be filled, by the election of a *Sarpanch* or *Upa-Sarpanch* or member who shall hold office so long only as the *Sarpanch*, *Upa-Sarpanch* or member, in whose place he has been elected, would have held office if the vacancy had not occurred :

\* \* \*

[Provided that] notwithstanding anything contained in section 10, if the vacancy occurs within four months preceding the date on which the term of office of the members of the *panchayat* expires under section 27, the vacancy shall not be filled.

(2) The meeting for the election of a *Sarpanch* under sub-section (1) shall be convened by the '[Collector] in the manner described in sub-section (1) of section 33.

44. <sup>Vacancy not to affect proceedings of</sup> [(1)] During any vacancy in the *panchayat*, the continuing members may act as if no vacancy had occurred.

<sup>of</sup> [(2) (1A)] [Subject to the provisions of sub-section (1A) of section 145, the *panchayat* shall have power to act notwithstanding any vacancy in the membership or any defect in the constitution thereof ; and such proceedings of the *panchayat* shall be valid notwithstanding that it is discovered subsequently that some person who was not entitled to do so sat or voted or otherwise took part in the proceedings.

(3) No act or proceedings of a *panchayat* shall be deemed to be invalid on account of any defect or irregularity in any such act or proceeding not affecting the merits of the case or on account of any irregularity in the service of notice upon any member or for mere informality.]

<sup>1</sup> These words were substituted for the words and figures "section 16 or under section 40 shall, if his disqualification or disability has ceased" by Mah. 36 of 1965, s. 22.

<sup>2</sup> This word was substituted for the words "Chief Executive Officer" by Mah. 43 of 1962 s. 26, Sch.

<sup>3</sup> The first proviso was deleted by Mah. 13 of 1975, s. 12(a).

<sup>4</sup> These words were substituted for the words "Provided further that" *ibid.*, s. 12(b).

<sup>5</sup> Section 44 was renumbered as sub-section (1) and sub-sections (2) and (3) were inserted by Mah. 36 of 1965, s. 23.

<sup>6</sup> This portion was substituted for the words "The *Panchayat*" by Mah. 13 of 1975, s. 13.

## CHAPTER III.

## ADMINISTRATIVE POWERS AND DUTIES

45. [(1) Subject to the general control of the *Zilla Parishad* and the *Panchayat Samiti* it shall be the duty of a *panchayat* so far as the village fund at its disposal will allow to make reasonable provision within the village with respect to all or any of the subjects enumerated in Schedule I as amended from time to time under sub-section (2) (in this Act referred to as "the Village List").

Administrative powers and duties of panchayats.

(2) The State Government may, by notification in the *Official Gazette*, omit any entry from Schedule I or add any entry thereto or amend any such entry and the Schedule shall, on the issue of the notification, be deemed to be amended accordingly :

Provided that—

(a) no such notification amitted any entry from Schedule I shall be issued without the previous approval of the State Legislature ; and

(b) any other notification shall be laid before each House of the State Legislature as soon as may be after it is issued, and shall be subject to such modification as the State Legislature may make, during the session in which it is so laid, and publish in the *Official Gazette*.

(2A) A *panchayat* may, with the previous sanction of the President of the *Zilla Parishad*, also make provision for carrying out, outside the village, any work in the nature specified in Schedule I ; and subject to any directions made by the State Government in that behalf, may also incur expenditure outside the village in respect of any scheme or for any purpose sponsored by the Government.

(2B) A *panchayat* may, by resolution, [and subject to the prescribed limits, give grant-in-aid to any institution (whether situated within or outside the village but not outside the limits of the revenue taluka within which the *panchayat* functions) in respect of matters falling in entries 17, 18, 19, 20, 22 and 23 of that Schedule provided that the institution serves the needs of the village, and to any person in respect of matters falling in entry 23 of the said Schedule ;] or contribute to any fund sponsored by the Government for the purpose referred to in entry 75 of that Schedule. If any doubt arises, "[whether or not the institution serves the needs of the village, or] whether or not the fund is sponsored by the Government, the question shall be decided by the Collector, and his decision shall be final :

Provided that, such grant-in-aid shall not be paid out of any grant made to the *panchayat* by the State Government or *Zilla Parishad* or *Panchayat Samiti*.]

(3) A *panchayat* may also make provision for carrying out within the village any other work or measure which is likely to promote the health, safety, education, comfort, convenience, or social or economic, or cultural well-being of the inhabitants of the village

<sup>1</sup> Sub-sections (1), (2), (2A) and (2B) were substituted for the original sub-sections (1) and (2) by Mah. 36 of 1965, s. 24.

<sup>2</sup> This portion was substituted for the portion beginning with " give grant-in-aid " and ending with " Schedule I " by Mah. 13 of 1975, s. 14(1)(a).

<sup>3</sup> These words were inserted, *ibid.*, s. 14(1)(b).

(4) A *panchayat* may by resolution passed at its meeting and supported by two-thirds of the whole number of its members make provision for any public reception, ceremony, or entertainment within the village or may make contribution towards an annual gathering or such other gathering of *panchayats* in the district or the State :

<sup>1</sup>[Provided that, the *panchayat* shall not incur expenditure on any such reception, ceremony, entertainment or gathering exceeding fifteen rupees, but not exceeding fifty rupees, except with the previous sanction of the Chairman of the *Panchayat Samiti* and exceeding fifty rupees, except with the previous sanction of the President of the *Zilla Parishad*.]

(5) If it comes to the notice of a *Panchayat* that on account of the neglect of a landholder or dispute between him and his tenant the cultivation of his estate has seriously suffered, the *panchayat* may bring such fact to the notice of the Collector.

(6) A *panchayat* shall in regard to the measures for the amelioration of the condition of Schedule Castes and Scheduled Tribes and other backward classes, and in particular, in the removal of untouchability carry out the directions or orders given or issued in this regard from time to time by the State Government, the Collector or any officer authorised by the Collector.

<sup>2</sup>[(6A) A *panchayat* shall endeavour to make use of voluntary organisations <sup>3</sup>[of farmers of the village], and shall encourage co-operative societies <sup>4</sup>[therein] in increasing and improving agricultural production.

<sup>5</sup>[(6B) A *panchayat* established for a village (being a village comprising either a group of revenue villages or hamlets or *wadis* or any area called by any other designation forming a revenue village or forming part of a revenue village) shall execute works and development schemes in such village so however that in each such revenue village, hamlet, *wadi* or area or part thereof, the village fund is spent so far as may be practicable on the works and development schemes in proportion to the population of such revenue village or hamlet, *wadi* or area.]

(6C) A *panchayat* shall supervise primary schools situate within the area of its jurisdiction.]

(7) A *panchayat* shall perform such other duties and functions as are entrusted to it by any other law for the time being in force.

<sup>6</sup>[Power of *Parishads* and *Samitis* to transfer management of institution or execution or maintenance of work.] 46. "[Without prejudice to the provisions of sub-section (2) and sub-section (3) of section 124 of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961, a *Zilla Parishad* or *Panchayat Samiti* with the consent of a *panchayat* may, Mah. at any time, transfer to such *panchayat* the management of any institution or of the execution or maintenance of any work, and it shall thereupon be lawful for 1962. such *panchayat* to undertake the management of such institution or the execution or maintenance of such work :]

<sup>1</sup> This proviso was substituted by Mah. 5 of 1962, s. 286, Tenth Sch.

<sup>2</sup> Sub-section (6A) to (6C) were inserted, *ibid*.

<sup>3</sup> These words were substituted for the words "of farmers" by Mah. 35 of 1961, s. 80, Sch.

<sup>4</sup> This word was inserted, *ibid*.

<sup>5</sup> Sub-section (6B) was inserted by Mah. 13 of 1975, s. 14(2).

<sup>6</sup> This portion was substituted for the portion beginning with the words "The *Zilla Parishad* or *Panchayat Samiti*" and ending with the words "execution of such work" by Mah. 36 of 1965, s. 25(1).

<sup>7</sup> This marginal note was substituted for the original, *ibid*, s. 25(3).



Provided that in every such case the funds necessary for such management [execution or maintenance] shall be placed at the disposal of the *panchayat* by the <sup>1</sup>[*Zilla Parishad* or *Panchayat Samiti*].

47. The State Government with the consent of the *panchayat* may at any time transfer to such *panchayat* the execution of any work promoting directly or indirectly the welfare of the villagers and it shall thereupon be lawful for such *panchayat* to undertake the execution of such work : Powers of State Government to transfer execution of other works.

Provided that in every such case the funds necessary for such execution shall be placed at the disposal of the *panchayat* by the State Government.

48. Subject to such conditions as the State Government may impose, with the consent of the *panchayat* concerned, the *panchayat* shall perform such other administrative duties including the distribution of irrigation water, as may after consultation with the <sup>2</sup>[*Panchayat Samiti*] be assigned to it by the State Government by notification in the *Official Gazette*. Other duties.

49. (1) A *panchayat* may from among its members, constitute committees for the purpose of exercising such powers, and discharging such duties and performing such functions as may be delegated or assigned to them by the *panchayat*, and may appoint any member or a committee of members to enquire into and report on any matter referred to them. The *panchayat* may also regulate the procedure of committees constituted by it. Committees.

(2) The *panchayat* may at any time withdraw the delegation or assignment of powers, duties or functions made under sub-section (1).

50. (1) A *panchayat* may, from time to time, concur with any other *panchayat* or with any municipal corporation, municipality, <sup>3</sup>[*Zilla Parishad*, *Panchayat Samiti*] or with any cantonment authority or committee appointed for a notified area or with more than one such *panchayat*, municipal corporation, municipality, <sup>4</sup>[*Zilla Parishad*, *Panchayat Samiti*], authority or committee, — Joint committees of two or more local bodies.

(a) in appointing out of their respective bodies a joint committee for any purpose in which they are jointly interested and in appointing a Chairman of such committee ;

(b) in delegating to any such committee power to frame terms binding on each such body as to the construction and future maintenance of any joint work and any power which might be exercised by either or any of such bodies ; and

(c) in framing and modifying rules for regulating the proceedings of any such committee and the conduct of correspondence, relating to the purpose for which the committee is appointed.

(2) A *panchayat* may subject to the sanction of the State Government from time to time, enter into an agreement, with any other *panchayat*, or with any municipal corporation, municipality, <sup>5</sup>\* \* \* \* \* cantonment authority or committee appointed for a notified area, or with a combination of any

<sup>1</sup> These words were substituted for the words " or execution " by Mah. 36 of 1965, s. 25 (2).

<sup>2</sup> These words were substituted for the words " District Local Board ", by Mah. 5 of 1962, s. 286, Tenth Sch.

<sup>3</sup> These words were substituted for the words " *Panchayat Mandal* ", *ibid.*

<sup>4</sup> These words were substituted for the words " district local board ", *ibid.*

<sup>5</sup> The words " district local board " were deleted. *ibid.*

such bodies, for the levy of octroi duty whereby the octroi duties, respectively, leviable by the bodies so contracting may be levied together instead of separately within the limits of the area subject to the control of the said bodies.

(3) Where a *panchayat* has requested the concurrence of any other local authority under the provisions of sub-section (1) or (2) in respect of any matter and such other local authority has refused to concur, the Commissioner, may pass such orders as he may deem fit requiring the concurrence of such other local authority (not being a cantonment authority) in the matter aforesaid, and such other local authority shall comply with such orders.

(4) If any difference of opinion arises between local bodies acting under this section, the decision thereon of the State Government, or of such officer as it appoints in this behalf, shall be final:

Provided that, where one of the local bodies is a cantonment authority, the decision of the State Government, or of the officer, shall be subject to the concurrence of the Central Government.

Government  
may vest  
certain  
lands in  
*panchayats*.

51. (1) For the purposes of this Chapter the State Government may, subject to such conditions and restrictions as it may think fit to impose, vest in a *panchayat*, open sites, waste, vacant or grazing lands or public roads and streets, bridges, ditches, dikes and fences, wells, river beds, tanks, streams, lakes, nallas, canals, water courses, trees or any other property in the village vesting in the Government.

“(1A) Where the State Government is of opinion that any property vested in a *panchayat* under sub-section (1) is required for the purpose of any national or State development plan or for any other public purpose, or where any such property is not required by the *panchayat* for the purpose for which it was vested, the State Government may resume such property: and upon such resumption, the property shall cease to vest in the *panchayat* and shall revest in the State Government.

(1B) Notwithstanding anything contained in sub-section (1) or in any order vesting grazing or other lands in a *panchayat*, such of the grazing or other lands vested in a *panchayat* as were under cultivation immediately before the day on which the Bombay Village Panchayats (Amendment) Act, 1965. Comes into force shall, on the commencement of that Act, cease to vest in such *panchayat* and revest in the State Government, subject to all limitations, conditions and right or interest of any person in force or subsisting immediately before such commencement.]

Mah.  
XXXVI  
of  
1965.

<sup>1</sup> These sub-sections were inserted by Mah. 36 of 1965. s. 26.

(2) Subject to any conditions and restrictions imposed by the State Government under sub-section (1), and with the previous sanction of the Collector, a *panchayat* may discontinue or stop up any such public road or street vested in it by the State Government, but which is no longer required as a public road or street and may lease or sell any such land theretofore used for the purposes of such public road or street :

Provided that at least one month before it is decided to stop up or discontinue such public road or street the *Sarpanch* shall, by notice signed by him and affixed in the part of the public road or street which it is proposed to discontinue or stop up and published in such other manner as is prescribed, inform the residents of the village of the said proposal, and consider any objections in writing made thereto. The notice shall indicate the alternative route, if any, which it is proposed to provide or which may already be in existence.

(3) Whenever any public road or street or any part thereof has been so discontinued or stopped up reasonable compensation shall be paid to every person who was entitled to use such road or street or part thereof, otherwise than as a mere member of the public, as a means of access to or from his property and has suffered damage from such discontinuance or stopping up, and the provisions in the Bombay Highways Act, 1955, in relation to the assessment, apportionment and payment of compensation shall *mutatis mutandis* apply thereto as they apply in relation to the closure of a highway under section 52 of that Act.

Bom.  
LV of  
1955.

52. (1) No person shall erect or re-erect or commence to erect or re-erect within the limits of the village, any building without the previous permission of the *panchayat*. [Such permission may be granted with or without conditions or may be refused.] Control on  
erection of  
buildings.

(2) Permission shall be presumed to have been granted if the *panchayat* fails to <sup>2</sup>[communicate its permission] or refusal in respect thereof within two months from the date of receipt of the application for permission. <sup>3</sup>[In a case of refusal or in case of permission being granted subject to conditions, the *panchayat* shall communicate to the applicant the reasons therefor ; and an appeal shall lie against any such order of refusal or of conditional permission to the Standing Committee within a period of thirty days from the date of communication of such order.]

(3) No person who becomes entitled under sub-section (1) or (2) to proceed with any intended work of erection or re-erection shall commence such work after the expiry of one year from the date on which he became entitled so to proceed there with, unless he shall have again become so entitled by a fresh compliance with the provisions of the preceding sub-sections.

(4) Whoever erects or re-erects, or commences to erect or re-erect any building without such permission or in any manner contrary to the provisions of sub-section (1) or any by-law in force, or to any conditions imposed by the *panchayat* shall be punished with fine, which may extend to fifty rupees ; and in the case of a continuing contravention, he shall be liable to an additional fine which may extend to five rupees for each day during which such contravention continues after conviction for the first such contravention.

(5) Without prejudice to the penalty prescribed in sub-section (4) the *panchayat* may—

(a) direct that the erection or re-erection be stopped ;

<sup>1</sup> These words were added by Mah. 36 of 1965, s. 27 (1).

<sup>2</sup> These words were substituted for the words "communicate its sanction" *ibid*, s. 27 (2) (a).

<sup>3</sup> This portion was substituted for the portion beginning with the words "In case of refusal" and ending with the words "communication of such refusal", *ibid*, s. 27 (2) (b).

(b) by written notice require such erection or re-erection to be altered or demolished as it may deem necessary ;  
and if the requirement under clause (b) is not complied with within the time fixed in the notice "[such time being not less than thirty days)], the *panchayat* may cause the alteration or demolition to be carried out by its officers and servants and all the expenses incurred by the *panchayat* therefore, shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter IX.

(6) Nothing contained in this section shall apply to any building which is used or required for public service, or for any public purpose, and is the property of the State or Central Government or any local authority, or is to be erected or re-erected by the State or Central Government or the local authority ; but reasonable notice of the proposed construction shall be caused to be given to the *panchayat*, and the objections or suggestions of the *panchayat*, if any, shall be considered. "[Nothing in this section shall also apply to any building erected or reerected for any industrial or commercial purpose.]

*Explanation.*—The expression "erect" or "re-erect" with reference to a building in this section, includes—

- (a) any material alteration, or enlargement of or in any building ;
- (b) the conversion by structural alteration into a place for human habitation of any building not originally constructed for human habitation ;
- (c) such alteration of a building as would effect a change in the drainage or sanitary arrangement or materially affect its security ;
- (d) the addition of any rooms, buildings, outhouses or other structures to any building ;
- (e) the conversion by any structural alteration, into a place of religious worship or into a sacred building of any place or building not originally meant or constructed for such purpose ;
- (f) roofing or covering an open space between walls and buildings, as regards the structure which is formed by roofing or covering such space ;
- (g) conversion into a stall, shop, warehouse, or godown of any building not originally constructed for use as such or *vice versa* ;
- (h) construction in a wall adjoining any street or land not vested in the owner of the wall, of a door opening on such street or land.

Obstructions  
and  
encroach-  
ments upon  
public streets  
and open  
sites.

53. (1) Whoever, within the limits of the village,—

- (a) builds or sets up any wall, or any fence, rail, post, stall, verandah, platform, plinth, step or structure or thing or any other encroachment or obstruction, or
- (b) deposits, or causes to be placed or deposited, any box, bale, package or merchandise or any other thing, or
- (c) without written permission given to the owner or occupier of a building by a *panchayat*, puts up, so as to project from an upper storey thereof, any verandah, balcony, room or other structure or thing,

in or over any public street or place, or in or over or upon any open drains, gutter, sewer or aqueduct in such street or place, or contravenes any conditions subject to which any permission as aforesaid is given or the provisions of any by-law made in relation to any such projections or cultivates or makes any unauthorised use of any grazing land, not being private property shall on conviction, be punished with fine, which may extend to fifty rupees, and with further fine which

\* These brackets and words were inserted by M.h. 36 of 1965, s. 27 (3).

\* This portion was added, *ibid.* s. 27 (4).

may extend to five rupees for every day on which such obstruction, deposit, projection, cultivation or unauthorised use continues after the date of first conviction for such offence.

(2) The *panchayat* shall have power to remove any such obstruction or encroachment and to remove any crop unauthorisedly cultivated on grazing land or any other land, not being private property, and shall have the like power to remove any unauthorised obstruction or encroachment of the like nature in any open site not being private property, whether such site is vested in the *panchayat* or not, provided that if the site be vested in Government the permission of the Collector or any officer authorised by him in this behalf shall have first been obtained. The expense of such removal shall be paid by the person who has caused the said obstruction or encroachment and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter IX.

<sup>1</sup>[(2A) If any *panchayat* fails to take action under sub-section (2) within such time as may be prescribed, the Collector *suo motu* or on an application made in this behalf, may take action as provided in that sub-section. The expense of such removal shall be paid by the person who has caused the said obstruction or encroachment or unauthorised cultivation of the crop and shall be recoverable from such person as an arrear of land revenue.]

(3) The power under <sup>2</sup>[sub-section (2) or sub-section (2A)] may be exercised in respect of any obstruction, encroachment or <sup>3</sup>[unauthorized cultivation of any crop] referred to therein whether or not such obstruction, encroachment or <sup>3</sup>[unauthorized cultivation of any crop] has been made before or after the village is declared as such under this Act, or before or after the property is vested in the *panchayat*.

<sup>4</sup>[(3A) Any person aggrieved by the exercise of the powers by the *panchayat* under sub-section (2) or (3) may, within thirty days from the date of exercise of such powers, appeal to the Standing Committee and the Standing Committee, after making such enquiry as it thinks necessary, shall pass such orders as it deems necessary after giving such person a reasonable opportunity of being heard.]

<sup>5</sup>[(3B) Any order made by the Collector in exercise of powers conferred on him under sub-section (2A) or (3) shall be subject to appeal and revision in accordance with the provisions of the Maharashtra Land Revenue Code, 1966.]

Mah.  
XLI  
of  
1966.

(4) Whoever, not being duly authorised in that behalf removes earth, sand or other material from, or makes any encroachment in or upon any open site which is not private property, shall, on conviction, be punished with fine which may extend to fifty rupees, and in the case of an encroachment, with further fine, which may extend to five rupees for every day on which the encroachment continues after the date of first conviction.

(5) Nothing contained in this section shall prevent the *panchayat*, from allowing any temporary occupation of, or erection in, any public street on occasions of festivals and ceremonies, or the piling of fuel in by-lanes and sites for not more than seven days and in such manner as not to inconvenience the public or any individual or from allowing any temporary erection on, or putting projection over, or temporary occupation of, any such public street or place for any other purpose in accordance with the by-laws made under this Act.

<sup>1</sup> Sub-section (2A) was inserted by Mah. 34 of 1970, s. 10 (1).

<sup>2</sup> These words were substituted for the word and figure " sub-section (2) ", *ibid.*, s. 10 (2) (a)

<sup>3</sup> These words were substituted for the words " or projection ", *ibid.*, s. 10 (2)(b)

<sup>4</sup> This sub-section was inserted by Mah. 36 of 1965, s. 28.

<sup>5</sup> Sub-section (3B) was inserted by Mah. 34 of 1970, s. 10 (3).

Numbering  
of premises.

54. (1) The *panchayat* may from time to time by written notice require the owner of any premises or a part thereof either to put up by means of a metal plate a number or sub-number on such premises or part thereof in such position and manner as may be specified in such notice or to signify in writing his desire that such work shall be executed under the orders of the *panchayat*.

(2) Any person who destroys, pulls down or defaces any such number or sub-number or puts any number or sub-number different from that put up by order of the *panchayat* and any owner of any premises or part thereof who does not at his own expense keep such number or sub-number in good order after it has been put up thereon, shall, on conviction, be punished with fine which may extend to twenty rupees.

(3) Where a number or sub-number is put up on any premises or part thereof under the orders of the *panchayat* in accordance with sub-section (1), the expenses of such work shall be payable by the owner of such premises or part thereof, as the case may be.

*Explanation.*—In this section, “premises” means a house, outhouse, stable, shed, hut or other structure whether of masonry, bricks, wood, mud, metal, or any other material whatsoever whether used as a human dwelling or otherwise.

#### CHAPTER IV.

##### PANCHAYAT : ITS PROPERTY AND FUND.

Competency  
of *panchayat*  
to lease, sell  
or transfer  
property.

55. Every *panchayat* shall be competent to lease, sell or otherwise transfer moveable or immoveable property which may become <sup>1</sup>[vested in (otherwise than under the provisions of sub-section (1) of section 51)] or be acquired by it and to contract and do all other things necessary for the purposes of this Act :

Provided that no lease of immovable property other than property referred to in sub-section (1) of section 56 for a term exceeding three years, and no sale or other transfer of any such property shall be valid unless such lease, sale or other transfer has been made with the previous sanction of the <sup>2</sup>[Chief Executive Officer].

Property of  
*panchayat*.

56 (1) <sup>3</sup>[It shall be competent for a *Zilla Parishad* from time to time to direct that any property vesting in it] shall vest in a *panchayat* and on such direction being issued, <sup>4</sup>[the property shall, subject to rules made in that behalf, vest] in the *panchayat* notwithstanding anything contained in the Transfer of Property Act, 1882, or the Indian Registration Act, 1908 :

IV of  
1882.  
XVI of  
1908.

Provided that no lease, sale or other transfer of any such immovable property by the *panchayat* shall be valid without the previous sanction of the <sup>2</sup>[Chief Executive Officer].

(2) Every work constructed by a *panchayat* out of the village fund, or with Government assistance or peoples' participation shall vest in such *panchayat* <sup>5</sup>[and every work constructed by a *panchayat* with the assistance of a *Zilla Parishad* or *Panchayat Samiti* shall vest in a *panchayat* in the manner provided by rules made in that behalf.]

Village  
fund.

57. (1) There shall be in each village a fund, which shall be called the village fund.

<sup>1</sup> These words were substituted for the words “vested in” by Mah. 36 of 1965, s. 29.

<sup>2</sup> These words were substituted for the word “Collector” by Mah. 5 of 1962, s. 286 Tenth Sch.

<sup>3</sup> These words were substituted for the words “It shall be competent to a *Zilla Parishad* or *panchayat Samiti* from time to time to direct that any property vesting in such *Zilla Parishad* or *Panchayat Samiti*,” by Mah. 36 of 1965, s. 30 (1).

<sup>4</sup> These words were substituted for the words “the property shall vest”, *ibid*, s. 30 (1).

<sup>5</sup> These words were added, *ibid*, s. 30 (2).

(2) The following shall be paid into, and form part of, the village fund, namely :—

Bom.  
III of  
1901.  
C. P.  
and  
Berar  
Act  
II of  
1922.

(a) the amount which may be allotted to the village fund by the State Government under the provisions of the section 191 of the Bombay District Municipal Act, 1901†; or 1\* \* \* \* under section 8 of the Central Provinces and Berar Municipalities Act, 1922†;

Mah.  
V. of  
1962.

(b) the proceeds of any tax or fee imposed under section 124 ;

(c) the proceeds of a tax on professions, trades, callings and employments assigned to the *panchayat* <sup>2</sup>[under clause (b) of section 163 of the Maharashtra Zilla Parishads and Panchayat Samits Act, 1961] ;

3\* \* \* \* \*

(e) all other sums ordered by a court to be placed to the credit of the village fund ;

(f) the sale proceeds of all dust, dirt, dung, refuse or carcasses of animals, except in so far as any person is entitled to the whole or a portion thereof ;

(g) sums contributed to the village fund by the State Government or a <sup>4</sup>[Zilla Parishad or Panchayat Samiti];

(h) all sums received by way of loans from the State Government or the <sup>4</sup>[Zilla Parishad] or out of the District Village Development Fund constituted under section 133 <sup>5</sup>[and all sums borrowed under section 57-A];

(i) all sums received by way of gift or contributions by the *panchayat* ;

(j) the income or proceeds of any property vesting in the *panchayat* ;

3\* \* \* \* \*

(l) the net proceeds (after deducting the expenses of assessment and collection) of the cess authorised by section 127 ;

(m) all sums realised by way of rent or penalty otherwise than as the amount of any fine in a criminal case ;

(n) all sums realised as pound fees after deducting the expenses ;

<sup>6</sup>[(o) all sums received by way of commission by a *panchayat*, when acting as an insurance agent for implementing any Rural Insurance Scheme of the Life Insurance Corporation of India.]

<sup>1</sup> The words " under the said Act in its application to the Saurashtra area of the State of Bombay and " were omitted by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

<sup>2</sup> This portion was substituted for the words, brackets, letters and figures " under clause (b) of sub-section (1) of section 102C of the Bombay Local Boards Act, 1923, " by Mah. 36 of 1965, s. 31 (1)

<sup>3</sup> Clauses (d) and (k) were deleted by Mah. 13 of 1975, s. 15.

<sup>4</sup> These words were substituted for the words " District Local Board " by Mah. 5 of 1961, s. 286, Tenth Sch.

<sup>5</sup> This portion was added by Mah. 35 of 1963, s. 80, Sch.

<sup>6</sup> Clause (o) was added by Mah. 36 of 1965, s. 31 (2).

† See now the Maharashtra Municipalities Act, 1965 (Mah. XI. of 1965).

1[(3) Subject to the provisions of sub-section (5) of section 38, the Secretary shall be solely responsible for the safe custody of the village fund, the Village Employment Fund and other moneys received on behalf of the *panchayat*, from time to time, and shall operate them for the following purposes, namely :—

(a) authorisation of payments, issue of cheques and refunds in compliance with the provisions of this Act and the rules made thereunder or the resolutions duly passed by the *panchayat*;

(b) receive all sums of money on behalf of the *panchayat* in response to notices, bills, appeals and other processes issued by the *panchayat*;

(c) issue of receipts in the prescribed manner for all sums of money received on behalf of the *panchayat* and crediting them in the relevant fund;

(d) hold cash imprest on hand, of not more than Rs. 50 at a time, for contingent purposes of the *panchayat*;

(e) incur contingent expenditure up to ten rupees at any one occasion;

(f) for performing such other duties and exercising such other powers in regard to the funds as may be prescribed.

(4) The Secretary shall submit a weekly statement of account to the Sarpanch, and a monthly statement of account to the Block Development Officer, giving in particular the details of the receipts into and payments from and the balance in the funds under his control.]

Power of *panchayats* to borrow. 2[57A. A *panchayat* may borrow money for the purpose of carrying out its functions under this Act from such body or association (whether incorporated or not) as may be approved by the State Government in this behalf.]

Application of village fund. 58. All property vested in the *panchayat* under this Act and all funds received by it in accordance with the provisions of this Act and all sums accruing to it under the provisions of any law for the time being in force shall be applied subject to the provisions and for the purposes of this Act and all such funds and sums shall be kept in such custody as may be prescribed.

Decision of claims to property by or against *panchayat*. 59. (1) In any village <sup>3\*</sup> \* \* \* where any property or any right in or any property is claimed by or on behalf of the *panchayat*, or by any person against the *panchayat*, it shall be lawful for the Collector, after formal enquiry, of which due notice has been given, to pass an order deciding the claim.

<sup>1</sup> Sub-sections (3) and (4) were added by Mah. 4 of 1981, s. 3.

<sup>2</sup> Section 57A was inserted by Mah. 35 of 1963, s. 80, Sch.

<sup>3</sup> The words "to which a survey of lands being lands not ordinarily used for the purpose only of agriculture has been or is extended under any law for the time being in force" were deleted by Mah. 34 of 1970, s. 11.



(2) Any suit instituted in any Civil Court after the expiration of one year from the date of the communication of any order passed by the Collector under sub-section (1), or if one or more appeals have been made against such order within the period of limitation, then, from the date of the communication of any order passed by the final appellate authority, as determined according to section 204 of Bom. the Bombay Land Revenue Code, 1879†\* \* \* \* sub-section (2) V of section 158 of the Hyderabad Land Revenue Act, 1317 Fasli†, or section 41 of 1879 the Madhya Pradesh Land Revenue Code, 1954†, shall be dismissed (although Hyd. VII limitation has not been set up as a defence) if the suit is brought to set aside such of order or if the relief claimed is inconsistent with such order, provided that the 1317F. plaintiff has received due notice of such order.

M.P. Act II of 1955. (3) (a) The powers conferred by this section on the Collector may be exercised also by an Assistant or Deputy Collector or by a Survey Officer or such other officer appointed under any of the Acts referred to in sub-section (2).

(b) The formal inquiry referred to in this section shall be conducted in accordance with the provisions relating to such enquiry under the Acts referred to in sub-section (2).

(c) A person shall be deemed to have due notice of any inquiry or order under this section if notice thereof has been given in the prescribed manner.

## CHAPTER V

### ESTABLISHMENT, BUDGET AND ACCOUNTS.

60. (1) There shall be [one or more Secretaries] for every *panchayat*, or a group of *panchayats* as the [Chief Executive Officer] may (having regard to the extent and population of the village and income of the *panchayat*), by a general or special order, determine. Secretary of *panchayat*.

† See now the Maharashtra Land Revenue Code, 1966 (Mah. XLI of 1966).

\* The words "or that section of the said Code as applied to the Saurashtra and Kutch areas of the State of Bombay" were omitted by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

† These words were substituted for the words "a Secretary" by Mah. 36 of 1965, s. 32.

\* These words were substituted for the words "State Government" by Mah. 35 of 1963, s. 80, Sch.



"[(2) The Chief Executive Officer shall appoint a Secretary (who may bear such other designation as a *Zilla Parishad* may assign to him) from District Service (Class III). The Secretary shall be posted to *panchayat* but his salary and allowances shall be paid from the district fund.]

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[*Explanation*.—In this section the expressions "District Fund" and "District Service (Class III)" shall have the meanings, respectively, assigned to them in the Maharashtra *Zilla Parishads and Panchayat Samitis Act, 1961*.]

Mah.  
V of  
1962.

61. "[*(1)*] A *panchayat* may appoint such servants as may be necessary for the proper discharge of its duties under this Act and pay their salaries from the village fund. A *Sarpanch* may also, in cases of emergency, engage such temporary servants as he may deem necessary. A *panchayat* may, from time to time, by written order, fine, suspend or dismiss any servant appointed by it; but an appeal shall lie against any such order passed by the *panchayat* to the [Block Development Officer], within one month from the date of the communication of the order to the servant. [An application for revision may be made to the Chief Executive Officer against the decision of the Block Development Officer in such appeal :

Appointment  
of  
servants.

Provided that, no such application shall be entertained if it is not made within a period of one month from the date of such decision :

Provided further that, no such appeal or application shall be decided unless the servant of the *panchayat* is given an opportunity of being heard.]

"[(2) Without prejudice to the power of a *panchayat* under sub-section (*I*), the State Government may [make rules to regulate recruitment and] the terms and conditions of service of servants appointed under sub-section (*I*).]

62. (*1*) A *panchayat* shall determine annually and shall submit to the Budget and [Panchayat Samiti] on or before such date and in such form as may be prescribed a statement of—

Budget and  
accounts.

(a) the opening balance in the fund and estimated income of the *panchayat* for the following [financial year] ;

(b) the expenditure proposed on establishment and discharge of its duties under 10\* \* \* section 45 ;

(c) the amount to be contributed to the District Village Development Fund established under section 133.

"[(*1A*)] If a *panchayat* fails to submit such statement as required by sub-section (*1*) on or before the date prescribed under that sub-section, the Secretary shall prepare such statement and submit it to the *Panchayat Samiti* in the form prescribed under that sub-section on or before such date as may be prescribed]

<sup>1</sup> Sub-sections (2) was substituted by Mah. 5 of 1962, s. 286, Tenth Sch.

<sup>2</sup> Sub-sections (3) and (4) were deleted, *ibid.*

<sup>3</sup> This *explanation* was added, *ibid.*

<sup>4</sup> Section 61 was re-numbered as sub-section (*1*) and sub-section (2) was inserted by Mah. 36 of 1965, s. 33.

<sup>5</sup> These words were substituted for the words "*Panchayat Mandal*" by Mah. 35 of 1963, s. 80, Sch.

<sup>6</sup> This portion was added, *ibid.*

<sup>7</sup> These words were substituted for the words "make rules regulating" by Mah. 34 of 1970, s. 12.

<sup>8</sup> These words were substituted for the words "*Panchayat Mandal*" by Mah. 5 of 1962, s. 286, Tenth Sch.

<sup>9</sup> These words were substituted for the word "year" by Mah. 36 of 1965, s. 34(*1*).

<sup>10</sup> The words "sub-section (*1*) of " were deleted, *ibid.*, s. 34(2).

<sup>11</sup> Sub-section (*1A*) was inserted by Mah. 13 of 1975, s. 16.

(2) The '[*Panchayat Samiti*]' shall, within two months from the date of the receipt of such statement, either approve the same or direct that the proposed expenditure on any of the duties '[falling under section 45]' shall be increased or decreased :

Provided that the '[*Panchayat Samiti*]' shall not have power [either to disapprove the statement or] to direct that the total proposed expenditure shall exceed the estimated income of the *panchayat* for the following '[financial year]' and the opening balance in the fund :

'[Provided further that, if a *Panchayat Samiti* fails either to approve such statement or to direct that the expenditure on any of the duties falling under section 45 be increased or decreased, within two months from the date of receipt of such statement, the statement shall be deemed to have been duly approved by the *Panchayat Samiti*.]

(3) A *panchayat* shall contribute every '[financial year]' to the '[District Village Development Fund]' constituted under section 133 such percentage of its income from all sources (including contributions from the State Government [but not including any sums received from the State Government, *Zilla Parishad* or *Panchayat Samiti* by way of grant or loans for all specific work]) not exceeding 10 per cent thereof as may be prescribed.

(4) The Secretary shall keep the accounts of the *panchayat* in such form as may be prescribed. He shall prepare the annual report of the administration of the *panchayat* and shall place the accounts and the report for approval before the *panchayat*. The annual statement of such accounts together with the annual report as approved shall be sent to the '[*Zilla Parishad*]' on or before such date and in such form as may be prescribed.

Revised or supplementary budget. [62A. A *panchayat* may at any time during the financial year for which any such statement has been approved as aforesaid cause a revised or supplementary statement to be prepared. Every such revised or supplementary statement shall be considered and approved by the *Panchayat Samiti* in the same manner as if it were an original statement, and the provisions of section 62 shall apply in relation to such revised or supplementary statement.]

#### CHAPTERS VI, VII and VIII

\*[Deleted by Mah. 13 of 1975, s. 17]

<sup>1</sup> These words were substituted for the words "*Panchayat Mandal*" by Mah. 5 of 1962, s. 28<sup>6</sup> Tenth Sch.

<sup>2</sup> These words were substituted for the words "specified in section 45" by Mah. 36 of 1965, s. 34(3).

<sup>3</sup> These words were inserted by Mah. 34 of 1970, s. 13(a).

<sup>4</sup> These words were substituted for the word "year" by Mah. 36 of 1965, s. 34(f).

<sup>5</sup> This proviso was added by Mah. 34 of 1970, s. 13(b).

<sup>6</sup> These words were substituted by Mah. 38 of 1973, s. 5.

<sup>7</sup> These words were inserted, by Mah. 36 of 1965 s. 34(f).

<sup>8</sup> Section 62A was inserted by Mah. 34 of 1970, s. 14.

\* On the deletion of these chapters.—

(a) all *Nyaya Panchayats* functioning immediately before such commencement shall be deemed to have been abolished, and the members thereof shall be deemed to have vacated their offices ;  
(b) all suits and all cases pending before a *Nyaya Panchayat* immediately before such commencement shall stand transferred to the civil or criminal court competent to try the same ; and such civil or criminal court may proceed to hear and dispose of such suit or case from the stage it reached before its transfer to it, or may commence the proceeding *de novo* by itself ;

(c) all other pending proceedings and applications for the execution of decrees or orders in suits and for the recovery of fines and compensation in cases, shall stand transferred to the civil or criminal court, as the case may be, who would have been competent to try the suit or case if the *Nyaya Panchayat* had not been constituted, and such civil or criminal court, shall deal with the proceedings or applications as if the suit or case out of which the proceedings or applications arose had been heard and decided by such civil or criminal court ;

(d) the unexpended balance of the funds provided to *Nyaya Panchayats* shall vest in the State Government.

(vide section 38 of Mah. 13 of 1975)

## CHAPTER IX

## TAXATION AND RECOVERY OF CLAIMS

\*124. (1) <sup>1</sup>[Subject to the minimum and maximum rates which may be fixed by the State Government and in such manner and subject to such exemptions as may be prescribed, a *panchayat* shall levy taxes referred to in clauses (i) and (i-a) of this sub-section and may levy all or any of the taxes and fees referred to in the remaining clauses of this sub-section.] Levy of taxes and fees by *panchayats*.

(i) a tax on buildings (whether subject to payment of agricultural assessment or not) and lands (which are not subject to payment of agricultural assessment), within the limits of the village ;

<sup>2</sup>[(i-a) a betterment charge on the lands benefited from schemes or projects undertaken by a *panchayat* from the village fund ;]

(ii) <sup>3</sup>[with the previous sanction of the State Government, octroi] ;

(iii) a pilgrim tax ;

(iv) a tax on fairs, festivals and other entertainments ;

(v) a tax on bicycles and on vehicles drawn by animals ;

(vi) subject to the provisions of article 276 of the Constitution, a tax on the following professions, trades, callings or employments, that is to say :—

(a) shop-keeping and hotel-keeping ;

(b) any trade or calling (other than agriculture) which is carried on with the help of machinery run by steam, oil or electric power or by manual labour ;

(c) the profession or calling of brokers in cattle markets ;

(vii) a general sanitary cess for the construction or maintenance, or both the construction and maintenance, of public latrines and for the removal and disposal of refuse ;

(viii) a general water rate which may be imposed in the form of a rate assessed on buildings and lands or in any other form as may be best adopted to the circumstances of any class of cases ;

<sup>4</sup>[(viii-a) a lighting tax ;]

(ix) any other tax <sup>5</sup>[(not being a tax or toll on motor vehicles save as provided in section 20 of the Bombay Motor Vehicles Tax Act, 1958)] which the State Legislature has, under the Constitution, power to impose in the State and which has been sanctioned by the State Government ;

(x) a fee on markets and weekly bazars ;

(xi) a fee on car-stands and tonga-stands ;

(xii) a special water rate for water supplied by the *panchayat* through pipes, which may be imposed in any form including that of charges for such water supplied, fixed in such mode or modes as shall be best adopted in the circumstances of any class of cases ;

<sup>1</sup> This portion was substituted for the portion beginning with "It shall be competent" and ending with "prescribed, namely :—" by Mah. 13 of 1975, s. 18(1)(a).

<sup>2</sup> Clause (i-a) was inserted, *ibid.*, s. 18(1)(b).

<sup>3</sup> These words were substituted for the word "octroi" by Mah. 36 of 1965, s. 48(1)(a).

<sup>4</sup> This clause was inserted, *ibid.* s. 48(1)(b).

<sup>5</sup> This portion was substituted for "(not being a toll on motor vehicles or trailers, save as provided by section 14 of the Bombay Motor Vehicles Tax Act, 1935)" by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

\* Amendments made by section 18 of Mah. 13 of 1975 have not been brought in to force.

(xiii) a fee for the supply of water from wells and tanks vesting in it, for purposes other than domestic use and for cattle ;

(xiv) a fee for temporary erection on, or putting up projections over, or temporary occupation of, any public street or place ;

(xv) a special sanitary cess upon private latrines, premises or compounds cleaned by the *panchayat* agency ;

(xvi) a fee for cleansing a cess pool constructed on land whether belonging to a *panchayat* or not ;

(xvii) a fee for grazing cattle or grazing lands vesting in a *panchayat* ;

<sup>1</sup>[(xviii) a fee on the registration of animals sold in any market or place belonging to or under the control of a *panchayat*.]

(2) The tax on buildings or lands referred to in clause (i) of sub-section (1) shall be leviable from the owners or occupiers thereof :

Provided that when an owner of a building or land has left the village or cannot otherwise be found, any person to whom such building or land has been transferred shall be liable for the tax leviable from the owner.

(3) The State Government may, by notification in the *Official Gazette*, direct that tax upon buildings or lands referred to in clause (i) of sub-section (1) shall not be levied on all buildings and lands or on any class of building or lands situated in an area predominantly populated by member of Scheduled Castes or Scheduled Tribes.

<sup>2</sup>[(3A) For the purposes of levying a betterment charge, the *panchayat* shall give notice to persons believed to be owners of, or interested in, the lands benefited by any scheme or project, make an inquiry and after hearing any objections, determine the lands benefited by the scheme or project, increase in the value of the land as a result of any such scheme or project, the rate of betterment charge leviable on each of such lands and the date from which the betterment charges shall be leviable. The State Government may make rules for such supplemental and incidental matters including provisions for giving exemption from such charges in respect of the levy of betterment charges as it thinks fit.]

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<sup>1</sup> This clause was added by Mah. 36 of 1965, s. 48(1)(c).

<sup>2</sup> Sub-section (3A) was inserted by Mah. 13 of 1975, s. 18(2).

<sup>3</sup> Sub-section (4) was deleted by Mah. 16 of 1975, Schedule II.

(5) Any person aggrieved by the assessment, levy or imposition of any tax or fee may appeal to the <sup>1</sup>[*Panchayat Samiti*] <sup>2</sup>[A further appeal against the order of the *Panchayat Samiti* shall lie to the Standing Committee, whose decision shall be final.] <sup>3</sup>[The first appeal shall be made within thirty days after the presentation of the bill complained of, and the further appeal within thirty days from the date on which the *Panchayat Samiti* decides the appeal.]

<sup>4</sup>(6) If at any time it appears to the State Government on complaint made or otherwise, that any tax or fee leviable by a *panchayat* is unfair in its incidence, or that the levy thereof, or any part thereof is obnoxious to the interests of the general public or violates any promises made or undertakings given by the State Government or adversely affects the development of the village or any part thereof, the State Government may require the said *panchayat*, within such period as it fixes in this behalf, to take measures for removing any objection which appears to it to exist to the said tax or fee. If, within the period so fixed, such requirement is not carried into effect to the satisfaction of the State Government, the State Government may, after giving the *panchayat* an opportunity to give an explanation, by notification in the *Official Gazette*, suspend the levy of such tax or fee, or such part thereof, until such time as the objection thereto is removed.]

125. (1) Subject to any rules that may be made under the Act, and regard being had to the fact that a factory itself provides in the factory area all or any of the amenities which such *panchayat* provides, a *panchayat* may arrive at an agreement with any factory with the sanction of the State Government to receive a lump sum contribution in lieu of all or any of the taxes levied by the *panchayat*. Lump sum contribution by factories in lieu of taxes levied by *Panchayats*.

(2) Where no such agreement as is referred to in sub-section (1) can be reached the matter may be referred to the State Government in the manner prescribed and the State Government may after giving to the *panchayat* and the factory concerned an opportunity of being heard decide the amount of such contribution. The decision of the State Government shall be binding on the *panchayat* and the factory concerned.

126. It shall be lawful for a *panchayat* to lease by public auction or private contract the collecting of any fees levied by it on markets and weekly-bazars : Framing of fees on markets, etc.

Provided that the lessee shall give security for the due fulfilment of the conditions of the lease.

<sup>5</sup>[127. (1) The State Government shall levy a cess at the rate of twenty *naye paise*, or at such increased rate not exceeding one hundred *naye paise* as may be determined by the State Government under this section on every rupee of every sum payable to the State Government as ordinary land revenue in the area within the jurisdiction of a *panchayat* and thereupon, the State Government shall (in addition to any cess leviable under the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961) levy and collect such cess in such area.] Levy and collection of twenty *naye paise* cess on every rupee of land revenue.

Mah.  
V of  
1962.

<sup>1</sup> These words were substituted for the words "*Panchayat Mandal*", by Mah. 5 of 1962, s. 286, Tenth Sch.

<sup>2</sup> These words were substituted for the words "The decision of the *Panchayat Mandal* thereon shall be final", *ibid*.

<sup>3</sup> This portion was added by Mah. 36 of 1965, s. 48 (2)

<sup>4</sup> This sub-section was substituted for the original, *ibid*, s. 48 (3).

<sup>5</sup> Section 127 was substituted, by Mah. V of 1962, s. 286, Tenth Sch.

(2) A *panchayat* to which the cess on land revenue is payable may pass a resolution at its special meeting called for the purpose to the effect that the rate of cess on land revenue leviable in the area may be increased by the State Government and forward that resolution to the State Government for its consideration :

Provided that, where a cess on ordinary land revenue at an increased rate has been levied under the provisions of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961, in the district including the area within the limits of a *panchayat* it shall be lawful for that *panchayat* to recommend the levy of cess at an increased rate by passing a resolution to that effect, so however, that the increase in the rate of cess on land revenue in the aggregate in that village does not exceed one hundred *naye paise* on every rupee. Mah. V of 1962.

(3) The resolution shall state the reasons for which such increase has been proposed, and the special purpose for which the proceeds of the increase in the rate are to be utilized.

(4) On receipt of the resolution under sub-section (2), the State Government may, by order having regard to the reasons stated in the resolution, the special purpose and other relevant factors, determine the increase in the rate of cess on land revenue so however, that the rate does not exceed one hundred *naye paise* and specify in the order "[the date on which the increase in the rate shall take effect and the period (not exceeding ten years) during which it shall continue]."

(5) For the purposes of levying and collecting the cess referred to in sub-section (1), in the Bombay area the provisions of sections 144 (including the Fourth Schedule), 145, <sup>3</sup>[147] and 149, in the Vidarbha area, the provisions of section 151, and in the Hyderabad area, the provisions of section 152 of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961, shall apply thereto as they apply to the levy of cess leviable under section 144, section 151, or as the case may be, section 152 of that Act.] Mah. V of 1962.

Suspension  
or remission  
of cesses.

<sup>3</sup>[127A. The State Government may, on the application of a *panchayat* to which the cess is payable, suspend or remit the collection of cess or any portion thereof in any year in any area subject to the jurisdiction of such *panchayat*.]

Power of  
<sup>4</sup>[Panchayat  
Samiti] to  
increase  
taxation on  
*panchayat*.

128. (1) If in the opinion of the <sup>4</sup>[Panchayat Samiti] the income of the *panchayat* falls below what is necessary for the proper discharge of the duties specified in sub-section (2) of section 45, the <sup>4</sup>[Panchayat Samiti] may require the *panchayat* to take steps within six months, to increase its income to such extent as the <sup>4</sup>[Panchayat Samiti] considers necessary. If the *panchayat* fails to take adequate steps to increase its income to the required extent, the <sup>4</sup>[Panchayat Samiti] may require it to levy any of the taxes or fees specified in section 124 or increase the rate at which any of such taxes and fees is levied :

Provided that the <sup>4</sup>[Panchayat Samiti] shall not compel the *panchayat* to levy any tax or fee or increase the rate thereof beyond the maximum rate prescribed in this behalf.

(2) A *panchayat* may appeal to the <sup>5</sup>[Standing Committee] against an order made under sub-section (1) and the <sup>5</sup>[Standing Committee] may stay the execution of such order until <sup>6</sup>[it] he has decided the appeal.

<sup>1</sup> These words were substituted for the words "the date on and from which the increase in the rate shall take effect," by Mah. 36 of 1965, s. 49 (1).

<sup>2</sup> These figures were substituted for the figures "148", *ibid*, s. 49 (2).

<sup>3</sup> This section was inserted, *ibid*, s. 50.

<sup>4</sup> These words were substituted for the words "Panchayat Mandal" by Mah. 5 of 1962, s. 286, Tenth Schedule.

<sup>5</sup> These words were substituted for the word "Commissioner" by Mah. 36 of 1965, s. 51.

<sup>6</sup> This word was substituted for the word "be", *ibid*, s. 51.



129. (1) When any tax or fee has become due, a *panchayat* shall, with the least practicable delay, cause to be presented to the persons liable for the payment thereof a bill for the amount due from him, specifying the date on or before which the amount shall be paid. Recovery of taxes and other dues.

(2) If any person fails to pay any tax or fee or any other sum due from him to a *panchayat* under this Act or the rules on or before the specified date of payment, the *panchayat* shall cause a writ of demand in the prescribed form to be served on the defaulter.

(3) The presentation of every bill under sub-section (1) and the service of every writ of demand under sub-section (2) shall be effected by an officer or servant of the *panchayat* in this behalf—

(a) by giving or tendering the bill or writ to the person to whom it is addressed ; or

(b) if such person is not found, by leaving the bill or writ at his last known place of abode, if within the limits of the village, or by giving or tendering the bill or writ to some adult male member or servant of his family ; or

(c) if such person does not reside within the limits of the village, and his address elsewhere is known to the *Sarpanch* or other person directing the issue of the bill or writ, then by forwarding the bill or writ to such person by registered post, under cover bearing the said address ; or

(d) if none of the means aforesaid be available, then by causing the bill or writ to be affixed on some conspicuous part of the building or land, if any, to which the bill or writ relates in the presence of at least two *panchas*.

(4) If the sum for which a writ of demand has been served is not paid within thirty days from the date of such service, the *panchayat* may levy such sum by distraint and sale of the moveable property of the defaulter in the prescribed manner.

(5) Fees for

(a) every writ of demand issued under sub-section (2),

(b) every distress made under sub-section (4),

(c) the costs of maintaining any livestock seized under sub-section (4), shall be chargeable at such rates as may be prescribed.

(6) Notwithstanding anything contained in the foregoing sub-sections, any tax or fee payable on demand in accordance with the rules shall be recoverable in such manner as may be prescribed.

(7) If a *panchayat* is unable to recover a tax or fee or other sum due to it as aforesaid, it may furnish to the Mamlatdar, Tahsildar or Naib-Tahsildar, or Mahalkari a statement of the arrears due with a request for the recovery of the same <sup>1\*</sup> \* \* and on receipt of such statement of arrears, the Mamlatdar, Tahsildar or Naib-Tahsildar or Mahalkari shall proceed to recover the same as an arrear of land revenue <sup>1\*</sup> \* \* \* <sup>2\*</sup> \* \*

<sup>3</sup>[(8) (a) If a *panchayat* fails to recover any tax, fee or any sum due to it, or neglects to take action under sub-sections (2) and (4) of this section <sup>4\*</sup> \* \*

<sup>4\*</sup> \* \* \* the *Panchayat Samiti* may apply to the Collector to recover the same as an arrear of land revenue.]

<sup>1</sup> The words "through the village officers" were deleted by Mah. 34 of 1970, s. 18(f).

<sup>2</sup> The words "For the recovery of such sums, the village officers shall be remunerated by the *panchayat* in such manner as may be prescribed" were deleted, *ibid.*, s. 18(2).

Sub-section (8) was substituted for the original by Mah. 26 of 1963, s. 3, Second Sche. The word "or" and clause (b) was deleted by Mah. 13 of 1975, s. 19.

On receipt of such application, the Collector shall, after holding such inquiry as he thinks fit <sup>1</sup>[and after ascertaining that three years from the date when the same has become recoverable have not elapsed], proceed to recover the sum as an arrear of land revenue unless such sum is, under section 130, directed to be written off.

Collector's  
power to  
direct irre-  
coverable  
sums to be  
written off.

130. The Collector may direct—

(a) <sup>2</sup>\* \* \* \* \*

<sup>3</sup>[any sum recoverable by him on an application by the *Panchayat Samiti*] under sub-section (8) of section 129,

(b) any arrears of a tax or fee or any other sum due to a *panchayat* and recoverable through a Mamlatdar, Tahsildar, Naib-Tahsildar or Mahalkari under sub-section (7) of section 129,

<sup>4</sup>[(bb) any sum forming part of the village fund which has been stolen or misappropriated and any person prosecuted in that behalf has been duly acquitted,]

(c) any other sum due to a *panchayat* whether under this Act or otherwise to be written off, if in the opinion of the Collector such sum or arrears are irrecoverable :

Provided that no sum exceeding rupees five hundred shall be written off under <sup>5</sup>[clause (bb) or clause (c)], except with the previous sanction of the Commissioner.

<sup>6</sup>\* \* \* \* \*

## CHAPTER X.

### FINANCIAL ASSISTANCE TO *Panchayats*.

<sup>7</sup>[131. (1) Subject to the provisions of this section, every *panchayat* shall, after a sum equal to average of amounts of land revenue realised during each quinquennium commencing on 1st April 1964.] <sup>8</sup>[131. (1) Subject to the provisions of this section, every *panchayat* shall, after a due appropriation made by law in this behalf, be entitled to receive every year <sup>9</sup>[commencing on the 1st day of April 1972] a grant from the State Government of a sum equal to <sup>10</sup>\* \* \* \* \* the average of the amounts of the ordinary land revenue (including non-agricultural assessment) realised during each quinquennium commencing on the 1st day of April 1964 from lands within the limits of the village *panchayats*.]

<sup>10</sup>[(2) Where a *panchayat* has been established for any *wadi* or any area called by any other designation and such *wadi* or area forms part of a revenue village, the payment of grant of land revenue shall be in the same proportion as the population of such *wadi* or area bears to the population of the entire revenue village.

<sup>11</sup>\* \* \* \* \*

<sup>1</sup> These words were inserted by Mah. 36 of 1965, s. 52.

<sup>2</sup> The words and figures "any sum certified by a *Nyaya Panchayat* and recoverable by him under sections 114, 115 and 117 and" were deleted by Mah. 13 of 1975, s. 20.

<sup>3</sup> These words were substituted for the words "any sum certified by a *panchayat* and recoverable by him" by Mah. 26 of 1963, s. 3, Second Sch.

<sup>4</sup> This clause was inserted by Mah. 34 of 1970, s. 19(1).

<sup>5</sup> These words were substituted for the words "clause (c)", *ibid.*, s. 19(2)

<sup>6</sup> The second proviso was deleted by Mah. 36 of 1965, s. 53.

<sup>7</sup> Section 131 was substituted by Mah. 34 of 1970, s. 20.

<sup>8</sup> These words, figures and letters were inserted by Mah. 13 of 1975, s. 21(a)

<sup>9</sup> The words "thirty per cent of" were deleted by Mah. 38 of 1973, s. 6(1).

<sup>10</sup> Sub-section (2) was deemed to have been substituted for 1st April 1972 from sub-sections (2) to (6), *ibid.*, s. 6(2).

<sup>11</sup> The *Explanation* was deleted by Mah. 13 of 1975, s. 21(b).

<sup>12</sup> This marginal note was substituted by Mah. 38 of 1973, s. 6(3).

132. Notwithstanding anything contained in <sup>1</sup>[the Maharashtra Zilla Parishads Loans by Mah. and Panchayat Samitis Act, 1961, the Zilla Parishad] may, subject to rules, grant a <sup>2</sup>[Zilla Parishads.] V of 1962. loan to a *panchayat* within the district for the purposes of this Act.

<sup>3</sup>[132A. Where the amount of grant of land revenue payable to a *panchayat* Equalisation under sub-section (1) of section 131 is found to be less than the amount arrived at grant. on the basis of one rupee *per capita* of the population of the village, then that *panchayat* shall be entitled to an equalisation grant equal to the difference between the amount arrived at on a *per capita* basis and the amount payable to the *panchayat* under sub-section (1) of section 131 ; and such grant shall be made by the State Government.

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<sup>5</sup>[132B. <sup>6</sup>[(1) With effect from the financial year 1972-73 and every year thereafter, <sup>7</sup>[Constitution Village Employment Fund.] every *panchayat* shall credit an amount not less than thirty-five per cent of the amount of grant received by it under sub-section (1) of section 131 to a separate fund called the Village Employment Fund of that village. In the case of a *panchayat* constituted for any Devasthan Inam village, such amount shall be in accordance with such order as the State Government may, from time to time, make in this behalf, regard being had to land therein which may be exempt from the payment of land revenue, either wholly or partially.]

(3) The State Government may make rules relating to all matters connected with the fund and its accounts, including the purpose, for which the fund shall be utilized and the manner in which the fund shall be maintained, operated upon and expended.]

133. In each district, there shall be established out of the contributions made by *panchayats* under sub-section (3) of section 62, a fund to be called the District Village Development Fund. The fund shall vest in such officer or authority <sup>8</sup>[(including any officer or authority of the Zilla Parishad or of Panchayat Samiti concerned)] and shall be invested in such manner as may be prescribed. The fund shall be utilised for the purpose of granting loans to *panchayats*, and the payment of interest on contributions made by *panchayats* <sup>9</sup>[and with the sanction of the Commissioner, for meeting expenditure on staff engaged for operating the fund and on all charges incidental thereto, such as, printing, stationery, stamps and the like]. The State Government shall make rules prescribing from time to time the purposes for which such loans may be granted, the terms and conditions (including the rate of interest) on which such loans may be made, the period therefor, the manner of repayment, and all matters incidental to the grant of such loans.

<sup>1</sup> These words and figures were substituted for the words and figures "the Bombay Local Boards Act, 1923, or any corresponding law in force in the State of Maharashtra" by Mah. 43 of 1962, s. 26, Sch.

<sup>2</sup> These words were substituted for the words "District Local Boards", *ibid.*

<sup>3</sup> Section 132A was substituted by Mah. 34 of 1970, s. 21.

<sup>4</sup> The Explanation was deleted by Mah. 13 of 1975, s. 22.

<sup>5</sup> Section 132B was inserted by Mah. 35 of 1972, s. 5.

<sup>6</sup> Sub-section (1) was substituted for sub-sections (1) and (2) by Mah. 38 of 1973, s. 7(1).

<sup>7</sup> This marginal note was substituted, *ibid.*, s. 7(2).

<sup>8</sup> These brackets and words were inserted by Mah. 43 of 1962, s. 26, Sch.

<sup>9</sup> These words were inserted by Mah. 34 of 1970, s. 22.

## CHAPTER XI

## CONTROL.

134. [Constitution of District Village Panchayat Mandal.] Deleted by Mah. 5 of 1962, s. 286, Tenth Schedule.

134A. [Special provision consequent on Bombay Re-organisation Act, 1960.] Deleted by Mah. 43 of 1962, s. 26, Sch.

Duties of  
<sup>1</sup>[Zilla  
 Parishads  
 and  
 Panchaya  
 Samiti]

135. Subject to the provisions of this Act and the rules made thereunder it shall be the duty of the <sup>1</sup>[Zilla Parishad and the Panchayat Samiti] to—

(a) encourage the establishment and foster the development of panchayats in the <sup>3</sup>[area for which they are established] ;

(b) supervise and control the administration of panchayats in the <sup>3</sup>[area for which they are established] ;

(c) perform such other functions as are imposed by this Act, and as the State Government may from time to time prescribe.

Appointment  
 of District  
 Village  
 Panchayat  
 Officers.

<sup>4</sup>[136. The State Government may appoint for each district such officer working under a Zilla Parishad as it may specify to be a District Village Panchayat Officer, to discharge such functions as may be prescribed under this Act.]

Power to  
 call for  
 proceedings,  
 etc.

137. (1) The <sup>1</sup>[Zilla Parishad or Panchayat Samiti] shall have power—

(a) to call for any proceedings of a panchayat or an extract therefrom, any book or document in the possession or under the control of a panchayat, and any return, statement, account or report which the <sup>1</sup>[Zilla Parishad or Panchayat Samiti] thinks fit to require, such panchayat to furnish ; and

(b) to require a panchayat to take into consideration—

(i) any objection which appears to the <sup>1</sup>[Zilla Parishad or Panchayat Samiti] to exist to the doing of anything which is about to be done, or is being done by such panchayat ; or

(ii) any information which the <sup>1</sup>[Zilla Parishad or Panchayat Samiti] is able to furnish and which appears to the <sup>1</sup>[Zilla Parishad or Panchayat Samiti] to necessitate the doing of a certain thing by the panchayat,

and to make a written reply to the <sup>1</sup>[Zilla Parishad or Panchayat Samiti] within a reasonable time stating its reasons for not desisting from doing or for not doing such things.

<sup>5</sup>[(2) All or any of the powers given to the Zilla Parishad or Panchayat Samiti under sub-section (1) may be delegated by the Zilla Parishad or to the President or any other officer of the Zilla Parishad or by the Panchayat Samiti to the Chairman or any other officer of the Panchayat Samiti.]

<sup>1</sup> These words were substituted for the words " Panchayat Mandal " by Mah. 5 of 1962, s. 286, Tenth Sch.

<sup>2</sup> These words were substituted for the words " Panchayat Mandal " by Mah. 36 of 1965, s. 56.

<sup>3</sup> These words were substituted for the word " district " by Mah. 5 of 1962, s. 286, Tenth Sch.

<sup>4</sup> Section 136 was substituted for the original by Mah. 43 of 1962, s. 26, Sch.

<sup>5</sup> Sub-section (2) was substituted by Mah. 5 of 1962, s. 286, Tenth Sch.

138. (1) <sup>1</sup>[The *Zilla Parishad* or the *Panchayat Samiti* may delegate to any of Delegation its presiding authorities or any officer], the duties of encouraging the establishment of duties, etc. and fostering the development of *panchayats* and of assisting *panchayats* in the proper exercise of the powers and performance of the duties conferred or imposed by or under this Act.

(2) It shall be competent to the <sup>2</sup>[*Zilla Parishad* or *Panchayat Samiti*] to accept and utilise in an honorary capacity, in the performance of any of the duties which may be delegated under sub-section (1), the services of any person who in the opinion of <sup>3</sup>[such *Zilla Parishad* or as the case may be, *Panchayat Samiti*] is specially fitted to assist it in this behalf.

139. The <sup>4</sup>[*Zilla Parishad* may authorize its President or Chief Executive Officer Power of or the *Panchayat Samiti* may authorise its Chairman] <sup>5</sup>[or Block Development ontry. Officer] to enter on and inspect, or cause to be entered on and inspected, at all reasonable times any immovable property occupied by any *panchayat* or any work in progress under its direction.

<sup>1</sup> These words were substituted for the words "The *Panchayat Mandal* may delegate to the Chairman, Vice-Chairman or the District Village Panchayat Officer," by Mah. 5 of 1962, s. 286, Tenth Sch.

<sup>2</sup> These words were substituted for the words "*Panchayat Mandal*", *ibid.*

<sup>3</sup> These words were substituted for the words "such *Mandal*", *ibid.*

<sup>4</sup> These words were substituted for the words "*Panchayat Mandal* may authorise its Chairman, Vice-Chairman or Secretary", *ibid.*

<sup>5</sup> These words were inserted by Mah. 36 of 1965, s. 57.

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<sup>1</sup>[139A. If for the purpose of efficient and economical execution or maintenance of any works or development schemes undertaken by a *panchayat*, an officer or person authorised by general or special order of the *Zilla Parishad* considers it necessary for that purpose to give technical guidance or assistance to the *panchayat* then the officer or person so authorised may periodically inspect such works or development schemes, and may give such guidance, assistance or advice as he thinks necessary in relation to such works or development schemes; and shall forward to the *Sarpanch* through the Block Development Officer, a report on the inspection made, pointing out therein any irregularities noticed, and his suggestions for improvement.

Power of authorised officer or person to inspect and give technical guidance, etc.

139B. The Chief Executive Officer or any officer not below the rank of an Extension Officer duly authorised by him in writing in this behalf may enter the office of any *panchayat*, and inspect any records, register or other document, kept therein; and the *panchayat* shall comply with the inspection notes, if any, made by the Chief Executive Officer or as the case may be, the officer.]

Power of Chief Executive Officer or any officer to inspect office of *panchayat*.

140. (1) The audit of the accounts of a *panchayat* shall be carried out <sup>2</sup>[by such authority and] in such manner as may be prescribed and a copy of the audit note shall be forwarded <sup>3</sup>[to <sup>4</sup>[the Chief Executive Officer], the *Panchayat Samiti* and the *panchayat*] within <sup>5</sup>[two months] of the completion of the audit.

Audit of accounts of *panchayats*.

(2) On receipt of the audit note referred to in sub-section (1), the *panchayat* shall either remedy any defects or irregularities which may have been pointed out in the audit note and send to the <sup>6</sup>[*Panchayat Samiti*] within three months an intimation of its having done so or shall, within the said period, supply to the <sup>6</sup>[*Panchayat Samiti*] any further explanation in regard to such defects or irregularities as it may wish to give.

(3) On receipt of such intimation or explanation, the <sup>6</sup>[*Panchayat Samiti*] may, in respect of all or any of the matters discussed in the audit note,—

(a) accept the intimation or explanation given by the *panchayat* and recommend to the <sup>7</sup>[Chief Executive Officer] to <sup>8</sup>[drop] the objection,

(b) <sup>9</sup>[suggest] that the matter be reinvestigated at the next audit or at any earlier date, or

(c) hold that the defects or irregularities pointed out in the audit note or any of them, have not been removed or remedied.

<sup>1</sup> These sections were inserted by Mah. 36 of 1965, s. 58.

<sup>2</sup> These words were substituted for the words "by the State Government" by Mah. 13 of 1975, s. 23(a)(i).

<sup>3</sup> These words were substituted for the words "to the *panchayat* and the *Zilla Parishad* and *Panchayat Samiti*" by Mah. 36 of 1965, s. 59(1).

<sup>4</sup> These words were substituted for the words "the Collector, the *Zilla Parishad*" by Mah. 13 of 1975, s. 23(a)(ii).

<sup>5</sup> These words were substituted for the words "one month" by Mah. 34 of 1970, s. 23.

<sup>6</sup> These words were substituted for the words "*Panchayat Mandal*" by Mah. 5 of 1962, s. 286, Tenth Sch.

<sup>7</sup> These words were substituted for the word "Collector" by Mah. 13 of 1975, s. 21(a)(ii).

<sup>8</sup> This word was substituted for the word "withdraw" by Mah. 36 of 1965, s. 59(2)(a).

<sup>9</sup> This word was substituted for the word "direct", *ibid.*, s. 59(2)(b).

(4) The <sup>1</sup>[Panchayat Samiti] shall send a report of its decision to the <sup>2</sup>[Chief Executive Officer] within one month of the date of receipt by it of the intimation or explanation referred to in sub-section (2), or in the event of the *panchayat* failing to give such intimation or explanation on the expiry of the period of three months referred to in the said sub-section (2) <sup>3</sup>[and shall forward a copy of such report to the auditor and the *panchayat*]. If the <sup>1</sup>[Panchayat Samiti] holds that any defects or irregularities have not been removed or remedied, the <sup>1</sup>[Panchayat Samiti] shall state in the report whether in its opinion the defects or irregularities can be regularised and if so, by what method and if they do not admit of being regularised, whether they can be condoned, and if so, by what authority. The <sup>1</sup>[Panchayat Samiti] shall also state whether the amounts to which the defects or irregularities relate should in its opinion be <sup>4</sup>[surcharged or charged] as hereinafter provided.

<sup>5</sup>(5) The Chief Executive Officer may, after considering the report of the *Panchayat Samiti* and after making such further inquiry as he considers necessary, disallow any item which appears to him contrary to law and surcharge the same on the person making, or authorizing the making of, the illegal payment, and may charge against any person responsible therefor the amount of any deficiency or loss caused by the gross negligence or misconduct of that person, or any sum received which ought to have been, but is not, brought into account, by that person; and may after taking explanation of such persons, direct by order in writing that such person shall pay to the *panchayat* the amount surcharged or charged and where the Chief Executive Officer considers it necessary, also an interest on the amount so surcharged or charged at such rate as may be determined by him. If the amount or interest directed to be paid by the Chief Executive Officer under his order is not paid by the person aforesaid within one month from the date of receipt of such order by him, the Chief Executive Officer shall request the Collector to recover it as an arrear of land revenue and credit it to the village fund, and thereupon the Collector shall be bound to do so;]

(6) Any person aggrieved by any order of <sup>6</sup>[surcharge or charge or interest thereon] made by the <sup>2</sup>[Chief Executive Officer] under this section may, within one month from the receipt by him of the decision of <sup>2</sup>[Chief Executive Officer], apply to the District Court to modify or set aside such order, and that Court after taking such evidence as it thinks necessary, may confirm, modify or remit such <sup>6</sup>[surcharge or charge or interest thereon] and make such order as to costs as it thinks proper in the circumstances.

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Reduction  
of establish-  
ment.

141. (1) If, in the opinion of the <sup>8</sup>[Standing Committee] the number of persons maintained by a *panchayat* as Officers or servants, or the remuneration given or proposed to be given by the *panchayat* to such persons, is excessive, the *panchayat* shall, on being required by the <sup>8</sup>[Standing Committee] reduce such number or remuneration.

(2) The *panchayat* may appeal to the Commissioner against any requisition made under sub-section (1), and the decision of the Commissioner shall be final.

<sup>1</sup> These words were substituted for the words "*Panchayat Mandal*" by Mah. 5 of 1962, s. 286, Tenth Sch.

<sup>2</sup> These words were substituted for the word "Collector," by Mah. 13 of 1975, s. 23.

<sup>3</sup> These words were substituted for the words "and shall forward a copy of such report to the *panchayat*" by Mah. 36 of 1965, s. 59(3)(a).

<sup>4</sup> These words were substituted for the word "surcharged", *ibid.*, s. 59(3)(b).

<sup>5</sup> Sub-section (5) was substituted by Mah. 13 of 1975, s. 23.

<sup>6</sup> These words were substituted for the words "surcharge or charge", *ibid.*, s. 23(d).

<sup>7</sup> Sub-section (7) was deleted by Mah. 5 of 1962, s. 286, Tenth Sch.

<sup>8</sup> These words were substituted for the word "Collector" *ibid.*, s. 286, Tenth Sch.



142. (1) If, in the opinion of the <sup>1</sup>[Standing Committee], the execution of any order or resolution of a *panchayat* or the doing of anything which is about to be done, or is being done by or on behalf of a *panchayat*, is causing or is likely to cause injury or annoyance to the public, or to lead to a breach of peace, or <sup>2</sup>[is, in the public interest, unlawful] <sup>3</sup>[it] may by order in writing suspended the execution or prohibit the doing thereof. Suspension of execution of order.

(2) When the <sup>1</sup>[Standing Committee] makes an order under sub-section (1), <sup>4</sup>[it] shall forthwith send to the *panchayat* affected thereby a copy of the order, with a statement of the reasons therefor.

(3) The <sup>1</sup>[Standing Committee] shall <sup>4</sup>[forthwith forward] to the Commissioner a report of every case occurring under this section, and the Commissioner may revise or modify any order made therein and make in respect thereof any other order which the <sup>1</sup>[Standing Committee] could have made.

143. (1) In cases of emergency the <sup>1</sup>[Standing Committee] may provide for the execution of any work or the doing of any act which a *panchayat* is empowered to execute or do, and the immediate execution or doing whereof is, in <sup>5</sup>[its] opinion, necessary for the health or safety of the public and may direct that the expense of executing the work or doing the act shall be forthwith paid by the *panchayat*. Execution of work in case of emergency.

(2) If the expense is not so paid, the <sup>1</sup>[Standing Committee] may direct the <sup>6</sup>[person in whose custody the village fund is kept] to pay such expense or so much thereof as is possible, from the balance of such fund in his hands <sup>7</sup>[and such person] shall comply with such directions.

(3) The <sup>1</sup>[Standing Committee] shall forthwith report to the Commissioner every case in which <sup>8</sup>[it] exercises <sup>9</sup>[its] powers under sub-section (1).

144. (1) If at any time, it appears to the <sup>1</sup>[Standing Committee] that a *panchayat* has made default in the performance of <sup>3</sup>[any duty under section 45], it may order the duty to be performed within a specified period, and if the duty is not performed within the period specified, the <sup>1</sup>[Standing Committee] may appoint a person to perform it, and direct that the expense of performance shall be paid by the defaulting *panchayat* within such period as the <sup>1</sup>[Standing Committee] may fix. Default in performance of duty.

(2) If the expense is not so paid, the <sup>1</sup>[Standing Committee] may direct the person in custody of the village fund to pay such expenses, or so much thereof as is possible, from the balance of such fund in his hands, and such person shall pay such expense or part thereof accordingly.

<sup>10</sup>[(2A) If at any time it appears to the <sup>1</sup>[Standing Committee] that a *panchayat* has failed to contribute or pay in any financial year the amount as required by sub-section (3) of section 62 or has committed default in payment of any instalment towards repayment of the loan taken by the *panchayat* from the District Village Development Fund, in accordance with the rules made for the purpose in pursuance of the provisions of section 133, the <sup>1</sup>[Standing Committee] may, by an order in writing, direct the person in custody of the village fund to pay to the credit of the District Village Development Fund such sums as may be due to it at such intervals and in such instalments as it may, regard being had to the finances of the *panchayat*, direct, and the *panchayat* shall comply with such directions.]

<sup>1</sup> These words were substituted for the word "Collector" by Mah. 5 of 1962, s. 286, Tenth Sch.

<sup>2</sup> These words were substituted for the words "is unlawful" by Mah. 36 of 1965, s. 60.

<sup>3</sup> This word was substituted for the word "he" by Mah. 5 of 1962, s. 286, Tenth Sch.

<sup>4</sup> These words were substituted for the words "forthwith submit", *ibid.*

<sup>5</sup> This word was substituted for the word "his", *ibid.*

<sup>6</sup> These words were substituted for the words "officer in charge of the treasury in which the village fund is kept" by Mah. 36 of 1965, s. 61.

<sup>7</sup> These words were substituted for the words "and the officer in charge of the treasury", *ibid.*

<sup>8</sup> This word was substituted for the words "he" and "it", respectively, *ibid.*

<sup>9</sup> These words and figures were substituted for the words, figures and brackets "any duty specified in sub-section (1) of section 45", *ibid.*, s. 62.

<sup>10</sup> Sub-section (2A) was inserted by Mah. 38 of 1973, s. 8(1).

(3) If at any time it appears to the State Government or any officer authorised by the State Government in this behalf, that a *panchayat* has made default, in the performance of <sup>1</sup>[any duty under section 45] <sup>2</sup>[or in the payment of any amount to the credit of the District Village Development Fund under sub-section (2A)] and that the <sup>3</sup>[Standing Committee] has failed or neglected to take action under sub-section (1) <sup>4</sup>[or under sub-section (2A)], the State Government or the officer authorised, as the case may be, may take such action as could have been taken by the <sup>5</sup>[Standing Committee] <sup>6</sup>[under sub-sections (1), (2) and (2A)].

(4) The <sup>7</sup>[Standing Committee] or the officer authorised, as the case may be, shall forthwith report to the Commissioner every case occurring under this section and the Commissioner may revise or modify any order made therein, and make in respect thereof, any other order which <sup>8</sup>[Standing Committee] could have made.

Dissolution  
or superses-  
sion of  
Panchayat.  
12\* \* \*

145. (1) If, in the opinion of the State Government, a *panchayat* exceeds or abuses its powers or is incompetent to perform, or makes persistent default in the performance of, the duties imposed on it or functions entrusted to it under sub-section (1) of section 45 or any other provision of this Act or by or under any other law for the time being in force, <sup>9</sup>[or has failed to levy taxes referred to in clauses (i) and (i-a) of sub-section (1) of section 124,] or fails to obey an order made by the <sup>7</sup>[Panchayat Samiti] under section 128 or persistently disobeys any of the orders of the <sup>3</sup>[Standing Committee] or Commissioner under section 142 <sup>10</sup>[or wilfully disregards any instructions given by the Zilla Parishad or Panchayat Samiti under section 152 or by any competent authority arising out of audit of accounts under this Act or inspection of the office and work of the *panchayat* or instructions given or directions issued by the State Government under section 153A], the State Government may, after consultation with the <sup>7</sup>[Zilla Parishad] and after giving the *Panchayat* an opportunity of tendering an explanation, by order in the *Official Gazette*—

(i) dissolve such *panchayat*, or

(ii) supersede such *panchayat* for the period specified in the order. Such period may be longer than the term for which the members of the *panchayat* would have held office under section 27, if the *panchayat* had not been superseded under this section.

<sup>11</sup>[(1A) If more than half the total number of seats in a *panchayat* have become vacant, the State Government may, by order in the *Official Gazette*, dissolve such *Panchayat*.]

<sup>12</sup>[(2) When a *panchayat* <sup>13</sup>[is dissolved or superseded as provided in the preceding sub-sections] the following consequences shall ensue, that is to say:—

(a) all members of the *panchayat* shall, in the case of dissolution, as from the date specified in the order of dissolution, and in the case of supersession, as from the date of the order of supersession, vacate their office as such members;

(b) all powers and duties of the *panchayat* shall, during the period of dissolution or supersession, be exercised and performed by such person or persons as the State Government may, from time to time, appoint in that behalf; and

(c) all property vested in the *panchayat* shall, during the period of dissolution or supersession, vest in the State Government.]

<sup>1</sup> These words and figures were substituted for the words, brackets and figures "any duty specified in sub-section (1) of section 45" by Mah. 36 of 1965, s. 62.

<sup>2</sup> These words were inserted by Mah. 38 of 1973, s. 8(2)(a).

<sup>3</sup> These words were substituted for the word "Collector" by Mah. 5 of 1962, s. 286, Tenth Sch.

<sup>4</sup> This portion was inserted by Mah. 38 of 1973, s. 8(2)(b).

<sup>5</sup> This was substituted for "under sub-sections (1) and (2)", *ibid.* s. 8(2)(c).

<sup>6</sup> This portion was inserted by Mah. 13 of 1975, s. 24(a).

<sup>7</sup> These words were substituted for the words "*Panchayat Mandal*" by Mah. 5 of 1962, s. 286, Tenth Sch.

<sup>8</sup> This portion was inserted by Mah. 36 of 1965, s. 63(1).

<sup>9</sup> Sub-section (1A) was inserted by Mah. 13 of 1975, s. 24(b).

<sup>10</sup> Sub-section (2) was substituted by Mah. 36 of 1965, s. 63(2).

<sup>11</sup> These words were substituted for the words "is so dissolved or superseded" by Mah. 13 of 1975, s. 24(c).

<sup>12</sup> The words "for default" were deleted, *ibid.*, s. 24(d).

(3) When the *panchayat* is dissolved, it shall be reconstituted in the manner provided in this Act.

<sup>1</sup>[(4) On the expiry of the period of supersession, the *panchayat* shall be reconstituted in the manner provided in this Act, and the persons vacating office shall be eligible for re-election.]

146. (1) When during the term of the *panchayat*, the limits of a village are altered, the Commissioner may, by order in writing, dissolve such *panchayat* and direct a *panchayat*—

(i) to be reconstituted for the village for which the *panchayat* has been dissolved, or

(ii) to be established for a village which has been newly declared.

The members of the *panchayat* which has been dissolved shall vacate their office from the date specified in the order.

(2) The *panchayat* reconstituted or established under the provisions of sub-section (1) shall consist of such members, either elected, or appointed in such manner as the Commissioner shall, by order in writing, direct.

The *Sarpanch* and *Upa-Sarpanch* of the *panchayat* so reconstituted or established shall be elected in the manner provided in this Act.

(3) The terms of the *panchayat* so reconstituted or established shall be for such period, not exceeding one year, as the Commissioner shall, by order in writing, specify.

(4) On the expiry of the term of *panchayat* in accordance with the provisions of sub-section (3), the *panchayat* shall be constituted in the manner provided by this Act.

147. (1) When a *panchayat* has been dissolved and reconstituted or established under section 146 and so much of the village fund and other property vesting in the *panchayat* which has been dissolved shall vest in, and such portion of the debts and obligations shall be transferred to, the reconstituted or established *panchayat* as the Commissioner may, by order in writing, direct.

(2) The rights and liabilities of the *panchayat* which has been dissolved in respect of contracts, agreements and other matters or things arising in or relating to any part of the area subject to the authority of the reconstituted or established *panchayat* shall vest in such *panchayat*.

(3) Any notice, tax, order, licence, permission, rule or by-law, issued, imposed, granted or made in respect of any part of the area subject to the authority of the reconstituted or established *panchayat* shall be deemed to have been issued, imposed, granted or made by or in respect of such *panchayat*, unless and until it is superseded by any notice, tax, order, licence, permission, rule or by-law made, issued, imposed, granted or made by or in respect of such *panchayat*.

<sup>1</sup> Sub-section (4) was substituted for the original by Mah. 36 of 1965, s. 63(3).

Effect of area being excluded from village. 148. Where by a notification under section 4 any local area forming part of a village is excluded from such village, and such area is not included in or declared to be a village, so much of the village fund and other property vesting in the *panchayat* of the village of which such area formed part, as the Commissioner may by order in writing direct, shall vest in the Collector to be utilized for the benefit of the area as the Collector may think fit.

Effect of area ceasing to be a village. 149. On any area ceasing to be a village by virtue of any notification under section 4,—

(a) the *panchayat* shall be dissolved and all members of the *panchayat* shall vacate office as from the date of the notification ;

(b) the unexpended balance of the village fund and the property vesting in the *panchayat* shall vest in the Collector, to be utilised for the benefit of the inhabitants of the areas as the Collector may think fit.

1\* \* \* \* \*

150. [Effect of dissolution or supersession of *panchayat* or of withdrawal of judicial powers of Nyaya *panchayat* on Nyaya *panchayats* and proceedings pending before them.] Deleted by Mah. 13 of 1975, s. 26.

Powers and duties of *panchayats* not validly constituted to be performed by person appointed by Government. 151. (1) (a) Notwithstanding anything contained in this Act or the rules or bye-laws made thereunder, if at any time it appears to the State Government that a *panchayat* has not been validly constituted under this Act, the State Government may, by notification in the *Official Gazette*, cause all or any of the powers and duties performed by such person or persons, in such manner and for such period and subject to such conditions as it may think fit :

Provided that on the reconstitution of the *panchayat* under sub-section (2), such notification shall cease to have effect from the date on which the first meeting of the *panchayat* so reconstituted is held under section 28.

2\* \* \* \* \*

(2) On the issue of such notification all the members of the *panchayat* shall be deemed to have vacated their office as members and the *panchayat* shall be reconstituted before the expiry of the period specified in such notification in the manner provided in this Act.

(3) All the powers and duties of the *panchayat* <sup>3\*</sup> \* \* \* exercised and performed *bona fide* till the date of the notification referred to in sub-section (1) by the persons who constituted such *panchayat* <sup>4\*</sup> \* \* \* shall be deemed to be and always to have been validly exercised and performed by the said persons ; and no acts done by the said persons shall be deemed to be invalid or be called in question on the ground merely that the persons were not members of a validly constituted *panchayat* <sup>3\*</sup> \* \* \* and the said persons shall be deemed to have been indemnified and discharged from liability in respect of such acts.

Panchayat to conform to instructions given by Parishad and Samiti. <sup>6</sup>[152. A *panchayat* shall conform to any instructions that may, from time to time, be given to it by the *Zilla Parishad* or the *Panchayat Samiti* or both, in the execution by the *panchayat* of its duties and functions under this Act.]

<sup>1</sup> Clause (c) was deleted by Mah. 13 of 1975, s. 25.

<sup>2</sup> Clause (b) was deleted *ibid* s. 27(a).

<sup>3</sup> The words "or *Naya Panchayat*" were deleted, *ibid* s. 27 (b).

<sup>4</sup> The words "or *Naya Panchayat*, as the case may be," were deleted, *ibid*.

<sup>5</sup> The words "or *Naya Panchayat*" and "or by courts, as the case may be" were deleted, *ibid*, s. 27(c).

<sup>6</sup> Section 152 was inserted by Mah. 36 of 1965, s. 66.

153. <sup>1</sup>[(1) The State Government may order an inquiry to be held by any officer appointed by it in this behalf into any matters concerning the village administration of any *panchayat* or any matters with respect to which the sanction, approval, consent or order of the State Government is required by this Act.] <sup>2</sup>[State Government.]

(2) The officer holding such inquiry shall have the powers of a Court under V of the Code of Civil Procedure, 1908, to take evidence and to compel the attendance of witnesses and the production of documents for the purposes of the inquiry.

(3) The State Government may make orders as to the cost of inquiries under sub-section (1) and as to the parties by whom and the funds out of which they shall be paid and any such order may, on the application of the State Government or of any person named therein, be executed as if it were a decree of a civil court.

<sup>3</sup>[153A. The State Government may give to any *panchayat* general instructions as to matters of policy to be followed by the *panchayat* in respect of its duties or functions, and in particular, it may issue directions in the interest of the national or State development plans in respect of the execution and maintenance of works and development schemes. Upon the issue of such instructions and directions it shall be the duty of the *panchayat* to give effect to such instructions and directions.] <sup>4</sup>Power of State Government to give instructions and issue of directions to *panchayats*.

154. <sup>4</sup>[(1)] In all matters connected with this Act, the State Government, and the Commissioners and Collectors shall have and exercise the same authority and control over the Commissioners, the Collectors and their subordinates, respectively as they have and exercise over them in the general and revenue administration. <sup>5</sup>[Authority of State Government, Commissioners and Collectors.]

<sup>4</sup>[(2) In all matters connected with this Act, the State Government shall have and exercise the same authority and control over the *Zilla Parishad* and the *Panchayat Samiti* as it has and exercises over them under the Maharashtra *Zilla Parishads and Panchayat Samitis Act, 1961*.]

155. The State Government may call for and examine the record of proceedings of the <sup>6</sup>[*Zilla Parishad, Panchayat Samiti* or Standing Committee, as the case may be] or of any officer <sup>7</sup>\* \* \* \* \* for the purpose of satisfying itself as to the legality or propriety of any order passed and may revise or modify the order as it shall deem just. <sup>8</sup>State Government may call for proceedings.

## CHAPTER XII

### PROVISIONS FOR CONVERSION OF A MUNICIPALITY INTO A *Panchayat* AND FOR AMALGAMATION AND DIVISIONS OF *Panchayats*.

156. For the purposes of this Chapter, unless the context otherwise requires, the expression— <sup>9</sup>\* \* \* \* \*

(a) "*municipality*" includes a person or persons appointed to exercise the powers and perform the functions of a municipality under section 179 of the Bombay District Municipal Act, 1901, <sup>10</sup>\* \* \* \* \* or under section 57 of the Central Provinces and Berar Municipalities Act, 1922, or of a Town Municipality under section 254 of the Hyderabad District Municipalities Act, 1956 (the aforesaid Acts being hereafter in this chapter referred to as "*the municipal laws*") ;

(b) "*panchayat*" includes a person or persons appointed to exercise the powers and to perform the functions of a *panchayat* under section 145.

Bom.  
III of  
1901.  
C. P.  
and  
Berar  
Act II  
of  
1922.  
Hyd.  
Act  
XVIII  
of  
1956.

<sup>1</sup> Sub-section (1) was substituted by Mah. 5 of 1962, s. 286, Tenth Sch.

<sup>2</sup> These words were substituted for the words "*Panchayat Mandal*" by Mah. 36 of 1965, s. 67.

<sup>3</sup> This section was inserted, *ibid.*, s. 68.

<sup>4</sup> Section 154 was renumbered as sub-section (1) and sub-section (2) was inserted, *ibid.*, s. 69(i).

<sup>5</sup> This was substituted for the original marginal note, *ibid.*, s. 69(ii).

<sup>6</sup> These words were substituted for the words "*Panchayat Mandal*" by Mah. 5 of 1962, s. 286, Tenth Sch.

<sup>7</sup> The brackets and words "(except any proceedings of the District or the Sessions Court in judicial proceedings in revision or reference from the proceedings of a *Naya Panchayat*)" were deleted by Mah. 13 of 1975, s. 28.

<sup>8</sup> The words "or that Act in its application to the Saurashtra area of the State of Bombay" were omitted by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

Effect of  
conversions  
of municipi-  
pality into  
panchayat.

157. When any local area ceases to be a municipal district by virtue of, or when the whole area comprised in a municipality is withdrawn from, or when any municipality ceases to be a municipality by virtue of, any municipal law, and such area is declared to be a village under section 4, with effect from the date on which such local area is so declared to be a village (in this section referred to as "the said date"), the following consequences shall notwithstanding anything in the relevant municipal law, ensue, that is to say—

- (a) the municipality of such local area shall cease to exist;
- (b) there shall, notwithstanding anything contained in any law for the time being in force, be constituted for the village an interim *panchayat* consisting of persons vacating office as councillors of the municipality or members of the Committee or members of a Town Committee of such municipality and the President and Vice-President of the Municipality or as the case may be of a Committee or Town Committee shall, respectively, be deemed to be the *Sarpanch* and *Upa-Sarpanch* of the interim *panchayat*;
- (c) the unexpended balance of the municipal fund and property including arrears of rates, taxes and fees, belonging to the municipality, and all rights and powers, which prior to such notification, vested in the municipality shall, subject to all charges and liabilities affecting the same, vest in the interim *panchayat* as the village fund until the new *panchayat* is constituted in pursuance of the provisions of sub-section (1) of section 158 ;
- (d) any appointment, notification, notice, tax, order, scheme, licence, permission, rule, bye-law or form made, issued, imposed or granted under any municipal law immediately before the said date in respect of such local area shall continue in force and be deemed to have been made, issued, imposed or granted in respect of the village until it is superseded or modified by any other appointment, notification, notice, tax, order, scheme, licence, permission, rule, bye-law or form made, issued, imposed or granted under this Act;
- (e) all budget estimates, assessments, assessment lists, valuations or measurements made or authenticated under any of the municipal laws immediately before the said date in respect of such local area shall be deemed to have been made or authenticated under this Act;
- (f) all debts and obligations incurred and all contracts made by or on behalf of the municipality immediately before the said date and subsisting on the said date shall be deemed to have been incurred and made by the interim *panchayat* in exercise of the powers conferred on it by or under this Act;
- (g) all officers and servants in the employ of the municipality immediately before the said date shall be officers and servants of the interim *panchayat* under this Act and shall, until other provision is made in accordance with the provisions of this Act, receive salaries and allowances and be subject to the conditions of service to which they were entitled or subject on such date:

Provided that it shall be competent to the interim *panchayat* subject however, to the previous sanction of the State Government, to discontinue the services of any officer or servant who, in its opinion, is not necessary or suitable to the requirements of the service of the interim *panchayat*, after giving such officer or servant such notice as is required to be given by the terms of his employment and every officer or servant whose services are discontinued, shall be entitled to such leave, pension, provident fund and gratuity as he would have been entitled to take or receive on being invalided out of service as if the municipality in the employ of which he was, had not ceased to exist;

(h) all proceedings pending at the said date before the municipality shall be deemed to be transferred to, and continued by the interim *panchayat*;

(i) all appeals pending at the said date before the municipality shall, so far as may be practicable be disposed of as if such local area had been included in the village when they were filed;

(j) all prosecutions instituted by or on behalf of the municipality and all suits or other legal proceedings instituted by or against such municipality or any officer of such municipality pending at the said date shall be continued by or against the interim *panchayat* as if such local area had been included in the village when such prosecutions, suits or proceedings were instituted.

158. (1) The Collector shall, within a period not exceeding one year from the date on which the interim *panchayat* has been constituted, take steps to hold election for a new *panchayat* ;

Term of office of members of interim *panchayat* and their powers.

(2) The members of the interim *panchayat* shall hold office until the day immediately preceding the day of the first meeting of the new *panchayat* ;

(3) Any vacancy in the office of the interim *panchayat*, shall be filled as soon as conveniently may be, by appointment by the <sup>1</sup>[Standing Committee] ;

2\* \* \* \* \*

(5) All arrears of rates, taxes and fees vesting in the interim *panchayat* shall be recoverable under the provisions of this Act as if the rates, taxes and fees were imposed and recoverable under this Act:

Provided that steps to recover arrears of rates, taxes and fees shall be taken within a period of three years from the date on which they vest in the interim *panchayat* ;

(6) In other respects the provisions of this Act shall, *mutatis mutandis*, apply to the interim *panchayat* and its members ;

(7) If any difficulty arises,—

(i) in the constitution of the interim *panchayat* or the new *panchayat* which succeeds it, or

(ii) in giving effect to the provisions of this section, the State Government may by order, as occasion may require, do notwithstanding anything contained in this Act or in any municipal law, anything which appears to it to be necessary to remove the difficulty.

159. (1) When two or more villages cease to be villages and the local areas constituting such villages are amalgamated and declared to be one village (hereinafter in this section referred to as "the amalgamated village"), by virtue of a notification under section 4, with effect from the date on which such notification is issued (hereinafter in this section referred to as "the said date") the following consequences shall ensue, that is to say,—

Effect to amalgamation of villages.

(a) the *panchayats* of such local areas shall cease to exist and all the members of such *panchayats* shall vacate office ;

<sup>1</sup> These words were substituted for the word "Collector" by Mah. 5 of 1962, s. 286, Tenth Sch.

<sup>2</sup> Sub-section (4) was deleted by Mah. 13 of 1975, s. 29.

(b) all powers and duties of such *panchayats* shall be exercised and performed by such person or persons (hereinafter referred to as the administrator or administrators) as the State Government appoints in this behalf ;

(c) the unexpended balance of the village funds and all the properties including arrears of rates, taxes and fees belonging to such *panchayats* and all rights and powers which prior to the said date, vested in such *panchayats* shall, subject to all charges and liabilities affecting the same, vest as the village fund,—

(i) in the administrator or administrators, until the *panchayat* for the amalgamated village is constituted and holds its first meeting under sub-section (I) of section 28, and

(ii) thereafter, in the amalgamated *panchayat* ;

(d) the unexpended balance of the village funds and all the properties (including arrears of rates, taxes and fees) shall, until the amalgamated *panchayat* is constituted and holds its first meeting, be utilised for the benefit of the inhabitants of such local areas in such manner as the administrator or administrators may think fit ;

(e) any appointment, notification, notice, tax, order, scheme, licence, permission, rule, by-law or form made, issued, imposed or granted in respect of such local areas and in force on the said date shall continue in force and be deemed to have been made, issued, imposed or granted in respect of the amalgamated village until it is superseded or modified by any appointment, notification, notice, tax, order, scheme, licence, permission, rule, by-law or form made, issued, imposed or granted under this Act ;

(f) all budget estimates, assessments, assessment lists, valuations or measurements made or authenticated by such *panchayats* immediately before the said date shall be deemed to have been made or authenticated in respect of the amalgamated village under this Act ;

(g) all debts and obligations incurred and all contracts made by or on behalf of such *panchayats* immediately before the said date and subsisting on the said date shall be deemed to have been incurred and made by the amalgamated *panchayat* in exercise of the powers conferred on it by this Act ;

(h) all officers and servants in the employ of such *panchayats* immediately before the said date shall be officers and servants of the amalgamated *panchayat* and shall, until other provision is made in accordance with this Act, receive salaries and allowances and be subject to the conditions of service to which they were entitled or subject on such date :

Provided that it shall be competent to the administrator or administrators or the amalgamated *panchayat*, subject however, to the previous sanction of the State Government, to discontinue the services of any officer or servants who, in his, their or its opinion, is not necessary or suitable to the requirements of the service of the amalgamated village, after giving such officer or servant such notice as is required to be given by the terms of his employment and every officer or servant whose services are discontinued, shall be entitled to such leave, pension, provident fund and gratuity, as he would have been entitled to take or receive on being invalided out of service, as if the *panchayat* in the employ of which he was, had not ceased to exist ;



(i) all proceedings pending at the said date before such *panchayats* shall be deemed to be transferred to, and continued by, the administrator or administrators or the amalgamated *panchayat*, as the case may be ;

(j) all appeals pending before such *panchayats* at the said date shall, so far as may be practicable, be disposed of by the administrator or administrators or the amalgamated *panchayat*, as the case may be ;

(k) all prosecutions instituted by or on behalf of such *panchayats* and all suits or other legal proceedings instituted by or against such *panchayats* or any officer of such *panchayats* pending at the said date shall be continued by or against the amalgamated *panchayat*.

(2) Within one year of the said date a *panchayat* for the amalgamated village shall be constituted in accordance with the provisions of this Act.

160. (1) Where any local area comprised within the limits of a village ceases to be a village and is declared as constituting two or more new villages by virtue of a notification under section 4, with effect from the date on which such notification is issued (hereinafter in this section referred to as "the said date"), the following consequences shall ensue, that is to say,—

(a) the *panchayat* constituted in respect of such local area shall cease to exist and all the members of the *panchayat* shall vacate office ;

(b) until *panchayats* are constituted for the new villages the State Government shall appoint an administrator or administrators to exercise the powers and perform the functions of the *panchayat* for each of the new villages ;

(c) the unexpended balance of the village fund and all the property (including arrears of rates, taxes and fees) belonging to such *panchayat* shall vest in the new *panchayat* in such proportion and in such manner as the State Government may direct ;

(d) the officers and servants of such *panchayat* shall be allocated by the State Government to the new *panchayats* in such manner as the State Government may direct ;

(e) subject to clauses (a) to (d) the provisions of section 159 shall *mutatis mutandis* apply to the administrator or administrators of the new *panchayats* and their members ;

1\* \* \* \* \*

(2) Within one year of the said date the *panchayats* for the new villages shall be constituted in accordance with the provisions of this Act.

(3) If any difficulty arises in giving effect to the provisions of section 159 or this section, the State Government may, by order, as the occasion may require, do anything which appears to it to be necessary to remove the difficulty.

## CHAPTER XIII

### CATTLE POUNDS

161. In any local area which is declared to be a village under section 4 of this Act, or deemed to be a village under sub-section (1) of section 186 the provisions of the Cattle-trespass Act, 1871, or any law corresponding to that Act in force in any part of the State shall cease to apply in relation to such local area : <sup>1 of 1871.</sup> Cattle-trespass Act, 1871, or any law corresponding to that Act in force in any part of the State shall cease to apply in relation to such local area : <sup>pass Act to cease to apply.</sup>

Provided that—

(a) nothing in this section shall affect the liability of any person to any penalty under any law so ceasing to be in force ;

<sup>1</sup> Clause (f) was deleted by Mah. 13 of 1975, s. 30.



(b) any appointment, notification, order, rule made or issued under any such law in respect of any cattle pounds within the limits of any *panchayat* area shall, so far as it is not inconsistent with the provisions of this Act, be deemed to have been made or issued under this Act and continue in force until superseded by any notification, order or rule made under this Act ;

(c) any cattle pound in the local area established under any law so ceasing to be in force shall be deemed to be vested in the *panchayat* within whose limits it is situate and shall be maintained and managed by the *panchayat* in accordance with the provisions of this Act.

162. (1) Notwithstanding anything contained in any law for the time being in force, every *panchayat* within the limits of its jurisdiction shall from time to time, appoint such places as it thinks fit to be public pounds, and may appoint to be keepers of such pounds such persons as may be approved by the District Magistrate. The duties of pound keepers shall be such as may be prescribed.

Power to establish cattle pounds and appoint pound keepers.

(2) Every pound keeper so appointed shall, in the performance of his duties, be subject to the direction and control of the *panchayat*.

163. (1) Whoever, within the limits of a village, allows any cattle which are his property or in his charge to stray in any street or to trespass upon any private or public property shall, on conviction, be punished—

Penalty for allowing cattle to stray in street or to trespass upon private or public property.

(i) for the first offence, with imprisonment for a term which may extend to one month or with fine which may extend to three hundred rupees or with both ;

(ii) for a second or subsequent offence, with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees, or with both.

(2) The Magistrate trying the offence under sub-section (1), may order,—

(a) that the accused shall pay such compensation, not exceeding two hundred and fifty rupees as the Magistrate considers reasonable, to any person for any damage proved to have been caused to his property or to the produce of land, by the cattle under the control of the accused, trespassing on his land ; and also,

(b) that the cattle in respect of which an offence has been committed shall be forfeited to the State Government.

(3) Any compensation awarded under sub-section (2) may be recovered as if it were a fine imposed under this section.

(4) An offence under this section shall be cognisable.

164. (1) It shall be the duty of every Police Officer and a Watch and Ward appointed by the *panchayat*, and it shall be lawful for any other person, to seize and take to any such public pound for confinement therein, any cattle found straying in any street or trespassing upon any private or public property within the limits of the village.

Impounding cattle.

(2) Whoever forcibly opposes the seizure of cattle liable to be seized under this Act, and whoever rescues the same after seizure, either from a pound or from any person taking or about to take them to a pound, shall, on conviction, be punished with imprisonment for a term not exceeding six months or with fine not exceeding five hundred rupees, or with both.

Delivery  
of cattle  
claimed.

165. If the owner of cattle which are impounded under section 164 or his agent appears and claims the cattle, the pound-keeper shall deliver them to him payment of the pound-fees and expenses chargeable in respect of such cattle under section 167.

Sale of cattle  
not claimed.

166. (1) If within ten days after any cattle has been impounded, no person appearing to be the owner of such cattle offers to pay the pound-fee and expenses chargeable under section 167 such cattle shall be forthwith sold by auction in the prescribed manner and the surplus remaining after deducting the fee and expenses aforesaid from the proceeds of the sale, shall be paid to any person who, within fifteen days after the sale, proves to the satisfaction of such officer as the *panchayat* authorises in this behalf, that he was the owner of such cattle and shall in any other case, form part of the village fund :

[Provided that, when a complaint is made under section 168, no auction shall be held until the complaint is examined and disposed of as provided by that section.]

(2) No Police Officer, or officer, member or servant of the *panchayat* including the pound-keeper shall, directly or indirectly, purchase any cattle at a sale under sub-section (1).

Pound-fees  
and expenses  
chargeable  
to be fixed.

167. (1) The pound-fee chargeable shall be such as the State Government may, from time to time, by notification in the *Official Gazette*, specify for each kind of cattle.

(2) The expenses chargeable shall be at such rates for each day during any part of which any cattle is impounded, as shall from time to time be fixed by the *panchayat* with the previous approval of the <sup>2</sup>[*Panchayat Samiti*]

Complaints  
of illegal  
seizure or  
detention.

168. (1) Any person whose cattle have been seized under this Act or having been so seized, have been detained in contravention of this Act, may, at any time within ten days from the date of the seizure, make a complaint to the Magistrate of the first class.

(2) The complaint shall be made by the complainant in person, or by an agent personally acquainted with the circumstances. If the Magistrate on examining the complaint or his agent sees reason to believe the complaint to be well founded, he shall summon the person complained against, and make an enquiry into the case.

(3) If the seizure or detention be adjudged illegal, the Magistrate shall award to the complainant for the loss caused by the seizure or detention reasonable compensation not exceeding one hundred rupees to be paid by the person who made the seizure or detained the cattle, together with all fees paid and expenses incurred by the complainant in procuring the release of the cattle, and, if the cattle have not been released the Magistrate shall, besides awarding such compensation order their release, and direct that the fees and expenses leviable under this Act shall be paid by the person who made the seizure or detained the cattle.

(4) The compensation, fees and expenses mentioned in this section may be recovered as if they were fines imposed by the Magistrate.

<sup>1</sup> This proviso was added, by Mah. 36 of 1965, s. 70.

<sup>2</sup> These words were substituted for the words "*Panchayat Mandal*" by Mah. 5 of 1962, s. 286, Tenth Sch.

168A. (1) In any local area within the jurisdiction of a *panchayat* to which the State Government may, by notification in the *Official Gazette*, apply this section, every pound-keeper shall, before releasing any impounded cattle, require the owner of the impounded cattle or his agent to make, in the prescribed form, a declaration regarding the ownership of such cattle and to deposit by way of security such sum as the State Government may, by rules, prescribe. Different scales may be prescribed for different areas or different classes of cattle.

Security in respect of impounded cattle.

(2) If any cattle belonging to such owner are impounded within a period of six months from the date on which the security is deposited, and if the seizure is not adjudged illegal, the amount of deposit or a part thereof, as may be directed by the State Government by rules made in this behalf, shall stand forfeited to the *panchayat*. If the cattle are not impounded as aforesaid, the amount of security deposit shall, on an application made by or on behalf of the depositor, be refunded to him on the expiry of that period.

(3) On every occasion on which the release of the cattle impounded under this Act is claimed, the owner of the cattle shall deposit a fresh security.

168B. (1) If a Mamlatdar, Tahsildar, Naib-Tahsildar or Mahalkari is satisfied that the crops or grass standing on any agricultural land or grazing land set apart for the use of cattle of one or more villages within the jurisdiction of a *panchayat* are likely to be damaged by cattle belonging to any persons (whether or not residents of such village or villages), who own more than twenty head of cattle, he may, by special or general order, direct the owner of such cattle to remove or cause to be removed, within a period specified in the order, all or any of the cattle to such place or places within the State as may be specified in the order.

Removal of cattle to specified places.

(2) If the owner of the cattle fails to remove the cattle as directed under sub-section (1), the Mamlatdar, Tahsildar, Naib-Tahsildar or Mahalkari, as the case may be, may direct a police officer not below the rank of a head constable to remove or cause to be removed such cattle to the place or places specified in the order.

(3) If the Mamlatdar, Tahsildar, Naib-Tahsildar or Mahalkari is satisfied that the order issued by him under sub-section (1) is contravened by any owner or keeper of cattle, he may impose a fine not exceeding five hundred rupees. Any fine so imposed, may, on failure of such owner or keeper to pay the same within the specified time, recovered by sale of all or any of the cattle ordered to be removed under sub-section (1).

#### CHAPTER XIV.

[Deleted by Mah. 13 of 1975, s. 31]

#### CHAPTER XV.

##### RULES AND BYE-LAWS.

176. (1) The State Government may, by notification in the *Official Gazette*, make Rules, rules for carrying into effect the purposes of this Act.

(2) In particular but without prejudice to the generality of the foregoing provision, the State Government may make rules—

(i) under section 4, regulating the manner in which inquiry may be held ;

(ii) under sub-section (1) of section 7, prescribing the date, place and time for meetings of the *Gram Sabha* ;

<sup>2</sup>[(ii-a) under clause (b) of sub-section (1) of section 10, prescribing the manner in which the number of wards and the number of members to be elected from each ward may be determined ;]

<sup>1</sup> Sections 168A and 168B were inserted by Mah. 36 of 1965, s. 71.

<sup>2</sup> This clause was inserted, *ibid.*, s. 73(1).

(iii) under sub-section (2) of section 10, <sup>1</sup>[the manner in which the Collector shall determine the number of seats to be reserved] for the Scheduled Castes and Scheduled Tribes in each *panchayat* and under sub-section (3) of the said section, prescribing the manner of publication of elected and appointed members of a *panchayat* ;

(iv) under section 11, prescribing the manner in which the election of members shall be held ;

<sup>2</sup>[(iv-aa) under sub-section (1) of section 29, prescribing the manner in which the resignation shall be delivered ;]

<sup>3</sup>[(iv-a) under section 32-A, prescribing the travelling and daily allowances to be paid to the members of the *panchayat* including its *Sarpanch* and *Upa-Sarpanch* ;]

(v) under sub-section (2) of section 33, prescribing the powers of, and the procedure to be followed by, the <sup>4\*</sup> \* \* officer presiding ;

<sup>5</sup>[(v-a) under sub-section (3) of section 34, prescribing the manner in which the notice of resignation shall be delivered ;]

(vi) prescribing the form of notice under sub-section (1) of section 35 ;

(vii) under section 36, prescribing the time and place of sitting and the procedure at a meeting of the *panchayat* ;

(viii) under sub-section (1) of section 38, prescribing the rules for the performance and exercising of powers and duties of *Sarpanch* by *Upa-Sarpanch* in the absence of *Sarpanch* ;

6\* \* \* \* \*

(ix) under sub-section (1) of section 43, regulating the manner in which the notice of a vacancy in the office of a *Sarpanch*, *Upa-Sarpanch* or members of a *panchayat* shall be given ;

(x) <sup>7</sup>[under entry 44 of Schedule I], prescribing the principles for the extension of village sites and regulation of buildings ;

<sup>8</sup>[(x-a) under sub-section (2B) of section 45, prescribing the limits subject to which grant-in-aid may be given by a *panchayat* to institutions specified in that sub-section ;]

(xi) <sup>9</sup>[under entry 50 of Schedule I], prescribing the persons in the village from whom and the manner in which the costs of watch and ward shall be levied and recovered ;

<sup>1</sup>These words were substituted for the words "prescribing the number of seats to be reserved" by Mah. 13 of 1975, s. 32 (a)(i).

<sup>2</sup>Clause (iv-aa) was inserted, *ibid.*, s. 32(a)(ii).

<sup>3</sup>This clause was inserted by Mah. 36 of 1965, s. 73(2).

<sup>4</sup>The words "Collector or other" were deleted by Mah. 5 of 1962, s. 286, Tenth Sch.

<sup>5</sup>This clause was inserted by Mah. 36 of 1965 s. 73(3).

<sup>6</sup>Clause (viii-a) was deleted by Mah. 4 of 1981, s. 4.

<sup>7</sup>This was substituted for the words, figures and letter "under section 45 (1) II(p)" by Mah. 36 of 1965, s. 73(5).

<sup>8</sup>Clause (x-a) was inserted by Mah. 13 of 1975, s. 32 (a)(iii).

<sup>9</sup>This was substituted for the words, figures and letter "under section 45(1) IV (aa)", by Mah. 36 of 1965, s. 73(6).

(xii) under the proviso to sub-section (2) of section 51, prescribing the manner of publishing the notice for the stoppage or discontinuance of public road or street;

<sup>1</sup>[(xii-a) under sub-section (1) of section 56, for the purposes of vesting property of the Zilla Parishad or Panchayat Samitis in a panchayat; and under sub-section (3) of the said section, for the purpose of vesting work in a panchayat;]

(xiii) under section 58, prescribing the custody in which all funds received by and all sums accruing to a panchayat shall be kept;

(xiv) under clause (c) of sub-section (3) of section 59, prescribing the manner in which the notice of any inquiry shall be given to any person;

2\* \* \*

<sup>3</sup>[(xv-a) under section 61, prescribing the rules regulating the terms and conditions of service of servants referred to therein;]

(xvi) under section 62, prescribing the date and form of the statement, the percentage of the total income from all sources to be contributed to the District Village Development Fund and the form in which account shall be kept;

4\* \* \*

5\* \* \*

(xxvi) under section 124, laying down the maximum and the minimum rates and the manner in which and the exemptions subject to which taxes and fees specified in the section shall be leviable;

(xxvii) under section 125, prescribing the manner in which the dispute regarding lump-sum contribution by factories may be referred to State Government;

(xxviii) under sub-section (1) of section 128, prescribing the maximum rate of tax;

(xxix) under sub-section (2) of section 129, prescribing the form of the writ to be presented to the defaulter;

(xxx) under sub-section (4) of section 129, prescribing the manner of distraint and sale of the movable property of the defaulter;

(xxxi) under sub-section (5) of section 129, prescribing the rates of fees for writ of demand, distress and cost of maintaining any live-stock seized;

<sup>6</sup>[(xxxii) under sub-section (6) of section 129, prescribing the manner of recovery of any tax or fee payable on demand;]

7\* \* \*

(xxxiv) prescribing the manner in which refunds may be allowed and paid, in respect of any amount of tax, fee or other sum, not due or paid in excess;

<sup>8</sup>[(xxxiv-a) under sub-section (3) of section 132B, prescribing for all matters connected with the Village Employment Fund;]

<sup>1</sup> This clause was inserted by Mah. 36 of 1965, s. 73(7).

<sup>2</sup> Clause (xv) was deleted by Mah. 11 of 1976, s. 3, Second Sch.

<sup>3</sup> This clause was inserted by Mah. 36 of 1965, s. 73(8).

<sup>4</sup> Clauses (xvii), (xviii), (xix), (xx), (xxi), (xxii), (xxiii), (xxiv) and (xxiv-a) were deleted by Mah. 13 of 1975, s. 32(a)(iv).

<sup>5</sup> Clause (xxv) was deleted by Mah. 36 of 1965, s. 73(11).

<sup>6</sup> Clause (xxxii) was inserted by Mah. 43 of 1962, s. 26, Sch.

<sup>7</sup> Clause (xxxiii) was deleted by Mah. 34 of 1970, s. 25.

<sup>8</sup> Clause (xxxiv-a) was inserted by Mah. 35 of 1972, s. 6.

1\* \* \* \* \*

(xxxvi) under section 133 prescribing the officer or authority in whom the District Village Development Fund shall vest, the manner of the investment of the fund, the rate of interest to be paid on the contributions made to the fund by *panchayats*, the purpose for which and the terms and conditions on which loans may be granted, and all matters incidental to the grant and repayment of such loans;

2\* \* \* \* \*

1\* \* \* \* \*

(xxxix) under section 135, prescribing the other functions which may be performed by a <sup>3</sup>[*Zilla Parishad* and *Panchayat Samiti*];

(xi) under section 136, prescribing the functions of the District Village Panchayat Officer;

(xli) under section 140, prescribing <sup>4</sup>[the authority by which and] the manner in which the audit of accounts of a *panchayat* shall be carried out;

(xlii) under section 162, prescribing the duties of the pound-keeper;

(xlili) under section 166, prescribing the manner in which auction shall be held;

<sup>5</sup>[(xlili-a) under section 168A, prescribing the form of, and the procedure relating to the declaration, and the scales of deposits to be made;]

(xliv) under sub-section (2) of section 179, prescribing the form of the warrant;

6\* \* \* \* \*

(xli) authorising the payment of contributions, at such rates and subject to such conditions as may be prescribed in such rules, to any provident fund which may be established by a *panchayat* or with the approval of the *panchayat* by the officers and servants of the *panchayat*;

(xlvii) for any other matter for which rules are required to be made under this Act, or generally for carrying out the purposes thereof.

(3) In making any rule under this section, the State Government may provide that for any breach thereof the offender shall, on conviction, be punished with fine which may extend to fifty rupees, and in the case of continuing breach, with fine which may extend to five rupees for every day during which the breach continues, after conviction for the first breach.

(4) The rules to be made under this section shall be subject to the condition of previous publication:

Provided that rules under clause (iii) of sub-section (2) may be made without previous publication.

<sup>7</sup>[(5) Every rule [except rules made under clause (xxvi) of sub-section (2)] made under this section shall be laid, as soon as may be, after it is made, before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions and if before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the

<sup>1</sup> Clauses (xxv) and (xxviii) were deleted by Mah. 5 of 1962, s. 286, Tenth Sch.

<sup>2</sup> Clause (xxvii) was deleted by Mah. 43 of 1962, s. 26, Sch.

<sup>3</sup> These words were substituted for the words "*Zilla Parishad*" by Mah. 36 of 1965, s. 73(12).

<sup>4</sup> These words were inserted by Mah. 13 of 1975, s. 32(a)(v).

<sup>5</sup> This clause was inserted by Mah. 36 of 1965, s. 73(13).

<sup>6</sup> Clause (xiv) was deleted by Mah. 13 of 1975, s. 32(a)(vi).

<sup>7</sup> Sub-section (5) was substituted for the original, *ibid.*, s. 32(b).



rule should not be made and notify such decision in the *Official Gazette*, the rule shall from the date of publication of such notification have effect only in such modified form or be of no effect, as the case may be; so, however, that any modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule.

(6) The draft of every rule made under clause (xxvi) of sub-section <sup>1</sup>[(2)] shall, as soon as may be after it is published in the *Official Gazette* as required by sub-section (4), be laid before each House of the State Legislature and shall be subject to such modifications as may be made by the State Legislature, before it is finally published as required by sub-section (1).]

177. (1) The <sup>2</sup>[Zilla Parishad] may, with the previous sanction of the Commissioner, make bye-laws generally for the carrying out of the purposes of this Act. Bye-laws.

(2) Without prejudice to the generality of the foregoing provision, the <sup>3</sup>[Zilla Parishad] may make bye-laws—

(a) under section 45—

(i) for the purification and protection from pollution of all sources of water used for drinking purposes;

(ii) for the prohibition of the removal or use for drinking purposes of any water from any stream, tank, well or other source, where such removal or use causes, or is likely to cause, disease or injury to health, and the prevention of such removal or use by the filling in or covering over of such tank, or well, or by any other method which may be considered advisable;

(iii) for the prohibition of the deposit or storage of manure, refuse or other offensive matter in a manner or in places prejudicial to the public health, comfort or convenience;

(iv) for the regulation of offensive callings, or trades;

(v) for the disposal of corpses by burning or burial;

(vi) for the excavation of earth and the filling up of excavations and depressions injurious to the health or offensive to the neighbourhood;

(vii) for the removal of noxious vegetation;

(viii) for the repair and removal of dangerous or ruinous buildings;

(ix) for the prevention of the erection of buildings without adequate provisions for ventilation, or the laying out and location of streets;

(x) for the control of fairs and bazars, and the regulations of markets, slaughter-houses and cart-stands;

(xi) for the inspection and destruction of unfit food and drink exposed for sale; and

(xii) for the general regulation of sanitation and conservancy and the disposal of carcasses of dead animals;

(b) under section 53 for the temporary erection on, or projections over, or temporary occupation of, any public street or place.

(3) Any bye-law made under the foregoing sub-sections may provide that a contravention thereof shall be punishable—

(a) with a fine which may extended to fifty rupees;

(b) in the case of a continuing contravention with a fine, which may extend to five rupees per day after conviction for the first contravention, during the period within which such contravention continues.

<sup>1</sup> These brackets and figure were substituted for the brackets and figure “(1)” by Mah. 11 of 1976, S. 3, Second Sch.

<sup>2</sup> These words were substituted for the words “Panchayat Mandal” by Mah. 5 of 1962, s. 86, Tenth Sch.

<sup>3</sup> These words were substituted for the words “District Village Panchayat Mandal”, *ibid.*

## CHAPTER XVI.

## MISCELLANEOUS.

Liability of members for loss, waste or misapplication.

178. (1) Every member of a *panchayat* shall be personally liable for the loss, waste or misapplication of any money or other property of the *panchayat* to which he has been party or which has been caused or facilitated by his misconduct or gross neglect of his duty as a member.

(2) If after giving the member concerned a reasonable opportunity for showing cause to the contrary, the Collector is satisfied that the loss, waste or misapplication of any money or other property of the *panchayat* is a direct consequence of misconduct or gross neglect on his part, the Collector shall by order in writing direct such member to pay to the *panchayat* before a fixed date, the amount required to reimburse it for such loss, waste or misapplication.

(3) If the amount is not so paid the Collector shall recover it as an arrear of land revenue and credit it to the village fund.

(4) Any person aggrieved by the decision of the Collector may apply to the District Court as provided in sub-section (6) of section 140, within the like time for redress of his grievance, and that Court may pass any order thereon which it can pass under that section.

Power of Collector to recover record and money.

179. (1) Where on an application of a *panchayat* <sup>1</sup>[or otherwise] the Collector is of the opinion that any person, who in his capacity <sup>2</sup>[as a *Sarpanch*, *Upa-Sarpanch*, member,] officer, servant, or Secretary of a *panchayat* had in his custody any record or money belonging to the *panchayat* is <sup>3</sup>[on his vacating or ceasing to hold, his office for any reason whatsoever,] or suspension from office, as the case may be, not likely to deliver such record or pay such money, the Collector may by a written order require that the record or money so detained be delivered or paid to the *panchayat* forthwith.

(2) If any such person as aforesaid shall not deliver the record or pay the money as directed, the Collector may cause him to be apprehended and may send him with a warrant in such form as may be prescribed, to be confined in a civil jail till he delivers up the record or pays the money:

Provided that no such person shall be so detained in confinement for a period longer than one calendar month.

(3) It shall be lawful for the Collector—

(a) for recovering any such money to direct that such money be recovered as an arrear of land revenue and on such direction being given, such money shall be recoverable as an arrear of land revenue from such person;

(b) for recovering any such record to issue a search warrant and to exercise all such powers with respect thereto as may lawfully be exercised by a magistrate under the provisions of Chapter VII of the Code of Criminal Procedure, 1898.

(4) No action under sub-section (1), (2) or (3) shall be taken unless reasonable opportunity has been given to the person concerned to show cause why such action should not be taken against him.

<sup>1</sup> These words were inserted by Mah. 43 of 1962, s. 26, Sch.

<sup>2</sup> These words were substituted for the words "as a member", *ibid.*

<sup>3</sup> These words were substituted for the words "on the expiry of his term of office or, after his removal" by Mah. 36 of 1965, s. 74.

180. (1) No action shall lie against any member, officer, servant or agent of a *panchayat* <sup>1\*</sup> \* \* acting under its direction, in respect of anything in good faith done under this Act or any rule or by-law. Bar of action against *panchayats*, etc., and previous notice before institution.

(2) No action shall be brought against any *panchayat* <sup>1\*</sup> \* \* or any member, officer, servant or agent of such *panchayat* <sup>1\*</sup> \* \* acting under its direction for anything done or purporting to have done by or under this Act, until the expiration of three months next after notice in writing has been left or delivered at the office of the *panchayat* <sup>1\*</sup> \* \* and also at the residence of the member, officer, servant or agent thereof against whom the action is intended to be brought. The notice shall state the cause of action, the nature of the relief sought, the amount of compensation claimed and the name and place of abode of the person who intends to bring the action.

(3) Every such action shall be commenced within six months after the accrual of the cause of action, and not afterwards.

(4) If any *panchayat* <sup>1\*</sup> \* \* or person to whom a notice under sub-section (2) is given shall, before an action is brought, tender sufficient amends to the plaintiff and pay into court the amount so tendered, the plaintiff shall not recover more than the amount so tendered. The plaintiff shall also pay all costs incurred by the defendant after such tender.

181. (1) No suit shall be commenced against any <sup>2</sup>[*Zilla Parishad*, Standing Committee or *Panchayat Samiti*] or against any officer or servant or a <sup>2</sup>[*Zilla Parishad*, Standing Committee or *Panchayat Samiti*] or any person, acting under the orders of a <sup>2</sup>[*Zilla Parishad*, Standing Committee or *Panchayat Samiti*] for anything done or purporting to have been done in pursuance of this Act, without giving to such <sup>2</sup>[*Zilla Parishad*, Standing Committee or *Panchayat Samiti*], officer, servant or person, one month's previous notice in writing of the intended suit and of the cause thereof nor after three months from the date of the act complained of. Bar of action against <sup>2</sup>[*Zilla Parishad*, Standing Committee or *Panchayat Samiti*], etc., and previous notice before institution.

(2) In the case of any such suit for damages, if tender of sufficient amounts shall have been made before the action was brought, the plaintiff shall not recover more than the amount so tendered, and shall pay all costs incurred by the defendant after such tender.

182. (1) The State Government may by notification in the *Official Gazette* authorise the Commissioner or any other officer to exercise <sup>3\*</sup> \* \* any of the powers which may be exercised by the State Government under this Act <sup>4\*</sup> \* \* Delegation of powers.

5\* \* \* \*

(4) Subject to the general or special orders of the State Government, the Commissioner or Collector may delegate to an officer not below the rank of a Mamlatdar, Tahsildar, Naib-Tahsildar or Mahalkari, powers exercisable by the Commissioner, or as the case may be, the Collector under this Act.

<sup>6</sup>[(5) Subject to the general or special orders of the State Government, the Chief Executive Officer may delegate to any officer working under a *Zilla Parishad* all or any of the powers exercisable by him under this Act.]

<sup>1</sup> The words "or *Naya Panchayat*" were deleted by Mah. 13 of 1975, s. 33.

<sup>2</sup> These words were substituted for the words "*Panchayat Mandal*" by Mah. 5 of 1962, s. 286, Tenth Sch.

<sup>3</sup> The words "in respect of *panchayats*" were deemed always to have been deleted by Mah. 34 of 1970, s. 26(1).

<sup>4</sup> The words "except the powers in respect of *Nyaya Panchayat* under Chapter VI" were deleted by Mah. 13 of 1975, s. 34(a).

<sup>5</sup> Sub-sections (2) and (3) were deleted *ibid.*, s. 34(b).

<sup>6</sup> Sub-section (5) was inserted by Mah. 43 of 1962, s. 26, Sch.

Local enquiry and reports by panchayat. 183. It shall be the duty of every *panchayat* to enquire and report in any of the following cases :—

(a) any case where a Magistrate has directed that a previous local investigation be made by a *panchayat* under section 202 of the Code of Criminal Procedure, 1898, and the words "such other person" in sub-section (1) of the said section shall be deemed to include a *panchayat* ; V of 1898.

(b) any case in which a Magistrate making an enquiry under section 488 of the Code of Criminal Procedure, 1898, may require from the *panchayat* in whose village either the wife or child for whose maintenance the application is made or the husband or parent respectively of such wife or child resides, report as to the amount of maintenance which, having regard to the circumstances of the parties, should be payable and such report shall be evidence in such enquiry : V of 1898.

Provided that no member of the *panchayat* shall be required to attend as a witness touching any matter on which the report is itself evidence, but the Magistrate may, in his discretion, call for a further report.

Members, etc., of panchayats. 184. Every member of a <sup>1\*</sup> \* \* \* *panchayat* <sup>2\*</sup> \* \* \* and every officer and servant maintained by or employed under a <sup>1\*</sup> \* \* \* *panchayat* <sup>2\*</sup> \* \* \* shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code. XLV of 1860.

Panchayat Samiti to exercise duties in respect of panchayat within its area. 184A. (1) Nothing in this Act shall be construed as empowering a *Panchayat Samiti* to exercise any powers or perform any functions under this Act in relation to a *panchayat* the area of which is not within its jurisdiction.

(2) If any Block comprises only a part of a village for which a *panchayat* has been established, the State Government may, by notification in the *Official Gazette*, declare which *Panchayat Samiti* shall exercise the powers and perform the functions under this Act in respect of such *panchayat*.]

Powers of police officers. 184B. It shall be the duty of every police officer to give immediate information to the *panchayat* <sup>6\*</sup> \* \* \* of any offence committed against this Act or the rules or bye-laws made thereunder, and to assist the *panchayat* <sup>6\*</sup> \* \* \* in the exercise of its lawful authority.]

Suspension of operation of Act, rules and by-laws. 184C. If the State Government is satisfied that circumstances have arisen by reason of earthquake or similar natural calamity rendering it necessary that certain provisions of this Act or any rules or by-laws made thereunder, which impede or delay the rapid rehabilitation or giving of relief to persons affected thereby, should be suspended or relaxed in the public interest, the State Government may, by notification in the *Official Gazette*, suspend or relax for such period and in such areas as may be specified in the notification the operation of any of the provisions of this Act or any rules or by-laws made thereunder.]

<sup>1</sup> The words " *Panchayat Mandal* or " were deleted by Mah. 5 of 1962, s. 286, Tenth Sch.

<sup>2</sup> The words " or *Nyaya Panchayat* " were deleted by Mah. 13 of 1975, s. 35(a).

<sup>3</sup> The words " or *Nyaya Panchayat* " were deleted, *ibid.*, s. 35(b).

<sup>4</sup> Section 184A was inserted by Mah. 5 of 1962, s. 286, Tenth Sch.

<sup>5</sup> Section 184B was inserted by Mah. 36 of 1965, s. 75.

<sup>6</sup> The words " or *Nyaya Panchayat* " were deleted by Mah. 13 of 1975, s. 36.

<sup>7</sup> Section 184C was inserted by Mah. 10 of 1968, s. 2. This section shall remain in force for a period of three years and then expire, except as respects things done or omitted to be done [See Mah. 10 of 1968, s. 1(2).]

Bom. 185. The Bombay Village Panchayats Act, 1933, or that Act in its application to Repeal.  
 VI of the Kutch area of the \*State of Bombay, the Saurashtra Gram Panchayat Ordinance,  
 1933. 1949, the Hyderabad Gram Panchayat Act, 1956 and the Central Provinces and  
 Sau. Berar Panchayats Act, 1946, are hereby repealed.  
 Ordi.  
 No.57.  
 of  
 1949.  
 Hyd.  
 Act  
 XVII  
 of  
 1956.  
 C.P.  
 and  
 Berar  
 Act I  
 of  
 1947.

186. Notwithstanding the repeal of the said laws and the foregoing provisions Savings.  
 of this Act—

(1) any local area declared to be a village immediately before the coming into force of this Act shall be deemed to be a village under this Act ;

(2) the *panchayats* constituted under the said Acts immediately before the said date (hereinafter called " the old *panchayats* ") shall be deemed to be *panchayats* of the respective villages (hereinafter called " the new *panchayats* ") ;

(3) the *Sarpanch*, the Deputy *Sarpanch* or *Upa-Sarpanch* and the members or *panchas* elected or appointed for the old *panchayats* and holding office immediately before the said date shall respectively be deemed to be the *Sarpanch*, the *Upa-Sarpanch*, and the members of the new *panchayats* ;

(4) the said *Sarpanch*, the *Upa-Sarpanch* and the members shall hold office as such *Sarpanch*, the *Upa-Sarpanch* and the members for the period for which they would have held office under the said Acts, subject however to the provisions relating to disqualifications, resignation, removal and vacancy provided in this Act ;

1\* \* \* \* \*

(6) the unexpended balance of the village fund and all the properties (including arrears of rates, taxes and fees) vesting in the old *panchayats* shall from the said date vest in the new *panchayats* and such arrears of rates, taxes and fees shall be recoverable under the provisions of this Act as if they had been imposed and recoverable under the provisions of this Act ;

1\* \* \* \* \*

(7) all debts and obligations incurred and all contracts made by or on behalf of the old *panchayats* immediately before the said date and subsisting on the said date shall be deemed to have been incurred and made by the new *panchayats* in exercise of the powers conferred on them by this Act ;

<sup>1</sup> Clauses (5) and (6A) were deleted by Mah. 13 of 1975, s. 37(a).

\* The words " State of Bombay " shall stand unmodified *vide* Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

(8) any appointment, notification, notice, tax, fees, order, scheme, licence, permission, rule, by-law, or form made, issued, imposed, or granted in respect of the said villages and in force on the date of the commencement of this Act shall in so far as they are not inconsistent be deemed to have been made, issued, imposed or granted under this Act in respect of the village and shall continue in force until it is superseded or modified by any appointment, notification, notice, tax, fee, order, scheme, licence, permission, rule, by-law or form made, issued, imposed or granted under this Act ;

(9) all budget estimates, assessments, assessments lists, valuations or measurements made or authenticated immediately before the commencement of this Act by the old *panchayats* shall be deemed to have been made or authenticated by the new *panchayats* under this Act ;

(10) the Secretaries, *Karbharis*, all officers and servants in the employ of the old *panchayats* immediately before the said date shall be the Secretaries, *Karbharis*, officers and servants of the new *panchayats* ;

(11) all proceedings pending before the old *Panchayats* <sup>1\*</sup> \* \* \* shall be deemed to have been instituted and to be pending before the new *Panchayats*, <sup>2\*</sup> \* \* \* and shall be heard and disposed of by the said *panchayats* <sup>3\*</sup> \* \* \* under this Act ;

(12) all appeals pending before the old *panchayats* at the said date shall be disposed of by the new *panchayats* ;

(13) all prosecutions instituted by or on behalf of the old *panchayats* and all suits or other legal proceedings instituted by or against the old *panchayats* or any officer of such *panchayats* pending at the said date shall be continued by or against the new *panchayats*. ;

(14) the Saurashtra Gram Panchayats Madhyastha Mandal constituted under section 45 of the Saurashtra Gram Panchayats Ordinance, 1949, or any District *Panchayat Mandal* or Taluka *Panchayat Mandal* appointed by it shall be dissolved and cease to function and any unexpended balances of money in their custody shall vest in the State Government. The provisions of sub-section (4) of section 60 shall, so far as may be applicable, apply in relation to the officers and servants of the Saurashtra Gram Panchayat Madhyastha Mandal, or the District Village Panchayat Mandal or Taluka Village Panchayat Mandal ;

(15) any reference to any enactment or in any instrument to any of the laws repealed or to any provision thereof or any authority elected or appointed thereunder shall be construed as a reference to the Bombay Village Panchayats Act, 1958, or to the corresponding provision thereof or to the corresponding authority elected or appointed thereunder.

<sup>1</sup> The words "and Nyaya Panchayats of the old Panchayats" were deleted by Mah. 13 of 1975, s. 37(b).

<sup>2</sup> The words "and Nyaya Panchayats of the New Panchayats, as the case may be," were deleted, *ibid.*

<sup>3</sup> The words "or Nyaya Panchayats, as the case may be," were deleted, *ibid.*

187. If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by an order published in the *Official Gazette*, do anything not inconsistent with the provisions of this Act which appear to it to be necessary or expedient for the purpose of removing the difficulty. Provision for removal of difficulties.

188. During such time as this Act and the rules and bye-laws made thereunder are in operation in any village, the enactments mentioned in Schedule II shall be amended, modified or repealed in the manner and to the extent specified in the third column thereof. Amendment of certain Acts.

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<sup>1</sup>[SCHEDULE I.

(VILLAGE LIST)

(See section 45)

**Subjects of Activities (including Development Activities)**

*Agriculture*

1. Making arrangement for co-operative management of lands and other resources in village, organisation of collective co-operative farming.
2. Improvement of agriculture (including provision of implements and stores) and establishment of model agricultural farms.
3. Bringing under cultivation waste and fallow lands vested by Government in the *panchayats*.
4. Reclamation of waste land and bringing waste land under cultivation with the previous permission of the State Government.
5. Establishment and maintenance of nurseries for production of improved seeds and encouraging their use.
6. Crop experiments.
7. Crop protection.
8. Ensuring conservation of manurial resources, preparing compost and sale of manure.
9. Securing minimum standards of cultivation in the village with a view to increasing agricultural production.
10. Assistance in the implementation of land reform schemes.
11. Establishment of granaries.

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<sup>1</sup> Schedule I was inserted by Mah. 36 of 1965, s. 77.





*Animal Husbandry.*

12. Improvement of cattle and cattle breeding and general care of livestock.

*Forests.*

13. Raising, preservation, improvement and regulation of the use of village forests and grazing lands including lands assigned under section 28 of the Indian Forest Act, 1927.

*Social Welfare.*

14. Relief of the crippled, destitute and the sick.
15. Promotion of social and moral welfare of the village including promotion of prohibition, the removal of untouchability, amelioration of the condition of backward classes, eradication of corruption and the discouragement of gambling and useless litigation.
16. Women's and Children's organisations and welfare.

*Education.*

17. Spread of education.
18. Other educational and cultural objects.
19. Provision of equipment and playgrounds for schools.
20. Adult literacy centres, libraries and reading rooms.
21. Rural Insurance.

*Medical and Public Health.*

22. Providing medical relief.
23. Maternity and child welfare.
24. Preservation and improvement of public health.
25. Taking of measures to prevent outbreak, spread or recurrence of any infectious disease.
26. Encouragement of human and animal vaccination.
27. Regulation by licencing or otherwise of tea, coffee and milk shops.
28. Construction and maintenance or control of slaughter houses.
29. Cleansing of public roads, drains, bunds, tanks and wells (other than tanks and wells used for irrigation) and other public places or works.
30. Reclaiming of unhealthy localities.
31. Removal of rubbish heaps, jungle growth, prickly pear, filling in of disused wells, insanitary ponds, pools, ditches, pits or hollows, prevention of water logging in irrigated areas and other improvement of sanitary conditions.
32. Construction and maintenance of public latrines.
33. Sanitation, conservancy, prevention and abatement of nuisance and disposal of unclaimed corpses and carcasses of dead animals.
34. Supply of water for domestic use and for cattle.
35. Excavation, cleansing and maintenance of ponds for the supply of water to animals.
36. Management and control of bathing or washing ghats which are not managed by any authority.
37. Provision, maintenance and regulation of burning and burial grounds.

*Buildings and Communications.*

38. Maintenance and regulation of the use of public buildings, tanks and wells (other than tanks and wells used for irrigation) vesting in or under the control of the *panchayat*.

39. Removal of obstruction and projections in public streets or places and in sites, not being private property, which are open to the public whether such sites are vested in the *panchayat* or belong to Government<sup>1</sup>[removal of unauthorized cultivation of any crop on any grazing land or any other land not being private property].

40. Construction, maintenance and repair of public roads, drains, bunds and bridges :

Provided that, if the roads, drains, bunds and bridges vest in any other public authority such works shall not be undertaken without the consent of that authority.

41. Planting of trees along roads, in market places and other public places and their maintenance and preservation.

42. Provision and maintenance of play-grounds, public parks and camping grounds.

43. Construction and maintenance of *dharmashalas*.

44. Extension of village sites and regulation of buildings in accordance with such principles as may be prescribed.

45. Lighting of the village.

*Irrigation.*

46. Minor irrigation.

*Industries and Cottage Industries.*

47. Promotion, improvement and encouragement of cottage and village industries.

*Co-operation.*

48. Organisation of credit societies and multipurpose co-operative societies.

49. Promotion of co-operative farming.

*Self Defence and Village Defence.*

50. Watch and Ward of the village :

Provided that the cost of watch and ward shall be levied and recovered by the *panchayat* from such person in the village, and in such manner, as may be prescribed.

51. Village Volunteer Force and Defence Labour Bank.

52. Rendering assistance in extinguishing fires and protecting life and property when fire occurs.

53. Regulating, checking and abating of offensive or dangerous trades or practices

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<sup>1</sup> These words were added by Mah. 34 of 1970, s. 27

*General Administration.*

54. Preparation, maintenance and upkeep of *panchayat* records.
55. Numbering of premises.
56. Registration of births, deaths and marriages in such manner and in such form as may be laid down by Government by general or special order in this behalf.
57. Collection of land revenue <sup>1</sup>[when entrusted by the State Government under] section 169
58. Maintenance of village records relating to land revenue in such manner and in such form as may be prescribed from time to time by or under any law relating to land revenue.
59. Preparation of plans for the development of the village.
60. Drawing up of programmes for increasing the output of agriculture and non-agricultural produce in the village.
61. Preparation of the statement showing requirement of supplies and finances needed for carrying out rural development schemes.
62. Establishment, control and management of cattle pounds.
63. Destruction of stray and ownerless dogs and pigs.
64. Disposal of unclaimed cattle.
65. Construction and maintenance of houses for the conservancy staff of the *panchayat*.
66. Reporting to proper authorities village complaints which are not removable by the *panchayat*.
67. Making surveys.
68. Acting as a channel through which assistance given by the Central or State Government for any purpose reaches the village.
69. Establishment, maintenance and regulation of fairs, pilgrimages and festivals
70. Establishment and maintenance of markets, provided no markets shall be established without prior permission of the *Zilla Parishad*.
71. Control of fairs, bazars, tonga stands and cart stands.
72. Establishment and maintenance of warehouses.
73. Establishment and maintenance of works or the provision of employment in times of scarcity.
- <sup>2</sup>[73-A. Provision of employment to needy local persons seeking manual work under any scheme for employment guarantee undertaken or adopted by, or transferred to, the *panchayat*.]
74. Preparation of statistics of unemployment.
75. Assistance to the residents when any natural calamity occurs.
76. Organising voluntary labour for community works and works for the uplift of the village.
77. Opening fair price shops.
78. Control of cattle stands, threshing floors, grazing grounds and community lands.]
- <sup>3</sup>[79. Securing <sup>4</sup>[or continuing] postal facilities of experimental post offices in the village by providing for payment of non-refundable contribution to the Posts and Telegraphs Department, wherever necessary.]

<sup>1</sup> These words were substituted for the words "to the extent provided under" by Mah. 50 of 1965, s. 3(c).

<sup>2</sup> Entry 73-A was added by G. N., R. D. D., No. VPA.1070/20354-E, dated 25th July 1970.

<sup>3</sup> Entry 79 was added by G. N., R. D. D., No. VPS. 1266/1737-E, dated 20th February 1969.

<sup>4</sup> These were inserted by G. N., R. D. D. No. VPS.1266/1737-E, dated 24th November 1970.

## SCHEDULE II

(See Section 188.)

Number and year of enactment	Subject or title	Extent of repeal or amendment
1	2	3
1. Bombay Act VII of 1867.	The Bombay District Police Act, 1867.	Sections 33 and 34 shall be repealed.
2. C.P. and Berar Act XXX-VIII of 1948.	The Central Provinces and Berar Local Government Act, 1948.	<p>(1) In section 3, in sub-section (9) the words "Subject to the general power of control vested in a <i>Sabha</i> over the <i>Gram Panchayats</i>" shall be deleted.</p> <p>(2) Section 52A shall be repealed.</p> <p>(3) In section 109, sub-section (1) shall be repealed.</p>
3. Hyderabad Act I of 1956.	The Hyderabad District Boards Act, 1955.	Section 203 shall be repealed.
4. Saurashtra Act XXV of 1956.	The Saurashtra District Panchayat Act, 1956.	<p>(1) In section 28, in the first paragraph for the words, "<i>Gram Panchayat</i>" wherever they occur the words "<i>Village Panchayat</i>", and for the words and letters "<i>Saurashtra Gram Panchayats Ordinance, 1949</i>" the words and letters "<i>the Bombay Village Panchayats Act, 1958</i>" shall respectively be substituted; and the proviso shall be repealed.</p> <p>(3) Sections 30 and 83 shall be repealed.</p>



# महाराष्ट्र शासन राजपत्र

असाधारण

प्राधिकृत प्रकाशन

गुरुवार, डिसेंबर २१, २००६ / अग्रहायण ३०, शके १९२८

स्वतंत्र संकलन म्हणून फाईल करण्यासाठी या भागाला वेगळे पृष्ठ क्रमांक दिले आहेत.

## भाग आठ

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधि व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Bombay Village Panchayats and the Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Act, 2006 (Mah. Act No. XXXVII of 2006), is hereby published under the authority of the Governor.

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

A. M. SHINDEKAR,  
Secretary to Government,  
Law and Judiciary Department.

### MAHARASHTRA ACT No. XXXVII OF 2006

(First published, after having received the assent of the Governor, in the "Maharashtra Government Gazette", on the 21st December 2006).

An Act further to amend the Bombay Village Panchayats Act, 1958 and the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961

Bom. WHEREAS it is expedient further to amend the Bombay Village  
III of Panchayats Act, 1958 and the Maharashtra Zilla Parishads and Panchayat  
1959. Samitis Act, 1961, for the purposes hereinafter appearing; it is hereby  
Mah. enacted in the Fifty-seventh Year of the Republic of India as Follows :—  
V of 1962.

#### CHAPTER I

#### PRELIMINARY

1. This Act may be called the Bombay Village Panchayats and the Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Act, 2006. Short title.

(८३२)

## CHAPTER II

### AMENDMENTS TO THE BOMBAY VILLAGE PANCHAYATS ACT, 1958.

Insertion  
of section  
10-1A in  
Bom. III of  
1959.

2. After section 10 of the Bombay Village Panchayats Act, 1958 (hereinafter referred to as "the Village Panchayats Act"), the following section shall be inserted, namely:—

Bom.  
III of  
1959.

Person  
contesting  
election  
for  
reserved  
seat to  
submit  
Caste  
Certificate  
and  
Validity  
Certificate.

"10-1A. Every person desirous of contesting election to a seat reserved for Scheduled Castes, Scheduled Tribes or, as the case may be, Backward Class of Citizens, shall be required to submit, alongwith the nomination paper, Caste Certificate issued by the Competent Authority and the Validity Certificate issued by the Scrutiny Committee in accordance with the provisions of the Maharashtra Scheduled Castes, Scheduled Tribes, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of ) Caste Certificate Act, 2000:

Mah.  
XXIII  
of  
2001.

Provided that, a person who has applied to the Scrutiny Committee for verification of his Caste Certificate before the date of filing of the nomination paper but who has not received the Validity Certificate on the date of filing of the nomination paper shall submit, alongwith the nomination paper,—

(i) a true copy of the application preferred by him to the Scrutiny Committee for issuance of the Validity Certificate or any other proof for having made such application to the Scrutiny Committee; and

(ii) an undertaking that he shall submit, within a period of three months from the date of his election, the Validity Certificate issued by the Scrutiny Committee:

Provided further that, if the person fails to produce the Validity Certificate within a period of three months from the date of his election, his election shall be deemed to have been terminated retrospectively and he shall be disqualified for being a member."

Amendment  
of section 14  
of Bom. III  
of 1959.

3. In section 14 of the Village Panchayats Act, sub-sections (2) and (3) shall be deleted.

Amendment  
of section 15  
of Bom. III  
of 1959.

4. In section 15 of the Village Panchayats Act, in sub-section (5), in clause (a), the words "or submitted a false claim or false caste certificate" shall be deleted.

### CHAPTER III

#### AMENDMENTS TO THE MAHARASHTRA ZILLA PARISHADS AND PANCHAYAT SAMITIS ACT, 1961.

Mah.  
V of  
1962.

5. After section 12 of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 (hereinafter referred to as "the Zilla Parishads Act"), the following section shall be inserted, namely :—

Insertion  
of section  
12A in  
Mah. V of  
1962.

Mah.  
XXIII  
of  
2001.

"12A. Every person desirous of contesting election to a seat reserved for Scheduled Castes, Scheduled Tribes or, as the case may be, Backward Class of Citizens, shall be required to submit, alongwith the nomination paper, Caste Certificate issued by the Competent Authority and the Validity Certificate issued by the Scrutiny Committee in accordance with the provisions of the Maharashtra Scheduled Castes, Scheduled Tribes, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of ) Caste Certificate Act, 2000:

Person  
contesting  
election  
for  
reserved  
seat to  
submit  
Caste  
Certificate  
and  
Validity  
Certificate.

Provided that, a person who has applied to the Scrutiny Committee for verification of his Caste Certificate before the date of filing of the nomination paper but who has not received the Validity Certificate on the date of filing of the nomination paper shall submit, alongwith the nomination paper,—

(i) a true copy of the application preferred by him to the Scrutiny Committee for issuance of the Validity Certificate or any other proof for having made such application to the Scrutiny Committee; and

(ii) an undertaking that he shall submit, within a period of three months from the date of his election, the Validity Certificate issued by the Scrutiny Committee:

Provided further that, if the person fails to produce the Validity Certificate within a period of three months from the date of his election, his election shall be deemed to have been terminated retrospectively and he shall be disqualified for being a member."

Amendment of section 16 of Mah. V of 1962. **6.** In section 16 of the Zilla Parishads Act, sub-sections (4) and (5) shall be deleted.

Amendment of section 58 of Mah. V of 1962. **7.** In section 58 of the Zilla Parishads Act, in sub-section (2), for the words and figures " sections 19 to 27" the words, figures and letter " sections 12A, 19 to 27" shall be substituted.





# महाराष्ट्र शासन राजपत्र

असाधारण

प्राधिकृत प्रकाशन

गुरुवार, डिसेंबर २१, २००६ / अग्रहायण ३०, शके १९२८

स्वतंत्र संकलन म्हणून फाईल करण्यासाठी या भागाला वेगळे पृष्ठ क्रमांक दिले आहेत.

## भाग आठ

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Bombay Village Panchayats (Amendment) Act, 2006 (Mah. Act No. XXXVIII of 2006), is hereby published under the authority of the Governor.

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

A. M. SHINDEKAR,  
Secretary to Government,  
Law and Judiciary Department.

### MAHARASHTRA ACT No. XXXVIII OF 2006.

(First published, after having received the assent of the Governor, in the "Maharashtra Government Gazette", on the 21st December 2006).

An Act further to amend the Bombay Village Panchayats Act, 1958.

Bom. III of 1959. WHEREAS, it is expedient further to amend the Bombay Village Panchayats Act, 1958, for the purposes hereinafter appearing; it is hereby enacted in the Fifty-seventh Year of the Republic of India as follows :—

1. This Act may be called the Bombay Village Panchayats (Amendment) Act, 2006. Short title.

Amend-  
ment of  
section 3  
of Bom. III  
of 1959.

2. In section 3 of the Bombay Village Panchayats Act, 1958 (herein- after referred to as "the principal Act"), after clause (4), the following clause shall be inserted, namely :—

Bom.  
III of  
1959.

"(4A) "Commissioner" means the Commissioner of a revenue division appointed under section 6 of the Maharashtra Land Revenue Code, 1966 ;".

Mah.  
XLI  
of  
1966.

Amend-  
ment of  
section 8  
of Bom. III  
of 1959.

3. In section 8 of the principal Act,—

(a) after sub-section (1), the following sub-section shall be inserted, namely :—

" (1A) The *panchayat* shall place the report of the expenditure incurred on the development activities before the *Gram Sabha* once in every six months, and display the information thereof on the notice board of the *panchayat*." ;

(b) in sub-section (2), for the words, brackets and figure " under sub-section (1) " the words, brackets, figures and letter " under sub-section (1) or sub-section (1A) " shall be substituted.

Amend-  
ment of  
section 14  
of Bom. III  
of 1959.

4. In section 14 of the principal Act, in sub-section (1), after clause (j-2), the following clause shall be inserted, namely :—

" (j-3) has encroached upon the Government land or public property ; or".

Amend-  
ment of  
section 38  
of Bom. III  
of 1959.

5. In section 38 of the principal Act, in sub-section (5), for the words, brackets and figures "sub-sections (3) and (4)" the words, brackets and figure "sub-section (4)" shall be substituted.

Amend-  
ment of  
section 39  
of Bom. III  
of 1959.

6. In section 39 of the principal Act,—

(a) for sub-section (1), the following sub-section shall be substituted, namely :—

" (1) The Commissioner may,—

(i) remove from office any member or any *Sarpanch* or *Upa-Sarpanch* who has been guilty of misconduct in the discharge of his duties, or of any disgraceful conduct, or of neglect of or incapacity to perform his duty, or is persistently remiss in the discharge thereof. A *Sarpanch* or an *Upa-Sarpanch* so removed may at the discretion of the Commissioner also be removed from the *panchayat* ; or

(ii) remove from office the member, *Sarpanch* or, as the case may be, *Upa-Sarpanch*, if not less than twenty per cent. of the total number of voters in the village who have paid all dues of the *panchayat* regarding taxes on buildings and lands and water charges, make a complaint that the annual accounts and the report of the expenditure incurred by the *panchayat* on the development

activities are not placed before the *Gram Sabha* ; and the information thereof is not displayed on the notice board as required by sub-section (1) or (1A) of section 8 :

Provided that, no such person shall be removed from office unless, in case of clause (i), the Chief Executive Officer or in case of clause (ii), the Deputy Chief Executive Officer as directed by the Chief Executive Officer ; under the orders of the Commissioner, holds an inquiry after giving due notice to the *panchayat* and the person concerned ; and the person concerned has been given a reasonable opportunity of being heard and thereafter the Chief Executive Officer or, as the case may be, the Deputy Chief Executive Officer concerned, through the Chief Executive Officer, submits his report to the Commissioner. The inquiry officer shall submit his report within a period of one month :

Provided further that, the Commissioner shall, after giving the person concerned a reasonable opportunity of being heard, take a decision on the report submitted by the Chief Executive Officer or, as the case may be, the Deputy Chief Executive Officer, within a period of one month from the date of receipt thereof. " ;

(b) for sub-sections (2) and (3), the following sub-sections shall be substituted, namely :—

" (2) The Commissioner may subject to like condition disqualify for a period of not exceeding five years, any person who has resigned his office as a member, *Sarpanch* or *Upa-Sarpanch* and has been guilty of the acts and omissions specified in sub-section (1).

(3) Any person aggrieved by an order of the Commissioner under sub-section (1) or (2) may, within a period of fifteen days from the date of the receipt of such order, appeal to the State Government and the Government shall decide the appeal within a period of one month from the date of receipt thereof. "

7. After section 39 of the principal Act, the following section shall be inserted, namely :—

Insertion  
of section  
39A in  
Bom. III of  
1959.

" **39A.** (1) Notwithstanding anything contained in section 39, the State Government may, *suo motu* or on an application made to it against any member, *Sarpanch* or *Upa-Sarpanch* regarding any act or omission specified in sub-section (1) of section 39, direct the Chief Executive Officer concerned to hold an inquiry against such member, *Sarpanch* or, as the case may be, *Upa-Sarpanch*, and submit its report, within a period of one month, to the Commissioner.

Power of  
Govern-  
ment to  
direct  
inquiry.

(2) The Commissioner shall, after giving a reasonable opportunity of being heard to the *panchayat* and the person concerned, take a decision, within a period of one month, on the inquiry report.

(3) Any person aggrieved by an order of the Commissioner under sub-section (2), may, within a period of fifteen days from the date of receipt of such order, appeal to the State Government and the decision of the Government thereon shall be final. "

Amend-  
ment of  
section 53  
of Bom. III  
of 1959.

8. In section 53 of the principal Act,—

(a) in sub-section (2), the following shall be added at the end, namely :—

"It shall be the duty of the *panchayat* to remove such obstruction or encroachment immediately after it is noticed or brought to its notice, by following the procedure mentioned above. ";

(b) in sub-section (2A),—

(i) the words "within such time as may be prescribed" shall be deleted ;

(ii) for the words "provided in that sub-section" the words "provided in that sub-section, and submit the report thereof to the Commissioner" shall be substituted ;

(c) in sub-section (3A), for the words "appeal to the Standing Committee and the Standing Committee, after making such enquiry as it thinks necessary, shall pass such orders as it deems necessary" the words "appeal to the Commissioner and the Commissioner, after making such enquiry as he thinks necessary, shall pass such orders as he deems necessary" shall be substituted.

Amend-  
ment of  
section 57  
of Bom. III  
of 1959.

9. In section 57 of the principal Act,—

(a) in sub-section (3), for the words, brackets and figures "Subject to the provisions of sub-section (5) of section 38, the Secretary shall be solely responsible for the safe custody of the village fund, the Village Water Supply Fund and other moneys received on behalf of the *panchayat*, from time to time, and shall operate them for the following purposes" the words "The Secretary and the *Sarpanch* shall be jointly responsible for the safe custody of the village fund, the Village Water Supply Fund and other moneys received on behalf of the *panchayat*, from time to time, and shall jointly operate them for the following purposes" shall be substituted ;

(b) in sub-section (4),—

(i) for the words, "*Sarpanch*" the word "*panchayat*" shall be substituted ;

(ii) the word "under his control" shall be deleted.

10. After section 60 of the principal Act, the following section shall be inserted, namely :—

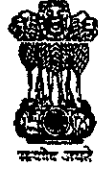
Insertion  
of section  
60A in  
Bom. III of  
1959.

"60A. (1) In addition to any other duties cast on the Secretary, it shall be the duty of the Secretary to prepare the report of the expenditure incurred by the *Panchayat* on the development activities to be placed before the *Gram Sabha* and display the information thereof on the notice board of the *Panchayat* as required by sub-section (1A) of section 8.

Certain  
duties of  
Secretary.

(2) If the Secretary fails to prepare the report of the expenditure incurred on the development activities to be placed before the *Gram Sabha* and display the information thereof on the notice board as required by sub-section (1), he shall be liable for disciplinary action under clause (v), (vi) or (vii) of rule 4 of the Maharashtra Zilla Parishads District Services (Discipline and Appeal) Rules, 1964."





# महाराष्ट्र शासन राजपत्र

असाधारण

प्राधिकृत प्रकाशन

सोमवार, जानेवारी २९, २००७/माघ ९, शके १९२८

स्वतंत्र संकलन म्हणून फाईल करण्यासाठी या भागाला वेगळे पृष्ठ क्रमांक दिले आहेत.

## भाग आठ

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधि व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद)

### ERRATA

In the English translation of the Bombay Village Panchayats (Amendment) Act, 2006 (Mah. Act No. XXXVIII of 2006) published in the *Maharashtra Government Gazette*, Extraordinary, Part VIII, dated the 21st December 2006, at pages 836 to 840, on page 839,—

- (1) in line 38, for "words," read "word";
- (2) in line 40, for "word" read "words".







# महाराष्ट्र शासन राजपत्र

असाधारण

प्राधिकृत प्रकाशन

शुक्रवार, जुलै २७, २००७ / श्रावण ५, शके १९२९

स्वतंत्र संकलन म्हणून फाईल करण्यासाठी या भागाला वेगळे पृष्ठ क्रमांक दिले आहेत.

## भाग आठ

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In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Bombay Village Panchayats and the Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Act, 2007 (Mah. Act No. XXI of 2007), is hereby published under the authority of the Governor.

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

A. M. SHINDEKAR,

Secretary to Government,  
Law and Judiciary Department.

### MAHARASHTRA ACT No. XXI OF 2007.

(first published, after having received the assent of the Governor, in the "Maharashtra Government Gazette", on the 27th July 2007).

An Act further to amend the Bombay Village Panchayats Act, 1958 and the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961.

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 further to amend the Bombay Village Panchayats Act, 1958 and the Maharashtra Zilla Parishads

Bom.  
III of  
1959.

(३९८)

भाग आठ—९२

[ किंमत : रुपये ९.०० ]

and Panchayat Samitis Act, 1961 for the purposes hereinafter appearing; and, therefore, promulgated the Bombay Village Panchayats and the Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Ordinance, 2007 on the 12th June 2007;

Mah.  
V of  
1962.  
Mah.  
Ord.  
IV of  
2007.

AND WHEREAS it is expedient to replace the said Ordinance by an Act of the State Legislature; it is hereby enacted in the Fifty-eighth Year of the Republic of India as follows :—

## CHAPTER I

### PRELIMINARY

Short title  
and  
commence-  
ment.

1. (1) This Act may be called the Bombay Village Panchayats and the Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Act, 2007.

(2) It shall be deemed to have come into force on the 12th June 2007.

## CHAPTER II

### AMENDMENTS TO THE BOMBAY VILLAGE PANCHAYATS ACT, 1958

Amendment  
of section  
10-1A of  
Bom. III of  
1959.

2. In section 10-1A of the Bombay Village Panchayats Act, 1958,—

Bom.  
III of  
1959.

(i) in the first proviso, in clause (ii), for the words “three months” the words “four months” shall be substituted;

(ii) in the second proviso, for the words “three months” the words “four months” shall be substituted.

## CHAPTER III

### AMENDMENTS TO THE MAHARASHTRA ZILLA PARISHADS AND PANCHAYAT SAMITIS ACT, 1961

Amendment  
of section  
12A of  
Mah. V of  
1962.

3. In section 12A of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961,—

Mah.  
V of  
1962.

(i) in the first proviso, in clause (ii), for the words “three months” the words “four months” shall be substituted;

(ii) in the second proviso, for the words “three months” the words “four months” shall be substituted.

## CHAPTER IV

## MISCELLANEOUS

Mah. Ord. IV of 2007. 4. (1) The Bombay Village Panchayats and the Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Ordinance, 2007, is hereby repealed. Repeal of Mah. Ord. IV of 2007 and saving.

Bom. III of 1959. Mah. V of 1962. (2) Notwithstanding such repeal, anything done or any action taken under the Bombay Village Panchayats Act, 1958 or, as the case may be, the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961, as amended by the said Ordinance, shall be deemed to have been done or taken under the corresponding provisions of the relevant Act, as amended by this Act.

7. 结论与讨论

1. The first of these is the fact that the United States has a large and growing population of people who are not citizens of the United States. This is a result of the large number of immigrants who have come to the United States in recent years, and the fact that many of these immigrants are not naturalized citizens.



# महाराष्ट्र शासन राजपत्र

असाधारण

प्राधिकृत प्रकाशन

शुक्रवार, जानेवारी ९, २००९/पौष १९, शके, १९३०

स्वतंत्र संकलन म्हणून फाईल करण्यासाठी या भागाला वेगळे पृष्ठ क्रमांक दिले आहेत.

## भाग आठ

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Bombay Village Panchayats and the Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Act, 2008 (Mah. V of 2009), is hereby published under the authority of the Governor.

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

H. B. PATEL,  
Secretary to Government,  
Law and Judiciary Department.

### MAHARASHTRA ACT No. V OF 2009.

(First published after having received the assent of the Governor in the "Maharashtra Government Gazette", on the 7th January 2009).

An Act further to amend the Bombay Village Panchayats Act, 1958 and the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961.

Bom. WHEREAS it is expedient further to amend the Bombay Village  
III of Panchayats Act, 1958 and the Maharashtra Zilla Parishads and  
1959. Panchayat Samitis Act, 1961, for the purposes hereinafter appearing ;  
Mah. it is hereby enacted in the Fifty-ninth Year of the Republic of India  
V of 1962. as follows :—

### CHAPTER I

#### PRELIMINARY.

1. (1) This Act may be called the Bombay Village Panchayats and the Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Act, 2008. Short title and commencement.

(३९)

[किंमत : रुपये २०.००]

(2) (a) Sections 1 and 7 shall come into force on the date of publication of this Act in the *Official Gazette*;

(b) The remaining sections shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

## CHAPTER II

### AMENDMENTS TO THE BOMBAY VILLAGE PANCHAYATS ACT, 1958.

Amendment of section 10-1A of Bom. III of 1959. 2. In section 10-1A of the Bombay Village Panchayats Act, 1958 (hereinafter referred to as "the Village Panchayats Act"), both the provisos shall be deleted. Bom. III of 1959.

Insertion of section 30-1A in Bom. III of 1959. 3. After section 30 of the Village Panchayats Act, the following section shall be inserted, namely:—

Person contesting election for reserved office of *Sarpanch* to submit Caste Certificate and Validity Certificate "30-1A. Every person desirous of contesting election to the office of the *Sarpanch* reserved for the Scheduled Castes, Scheduled Tribes or, as the case may be, Backward Class of citizens, shall be required to submit alongwith the nomination paper, Caste Certificate issued by the Competent Authority and the Validity Certificate issued by the Scrutiny Committee in accordance with the provisions of the Maharashtra Scheduled Castes, Scheduled Tribes, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000." Mah. XXIII of 2001.

## CHAPTER III

### AMENDMENTS TO THE MAHARASHTRA ZILLA PARISHADS AND PANCHAYAT SAMITIS ACT, 1961.

Amendment of section 12A of Mah. V of 1962. 4. In section 12A of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 (hereinafter referred to as "the Zilla Parishads and Panchayat Samitis Act"), both the provisos shall be deleted. Mah. V of 1962.

Amendment of section 42 of Mah. V of 1962. 5. In section 42 of the Zilla Parishads and Panchayat Samitis Act, after sub-section (6), the following sub-section shall be inserted, namely:—

"(6A) Every person desirous of contesting election to the office of the President reserved for the Scheduled Castes, Scheduled Tribes or, as the case may be, Backward Class of citizens, shall be required to submit alongwith the nomination paper, Caste Certificate issued by the Competent Authority and the Validity Certificate issued by the Scrutiny Committee in accordance with

Mah. the provisions of the Maharashtra Scheduled Castes, Scheduled  
XXIII Tribes, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes, Other  
of Backward Classes and Special Backward Category (Regulation of  
2001. Issuance and Verification of) Caste Certificate Act, 2000."

6. In section 67 of the Zilla Parishads and Panchayat Samitis Act, Amendment  
after sub-section (7): the following sub-section shall be inserted, namely:— of section  
67 of Mah.  
V of 1962.

Mah. "(7A) Every person desirous of contesting election to the office  
XXIII of the Chairman reserved for the Scheduled Castes, Scheduled  
of Tribes or, as the case may be, Backward Class of citizens, shall  
2001. be required to submit alongwith the nomination paper, Caste  
Certificate issued by the Competent Authority and the Validity  
Certificate issued by the Scrutiny Committee in accordance with  
the provisions of the Maharashtra Scheduled Castes, Scheduled  
Tribes, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes, Other  
Backward Classes and Special Backward Category (Regulation of  
Issuance and Verification of) Caste Certificate Act, 2000."

7. After section 75A of the Zilla Parishads and Panchayat Samitis Insertion of  
Act, the following section shall be inserted, namely:— section 75B  
in Mah. V  
of 1962.

"75B. Where for any reason, at any time, the offices of the Power of  
Chairman, Deputy Chairman and Chairman of the Committee of State  
*Sarpanchas* under section 77A become vacant simultaneously, then Government  
notwithstanding anything contained in this Act or the rules made to authorise  
thereunder, pending the election of the new Chairman or the Deputy officer to  
Chairman, the State Government may, by order published in the exercise  
*Official Gazette*, authorise the Chief Executive Officer or such other powers and  
officer as may be specified by it in that behalf,— perform  
duties, when  
offices of all  
presiding  
officers are  
vacant  
simultaneously.

(a) to exercise all the powers and to perform all the duties of  
the *Panchayat Samiti* and the Committee of *Sarpanchas*, including  
those of the Chairman, Deputy Chairman and Chairman of the  
Committee of *Sarpanchas*, to the exclusion of the members; or

(b) to exercise all the powers and perform all the duties of the  
Chairman, Deputy Chairman and Chairman of the Committee of  
*Sarpanchas*."

#### CHAPTER IV

#### MISCELLANEOUS.

8. For the removal of doubt, it is hereby declared that, the election Removal of  
to a reserved seat to the Village *Panchayats* or *Panchayat Samitis* or doubt  
Zilla Parishads, before the date of coming into force of sections 2, 3,  
Bom. 4, 5, 6 and 8 of this Act, shall be regulated by the relevant provisions  
III of of the Bombay Village Panchayats Act, 1958 or the Maharashtra Zilla  
1959. Parishads and Panchayat Samitis Act, 1961, as they existed immediately  
Mah. before such date of commencement.  
V of  
1962.







# महाराष्ट्र शासन राजपत्र

असाधारण

प्राधिकृत प्रकाशन

बुधवार, फेब्रुवारी ४, २००९/माघ १५, शके १९३०

स्वतंत्र संकलन म्हणून फाईल करण्यासाठी या भागाला वेगळे पृष्ठ क्रमांक दिले आहेत.

## भाग आठ

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

### ERRATUM

In the English Translation of the Bombay Village Panchayats and the Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Act, 2008 (Mah. V of 2009), published in the *Maharashtra Government Gazette*, Extraordinary, Part VIII, dated the 9th January 2009, at pages 39-41, on page 39. in line 14 for "7th January " read "9th January ".



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# महाराष्ट्र शासन राजपत्र

## असाधारण भाग आठ

वर्ष १, अंक ५३ (३)

गुरुवार, डिसेंबर २४, २००९/पौष ३, शके १९३१

[ पृष्ठे ७, किंमत : रुपये २०.०० ]

असाधारण क्रमांक १०५

### प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Bombay Provincial Municipal Corporations and the Bombay Village Panchayats (Amendment) Act, 2009 (Mah. Act No. XXVII of 2009), is hereby published under the authority of the Governor.

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

H. B. PATEL,

Secretary to Government,  
Law and Judiciary Department.

### MAHARASHTRA ACT NO. XXVII OF 2009.

[First published, after having received the assent of the Governor, in the "Maharashtra Government Gazette", on the 24th December 2009].

An Act further to amend the Bombay Provincial Municipal Corporations Act, 1949 and the Bombay Village Panchayats Act, 1958.

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 further to amend the Bombay Provincial Municipal Corporations Act, 1949 and the Bombay Village Panchayats Act, 1958, for the purposes hereinafter appearing ; and, therefore, promulgated the Bombay Provincial Municipal Corporations and the Bombay Village Panchayats (Amendment) Ordinance, 2009, on the 31st August 2009 ;

Bom. LIX  
of 1949.  
Bom. III  
of 1959.  
Mah. Ord.  
XXI of  
2009.

(१)

AND WHEREAS it is expedient to replace the said Ordinance by an Act of the State Legislature ; it is hereby enacted in the Sixtieth Year of the Republic of India as follows :—

## CHAPTER I

### PRELIMINARY

- Short title and commencement. 1. (1) This Act may be called the Bombay Provincial Municipal Corporations and the Bombay Village Panchayats (Amendment) Act, 2009.
- (2) It shall be deemed to have come into force on the 31st August 2009.

## CHAPTER II

### AMENDMENTS TO THE BOMBAY PROVINCIAL MUNICIPAL CORPORATIONS ACT, 1949.

- Amendment of section 2 of Bom. LIX of 1949. 2. In section 2 of the Bombay Provincial Municipal Corporations Act, 1949 (hereinafter, in this Chapter, referred to as "the Provincial Corporations Act"),—
- Bom. LIX of 1949.

(a) in clause (6A), for the words, figures and brackets "but does not include octroi as defined in clause (42)", the following shall be substituted, namely :—

"but does not include Local Body Tax, as defined in clause (31A) or the octroi as defined in clause (42)" ;

(b) after clause (31), the following clause shall be inserted, namely :—

"(31A) "Local Body Tax" means a tax on the entry of goods into the limits of the City, for consumption, use or sale therein, levied in accordance with the provisions of Chapter XIB, but does not include cess as defined in clause (6A) and octroi as defined in clause (42) ;" ;

(c) in clause (42), for the words, figure, letter and brackets "but does not include a cess as defined in clause (6A) ", the following shall be substituted, namely :—

"but does not include a cess as defined in clause (6A) or Local Body Tax, as defined in clause (31A) ".

- Amendment of section 99 of Bom. LIX of 1949. 3. In section 99 of the Provincial Corporations Act, after the words, figure and brackets "sub-section (2) of the said section" the words, brackets and letters "(excluding Local Body Tax under clause (aaa) thereof)" shall be inserted.

4. After section 99A of the Provincial Corporations Act, the following sections shall be inserted, namely:—

Insertion of sections 99B and 99C in Bom. LIX of 1949. Determination of categories of goods for Local Body Tax.

“99B. The State Government shall, on or before the twentieth day of the February each year, after considering the proposal of the Commissioner in this behalf, and subject to the limitations and conditions prescribed in Chapter XIB, determine the rates and the extent to which the taxes referred to in clause (aaa) of sub-section (2) of section 127, shall be levied, for various categories of goods in the next ensuing official year and notify such rates and extent in the *Official Gazette*.

99C. In the event it is decided first time to levy Local Body Tax specified in clause (aaa) of sub-section (2) of section 127, if the Local Body Tax can not, by following the provisions of section 99B and the other relevant provisions of this Act, be brought into force on the 1st day of April of any year, then in that case, notwithstanding anything contained in section 99B, the State Government may, by notification in the *Official Gazette*, subject to the limitations and conditions laid down in Chapter XIB and the rules, determine the rates at and the extent to which and the date from which, the Local Body Tax shall be levied; and thereupon, the Local Body Tax shall be levied at the rates, extent and from the date so notified, and all the relevant provisions of this Act shall, so far as may be, apply to the Local Body Tax as if the procedure laid down by section 99B and the other provisions of this Act had been followed.”

Provisions of section 99B not to apply to Local Body Tax to be first levied.

5. In section 127 of the Provincial Corporations Act, in sub-section (2), after clause (aa), the following clause shall be inserted, namely:—

Amendment of section 127 of Bom. LIX of 1949.

“(aaa) Local Body Tax on the entry of the goods into the limits of the City for consumption, use or sale therein, in lieu of octroi or cess, if so directed by the State Government by notification in the *Official Gazette*.”

6. After section 149 of the Provincial Corporations Act, the following section shall be inserted, namely:—

Insertion of section 149A in Bom. LIX of 1949.

Bom.  
LX of  
1958.

“149A. (1) The stamp duty leviable under the Bombay Stamp Act, 1958, on instruments of sale, gift and usufructuary mortgage, respectively, of immovable property shall, in the case of any such instrument relating to immovable property situated in the City to which the provisions of clause (aaa) of sub-section (2) of section 127 apply (hereinafter in this section referred to as “the notified City”); and executed on and after such date as may be specified by the State Government by notification in the *Official Gazette*, be increased by a surcharge at the rate of one per cent. in the case of sale or gift, on the value of the property so situated and in the case of an instrument of

Additional Stamp duty on certain transfers of immovable properties in municipal areas.

usufructuary mortgage on the amount secured by the instrument as set forth in the instrument and shall be collected accordingly under the said Act.

(2) For the purposes of this section, section 28 of the Bombay Stamp Act, 1958, shall be read and enforced as if it specifically required the particulars therein referred to be set forth separately in respect of,— Bom. LX of 1958.

(a) the property situated in the notified City; and

(b) the property situated in any other area.

(3) The State Government shall, every year, after due appropriation made by law in this behalf, pay to the Corporation of each of the notified City, a grant-in-aid approximately equal to the amount of additional duty realized on account of the surcharge levied under this section in respect of immovable properties situated within the jurisdiction of that Corporation.

(4) The sum of money required to meet the expenditure by the State Government under sub-section (3), shall be charged on the Consolidated Fund of the State.

(5) The Government may, by notification in the *Official Gazette*, make rules to carry out the purposes of this section.

(6) All rules made under this section shall be subject to the condition of previous publication.

(7) Every rule made under this section, shall be laid as soon as may be, after it is made, before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, and notify such decision in the *Official Gazette*, the rule shall from the date of publication of such notification have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule.”

Insertion of  
Chapter  
XIB in Bom.  
LIX of 1949.

7. After section 152O of the Provincial Corporations Act, the following Chapter and sections shall be inserted, namely:—

## “CHAPTER XIB

### PROVISIONS RELATING TO LOCAL BODY TAX

Levy of  
Local Body  
Tax.

**152P.** Subject to the provisions of this Chapter and the rules, the Corporation, to which the provisions of clause (aaa) of sub-section (2) of section 127 apply, may, for the purposes of this Act, levy and collect Local Body Tax on the entry of goods specified by the State Government by notification in the *Official Gazette*, into the limits of the City, for consumption, use or sale therein, at the rates specified in such notification.

**152Q.** The State Government may, after considering the proposal of the Commissioner in this behalf, and by notification in the *Official Gazette*, specify various categories of goods on which no Local Body Tax shall be leviable.

Certain goods not liable to Local Body Tax.

**152R.** The provisions of sections 152B, 152D, 152E, 152F, 152G, 152I, 152J, 152K, 152L, 152M, 152N and 152O of Chapter XIA shall *mutatis mutandis*, apply to levy and collection of Local Body Tax under this Chapter.

Applicability of certain provisions of Chapter XIA.

**152S.** The Commissioner may, for the purposes of levy, collection and recovery of Local Body Tax under this Act, assess such dealers for such period and in such manner as may be prescribed.

Assessment of Dealers.

**152T.** (1) The State Government may, by notification in the *Official Gazette*, make rules to carry out the purposes of this Chapter.

Power of State Government

(2) All rules made under this section shall be subject to the condition of previous publication.

Government to make rules for the purposes of this Chapter.

(3) Every rule made under this section, shall be laid as soon as may be, after it is made, before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, and notify such decision in the *Official Gazette*, the rule shall from the date of publication of such notification have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule."

### CHAPTER III

#### AMENDMENTS TO THE BOMBAY VILLAGE PANCHAYATS ACT, 1958.

Bom. 8. In section 3 of the Bombay Village Panchayats Act, 1958 Amendment  
III of (hereinafter, in this Chapter, referred to as "the Village Panchayats of section 3  
1959. Act"),— of Bom. III  
of 1959.

(a) after clause (4), the following clause shall be inserted, namely :—

"(5) "Designated Authority" means the authority designated by the State Government for the purpose of levy and collection of the Local Body Tax;"

(b) after clause (11), the following clauses shall be inserted, namely :—

"(11A) "Local Body Tax" means a tax on the entry of goods, into the limits of any village falling within the limits of the notified area within the meaning of clause (11B), for consumption, use or sale therein, levied in accordance with the provisions of section 124A ;

(11B) "notified area" means the area, adjacent to the City, notified by the State Government for the purposes of levy of the Local Body Tax, as defined in clause (11A) to which the provisions of clause (aaa) of sub-section (2) of section 127 and other provisions of the Bombay Provincial Municipal Corporations Act, 1949 in respect of levy, assessment and recovery of the Local Body Tax, apply ;"

Bom.  
LIX of  
1949.

Insertion of  
section  
124A in  
Bom. III of  
1959.

9. After section 124 of the Village Panchayats Act, the following section shall be inserted, namely :—

Provisions  
relating to  
Local Body  
Tax.

" 124A. (1) Every *Panchayat* in a notified area shall levy and collect the Local Body Tax on entry of goods for consumption, use or sale in such notified area in accordance with the provisions of this section.

(2) The State Government may, by general or special order, designate any authority, Secretary of the *Panchayat* or any other officer to be the Designated Authority.

(3) It shall be the responsibility of the Designated Authority to levy and collect the Local Body Tax on the entry of the goods into the notified area, for consumption, use or sale therein in accordance with the provisions of Chapter XIB of the Bombay Provincial Municipal Corporations Act, 1949, and the rules made thereunder and to deposit or cause to be deposited into the treasury of the Government, such Local Body Tax.

Bom.  
LIX of  
1949.

(4) The State Government shall, every year, after due appropriation made by law in this behalf, place in the hands of the Collector to pay to each of the *Panchayats* whose area falls within a notified area, a grant-in-aid approximately equal to the amount of the Local Body Tax collected from the area of that *Panchayat*.

(5) The sum of money required to meet the expenditure by the State Government under sub-section (4), shall be charged on the Consolidated Fund of the State."



## CHAPTER IV

### MISCELLANEOUS.

Mah. 10. (1) The Bombay Provincial Municipal Corporations and the  
Ord. Bombay Village Panchayats (Amendment) Ordinance, 2009, is hereby  
XXI of repealed.  
2009.

Repeal of  
Mah. Ord.  
XXI of 2009  
and saving.

Bom. (2) Notwithstanding such repeal, anything done or any action taken  
LIX of (including any notification or order issued) under the Bombay Provincial  
1949. Municipal Corporations Act, 1949 or, as the case may be, the Bombay  
Bom. Village Panchayats Act, 1958, as amended by the said Ordinance, shall  
III of be deemed to have been done, taken or issued, as the case may be, under  
1959. the corresponding provisions of the said Acts, as amended by this Act.



# महाराष्ट्र शासन राजपत्र

## असाधारण भाग आठ

वर्ष २, अंक २०]

गुरुवार, मे ६, २०१०/वैशाख १६, शके १९३२

[पृष्ठ ३, किंमत : रुपये १९.००

असाधारण क्रमांक ४२

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Bombay Village Panchayats and Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Act, 2010 (Mah. Act No. XVI of 2010), is hereby published under the authority of the Governor.

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

H. B. PATEL,  
Secretary to Government,  
Law and Judiciary Department.

### MAHARASHTRA ACT No. XVI of 2010.

(First Published, after having received the assent of the Governor in the "Maharashtra Government Gazette" on the 6th May 2010).

An Act further to amend the Bombay Village Panchayats Act, 1958 and the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961.

Bom. III of 1959. WHEREAS it is expedient further to amend the Bombay Village  
Mah. V of 1962. Panchayats Act, 1958 and the Maharashtra Zilla Parishads and  
Panchayat Samitis Act, 1961, for the purposes hereinafter  
appearing, it is hereby enacted in the Sixty-first Year of the  
Republic of India as follows :—

### CHAPTER I

#### PRELIMINARY

1. This Act may be called the Bombay Village Panchayats and Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Act, 2010. Short title.

## CHAPTER II

AMENDMENTS TO THE BOMBAY VILLAGE  
PANCHAYATS ACT, 1958.

Amendment of section 14 of Bom. III of 1959. **2.** In section 14 of the Bombay Village Panchayats Act, 1958 (hereinafter, in this Chapter, referred to as "the Village Panchayats Act"), in sub-section (1), after clause (j-3,) the following clause shall be inserted, namely :—

"(j-4) has been disqualified by the State Election Commission under section 14B; or".

Insertion of section 14B in Bom. III of 1959. **3.** After section 14A of the Village Panchayats Act, the following section shall be inserted, namely :—

Disqualification by State Election Commission. **"14B. (1)** If the State Election Commission is satisfied that a person,—

(a) has failed to lodge an account of election expenses within the time and in the manner required by the State Election Commission, and

(b) has no good reason or justification for such failure, the State Election Commission may, by an order published in the *Official Gazette*, declare him to be disqualified and such person shall be disqualified for being a member of *panchayat* or for contesting an election for being a member for a period of five years from the date of the order.

(2) The State Election Commission may, for reasons to be recorded, remove any disqualification under sub-section (1) or reduce the period of any such disqualification."

## CHAPTER III

AMENDMENTS TO THE MAHARASHTRA ZILLA  
PARISHADS AND PANCHAYAT SAMITIS ACT, 1961.

Insertion of section 15B in Mah. V of 1962. **4.** After section 15A of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 (hereinafter, in this Chapter, referred to as "the Zilla Parishads Act"), the following section shall be inserted, namely :—

Disqualification by State Election Commission. **"15B. (1)** If the State Election Commission is satisfied that a person,—

(a) has failed to lodge an account of election expenses within the time and in the manner required by the State Election Commission, and

(b) has no good reason or justification for such failure, the State Election Commission may, by an order published in the *Official Gazette*, declare him to be disqualified and such person shall be disqualified for being a Councillor or for contesting an election for being a Councillor for a period of five years from the date of the order.

Bom.  
III of  
1959.Mah.  
V of  
1962.

(2) The State Election Commission may, for reasons to be recorded, remove any disqualification under sub-section (1) or reduce the period of any such disqualification.”

5. In section 16 of the Zilla Parishads Act, in sub-section (1), after clause (n), the following clause shall be inserted, namely :—

Amendment  
of section  
16 of Mah.  
V of 1962.

“(o) if he has been disqualified by the State Election Commission under section 15B.”

6. After section 62 of the Zilla Parishads Act, the following section shall be inserted, namely :—

Insertion of  
section 62A  
in Mah. V  
of 1962.

“62A. (1) If the State Election Commission is satisfied that a person,—

Disqualifi-  
cation by  
State  
Election  
Commission.

(a) has failed to lodge an account of election expenses within the time and in the manner required by the State Election Commission, and

(b) has no good reason or justification for such failure, the State Election Commission may, by an order published in the *Official Gazette*, declare him to be disqualified and such person shall be disqualified for being a member or for contesting an election for being a member for a period of five years from the date of the order.

(2) The State Election Commission may, for reasons to be recorded, remove any disqualification under sub-section (1) or reduce the period of any such disqualification.”





# महाराष्ट्र शासन राजपत्र

## असाधारण भाग आठ

वर्ष २, अंक ३०(३) ]

सोमवार, ऑगस्ट २, २०१०/श्रावण ११, शके १९३२

[ पृष्ठे ३, किंमत : रुपये १९.००

असाधारण क्रमांक ६२

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Bombay Village Panchayats (Amendment) Act, 2010 (Mah. Act No. XXIII of 2010), is hereby published under the authority of the Governor.

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

H. B. PATEL,  
Secretary to Government,  
Law and Judiciary Department.

### MAHARASHTRA ACT No. XXIII OF 2010.

(First published, after having received the assent of the Governor in the "Maharashtra Government Gazette", on the 2nd August 2010).

An Act further to amend the Bombay Village Panchayats Act, 1958.

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 further to amend the Bombay Village Panchayats Act, 1958, for the purposes hereinafter appearing; and, therefore, promulgated the Bombay Village Panchayats (Amendment) Ordinance, 2010, on the 9th June 2010;

Bom.  
III of  
1959.  
Mah.  
Ord.  
V of  
2010.

AND WHEREAS it is expedient to replace the said Ordinance by an Act of the State Legislature; it is hereby enacted in the Sixty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Bombay Village Panchayats (Amendment) Act, 2010.

Short title and  
commencement.

(१)

(2) It shall be deemed to have been come into force on the 9th June 2010.

Amendment of section 10-1A of Bom. III of 1959. 2. To section 10-1A of the Bombay Village Panchayats Act, 1958 (hereinafter referred to as "the principal Act"), the following provisos shall be added, namely :— Bom. III of 1959.

" Provided that, for the General or bye-elections for which the last date of filing of nomination falls on or before the 31st December 2010, in accordance with the election programme declared by the State Election Commission, a person who has applied to the Scrutiny Committee for verification of his caste certificate before the date of filing of the nomination paper but who has not received the Validity Certificate on the date of filing of the nomination paper shall submit, alongwith the nomination paper,—

(i) a true copy of the application preferred by him to the Scrutiny Committee for issuance of the Validity Certificate or any other proof of having made such application to the Scrutiny Committee ; and

(ii) an undertaking that he shall submit, within a period of four months from the date of his election, the Validity Certificate issued by the Scrutiny Committee :

Provided further that, if the person fails to produce the Validity Certificate within a period of four months from the date of his election, his election shall be deemed to have been terminated retrospectively and he shall be disqualified for being a member."

Amendment of section 30-1A of Bom. III of 1959. 3. To section 30-1A of the principal Act, the following provisos shall be added, namely :—

" Provided that, for the General or bye-elections for which the last date of filing of nomination falls on or before the 31st December 2010, in accordance with the election programme declared by the State Election Commission, a person who has applied to the Scrutiny Committee for verification of his caste certificate before the date of filing of the nomination paper but who has not received the Validity Certificate on the date of filing of the nomination paper shall submit, alongwith the nomination paper,—

(i) a true copy of the application preferred by him to the Scrutiny Committee for issuance of the Validity Certificate or any other proof of having made such application to the Scrutiny Committee ; and

(ii) an undertaking that he shall submit within a period of four months from the date of his election, the Validity Certificate issued by the Scrutiny Committee :

Provided further that, if the person fails to produce the Validity Certificate within a period of four months from the date of his election, his election shall be deemed to have been terminated retrospectively and he shall be disqualified for being a *Sarpanch*."

- Mah. 4. (1) The Bombay Village Panchayats (Amendment) Ordinance, 2010, Repeal of  
Ord. is hereby repealed. Mah. Ord.  
V of 2010  
2010. (2) Notwithstanding such repeal, anything done or any action taken and saving.  
(including any notification or order issued) under the principal Act, as  
amended by the said Ordinance, shall be deemed to have been done, taken  
or, as the case may be, issued under the principal Act, as amended by  
this Act.







# महाराष्ट्र शासन राजपत्र

## असाधारण भाग आठ

वर्ष २, अंक ४६(३)] शनिवार, डिसेंबर १८, २०१०/अग्रहायण २७, शके १९३२ [ पृष्ठे २, किंमत : रुपये १९.००

असाधारण क्रमांक ९१

### प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Bombay Village Panchayats (Second Amendment) Act, 2010 (Mah. Act No. XXVIII of 2010), is hereby published under the authority of the Governor.

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

H. B. PATEL,  
Secretary to Government,  
Law and Judiciary Department.

### MAHARASHTRA ACT No. XXVIII OF 2010.

(First published, after having received the assent of the Governor, in the "Maharashtra Government Gazette" on the 18th December 2010).

An Act further to amend the Bombay Village Panchayats Act, 1958.

Bom. III WHEREAS it is expedient further to amend the Bombay Village  
of 1959. Panchayats Act, 1958, for the purposes hereinafter appearing; it is hereby enacted in the Sixty-first Year of the Republic of India as follows :—

1. (1) This Act may be called the Bombay Village Panchayats (Second Amendment) Act, 2010. Short title and commencement.
- (2) It shall be deemed to have come into force on the 9th June 2010.

Amendment of section 10-1A of Bom. III of 1959. 2. In section 10-1A of the Bombay Village Panchayats Act, 1958 (hereinafter referred to as "the principal Act"),—

(a) in the first proviso, in clause (ii), for the words "four months" the words "seven months" shall be substituted;

(b) in the second proviso, for the words "four months" the words "seven months" shall be substituted.

Amendment of section 30-1A of Bom. III of 1959. 3. In section 30-1A of the principal Act,—

(a) in the first proviso, in clause (ii), for the words "four months" the words "seven months" shall be substituted;

(b) in the second proviso, for the words "four months" the words "seven months" shall be substituted.



# महाराष्ट्र शासन राजपत्र असाधारण भाग आठ

वर्ष २, अंक ४८ ]

गुरुवार, डिसेंबर २३, २०१०/पौष २, शके १९३२

[ पृष्ठ २, किंमत : रुपये १९.००

असाधारण क्रमांक ९६

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Bombay Village Panchayats and Maharashtra Zilla Parishads and Panchayat Samitis (Second Amendment) Act, 2010 (Mah. Act. No XXXIII of 2010), is hereby published under the authority of the Governor.

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

H. B. PATEL,  
Secretary to Government,  
Law and Judiciary Department.

## MAHARASHTRA ACT NO. XXXIII OF 2010.

(First Published, after having received the assent of the Governor in the "Maharashtra Government Gazette", on the 23rd December 2010).

An Act further to amend the Bombay Village Panchayats Act, 1958 and the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961.

Bom. WHEREAS, it is expedient further to amend the Bombay Village  
III of Panchayats Act, 1958 and the Maharashtra Zilla Parishads and Panchayat  
1959. Samitis Act, 1961, for the purposes hereinafter appearing; it is here by  
Mah. enacted in the sixty-first Year of the Republic of India as follows :—  
Ord. V of  
1962.

### CHAPTER I

#### PRELIMINARY

1. (1) This Act may be called the Bombay Village Panchayats and Maharashtra Zilla Parishads and Panchayat Samitis (Second Amendment) Act, 2010.

Short title  
and  
commence-  
ment.

(2) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

भाग आठ—९६-१

(१)

## CHAPTER II

### AMENDMENT TO THE BOMBAY VILLAGE PANCHAYATS ACT, 1958.

Amendment of section 14 of Bom. III of 1959. 2. In section 14 of the Bombay Village Panchayats Act, 1958 in Bom. III of 1959. sub-section (1), after clause (j-4), the following clause shall be inserted, namely :

“(j-5) fails to submit a certificate of the concerned *panchayat*, alongwith the resolution of the *Gram Sabha* certifying that,—

(i) he resides in a house owned by him and has a toilet in such house and he regularly uses such toilet; or

(ii) he resides in a house not owned by him and has a toilet in such house and he regularly uses it or he has no such toilet but regularly uses the public toilet; or

Provided that, no member of a *panchayat* shall be disqualified under this clause, if he submits such certificate, within ninety days from the date of commencement of the Bombay Village Panchayats and Maharashtra Zilla Parishads and Panchayat Samitis (Second Amendment) Act, 2010; or”

## CHAPTER III

### AMENDMENT TO THE MAHARASHTRA ZILLA PARISHADS AND PANCHAYAT SAMITIS ACT, 1961.

Amendment of section 16 of Mah. V of 1962. 3. In section 16 of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961, in sub-section (1), after clause (o), the following clause shall be inserted, namely :—

“(p) he has failed to submit a certificate of the concerned *panchayat*, alongwith a resolution of the *Gram Sabha* certifying that,—

(i) he resides in a house owned by him and has a toilet in such house and he regularly uses such toilet; or

(ii) he resides in a house not owned by him and has a toilet in such house and he regularly uses it or he has no such toilet but regularly uses the public toilet;

Provided that, no Councillor shall be disqualified under this clause, if he submits such certificate, within ninety days from the date of commencement of the Bombay Village Panchayats and Maharashtra Zilla Parishads and Panchayat Samitis (Second Amendment) Act, 2010.



# महाराष्ट्र शासन राजपत्र

## असाधारण भाग आठ

वर्ष २, अंक ५६ ]

मंगळवार, जानेवारी १८, २०११/माघ २८, शके १९३२

[ पृष्ठे १, किंमत : रुपये १९.००

असाधारण क्रमांक ६

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

### ERRATUM

In the English translation of the Bombay Village Panchayats and Maharashtra Zilla Parishads and Panchayat Samitis (Second Amendment) Act, 2010 (Mah. Act No. XXXIII of 2010), published in the *Maharashtra Government Gazette*, Part VIII, Extraordinary No. 96, dated the 23rd December 2010, at pages 1-2, on page 2,—

- (a) in line 3, for " 1958 in " read " 1958, in " ;
- (b) against line 15, in the margin, read " Mah. XXXIII of 2010. " ;
- (c) in line 31, for " Provided that " read " Provided that, ".

(१)

भाग आठ—६-१



# महाराष्ट्र शासन राजपत्र

## असाधारण भाग आठ

वर्ष ३, अंक १२ (७)]

गुरुवार, एप्रिल २१, २०११/वैशाख १, शके १९३३

[ पृष्ठ ३, किंमत : रुपये १४.००

असाधारण क्रमांक ५४

### प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Bombay Village Panchayats and the Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Act, 2011 (Maharashtra Act No. XIX of 2011), is hereby published under the authority of the Governor.

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

**H. B. PATEL,**  
Secretary to Government,  
Law and Judiciary Department.

### MAHARASHTRA ACT No. XIX OF 2011.

(First published, after having received the assent of the Governor, in the "Maharashtra Government Gazette", on the 21st April 2011).

An Act further to amend the Bombay Village Panchayats Act, 1958 and the Maharashtra Zilla Parishads and Panchayats Samitis Act, 1961.

Bom. WHEREAS it is expedient further to amend the Bombay Village  
III of Panchayats Act, 1958 and the Maharashtra Zilla Parishads and  
1959 Panchayat Samitis Act, 1961, for the purposes hereinafter appearing ;  
Mah.V of it is hereby enacted in the Sixty-second Year of the Republic of India  
1962 as follows :—

1. This Act may be called the Bombay Village Panchayats and the Short title  
Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Act,  
2011.

(१)

Amendment  
of section  
10 of Bom.  
III of 1959

2. In section 10 of the Bombay Village Panchayats Act, 1958 (hereinafter referred to as "the Village Panchayats Act"), in sub-section (2),—

Bom.  
III of  
1959

(a) in clause (b), in the third proviso, for the words "one third of the total number of seats" the words "one-half of the total number of seats" shall be substituted ;

(b) in clause (c), in the third proviso, for the words "one third of the total number of seats" the words "one-half of the total number of seats" shall be substituted ;

(c) in clause (d), for the words "one third" the words "one-half" shall be substituted.

Amendment  
of section  
30 of Bom.  
III of 1959.

3. In section 30 of the Village Panchayats Act, in sub-section (4),—

(a) in clause (a), in the third proviso, for the words "one third of the total number of offices" the words "one-half of the total number of offices" shall be substituted ;

(b) in clause (b), in the proviso, for the words "one third of the offices" the words "one-half of the offices" shall be substituted ;

(c) in clause (c), for the words "one third of the total number of offices of *Sarpanchas*" the words "one-half of the total number of offices of *Sarpanchas*" shall be substituted.

Amendment  
of section  
12 of Mah.  
V of 1962.

4. In section 12 of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 (hereinafter referred to as "the Zilla Parishads Act"), in sub-section (2),—

Mah.  
V of  
1962.

(a) in clause (b), in the third proviso, for the words "one third of the total number of seats" the words "one-half of the total number of seats" shall be substituted ;

(b) in clause (c), in the third proviso, for the words "one third of the total number of seats" the words "one-half of the total number of seats" shall be substituted ;

(c) in clause (d), for the words "one third" the words "one-half" shall be substituted.

Amendment  
of section  
42 of Mah.  
V of 1962.

5. In section 42 of the Zilla Parishads Act,—

(1) in sub-section (4),—

(a) in clause (a), in the third proviso, for the words "one third of the total number of offices" the words "one-half of the total number of offices" shall be substituted ;

(b) in clause (b), in the proviso, for the words "one third of the offices" the words "one-half of the offices" shall be substituted ;



(c) in clause (c), for the words "one third" the words "one-half" shall be substituted ;

(2) sub-section (5) shall be deleted.

6. In section 58 of the Zilla Parishads Act, in sub-section (1B),—

Amendment  
of section  
58 of Mah.  
V of 1962.

(a) in clause (b), in the third proviso, for the words "one third of the total number of seats" the words "one-half of the total number of seats" shall be substituted ;

(b) in clause (c), in the third proviso, for the words "one third of the total number of seats" the words "one-half of the total number of seats" shall be substituted ;

(c) in clause (d), for the words "one third" the words "one-half" shall be substituted.

7. In section 67 of the Zilla Parishads Act,—

Amendment  
of section  
67 of Mah.  
V of 1962.

(1) in sub-section (5),—

(a) in clause (a), in the third proviso, for the words "one third of the total number of offices" the words "one-half of the total number of offices" shall be substituted ;

(b) in clause (b), in the proviso, for the words "one third of the offices" the words "one-half of the offices" shall be substituted ;

(c) in clause (c), for the words "one third" the words "one-half" shall be substituted ;

(2) sub-section (6) shall be deleted.

Bom.III  
of  
1959  
Mah.V  
of  
1962.

8. (1) If any difficulty arises in giving effect to the provisions of the Bombay Village Panchayats Act, 1958 and the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961, as amended by this Act or by reason of anything contained therein, or in giving effect to any of these Acts in respect of the matters contained in 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 :

Power to  
remove  
difficulties.

Provided that, no such order shall be made after the expiry of the period of two years from the date of commencement of this Act.

(2) Every order made under sub-section (1) shall be laid, as soon as may be, after it is made, before each House of State Legislature.





# महाराष्ट्र शासन राजपत्र

## असाधारण भाग आठ

वर्ष ३, अंक २८ (३)]

बुधवार, ऑगस्ट १०, २०११/श्रावण १९, शके १९३३

| पृष्ठ ३, किंमत : रुपये १४.००

असाधारण क्रमांक ८१

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Bombay Village Panchayats (Amendment) Act, 2011 (Mah. Act No. XXVII of 2011), is hereby published under the authority of the Governor.

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

H. B. PATEL,  
Secretary to Government,  
Law and Judiciary Department.

### MAHARASHTRA ACT No. XXVII OF 2011.

(First published, after having received the assent of the Governor, in the "Maharashtra Government Gazette", on the 10th August 2011).

An Act further to amend the Bombay Village Panchayats Act, 1958.

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 further to amend the Bombay Village Panchayats Act, 1958, for the purposes hereinafter appearing; and, therefore, promulgated the Bombay Village Panchayats (Amendment) Ordinance, 2011, on the 8th June 2011;

AND WHEREAS it is expedient to replace the said Ordinance by an Act of the State Legislature; it is hereby enacted in the Sixty-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Bombay Village Panchayats (Amendment) Act, 2011.

Short title and  
commencement.

(2) It shall be deemed to have come into force on the 8th June 2011.

Amendment  
of section  
10-1A of  
Bom. III of  
1959.

2. In section 10-1A of the Bombay Village Panchayats Act, 1958 (hereinafter referred to as "the principal Act"), for the existing provisos, the following provisos shall be substituted, namely :—

Bom.  
III of  
1959.

"Provided that, for the General or bye-elections for which the last date of filing of nomination falls on or before the 31st December 2011, in accordance with the election programme declared by the State Election Commission, a person who has applied to the Scrutiny Committee for verification of his Caste Certificate before the date of filing of the nomination papers but who has not received the Validity Certificate on the date of filing of the nomination papers shall submit, alongwith the nomination papers,—

(i) a true copy of the application preferred by him to the Scrutiny Committee for issuance of the Validity Certificate or any other proof of having made such application to the Scrutiny Committee; and

(ii) an undertaking that he shall submit, within a period of four months from the date on which he is declared elected, the Validity Certificate issued by the Scrutiny Committee;

Provided further that, if the person fails to produce the Validity Certificate within a period of four months from the date on which he is declared elected, his election shall be deemed to have been terminated retrospectively and he shall be disqualified for being a member."

Amendment  
of section  
30-1A of  
Bom. III of  
1959.

3. In section 30-1A of the principal Act, for the existing provisos, the following provisos shall be substituted, namely :—

"Provided that, for the General or bye-elections for which the last date of filing of nomination falls on or before the 31st December 2011, in accordance with the election programme declared by the State Election Commission, a person who has applied to the Scrutiny Committee for verification of his Caste Certificate before the date of filing of the nomination papers but who has not received the Validity Certificate on the date of filing of the nomination papers shall submit, alongwith the nomination papers,—

(i) a true copy of the application preferred by him to the Scrutiny Committee for issuance of the Validity Certificate or any other proof of having made such application to the Scrutiny Committee; and

(ii) an undertaking that he shall submit, within a period of four months from the date on which he is declared elected, the Validity Certificate issued by the Scrutiny Committee;

Provided further that, if the person fails to produce the Validity Certificate within a period of four months from the date on which he is declared elected, his election shall be deemed to have been terminated retrospectively and he shall be disqualified for being a *Sarpanch*."

- Mah. Ord. XV of 2011. 4. (1) The Bombay Village Panchayats (Amendment) Ordinance, 2011, is hereby repealed. (2) Notwithstanding such repeal, anything done or any action taken (including any notification or order issued) under the principal Act, as amended by the said Ordinance, shall be deemed to have been done, taken or, as the case may be, issued under the corresponding provisions of the principal Act, as amended by this Act.
- Repeal of Mah. Ord. XV of 2011 and saving.





# महाराष्ट्र शासन राजपत्र

## असाधारण भाग आठ

वर्ष ३, अंक ४९]

बुधवार, डिसेंबर २८, २०११/पौष ७, शके १९३३

[पृष्ठ ३, किंमत : रुपये १४.००

असाधारण क्रमांक १२५

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Bombay Village Panchayats and Maharashtra Zilla Parishads and Panchayat Samitis (Second Amendment) Act, 2011 (Mah. Act No. XXXIX of 2011), is hereby published under the authority of the Governor.

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

H. B. PATEL,  
Secretary to Government,  
Law and Judiciary Department.

### MAHARASHTRA ACT No. XXXIX of 2011

(First published, after having received the assent of the Governor, in the "Maharashtra Government Gazette" on the 28th December 2011).

An Act further to amend the Bombay Village Panchayats Act, 1958 and the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961.

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 further to amend the Bombay Village Panchayats Act, 1958 and the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961, for the purposes hereinafter appearing; and, therefore, promulgated the Bombay Village Panchayats and Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Ordinance, 2011, on the 5th October 2011 ;

Bom. III  
of 1959.  
Mah. V  
of 1962.  
Mah.  
Ord.  
XIX of  
2011.

(१)

AND WHEREAS it is expedient to replace the said Ordinance by an Act of the State Legislature; it is hereby enacted in the Sixty-second Year of the Republic of India as follows :—

## CHAPTER I

### PRELIMINARY

Short title and commencement. 1. (1) This Act may be called the Bombay Village Panchayats and Maharashtra Zilla Parishads and Panchayat Samitis (Second Amendment) Act, 2011.

(2) It shall be deemed to have come into force on the 5th October 2011.

## CHAPTER II

### AMENDMENT TO THE BOMBAY VILLAGE PANCHAYATS ACT, 1958

Amendment of section 14 of Bom. III of 1959. 2. In section 14 of the Bombay Village Panchayats Act, 1958, in sub-section (1), in clause (j-5),—

Bom.  
III of  
1959.

(a) for the existing proviso, the following proviso shall be substituted and shall be deemed to have been substituted with effect from the 10th January 2011, namely:—

“ Provided that, no member of a *panchayat* shall be disqualified under this clause, if he submits such certificate to the Block Development Officer, within a period of one year from the 10th January 2011, being the date of commencement of the Bombay Village Panchayats and Maharashtra Zilla Parishads and Panchayat Samitis (Second Amendment) Act, 2010:”;

Mah.  
XXXIII  
of  
2010.

(b) after the proviso, as so substituted, the following proviso shall be added, namely:—

“ Provided further that, nothing contained in this clause shall affect the member holding office on the 10th January 2011, who has not submitted the certificate within a period of ninety days from the said date, as required under the provisions of this Act, as amended by the Bombay Village Panchayats and Maharashtra Zilla Parishads and Panchayat Samitis (Second Amendment) Act, 2010; and he shall not be deemed to be disqualified and shall continue to hold his office for a period of one year from the said date, unless he is disqualified under any other provisions of this Act or any other law for the time being in force; or ”.

Mah.  
XXXIII  
of  
2010.

## CHAPTER III

### AMENDMENT TO THE MAHARASHTRA ZILLA PARISHADS AND PANCHAYAT SAMITIS ACT, 1961

Amendment of section 16 of Mah. V of 1962. 3. In section 16 of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961, in sub-section (1), in clause (p),—

Mah.  
V of  
1962.

(a) for the existing proviso, the following proviso shall be substituted and shall be deemed to have been substituted with effect from the 10th January 2011, namely:—



Mah.  
XXXIII  
of  
2010.

"Provided that, no Councillor shall be disqualified under this clause, if he submits such certificate to the Chief Executive Officer, within a period of one year from the 10th January 2011, being the date of commencement of the Bombay Village Panchayats and Maharashtra Zilla Parishads and Panchayat Samitis (Second Amendment) Act, 2010:"

(b) after the proviso, as so substituted, the following proviso shall be added, namely:—

Mah.  
XXXIII  
of  
2010.

"Provided further that, nothing contained in this clause shall affect the Councillor holding office on the 10th January 2011, who has not submitted the certificate within a period of ninety days from the said date, as required under the provisions of this Act, as amended by the Bombay Village Panchayats and Maharashtra Zilla Parishads and Panchayat Samitis (Second Amendment) Act, 2010; and he shall not be deemed to be disqualified and shall continue to hold his office for a period of one year from the said date, unless he is disqualified under any other provisions of this Act or any other law for the time being in force."

#### CHAPTER IV

#### MISCELLANEOUS

Bom.  
III of  
1959.  
Mah. V  
of  
1962.

4. (1) If any difficulty arises in giving effect to the provisions of this Act by reason of anything contained therein, or in giving effect to the provisions of the Bombay Village Panchayats Act, 1958 or, the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961, as the case may be, in respect of any matter contained in this Act, the State Government may, as occasion arises, by order published in the *Official Gazette*, do anything which appears to it to be necessary for the purpose of removing the difficulty :

Removal of  
difficulty.

Provided that, no such order shall be made after expiry of the period of two years from the date of commencement of this Act.

(2) Every order issued under sub-section (1) shall be laid, as soon as may be, after it is issued, before each House of the State Legislature.

Mah.  
Ord.  
XIX of  
2011.

5. (1) The Bombay Village Panchayats and Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Ordinance, 2011, is hereby repealed.

Repeal of  
Mah. Ord. XIX  
of 2011 and  
saving.

Bom.  
III of  
1959.  
Mah. V  
of  
1962.

(2) Notwithstanding such repeal, anything done or any action taken (including any notification or order issued) under the corresponding provisions of the Bombay Village Panchayats Act, 1958 and the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961, as amended by the said Ordinance, shall be deemed to have been done, taken or issued, as the case may be, under the corresponding provisions of the relevant Act, as amended by this Act.





# महाराष्ट्र शासन राजपत्र असाधारण भाग आठ

वर्ष ४, अंक २८ (३) | शनिवार, ऑगस्ट ४, २०१२/श्रावण १३, शके १९३४ | पृष्ठे ४, किंमत : रुपये १८.००

असाधारण क्रमांक ४५

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Bombay Village Panchayats (Second Amendment) Act, 2012 (Mah. Act No. XVI of 2012), is hereby published under the authority of the Governor.

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

H. B. PATEL,

Secretary to Government,  
Law and Judiciary Department.

## MAHARASHTRA ACT No. XVI OF 2012.

(First published, after having received the assent of the Governor in the "Maharashtra Government Gazette", on the 4th August 2012).

An Act further to amend the Bombay Village Panchayats Act, 1958.

Bom. III  
of 1959.

WHEREAS it is expedient further to amend the Bombay Village Panchayats Act, 1958, for the purposes hereinafter appearing; it is hereby enacted in the Sixty-third Year of the Republic of India as follows :—

1. (1) This Act may be called the Bombay Village Panchayats (Second Amendment) Act, 2012.

Short title  
and  
commence-  
ment.

(2) It shall come into force on such date as the State Government may, by notification in Official Gazette, appoint.

(१)

Amendment  
of section 7  
of Bom. III  
of 1959.

2. In section 7 of the Bombay Village Panchayats Act, 1958 (hereinafter referred to as "the principal Act"),-

Bom. III  
of 1959.

(1) in sub-section (1),-

(a) for the words "six meetings" the words "four meetings" shall be substituted ;

(b) in the second proviso, for the words "three months" the words "four months" shall be substituted ;

(2) in sub-section (5), after the words, brackets and figure "under sub-section (1)" the following shall be added, namely :—

"and the proceedings of such meeting shall invariably be brought or caused to be brought before every regular meeting of the *Gram Sabha* by the *Sarpanch*, and the *Gram Sabha* shall consider the recommendations made in the meeting of the women members, and the *panchayat* shall ensure the implementation of such recommendations:

Provided that, if the *Gram Sabha* is not agreeable to the recommendations made in the meeting of the women members, it shall record the reasons therefor.;"

(3) after sub-section (5), the following sub-section shall be inserted, namely :—

"(5A) Every member of the *panchayat* representing a ward shall, before every regular meeting of the *Gram Sabha* and meeting of the women members of the *Gram Sabha*, convene a meeting of all the voters in such ward and such ward *sabha* may discuss issues relating to development of the ward, selection of individual beneficiaries for individual beneficiary schemes of the State, or as the case may be, of the Central Government, development projects and programmes and such other related issues as the ward *sabha* deems fit and which are likely to be placed before the regular meeting of the *Gram Sabha* for consideration and decision. The proceedings of such meeting shall be maintained by such member under his signature and a copy of the same shall invariably be sent to the *panchayat* which shall form part of the records of the *panchayat*.";

(4) to sub-section (6), the following proviso shall be added, namely :—

"Provided that, *Gram Sabha* may, by resolution, delegate its authority to the *panchayat* to exercise general supervision over the Government, semi-Government and *panchayat* employees including regular and timely attendance at their work place. The mode of recording of attendance and supervision shall be such as the Government may, from time to time, specify by an order in the *Official Gazette*.";

(5) in sub-section (7), after the words "*Gram Sabha*" the words "or as the case may be, the *panchayat*" shall be inserted;

(6) in sub-section (10), after the words "exempted by the *Gram Sabha*" the words "or as the case may be, the *panchayat*" shall be inserted;

(7) in sub-section (11),—

(a) after the words "prepared and maintained" the words "in a separate register" shall be inserted;

(b) the following proviso shall be added, namely:—

"Provided that, it shall be a joint responsibility of the *Sarpanch* and Secretary of the concerned *panchayat* to maintain secured custody and proper safety of proceeding register, attendance register and other relevant records of the *Gram Sabha*, and they shall be primarily held responsible for any tampering, alteration, manipulation of entries or contents or loss or mutilation of such record unless proved otherwise and shall be liable to be prosecuted under relevant provisions of the Indian Penal Code."

45 of  
1860.

3. In section 35 of the principal Act,—

(i) in sub-section (3),—

(a) for the portion beginning with the words "shall cease to hold office" and ending with the words "shall be deemed to be vacant:", the following shall be substituted, namely:—

"shall forthwith stop exercising all the powers and perform all the functions and duties of the office and thereupon such powers, functions and duties shall vest in the *Upa-Sarpanch* in case the motion is carried out against the *Sarpanch*; and in case the motion is carried out against both the *Sarpanch* and *Upa-Sarpanch*, in such officer, not below the rank of Extension Officer, as may be authorised by the Block Development Officer, till the dispute, if any, referred to under sub-section (3B) is decided :

Provided that, if the dispute so referred is decided in favour of the *Sarpanch* or, as the case may be, *Upa-Sarpanch*, thereby setting aside such motion, the powers, functions and duties of the *Sarpanch* or *Upa-Sarpanch* shall forthwith stand restored, and if the dispute is decided confirming the motion, the office of the *Sarpanch* or, as the case may be, *Upa-Sarpanch* shall be deemed to have fallen vacant from the date of the decision of the dispute, unless the incumbent has resigned earlier :

Provided further that, in cases where the offices of both the *Sarpanch* and *Upa-Sarpanch* become vacant simultaneously, the officer authorised under this sub-section shall, pending the election of the *Sarpanch*, exercise all the powers and perform all the functions and duties of the *Sarpanch* but shall not have the right to vote in any meetings of the *panchayat*."

Amendment  
of section  
35 of Bom.  
III of 1959.

(b) in the first proviso, for the words "Provided that" the words "Provided also that" shall be substituted;

(c) in the second proviso, for the words "Provided further that" the words "Provided also that" shall be substituted;

(ii) in sub-section (3B), for the words, figure and letter "within fifteen days from the date on which it was received by him; and any such decision shall, subject to an appeal under sub-section (3C), be final" the words "within thirty days from the date on which it was received by him and his decision shall be final" shall be substituted;

(iii) sub-sections (3C), (3D) and (4) shall be deleted.

Amendment  
of section  
43 of Bom.  
III of 1959.

4. In section 43 of the principal Act, in sub-section (1),—

(a) after the word "disqualification," the words "confirmation of no confidence motion," shall be inserted;

(b) the following proviso shall be added, namely:—

"Provided that, the post of the *Sarpanch* or *Upa-Sarpanch*, as the case may be, fallen vacant under this sub-section shall be filled in within thirty days from the date of such vacancy."

Insertion of  
section 61A  
in Bom. III  
of 1959.

5. After section 61 of the principal Act, the following section shall be inserted, namely:—

Provisions  
for  
development  
of  
*panchayats*  
as growth  
centres.

"61A. (1) Notwithstanding anything contained in this Act, taking into consideration the population, income and potential of the *panchayat* and such other factors as may be prescribed, the State Government shall, by notification in the *Official Gazette*, direct that a *panchayat* or a group of *panchayats* may engage experts, technical support agencies and skilled manpower on contract or on consultancy basis for conceiving, preparing, executing, operating, managing, maintaining and supervising the *panchayat* Development Plan, Land Development Plan and Environmental Development Plan for planned growth of the *panchayat* as well as the Livelihood and Employment Development Plan, Physical and Social Infrastructure Development Plan and other related activities to develop such *panchayats* or group of *panchayats* as growth centres.

(2) The experts, technical support agencies and skilled manpower engaged under sub-section (1) shall be from a panel prepared by the officer authorised by the State Government in this behalf, and the persons so engaged shall possess such qualifications and experience and shall be engaged on such terms and conditions as may be prescribed.

(3) The State Government may, direct such *panchayats* or group of *panchayats* to allocate such portion of funds from any scheme, project, programme or work sponsored by the State Government or the Central Government, as permissible, or from Village Development Fund or other own sources of the *panchayats* or group of *panchayats* which shall be utilised for engaging such persons."



# महाराष्ट्र शासन राजपत्र

## असाधारण भाग आठ

वर्ष ४, अंक ३१(३) | मंगळवार, ऑगस्ट १४, २०१२/श्रावण २३, शके १९३४ | पृष्ठ २, किंमत : रुपये १८.००

असाधारण क्रमांक ५१

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Bombay Village Panchayats (Amendment) Act, 2012 (Mah. Act No. XXII of 2012), is hereby published under the authority of the Governor.

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

H. B. PATEL,  
Secretary to Government,  
Law and Judiciary Department.

### MAHARASHTRA ACT NO. XXII OF 2012.

(First published, after having received the assent of the Governor, in the "Maharashtra Government Gazette", on the 14th August 2012).

An Act further to amend the Bombay Village Panchayats Act, 1958.

Bom. WHEREAS it is expedient further to amend the Bombay Village  
III of Panchayats Act, 1958, for the purposes hereinafter appearing; it is hereby  
1959. enacted in the Sixty-third Year of the Republic of India as follows :—

1. (1) This Act may be called the Bombay Village Panchayats (Amendment) Act, 2012.

Short title  
and  
commence-  
ment.

(2) It shall come into force on such date as the State Government may, by notification in Official Gazette, appoint.

Amendment  
of section 3  
of Bom. III  
of 1959.

2. In section 3 of the Bombay Village Panchayats Act, 1958 (hereinafter referred to as "the Village Panchayats Act"), after clause (11A), the following clause shall be inserted, namely :—

Bom.  
III of  
1959.

"(11AA) "Local Panchayat Tax " means a tax on the entry of goods into the limits of any *panchayat* other than the area of *panchayat* included in the limits of the notified area within the meaning of clause (11B) for consumption, use or sale therein, levied in accordance with the provisions of section 124 ;".

Amendment  
of section  
124 of Bom  
III of 1959.

3. In section 124 of the Village Panchayats Act, in sub-section (1),—  
(i) for the words, brackets and letters "clauses (i) and (i-a)", the words, brackets and letters "clauses (i), (i-a) and (i-aa)" shall be substituted ;

(ii) after clause (i-a), the following clause shall be inserted, namely :—

"(i-aa) the Local Panchayat Tax ;".





RNI No.MAHENG/2009/35528

Reg.No. MH/MR/South-344/2011-13

## महाराष्ट्र शासन राजपत्र असाधारण भाग आठ

वर्ष ४, अंक ४२(४)] गुरुवार, डिसेंबर २०, २०१२/अग्रहायण २९, शके १९३४ [पृष्ठे ३, किंमत : रुपये १८.००

असाधारण क्रमांक १०

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of Article 348 of the Constitution of India, the following translation in English of the Maharashtra Village Panchayats (Third Amendment) Act, 2012 (Mah. Act No. XXIX of 2012), is hereby published under the authority of the Governor.

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

**H. B. PATEL,**  
Secretary to Government,  
Law and Judiciary Department.

### MAHARASHTRA ACT No. XXIX OF 2012.

(First published after having received the assent of the Governor, in the "Maharashtra Government Gazette", on the 20th December 2012).

An Act further to amend the Maharashtra Village Panchayats Act,

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 further to amend the Maharashtra Village Panchayats Act, for the purposes hereinafter appearing; and, therefore, promulgated the Maharashtra Village Panchayats (Amendment) Ordinance, 2012, on the 4th October 2012;

III of  
1959  
Mah.  
Ord. IX  
of 2012.

भाग आठ-१०-१

(१)

४८-२६९३

AND WHEREAS it is expedient to replace the said Ordinance by an Act of the State Legislature; it is hereby enacted in the Sixty-third Year of the Republic of India as follows :—

Short title  
and  
commence-  
ment.

1. (1) This Act may be called the Maharashtra Village Panchayats (Third Amendment) Act, 2012.

(2) It shall be deemed to have come into force on the 4th October 2012.

Amendment  
of section  
10-1A, of III  
of 1959.

2. In section 10-1A of the Maharashtra Village Panchayats Act (hereinafter referred to as "the principal Act"), for the existing provisos, the following provisos shall be substituted, namely :—

III of  
1959.

"Provided that, for the General or by-elections for which the last date of filing of nomination falls on or before the 31st December 2013, in accordance with the election programme declared by the State Election Commission, a person who has applied to the Scrutiny Committee for verification of his Caste Certificate before the date of filing of the nomination papers but who has not received the Validity Certificate on the date of filing of the nomination papers shall submit, alongwith the nomination papers,—

(i) a true copy of the application preferred by him to the Scrutiny Committee for issuance of the Validity Certificate or any other proof of having made such application to the Scrutiny Committee; and

(ii) an undertaking that he shall submit, within a period of six months from the date on which he is declared elected, the Validity Certificate issued by the Scrutiny Committee :

Provided further that, if the person fails to produce the Validity Certificate within a period of six months from the date on which he is declared elected, his election shall be deemed to have been terminated retrospectively and he shall be disqualified for being a member."

Amendment  
of section  
30-1A of III  
of 1959.

3. In section 30-1A of the principal Act, for the existing provisos, the following provisos shall be substituted, namely :—

"Provided that, for the elections for the post of *Sarpanch* for which the last date of filing of nomination falls on or before the 31st December 2013, in accordance with the election programme declared, a person who has applied to the Scrutiny Committee for verification of his Caste Certificate before the date of filing of the nomination papers but who has not received the Validity Certificate on the date of filing of the nomination papers shall submit, alongwith the nomination papers,—

(i) a true copy of the application preferred by him to the Scrutiny Committee for issuance of the Validity Certificate or any other proof of having made such application to the Scrutiny Committee; and

(ii) an undertaking that he shall submit within a period of six months from the date on which he is declared elected, the Validity Certificate issued by the Scrutiny Committee :

Provided further that, if the person fails to produce the Validity Certificate within a period of six months from the date on which he is declared elected, his election shall be deemed to have been terminated retrospectively and he shall be disqualified for being a *Sarpanch*.”.

Mah. Ord. IX of 2012. 4. (1) The Maharashtra Village Panchayats (Amendment) Ordinance, 2012, is hereby repealed. Repeal of Mah. Ord. IX of 201 and saving

(2) Notwithstanding such repeal, anything done or any action taken (including any notification or order issued) under the principal Act, as amended by the said Ordinance, shall be deemed to have been done, taken or, as the case may be, issued under the principal Act, as amended by this Act.



# महाराष्ट्र शासन राजपत्र

## असाधारण भाग आठ

वर्ष ६, अंक २२(४)]

बुधवार, जून २५, २०१४/आषाढ ४, शके १९३६

[पृष्ठे ३, किंमत : रुपये २७.००

असाधारण क्रमांक ७०

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Village Panchayats (Amendment and Continuance) Act, 2014 (Mah. Act No. XVIII of 2014), is hereby published under the authority of the Governor.

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

H. B. PATEL,  
Principal Secretary to Government,  
Law and Judiciary Department.

### MAHARASHTRA ACT No. XVIII OF 2014.

(First published, after having received the assent of the Governor in the "Maharashtra Government Gazette", on the 25th June 2014).

An Act further to amend the Maharashtra Village Panchayats Act.

Mah. WHEREAS the Governor of Maharashtra promulgated the Maharashtra Ord. II Village Panchayats (Amendment) Ordinance, 2014, on the 30th January of 2014. 2014 ;

AND WHEREAS upon the re-assembly of the State Legislature on the 24th February 2014, the Maharashtra Village Panchayats (Amendment) Bill, 2014 (L. C. Bill No. I of 2014), for replacing the said Ordinance by an Act of the State Legislature was passed by the Maharashtra Legislative Council on the 28th February 2014, and transmitted to the Maharashtra Legislative Assembly ;

(१)

AND WHEREAS thereafter, as, the session of the Maharashtra Legislative Assembly was prorogued on the 28th February 2014, the said Bill could not be passed by the Maharashtra Legislative Assembly ;

AND WHEREAS as provided by article 213 (2) (a) of the Constitution of India, the said Ordinance would have ceased to operate at the expiration of six weeks from the re-assembly of the State Legislature, that is, after the 6th April 2014 ;

AND WHEREAS both Houses of the State Legislature were not in session and the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action to continue the operation of the provisions of the said Ordinance, for the purposes hereinafter appearing; and, therefore, promulgated the Maharashtra Village Panchayats (Amendment and Continuance) Ordinance, 2014, on the 5th April 2014 ;

Mah.  
Ord. IX  
of 2014.

AND WHEREAS, it is expedient to replace the said Ordinance by an Act of the State Legislature; it is hereby enacted in the Sixty-fifth Year of the Republic of India as follows :—

Short title  
and  
commence-  
ment.

1. (1) This Act may be called the Maharashtra Village Panchayats (Amendment and Continuance) Act, 2014.

(2) It shall be deemed to have come into force on the 30th January 2014.

Insertion of  
section 54-1A  
in III of 1959.

2. In Chapter III-A of the Maharashtra Village Panchayats Act III of 1959. (hereinafter referred to as "the principal Act"), before section 54-A, the following section shall be inserted, namely :—

Special  
provisions  
relating to  
village and  
Gram Sabha.

**"54-1A.** Notwithstanding anything contained in sections 4, 5 or any other provisions of this Act, in the Scheduled Areas,—

(a) a habitation or a group of habitations or a hamlet or a group of hamlets comprising a community and managing its affairs in accordance with traditions and customs, and which is declared as a village in the prescribed manner shall be the village for the purposes of this Chapter ;

(b) every village, so declared under clause (a), shall have a *Gram Sabha* consisting of persons whose names are included in the electoral rolls for the panchayat at the village level and a panchayat may comprise of one or more than one of such villages."

Mah.  
Ord. IX  
of 2014.

3. (1) The Maharashtra Village Panchayats (Amendment and Continuanee) Ordinance, 2014 is hereby repealed.

Repeal of  
Mah. Ord. IX  
of 2014 and  
saving.

(2) Notwithstanding such repeal, anything done or any action taken under the provisions of the principal Act as amended by the said Ordinance (including any notification issued) shall be deemed to have been done, taken or issued, as the case may be, under the corresponding provisions of the principal Act, as amended by this Act.



# महाराष्ट्र शासन राजपत्र

## असाधारण भाग आठ

वर्ष ६, अंक ४७(३)]

सोमवार, डिसेंबर २९, २०१४/पौष ८, शके १९३६

[पृष्ठ ८, किंमत : रुपये २७.००

असाधारण क्रमांक ११९

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Village Panchayats and the Maharashtra Regional and Town Planning (Amendment) Act, 2014 (Mah. Act No. XLIII of 2014), is hereby published under the authority of the Governor.

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

RAJENDRA G. BHAGWAT,  
I/c. Draftsman-cum-Joint Secretary to Government,  
Law and Judiciary Department.

### MAHARASHTRA ACT No. XLIII OF 2014.

(First published, after having received the assent of the Governor in the "Maharashtra Government Gazette", on the 29th December 2014).

An Act further to amend the Maharashtra Village Panchayats Act and the Maharashtra Regional and Town Planning Act, 1966.

III of 1959. Mah. XXXVII of 1966. **WHEREAS** it is expedient further to amend the Maharashtra Village Panchayats Act and the Maharashtra Regional and Town Planning Act, 1966 for the purposes hereinafter appearing; it is hereby enacted in the Sixty-fifth Year of the Republic of India as follows :—

### CHAPTER I

### PRELIMINARY

1. (1) This Act may be called the Maharashtra Village Panchayats and the Maharashtra Regional and Town Planning (Amendment) Act, 2014. Short title and commencement.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette* appoint and different dates may be appointed for different sections of this Act.

## CHAPTER II

### AMENDMENTS TO THE MAHARASHTRA VILLAGE PANCHAYATS ACT

Amendment  
of section 52  
of III of 1959.

2. In section 52 of the Maharashtra Village Panchayats Act (hereinafter referred to as "the Village Panchayats Act"), -

III of  
1959.

(a) for sub-sections (1) and (2), the following sub-sections shall be substituted, namely :-

"(1) In the village, for which a draft Regional plan or final Regional plan has been published under the provisions of the Maharashtra Regional and Town Planning Act, 1966, no person shall erect or re-erect or commence to erect or re-erect any building,-

Mah.  
XXXVII  
of 1966.

(i) in the *gaathan* area of the village, within the meaning of clause (10) of section 2 of the Maharashtra Land Revenue Code, 1966, without obtaining the previous permission of the panchayat, in the prescribed manner;

Mah.  
XLI of  
1966.

(ii) in other areas of the village, without obtaining the previous permission of the Collector or any other officer, not below the rank of Tahsildar to whom the powers of the Collector are delegated.

(1A) In the village for which a draft Regional plan or final Regional plan has not been published, no person shall erect or re-erect or commence to erect or re-erect any building, without obtaining the previous permission of the panchayat in the prescribed manner.

(2) Any permission under sub-section (1) or sub-section (1A), as the case may be, shall be granted by the panchayat, upon an application made for this purpose, only after obtaining the prior approval of the Town Planning Officer of the State Government, posted at the Panchayat Samiti level or, in case, no such officer has been posted at the Panchayat Samiti level, the Town Planning Officer at the Zilla Parishad level.

(2A) If the panchayat fails to communicate its permission or refusal in respect thereof, within sixty days from the date of receipt of such application or, within sixty days from the date of receipt of the reply from the applicant, in respect of the requisition, if any, made by the panchayat, whichever is later, such permission shall be deemed to have been granted to the applicant, on the day immediately following the expiry of the said period of sixty days :

Provided that, such permission shall be deemed to have been granted subject to the condition that, the erection or re-erection or commencement of erection or re-erection of any building, shall be in strict conformity with the relevant Development Control Regulations or the draft of final Regional plan, as the case may be, in accordance with the provisions of the Maharashtra Regional and Town Planning Act, 1966 or any bye-laws or regulations framed under any other law for the time being in force :

Mah.  
XXXVII  
of 1966.

Provided further that, any erection or re-erection or commencement of erection or re-erection of any building, in contravention of the preceding proviso, shall be deemed to be unauthorised development.

(2B) Any applicant aggrieved by an order granting permission on conditions or for refusing permission under sub-section (1) or (1A), as the case may be, may within forty days from the date of communication of the order to him, prefer an appeal to the District Head of the Town Planning



Department posted at the Zilla Parishad. The appeal shall be in such form and shall bear such court-fees as may be prescribed. Such District Head, after giving an Appellant a reasonable opportunity of being heard, may by order, passed within a period of ninety days from the date of receipt of appeal, either allow the appeal unconditionally or subject to such conditions, as he may deem fit, or reject the appeal. The decision of the District Head on such appeal shall be final and binding on all concerned.

(2C) Notwithstanding anything contained in any Judgment, order or decree of any court, on and with effect from the date of commencement of the Mah. Maharashtra Village Panchayats and the Maharashtra Regional and Town Planning (Amendment) Act, 2014, the Maharashtra Village Panchayats (Extension of Village Sites) Rules, 1967 shall, stand repealed.

(2D) On and with effect from the date of commencement of the Mah. Maharashtra Village Panchayats and the Maharashtra Regional and Town Planning (Amendment) Act, 2014, until the rules, under this section are made, the Standardised Development Control and Promotion Regulations for Regional Plans in Maharashtra, framed under sub-section (4) of section 20 of the Maharashtra Regional and Town Planning Act, 1966, in respect of grant of permission to erect or re-erect the buildings shall apply.”;

(b) In sub-section (3), for the words, brackets and figures “sub-section (1) or (2)” the words, brackets, figures and letters “ sub-sections (1), (1A), (2), (2A) or (2B)” shall be substituted.

3. In section 53 of the Village Panchayats Act, in sub-section (1), for the words “within the limits of the village”, the words “within the limits of the *gaathan* area of the village” shall be substituted. Amendment of section 53 of III of 1959.

4. In section 176 of the Village Panchayats Act, in sub-section (2), after clause (xii), the following clause shall be inserted, namely :- Amendment of section 176 of III of 1959.

“(xii-1a) under sub-sections (1) and (1A) of section 52, prescribing the manner in which permission to erect or re-erect or commence to erect or re-erect any building shall be obtained; and under sub-section (2B) thereof, prescribing the form of appeal and the court-fees to be paid alongwith the appeal.”.

### CHAPTER III

#### AMENDMENTS TO THE MAHARASHTRA REGIONAL AND TOWN PLANNING ACT, 1966

5. In section 2 of the Maharashtra Regional and Town Planning Act, 1966 (hereinafter referred to as “the Regional and Town Planning Act”), - Amendment of section 2 of Mah. XXXVII of 1966.

(a) after clause (5), the following clause shall be inserted, namely:—

“(5A) “compounded structure” means an unauthorized structure, in respect of which the compounding charges as levied by the Collector under the provisions of sub-section (2B) of section 18 are paid by the

owner or occupier of such structure and which, upon such payment, has been declared as such by the Collector;";

(b) after clause (13C), the following clause shall be inserted, namely:—

"(13D) "Integrated Township Project" means an Integrated Township Project declared under section 18 or 44, as the case may be;";

(c) clause (30A) shall be deleted.

Amend-  
ment of  
section 14 of  
Mah. XXXVII  
of 1966.

6. In section 14 of the Regional and Town Planning Act, after clause (k), the following clause shall be added, namely :-

"(l) Provisions for permission to be granted for controlling and regulating the use and development of land within the jurisdiction of a local authority or the Collector, as the case may be, including imposition of fees, charges and premium, at such rate as may be fixed by the State Government or the Planning Authority, from time to time, for grant of an additional Floor Space Index or for the special permissions or for the use of discretionary powers under the relevant Development Control Regulations, and also for imposition of conditions and restrictions in regard to the open space to be maintained about buildings, the percentage of building area for a plot, the location, number, size, height, number of storeys and character of buildings and density of population allowed in a specified area, the use and purposes to which buildings or specified areas of land may or may not be appropriated, the sub-division of plots, the discontinuance of objectionable users of land in any area in reasonable periods, parking space and loading and unloading space for any building and the sizes of projections and advertisement signs and hoardings and other matters as may be considered necessary for carrying out the objects of this Act."

Amend-  
ment of  
section 18 of  
Mah. XXXVII  
of 1966.

7. In section 18 of the Regional and Town Planning Act, -

(a) for sub-section (1), the following sub-section shall be substituted, namely :—

"(1) No person shall, on or after the publication of the notice that the draft Regional plan has been prepared or the draft Regional plan has been approved, institute or change the use of any land for any purpose other than agriculture or carry out any development in respect of any land without the previous permission,—

(i) in case the land is situated in the limits of a Municipal Corporation or a Municipal Council, or a *Nagar Panchayat* or a Special Planning Authority or any other planning authority, of such Municipal Corporation or Municipal Council, *Nagar Panchayat* or Special Planning Authority or other planning authority, as the case may be, or

(ii) in case the land is situated in the *gaathan*, within the meaning of clause (10) of section 2 of the Maharashtra Land Revenue Code, 1966, of the village panchayat concerned, or

Mah.  
XLI of  
1966.

(iii) in case the land is situated in areas other than those mentioned in clauses (i) and (ii) above, of the Collector of the District:

Provided that, the Collector may delegate his powers under this clause to an officer not below the rank of Tahsildar.

Mah.  
XLI of  
1966.

*Explanation.*—For the removal of doubt, it is hereby declared that, no such permission of the Collector shall be required in the *gaathan* area of a revenue village within the meaning of clause (10) of section 2 of the Maharashtra Land Revenue Code, 1966.”;

(b) for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) Notwithstanding anything contained in any other law for the time being in force, the Village Panchayat or, as the case may be, the Collector, in considering application for permission shall have due regard to the provisions of any draft or Regional plan or proposal published by means of a notice under this Act.”;

(c) after sub-section (2), the following sub-sections shall be inserted, namely :—

“(2A) (i) The provisions of sections 52, 53, 54, 55, 56, 57 and 58 shall apply *mutatis mutandis* to the unauthorized development carried out in the area of Regional plan, as they apply to the unauthorized development carried out in the area of a Planning Authority; and

(ii) the Collector shall be the authority Competent to take action in respect of such unauthorized development.

(2B) Notwithstanding anything contained in this Act or any other law for the time being in force, the State Government may, upon a request made by the Collector, specify the terms and conditions on compliance of which and the compounding charges on payment of which the Collector may declare an unauthorized structure to be a compounded structure :

Provided that, on declaration of an unauthorized structure as compounded structure, the proceedings under any law for the time being in force against such structure initiated by the Collector shall stand abated, and if such proceedings are yet to be initiated, no proceedings shall be maintainable:

Provided further that, no further construction shall be permissible in any compounded structure, other than repairs and maintenance, and any redevelopment or reconstruction of such structure shall be only as per the provisions of the prevailing Development Control Regulations.”;

(d) in sub-section (3), for the words “a Special Township Project”, at both the places where they occur, the words “an Integrated Township Project” shall be substituted.

8. In section 20 of the Regional and Town Planning Act,—

(a) in sub-section (2), for the words “balanced development” the word “development” shall be substituted;

(b) in sub-section (4), —

(i) after the words “as it may think fit”, the words “or decide not to accord approval” shall be inserted;

(ii) for the portion beginning with the words “has been approved.” and ending with the words “The notice”, the following shall be substituted, namely :—

“has been approved with or without amendment or has not been approved, as the case may be. In case the modification is approved, then such notification”.

Amendment  
of section 20  
of Mah.  
XXXVII of  
1966.

Amendment  
of section 37  
of Mah.  
XXXVII of  
1966.

9. In section 37 of the Regional and Town Planning Act, in sub-section (1),—

(a) the words “is of such a nature that it will not change the character of such Development plan” shall be deleted;

(b) for the words “to the State Government for sanction.”, the following shall be substituted, namely :—

“to the State Government for sanction within one year from the date of publication of notice in the *Official Gazette*. If such modification proposal is not submitted within the period stipulated above, the proposal of modification shall be deemed to have lapsed :

Provided that, such lapsing shall not bar the Planning Authority from making a fresh proposal.”.

Amendment  
of section 37A  
of Mah.  
XXXVII of  
1966.

10. In section 37A of the Regional and Town Planning Act,—

(a) for the words “and religious functions”, the words “ , religious functions and public meetings” shall be substituted;

(b) for the words and figures “in any case not exceeding 30 days in the aggregate, in a calendar year”, the words “in any case not exceeding forty-five days in the aggregate, in a calendar year” shall be substituted;

(c) the following proviso shall be added, namely :—

“ Provided that, temporary use of any plot of land, reserved, designated or allocated for the purpose of play-ground, for management of any disaster or emergency such as Helipad or other essential use, shall also not be deemed to be a change of user.”.

Amendment  
of section 44  
of Mah.  
XXXVII of  
1966.

11. In section 44 of the Regional and Town Planning Act, in sub-section (2), for the words “a Special Township Project”, at both the places where they occur, the words “an Integrated Township Project” shall be substituted.

Amendment  
of section 46  
of Mah.  
XXXVII of  
1966.

12. To section 46 of the Regional and Town Planning Act, the following provisos shall be added, namely :—

“Provided that, if the Development Control Regulations for an area over which a Planning Authority has been appointed or constituted, are yet to be sanctioned, then in considering application for permission referred to in sub-section (1), such Planning Authority shall have due regard to the provisions of the draft or sanctioned Regional plan, till the Development Control Regulations for such area are sanctioned :

Provided further that, if such area does not have draft or sanctioned Regional plan, then Development Control Regulations applicable to the area under any Planning Authority, as specified by the Government by a notification in the *Official Gazette*, shall apply till the Development Control Regulations for such area are sanctioned.”.

Amendment  
of section  
124J of Mah.  
XXXVII of  
1966.

13. In section 124 J of the Regional and Town Planning Act, for sub-section (3), the following sub-section shall be substituted, namely :—

“(3) The money credited from time to time, to the said Fund, shall be utilized only for the purposes of acquisition and development of any land reserved for any of the public purposes specified in any plan or scheme under this Act and for providing public amenities in the area under the jurisdiction of the said Authority and maintenance and improvement thereof.”.

14. After section 124K of the Regional and Town Planning Act, the following section shall be inserted, namely:—

Insertion of section 124K-1 in Mah. XXXVII of 1966.

“124K-1. Notwithstanding anything contained in the draft or final Regional plan, the provisions of sections 124A to 124K shall apply, *mutatis mutandis*, to cases where the permission to carry out the development is required under clause (ii) or (iii) of sub-section (1) of section 18 :

Provisions of sections 124A to 124K also to apply in certain cases.

Provided that, the development charge collected under this section shall be assigned to the Village Panchayat, within whose limits the land proposed to be developed is situated. The amount so collected and assigned shall be utilised by the Village Panchayat, to provide or develop basic amenities and infrastructure.”

15. In section 154 of the Regional and Town Planning Act, for sub-section (1), the following sub-section shall be substituted, namely:—

Amendment of section 154 of Mah. XXXVII of 1966.

“(1) Notwithstanding anything contained in this Act or the rules or regulations made thereunder, the State Government may, for implementing or bringing into effect the Central or the State Government programmes, policies or projects or for the efficient administration of this Act or in the larger public interest, issue, from time to time, such directions or instructions as may be necessary, to any Regional Board, Planning Authority or Development Authority and it shall be the duty of such authorities to carry out such directions or instructions within the time-limit, if any, specified in such directions or instructions.”

16. To section 156 of the Regional and Town Planning Act, the following proviso shall be added, namely:—

Amendment of section 156 of Mah. XXXVII of 1966.

“Provided that, the development which has been duly permitted or deemed to have been permitted by the concerned Village Panchayat within the area of the *gaathan* or the *gunthewari* development which has been regularized in accordance with the provisions of the Maharashtra *Gunthewari* Developments (Regularisation, Upgradation and Control) Act, 2001, shall not be treated as unauthorised development under this Act.”

Mah. XXVII of 2001.

17. In section 159 of the Regional and Town Planning Act, for sub-section (2), the following sub-sections shall be substituted, namely:—

Amendment of section 159 of Mah. XXXVII of 1966.

“(2) Subject to the provisions of this Act, the State Government may, by notification in the *Official Gazette*, make Special Development Control Regulations consistent with this Act and the rules made thereunder, for the purpose of implementing any Scheme, Project, Programme or Policy, of the Central or the State Government, in the whole or a part of the State.

(3) The State Government shall, before making such Regulations prepare a draft thereof and publish a notice in the *Official Gazette* stating the draft Regulations have been prepared. The notice shall state that the names of the places where a copy of such draft Regulations shall be available for inspection by the public at all reasonable hours mentioned therein and the copies thereof or any extract therefrom, certified to be correct, shall be available for sale to the public at a reasonable price; and invite objections and suggestions from any person with respect to the draft Regulations before such date as may be specified in the notice. The notice shall also be published in at least two newspapers having wide circulation in the area to which the Regulations are to be made applicable and also in such other manner as the State Government may think fit.

(4) After considering the objections and suggestions received by it, the State Government may approve such draft Regulations with modifications or without modifications, if any, as it may think fit, or decide not to approve the same and shall publish a notification in the *Official Gazette* stating that the Regulations have been approved with or without modifications or have not been approved, as the case may be. In case the Regulations are approved, the notification shall specify therein the date on which the Regulations shall come into operation.

(5) Where Special Development Control Regulations are made, the provisions of such Regulations shall be in force in the area to which such Regulations are made applicable and the provisions of any plan or scheme applicable to and in force in such area or part thereof, prior to the date of coming into force of such Regulations under sub-section (4) shall, to the extent of the provisions contained in such Regulations, stand modified.”.



# महाराष्ट्र शासन राजपत्र असाधारण भाग आठ

वर्ष १, अंक ११]

गुरुवार, मार्च २६, २०१५/चैत्र ५, शके १९३७

[ पृष्ठे २, किंमत : रुपये २७.००

असाधारण क्रमांक २४

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधि व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Village Panchayats (Amendment) Act, 2015 (Mah. Act No. VII of 2015), is hereby published under the authority of the Governor.

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

M. A. SAYEED,  
Principal Secretary and R.L.A.  
to Government,  
Law and Judiciary Department.

## MAHARASHTRA ACT No. VII OF 2015.

(First published, after having received the assent of the Governor in the “*Maharashtra Government Gazette*”, on the 26th March 2015.)

An Act further to amend the Maharashtra Village Panchayats Act.

Whereas it is expedient further to amend the Maharashtra Village Panchayats Act, for the purposes hereinafter appearing; it is hereby enacted in the Sixty-sixth Year of the Republic of India as follows :—

1. This Act may be called the Maharashtra Village Panchayats Short title. (Amendment) Act, 2015.

2. In section 10-1A of the Maharashtra Village Panchayats Act (hereinafter referred to as “the principal Act”), in the first proviso, for the words, figures and letters “before the 31st December 2013” the words, figures and letters “before the 31st December 2015” shall be substituted.

Amendment of  
section 30-1A  
of III of 1959.

**3.** In section 30-1A of the principal Act, in the first proviso, for the words, figures and letters “before the 31st December 2013” the words, figures and letters “before the 31st December 2015” shall be substituted.





# महाराष्ट्र शासन राजपत्र

## असाधारण भाग आठ

वर्ष २, अंक २०(२)]

गुरुवार, मार्च ३१, २०१६/चैत्र ११, शके १९३८

[ पृष्ठे २, किंमत : रुपये २७.००

असाधारण क्रमांक २८

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधि व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Village Panchayats (Amendment) Act, 2016 (Mah. Act No. X of 2016), is hereby published under the authority of the Governor.

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

PRAKASH H. MALI,  
Secretary to Government,  
Law and Judiciary Department.

### MAHARASHTRA ACT No. X OF 2016.

*(First published, after having received the assent of the Governor in the "Maharashtra Government Gazette", on the 31st March 2016).*

An Act further to amend the Maharashtra Village Panchayats Act, 1958.

III of 1959. WHEREAS, it is expedient further to amend the Maharashtra Village Panchayats Act, for the purposes hereinafter appearing; it is hereby enacted in the Sixty-seventh Year of the Republic of India as follows :—

1. This Act may be called the Maharashtra Village Panchayats Short title. (Amendment) Act, 2016.

Amendment of section 10-1A of III of 1959. **2.** In section 10-1A of the Maharashtra Village Panchayats Act (hereinafter referred to as “the principal Act”), for the existing provisos, the following provisos shall be substituted, namely :—

“Provided that, for the General or by-elections for which the last date of filing of nomination falls on or before the 31<sup>st</sup> December 2017, in accordance with the election programme declared by the State Election Commission, a person who has applied to the Scrutiny Committee for verification of his Caste Certificate before the date of filing of the nomination papers but who has not received the Validity Certificate on the date of filing of the nomination papers shall submit, alongwith the nomination papers,—

(i) a true copy of the application preferred by him to the Scrutiny Committee for issuance of the Validity Certificate or any other proof of having made such application to the Scrutiny Committee; and

(ii) an undertaking that he shall submit, within a period of six months from the date on which he is declared elected, the Validity Certificate issued by the Scrutiny Committee:

Provided further that, if the person fails to produce the Validity Certificate within a period of six months from the date on which he is declared elected, his election shall be deemed to have been terminated retrospectively and he shall be disqualified for being a member.”.

Amendment of section 30-1A of III of 1959. **3.** In section 30-1A of the principal Act, for the existing provisos, the following provisos shall be substituted, namely :—

“Provided that, for the elections for the post of *Sarpanch* for which the last date of filing of nomination falls on or before the 28th February 2018, in accordance with the election programme declared by the State Election Commission, a person who has applied to the Scrutiny Committee for verification of his Caste Certificate before the date of filing of the nomination papers but who has not received the Validity Certificate on the date of filing of the nomination papers shall submit, alongwith the nomination papers,—

(i) a true copy of the application preferred by him to the Scrutiny Committee for issuance of the Validity Certificate or any other proof of having made such application to the Scrutiny Committee; and

(ii) an undertaking, that he shall submit, within a period of six months from the date on which he is declared elected, the Validity Certificate issued by the Scrutiny Committee:

Provided further that, if the person fails to produce the Validity Certificate within a period of six months from the date on which he is declared elected, his election shall be deemed to have been terminated retrospectively and he shall be disqualified for being a *Sarpanch*.”.



# महाराष्ट्र शासन राजपत्र

## असाधारण भाग आठ

वर्ष ३, अंक ३६(३)]

शनिवार, एप्रिल १५, २०१७/चैत्र २५, शके १९३९

[पृष्ठे २, किंमत : रुपये २७.००]

असाधारण क्रमांक ७१

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधि व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Village Panchayats and Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Act, 2017, (Mah. Act No. XXVIII of 2017), is hereby published under the authority of the Governor.

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

PRAKASH H. MALI,  
Principal Secretary to Government,  
Law and Judiciary Department.

### MAHARASHTRA ACT NO. XXVIII OF 2017.

(First published, after having received the assent of the Governor in the “*Maharashtra Government Gazette*”, on the 15th April 2017).

An Act further to amend the Maharashtra Village Panchayats Act and the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961.

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 further to amend the Maharashtra Village Panchayats Act and the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961, for the purposes hereinafter appearing ; and, therefore, promulgated the Maharashtra Village Panchayats and Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Ordinance, 2017 on the 31st January 2017 ;

(१)

AND WHEREAS it is expedient to replace the said Ordinance by an Act of the State Legislature ; it is hereby enacted in the Sixty-eighth Year of the Republic of India as follows :—

Short title and commencement.

1. (1) This Act may be called the Maharashtra Village Panchayats and Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Act, 2017.

(2) It shall be deemed to have come into force on the 31st January 2017.

Amendment of section 14 of III of 1959.

2. In section 14 of the Maharashtra Village Panchayats Act, in sub-section (1), in clause (j-5), after the words “of the *Gram Sabha*” the words “or of the Chief Executive Officer or an officer designated by him; or a self-certificate” shall be inserted.

III of 1959.

Amendment of section 16 of Mah. V of 1962.

3. In section 16 of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961, in sub-section (1), in clause (p), after the words “of the *Gram Sabha*” the words “or of the Chief Executive Officer or an officer designated by him; or a self-certificate” shall be inserted.

Mah. V of 1962.

Repeal of Mah. Ord. V of 2017 and saving.

4. (1) The Maharashtra Village Panchayats and Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Ordinance, 2017, is hereby repealed.

Mah. Ord. V of 2017.

(2) Notwithstanding such repeal, anything done or any action taken (including any notification or order issued) under the corresponding provisions of the Maharashtra Village Panchayats Act and the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 as amended by the said Ordinance, shall be deemed to have been done, taken or issued, as the case may be, under the corresponding provisions of the relevant Acts as amended by this Act.

III of 1959. Mah. V of 1962.



# महाराष्ट्र शासन राजपत्र

## असाधारण भाग आठ

वर्ष ३, अंक ४३]

सोमवार, मे २९, २०१७/ज्येष्ठ ८, शके १९३९

[ पृष्ठे १४, किंमत : रुपये २७.००

असाधारण क्रमांक ९०

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधि व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Goods and Services Tax related Laws (Amendments, Validation and Savings) Act, 2017 (Mah. Act No.XLII of 2017), is hereby published under the authority of the Governor.

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

PRAKASH H. MALI,

Principal Secretary to Government,  
Law and Judiciary Department.

### MAHARASHTRA ACT No. XLII OF 2017.

(First published, after having received the assent of the Governor in the “*Maharashtra Government Gazette*”, on the 29th May 2017).

An Act further to amend the Mumbai Municipal Corporation Act, the Maharashtra Entertainments Duty Act, the Maharashtra Municipal Corporations Act, the Maharashtra Motor Vehicles Tax Act, the Maharashtra Village Panchayats Act, the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965, the Maharashtra State Tax on Professions, Trades, Callings and Employments Act, 1975 and the Maharashtra Value Added Tax Act, 2002.

WHEREAS it is expedient further to amend the Mumbai Municipal Corporation Act, the Maharashtra Entertainments Duty Act, the Maharashtra Municipal Corporations Act, the Maharashtra Motor Vehicles Tax Act, the Maharashtra Village Panchayats Act, the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965, the Maharashtra State Tax on Professions, Trades, Callings and Employments Act, 1975 and the Maharashtra Value Added Tax Act, 2002, for the purposes

III of 1888.  
I of 1923.  
LIX of 1949.  
LXV of 1958.  
III of 1959.  
Mah. XL of 1965.  
Mah. XVI of 1975.  
Mah. IX of 2005.

(१)

hereinafter appearing; it is hereby enacted in the Sixty-eighth Year of the Republic of India as follows :—

## CHAPTER I

Short title and commencement.

1. (1) This Act may be called the Maharashtra Goods and Services Tax related laws (Amendments, Validation and Savings) Act, 2017.

(2) (a) Section 63, sub-section (3) of section 67 and section 73 shall come into force on the date of publication of this Act in the *Official Gazette* ;

(b) remaining sections shall come into force from such date as the State Government may by notification in the *Official Gazette* appoint, and different dates may be appointed for different provisions.

## CHAPTER II

### AMENDMENTS TO THE MUMBAI MUNICIPAL CORPORATION ACT.

Amendment of section 3 of III of 1888.

2. In section 3 of the Mumbai Municipal Corporation Act (hereinafter, in this Chapter, referred to as “the Mumbai Corporation Act”), clause (pa) 1888. shall be deleted.

Amendment of section 126 of III of 1888.

3. In section 126 of the Mumbai Corporation Act, in sub-section (2), in clause (a), the words “and, in the case of octroi on such articles” shall be deleted.

Amendment of section 128 of III of 1888.

4. In section 128 of the Mumbai Corporation Act, in sub-section (1), in clause (a), the words “and the articles on which octroi shall be levied,” shall be deleted.

Amendment of section 139 of III of 1888.

5. In section 139 of the Mumbai Corporation Act, entry (4) shall be deleted.

Deletion of heading above section 192 of III of 1888.

6. Above section 192 of the Mumbai Corporation Act, the heading “Octroi” shall be deleted.

Deletion of sections 192, 193, 194, 194-1A, 194A, 195, 195-1A and 195-1B of III of 1888.

7. Sections 192, 193, 194, 194-1A, 194A, 195, 195-1A and 195-1B of the Mumbai Corporation Act shall be deleted.

Amendment of section 196 of III of 1888.

8. In section 196 of the Mumbai Corporation Act, the words “or by adding to the number of articles on which octroi is being levied” shall be deleted.

Deletion of section 199 of III of 1888.

9. Section 199 of the Mumbai Corporation Act shall be deleted.

Deletion of section 213 of III of 1888.

10. Section 213 of the Mumbai Corporation Act shall be deleted.

Deletion of sections 478, 478-1A, 478-1AA and 478-1B of III of 1888.

11. Sections 478, 478-1A, 478-1AA and 478-1B of the Mumbai Corporation Act shall be deleted.

Deletion of Schedules H and H-1 of III of 1888.

12. Schedules H and H-1 of the Mumbai Corporation Act shall be deleted.

### CHAPTER III

#### AMENDMENTS TO THE MAHARASHTRA ENTERTAINMENTS DUTY ACT.

I of 1923. **13.** In section 2 of the Maharashtra Entertainments Duty Act (hereinafter, in this Chapter, referred to as “the Entertainments Duty Act”),— Amendment of section 2 of I of 1923.

(1) clause (d-1) shall be deleted ;

(2) after clause (f-a1), the following clauses shall be inserted, namely :—

“(f-a2) “local authority” means,—

(i) a “Municipality” as defined in clause (e) of article 243P of the Constitution ;

Mah. V  
of 1962.

(ii) a “Zilla Parishads” as constituted under the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 ;

41 of  
2006.

(iii) “Cantonment Board”, as defined in section 3 of the Cantonments Act, 2006 ;

Mah.  
XL of  
1965.

(f-a3) “Chief Officer” means a person appointed or deemed to be appointed as Chief Officer under the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965 ;

Mah. V  
of 1962.

(f-a4) “Chief Executive Officer” of the Zilla Parishads means the Chief Executive Officer of a Zilla Parishad appointed under section 94 of Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 ;

41 of  
2006.

(f-a5) “Chief Executive Officer” of the Cantonment Board means the person appointed as the Chief Executive Officer of a cantonment under the Cantonments Act, 2006 ;

III of  
1888.

(f-a6) “Municipal Commissioner” means the Municipal Commissioner for the Municipal Corporation appointed under the Mumbai Municipal Corporation Act or as the case may be, under the Maharashtra Municipal Corporations Act ;”.

LIX of  
1949.

**14.** In section 3 of the Entertainments Duty Act,—

Amendment  
of section 3  
of I of 1923.

(1) except sub-sections (6), (7) and (8), for the words “State Government”, wherever they occur, the words “local authority” shall be substituted ;

(2) in sub-section (3), in clause (j), for the word “Commissioner” the words “local authority” shall be substituted ;

(3) in sub-section (4), in clause (d), for the words “Collector of the District” the following shall be substituted, namely :—

“(i) Municipal Commissioner, in case of a Municipal Corporation, or

(ii) Chief Officer, in case of a Municipal Council, or

(iii) Chief Executive Officer, in case of a Zilla Parishad or a Cantonment Board, as the case may be,”;

(4) in sub-section (13), in clause (b), in sub-clause (i), for the word “Collector” the following shall be substituted, namely :—

“(i) Municipal Commissioner, in case of a Municipal Corporation,

(ii) Chief Officer, in case of a Municipal Council,

(iii) Chief Executive Officer, in case of a *Zilla Parishad* or a Cantonment Board, as the case may be, ”.

Deletion of section 3AA of I of 1923.

**15.** Section 3AA of the Entertainments Duty Act shall be deleted.

Amendment of section 3A of I of 1923.

**16.** In section 3A of the Entertainments Duty Act,—

(1) for the words “State Government” the words “local authority” shall be substituted;

(2) the words, figure and letters “and a surcharge provided by section 3AA” shall be deleted.

Amendment of section 4 of I of 1923.

**17.** In section 4 of the Entertainments Duty Act, for the words “State Government”, wherever they occur, the words “local authority” shall be substituted.

Amendment of section 4B of I of 1923.

**18.** In section 4B of the Entertainments Duty Act, for the words “State Government”, wherever they occur, the words “local authority” shall be substituted.

Amendment of section 4E of I of 1923.

**19.** In section 4E of the Entertainments Duty Act, for the words “State Government”, wherever they occur, the words “local authority” shall be substituted.

Amendment of section 5 of I of 1923.

**20.** In section 5 of the Entertainments Duty Act, for the word “Collector” wherever it occurs, the words “local authority” shall be substituted.

Amendment of section 6 of I of 1923.

**21.** In section 6 of the Entertainments Duty Act, in sub-sections (1) and (2), for the word “Collector” the words “local authority” shall be substituted.

Amendment of section 8 of I of 1923.

**22.** In section 8 of the Entertainments Duty Act, for the portion beginning with “The Commissioner” and ending with “the State Government” the words “Any officer duly authorized by the local authority” shall be substituted.

Amendment of section 9A of I of 1923.

**23.** In section 9A of the Entertainments Duty Act, for the words “State Government”, wherever they occur, the words “local authority” shall be substituted.

Amendment of section 9B of I of 1923.

**24.** In section 9B of the Entertainments Duty Act, for the word “Government” the words “local authority” shall be substituted.

Amendment of section 9C of I of 1923.

**25.** In section 9C of the Entertainments Duty Act, for the word “Collector” the words “local authority” shall be substituted.

Amendment of section 9D of I of 1923.

**26.** In section 9D of the Entertainments Duty Act, for the word “Collector” the words “local authority” shall be substituted.

Amendment of section 10 of I of 1923.

**27.** In section 10 of the Entertainments Duty Act,—

(1) the existing section 10 shall be re-numbered as sub-section (1) thereof; and in sub-section (1) as so re-numbered, for the words “ State Government” wherever they occur, the words “local authority” shall be substituted ;

(2) after sub-section (1) as so re-numbered, the following sub-section shall be added, namely :—



“(2) For the purposes of sub-section (1) , the powers of the local authority shall be exercised by (i) the Municipal Commissioner, in case of a Municipal Corporation, (ii) the Chief Officer, in case of a Municipal Council, (iii) the Chief Executive Officer, in case of a *Zilla Parishad*, (iv) the Chief Executive Officer, in case of a Cantonment Board, in their respective jurisdiction.”.

**28.** In section 10A of the Entertainments Duty Act, for the word “Collector”, wherever it occurs, the following shall be substituted, namely :—

Amendment of section 10A of I of 1923.

“(i) Municipal Commissioner, in case of a Municipal Corporation,

(ii) Chief Officer, in case of a Municipal Council, (iii) Chief Executive Officer, in case of a *Zilla Parishad*, (iv) Chief Executive Officer, in case of a Cantonment Board”.

**29.** In section 12 of the Entertainments Duty Act, for the words “State Government”, at both the places where they occur, the words “State Government and local authority” shall be substituted.

Amendment of section 12 of I of 1923.

**30.** Section 13 of the Entertainments Duty Act shall be deleted.

Deletion of section 13 of I of 1923.

**31.** Schedule appended to the Entertainments Duty Act shall be deleted.

Deletion of Schedule of I of 1923.

## CHAPTER IV

### AMENDMENTS TO THE MAHARASHTRA MUNICIPAL CORPORATIONS ACT.

- LIX of 1949. **32.** In section 2 of the Maharashtra Municipal Corporations Act (hereinafter, in this Chapter, referred to as “the Municipal Corporations Act”), clauses (6A), (31A), (42), (70A), (70B) and (70C) shall be deleted.
- Amendment of section 2 of LIX of 1949.
- 33.** In section 32 of the Municipal Corporations Act,-
- (1) in sub-section (4), the words “octroi or” shall be deleted;
- (2) in sub-section (5), the word “octroi” shall be deleted.
- Amendment of section 32 of LIX of 1949.
- 34.** In section 99 of the Municipal Corporations Act, the words, brackets and letters “excluding local body tax under clause (aaa) thereof” shall be deleted.
- Amendment of section 99 of LIX of 1949.
- 35.** Sections 99A, 99B, 99C and 99D of the Municipal Corporations Act shall be deleted.
- Deletion of sections 99A to 99D of LIX of 1949.
- 36.** In section 127 of the Municipal Corporations Act, in sub-section (2), clauses (a), (aa) and (aaa) shall be deleted.
- Amendment of section 127 of LIX of 1949.
- 37.** In section 128 of the Municipal Corporations Act, in clause (5), the words “octroi and ” shall be deleted.
- Amendment of section 128 of LIX of 1949.
- 38.** Section 146 alongwith the heading “*Exemptions from Octroi*” of the Municipal Corporations Act shall be deleted.
- Deletion of section 146 of LIX of 1949.
- 39.** In section 149 of the Municipal Corporations Act, sub-section (6) shall be deleted.
- Amendment of section 149 of LIX of 1949.

Deletion of  
Chapter XIA  
and sections  
152A to  
152O of LIX  
of 1949.

**40.** Chapter XIA and sections 152A to 152O of the Municipal Corporations Act shall be deleted.

Deletion of  
Chapter XIB  
and section  
152P to 152T  
of LIX of  
1949.

**41.** Chapter XIB and sections 152P, 152Q, 152R, 152S and 152T of the Municipal Corporations Act shall be deleted.

Deletion of  
sections 398  
and 398-1A  
of LIX of  
1949.

**42.** Sections 398 and 398-1A of the Municipal Corporations Act shall be deleted.

Amendment  
of section 466  
of LIX of  
1949.

**43.** In section 466 of the Municipal Corporations Act, in sub-section (1), in para (A),—

(1) in clause (a), the words “octroi and ” shall be deleted;

(2) in clause (b), the words “octroi and ” shall be deleted;

(3) clause (c) shall be deleted;

(4) clause (e) shall be deleted;

(5) clause (g) shall be deleted.

Deletion of  
Schedules A,  
B and C of  
LIX of 1949.

**44.** Schedules A, B and C of the Municipal Corporations Act shall be deleted.

Amendment  
of Schedule  
D of LIX of  
1949.

**45.** In Schedule D of the Municipal Corporations Act, in Chapter VIII, rules 26, 28 and 29 shall be deleted.

## CHAPTER V

### AMENDMENT TO THE MAHARASHTRA MOTOR VEHICLES TAX ACT.

Amendment  
in section 2  
of LXV of  
1958.

**46.** In section 2 of the Maharashtra Motor Vehicles Tax Act, for clause LXV of (1A), the following clause shall be substituted, namely:— 1958.

“(1A) “cost of vehicle” in relation to,—

(a) a vehicle manufactured in India means, cost as per the final cost mentioned in the purchase invoice of the vehicle issued either by the manufacturer or the dealer of the vehicle which shall include the basic manufacturing cost, Central Goods and Services Tax levied under the Central Goods and Services Tax Act, 2017, Integrated Goods and Services Tax under the Integrated Goods and Services Tax Act, 2017, Cess under the Goods and Services Tax (Compensation to States) Act, 2017 and Goods and Services Tax under the Maharashtra Goods and Services Tax Act, 2017 and if the vehicle has been sold in the State of Maharashtra from any other State or Union Territory shall include the Goods and Services Tax paid in such State or Union Territory, and

12 of  
2017.  
13 of  
2017.

15 of  
2017.

Mah. of  
2017.

52 of 1962. (b) a vehicle imported into India irrespective of its place of manufacture means cost as per the landed value of the vehicle consisting of the assessable value under the Customs Act, 1962 and the customs duty paid thereupon, including additional duty paid if any, as endorsed in the Bill of Entry by the Customs Department, and Integrated Goods and Services Tax under the Integrated Goods and Services Tax Act, 2017, and Cess under the Goods and Services Tax (Compensation to States) Act, 2017, if any.

13 of 2017. *Explanation.*—(1) The discount given by the manufacturer or the dealer, if any, shall be added in the final cost as mentioned in the purchase invoice.

15 of 2017. (2) The vehicles sold prior to the date of commencement of the Central Goods and Services Tax Act, 2017, the Integrated Goods and Services Tax Act, 2017, the Goods and Services Tax (Compensation to States) Act, 2017 and the Maharashtra Goods and Services Tax Act, 2017 and produced for registration after such date shall be taxed as per the provisions which were in force prior to the Maharashtra Goods and Services Tax related laws (Amendments, Validation and Savings) Act, 2017;.”

12 of 2017.  
13 of 2017.  
15 of 2017.  
Mah. ....  
of 2017.  
Mah.  
XLII  
of 2017.

## CHAPTER VI

### AMENDMENTS TO THE MAHARASHTRA VILLAGE PANCHAYATS ACT.

- III of 1959. **47.** In section 3 of the Maharashtra Village Panchayats Act (hereinafter, in this Chapter, referred to as “the Village Panchayats Act”), in section 3, clauses (5), (11A) and (11B) shall be deleted. Amendment of section 3 of III of 1959.
- 48.** Section 124 A of the Village Panchayats Act shall be deleted. Deletion of section 124A of 1959.

## CHAPTER VII

### AMENDMENTS TO THE MAHARASHTRA MUNICIPAL COUNCILS, *NAGAR PANCHAYATS* AND INDUSTRIAL TOWNSHIPS ACT, 1965.

- Mah. XL of 1965. **49.** In section 2 of Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965 (hereinafter, in this Chapter, referred to as “the Municipal Councils Act”), clause (3A) shall be deleted. Amendment of section 2 of Mah. XL of 1965.
- 50.** In section 87A of the Municipal Councils Act, in sub-section (3), in clause (xi),— Amendment of section 87A of Mah. XL of 1965.
- (1) in sub-clause (a), the word “cess” shall be deleted;
- (2) in sub-clause (b), the word “cess” shall be deleted.
- 51.** In section 105 of the Municipal Councils Act, in sub-section (1), clauses (aa) and (e) shall be deleted. Amendment of section 105 of Mah. XL of 1965.
- 52.** Chapter IXA and sections 148A to 148O of the Municipal Councils Act shall be deleted. Deletion of Chapter IXA and sections 148A to 148O of Mah. XL of 1965.

## CHAPTER VIII

AMENDMENT TO THE MAHARASHTRA STATE TAX ON PROFESSIONS,  
TRADES, CALLINGS AND EMPLOYMENTS ACT, 1975.

- Amendment to Schedule I of Mah. XVI of 1975. **53.** In Schedule I appended to the Maharashtra State Tax on Professions, Trades, Callings and Employments Act, 1975, for entry 20A, the following entry shall be substituted, namely :—
- “20A. Persons, registered under the Maharashtra Goods and Services Tax Act, 2017. 2500 per annum.”. Mah. .... of 2017.

## CHAPTER-IX

AMENDMENTS TO THE MAHARASHTRA VALUE ADDED  
TAX ACT, 2002.

- Amendment in long title of Mah. IX of 2005. **54.** In the long title of the Maharashtra Value Added Tax Act, 2002 (hereinafter, in this Chapter, referred to as “the Value Added Tax Act”), the words “or purchase” shall be deleted. Mah. IX of 2005.
- Amendment in preamble of Mah. IX of 2005. **55.** In the preamble of the Value Added Tax Act, the words “or purchase” shall be deleted.
- Amendment of section 2 of Mah. IX of 2005. **56.** In section 2 of the Value Added Tax Act,—
- (1) clauses (1), (2) and (3-a) shall be deleted;
- (2) after clause (3-a) so deleted, the following clause shall be inserted, namely :—
- “(3-b) “appointed date for the Maharashtra Goods and Services Tax Act” means the date on which the Maharashtra Goods and Services Tax Act, 2017 comes into force;”;
- (3) in clause (4), in the *Explanation*, clause (i) shall be deleted;
- (4) clause (7) shall be deleted;
- (5) in clause (8), Exception I, II and III shall be deleted;
- (6) clause (9) shall be deleted;
- (7) for clause (12), the following clause shall be substituted, namely :—
- “(12) “goods” means petroleum crude, high speed diesel, motor spirit (commonly known as petrol), natural gas, aviation turbine fuel and alcoholic liquor for human consumption;”;
- (8) after clause (14) the following clause shall be inserted, namely :—
- “(14A) “Maharashtra Goods and Services Tax Act” means the Maharashtra Goods and Services Tax Act, 2017;”;
- (9) clause (17A) shall be deleted;
- (10) in clause (20), *Explanation IA* shall be deleted;
- (11) in clause (24), in the *Explanation*, in clause (b), in sub-clause (vi), for the words and brackets “of goods, being food or any other article for human consumption or any drink (whether or not intoxicating), the words “of alcoholic liquor for human consumption” shall be substituted;
- (12) in clause (25), *Explanation IA* shall be deleted;

(13) clause (27) shall be deleted;

(14) in clause (29), the words “or purchase tax leviable or as the case may be,” shall be deleted;

(15) in clause (32), *Explanation I* shall be deleted;

(16) in clause (33), *Explanation I* shall be deleted.

**57.** In section 3 of the Value Added Tax Act,—

Amendment  
of section 3  
of Mah. IX of  
2005.

(1) sub-section (1) shall be deleted;

(2) in sub-section (2),—

(a) for the words “to whom sub-section (1) does not apply and whose turnover either of all sales or, as the case may be, purchases made” the words “whose turnover of all sales of goods” shall be substituted;

(b) in the proviso, the words “ and purchases” and the words “or turnover of purchases” shall be deleted;

(3) in sub-section (3), the words “or turnover of purchases” shall be deleted;

(4) sub-section (5A) shall be deleted;

(5) in sub-section (8), the words “or purchases” shall be deleted.

**58.** In section 6 of the Value Added Tax Act,—

Amendment  
of section 6  
of Mah. IX of  
2005.

(1) for sub-section (1), the following sub-section shall be substituted, namely :—

“(1) There shall be levied a sales tax on the turnover of sales of goods, specified in column (2) in SCHEDULE B at the rates set out against each of them in column (3) of the said Schedule.”;

(2) in sub-section (2) , for the word and letter “ Schedule D”, the word “ SCHEDULE B” shall be substituted;

**59.** Sections 6A, 6B and 7 of the Value Added Tax Act shall be deleted.

Deletion of  
sections 6A,  
6B and 7 of  
Mah. IX of  
2005.

**60.** In section 8 of the Value Added Tax Act,—

Amendment  
of section 8  
of Mah. IX of  
2005.

(1) in sub-section (2), the words “and lubricants” shall be deleted;

(2) sub-sections (3C) and (3D) shall be deleted.

**61.** In section 16 of the Value Added Tax Act,—

Amendment  
of section 16  
of Mah. IX of  
2005.

(1) in sub-section (6), in clause (b), the words “or the turnover of purchases” shall be deleted;

(2) after sub-section (6), the following sub-section shall be inserted, namely :—

“(6A) The registration of a dealer, who has not effected sale, during the year 2016-17, of any goods, specified in column (2) in SCHEDULE A or, as the case may be SCHEDULE B, as it exists on the appointed date for the Maharashtra Goods and Services Tax Act, shall be deemed to be cancelled with effect from the said appointed date:

Provided that, any such dealer, whose registration is deemed to be cancelled, may apply in the prescribed manner for the revocation of the cancellation of his registration, if he intends to carry on the business in these goods.”.

- Deletion of section 17 of Mah. IX of 2005.
- 62.** Section 17 of the Value Added Tax Act shall be deleted.
- Insertion of section 26B in Mah. IX of 2005.
- 63.** After section 26A of the Value Added Tax Act, the following section shall be inserted, namely :—
- “26B.** The State Government may enact a scheme by a notification in the *Official Gazette* providing for,—
- (i) the speedy disposal of proceedings of assessments under section 23, rectifications under section 24, review under section 25, appeals under section 26, refund proceedings and recovery proceedings;
- (ii) criterion for selection of cases for assessment; and
- (iii) criterion for selection of cases for withdrawal of pending proceedings referred in clause (i).”.
- Amendment of section 30 of Mah. IX of 2005.
- 64.** In section 30 of the Value Added Tax Act, in sub-section (2), after the second proviso, the following proviso shall be added, namely :—
- “Provided also that, in case a dealer, whose registration is deemed to be cancelled under sub-section (6A) of section 16, files an annual revised return, as provided under clause (b) or, as the case may be, clause (c), of sub-section (4) of section 20, for any period starting from the 1st April 2017, then the interest shall be payable on the excess amount of tax, payable as per such annual revised return from the prescribed dates by the prescribed class of dealers.”.
- Deletion of section 31A of Mah. IX of 2005.
- 65.** Section 31A of the Value Added Tax Act shall be deleted.
- Amendment of section 41 of Mah. IX of 2005.
- 66.** In section 41 of the Value Added Tax Act, in sub-section (4),—
- (1) in clause (a), the words “and petroleum products” shall be deleted;
- (2) in clause (b), in the *Explanation*, the words “and petroleum products” shall be deleted;
- (3) clause (c) shall be deleted.
- Amendment of section 42 of Mah. IX of 2005.
- 67.** In section 42 of the Value Added Tax Act,—
- (1) sub-section (1) shall be deleted;
- (2) in sub-section (2), the portion beginning with the words “who are running any eating house” and ending with the words “or vendors” shall be deleted;
- (3) after sub-section (2), the following sub-section shall be added and deemed to have been added with effect from the 1st April 2010, namely :—

“(3B) The registered dealers, who had undertaken the construction of flats, dwellings or buildings or premises and transferred them in pursuance of an agreement along with the land or interest underlying the land and where,—

(a) such agreement is registered on or before the 31st May 2017; and

(b) the works contract activity in respect of aforesaid agreement is continued on or after the date notified for the purpose of the Maharashtra Goods and Services Tax Act or, as the case may be, payment is received,

then notwithstanding anything contained in sub-section (3A) or, as the case may be, in the Notification, Finance Department, No. VAT/2015/CR-65/Taxation.-1 dated the 9th July 2010, but subject to the conditions stated in column (3) at Serial Number (3) to (5) and (7) of the aforesaid notification, the said dealer shall,—

(i) determine the composition amount in lieu of tax payable on the transfer of the goods (whether as goods or in some other form), in execution of the works contract under the Act, at one per cent. of the payment received in respect of said flats, dwellings or buildings or premises till the date immediately preceding the date on which the Maharashtra Goods and Services Tax Act comes into force, and deduct the amount so determined from the composition amount paid as per the aforesaid notification, and

(ii) take the credit into the electronic credit ledger prescribed under the Maharashtra Goods and Services Tax Act of the balance unutilized amount remained on the date on which the Maharashtra Goods and Services Tax Act comes into force.” ;

(4) sub-sections (3), (3A) and (4) shall be deleted.

**68.** In section 45 of the Value Added Tax Act,—

Amendment of section 45 of Mah. IX of 2005.

(1) in sub-section (2), the words “or purchased” shall be deleted;

(2) in sub-section (3),—

(a) the words “or purchases”, at both the places where they occur, shall be deleted ;

(b) in the proviso, the words “ or purchase ” shall be deleted.

**69.** In section 47 of the Value Added Tax Act, after sub-section (2A), the following sub-section shall be inserted, namely :—

Amendment of section 47 of Mah. IX of 2005.

“(2B) Notwithstanding anything contained in this section, if the order of the Court, Tribunal or the Central Government is passed on or after the appointed date of the Maharashtra Goods and Services Tax Act, then the provisions of the said Act, in this regard, shall be applicable.”.

**70.** In section 48 of the Value Added Tax Act,—

Amendment of section 48 of Mah. IX of 2005.

(1) in sub-section (1), in clause (a),—

(a) sub-clauses (i), (iii) and (iv) shall be deleted ;

(b) in sub-clause (ii), the words “or purchase” shall be deleted ;

(2) sub-section (3) shall be deleted.

- Deletion of section 49 of Mah. IX of 2005. **71.** Section 49 of the Value Added Tax Act shall be deleted.
- Amendment of section 74 of Mah. IX of 2005. **72.** In section 74 of the Value Added Tax Act, in sub-section (3), clause (c) shall be deleted.
- Substitution of section 84 of Mah. IX of 2005. **73.** For section 84 of the Value Added Tax Act, the following section shall be substituted, namely :—
- Declaration of stock of goods held on the appointed date and calling for other information, etc. **“84.** (1) The Commissioner may, by notification in the *Official Gazette*, require any class of registered dealers, as may be specified in the notification, to declare the details, to the prescribed authority, regarding capital assets and the stock of goods held by them on the day immediately preceding the appointed date for the Maharashtra Goods and Services Tax Act.
- (2) The Commissioner may, by notification in the *Official Gazette*, require any class of registered dealers, migrating to the Maharashtra Goods and Services Tax Act to furnish any other information in the prescribed manner.”.
- Deletion of section 87 of Mah. IX of 2005. **74.** Section 87 of the Value Added Tax Act shall be deleted.
- Amendment to Schedule A of Mah. IX of 2005. **75.** In Schedule A appended to the Value Added Tax Act, for the entries 1 to 63, the following entries shall be substituted, namely :—
- |    |  |        |
|----|--|--------|
| “1 | Toddy and Arak-  | Nil    |
| 2  | Goods supplied from bond to foreign going ships and aircrafts. | Nil.”. |
- Deletion of Schedules B, C and E of Mah. IX of 2005. **76.** Schedules B, C, and E appended to the Value Added Tax Act shall be deleted.
- Amendment to Schedule D of Mah. IX of 2005. **77.** Schedule D appended to the Value Added Tax Act shall be renamed as Schedule B thereof and in Schedule B as so renamed,—
- (a) entry 4 shall be deleted ;
- (b) in entry 6, in column (2), for the figures and words “ entry 8 of SCHEDULE C, entry 11 and entry 11A ” the figures and words “ entry 11, 11A and entry 13 ” shall be substituted. ” ;



(c) for entries 12, 13 and 14 the following entries shall be substituted, namely :—

“12 Petroleum Crude	5%
13 Aviation Turbine Fuel sold to a Turbo-prop aircraft.	5%

*Explanation.*—for the purposes of this entry,  
“ Turbo-prop Aircraft ” means an aircraft deriving thrust mainly from propeller, which may be driven by either turbine engine or piston engine.

14 Bunker Oil supplied to foreign going ships	6%
15 Natural Gas	13.5%.”.

## CHAPTER X

### VALIDATION AND SAVINGS.

**78.** (1) Notwithstanding the amendments made in the Mumbai Savings.  
III of 1888. Municipal Corporation Act, the Maharashtra Entertainments Duty Act, the  
I of 1923. Maharashtra Municipal Corporations Act, the Maharashtra Motor Vehicles  
LIX of 1949. Tax Act, the Maharashtra Village Panchayats Act, the Maharashtra Municipal  
LXV of 1958. Councils, Nagar Panchayats and Industrial Townships Act, 1965, the  
1958. Maharashtra State Tax on Professions, Trades, Callings and Employments  
III of 1959. Act, 1975 and the Maharashtra Value Added Tax Act, 2002 by this Act, those  
1959. Mah. laws and all rules, regulations, orders, notifications, form, certificates and  
XL of 1965. notices, appointments and delegation of powers issued under those laws which  
1965. Mah. are in force immediately before the appointed day of the Maharashtra Goods  
XVI of 1975. and Services Tax Act, 2017 shall, subject to the other provisions of this Act,  
Mah. IX of 2005. in so far as they apply, continue to have effect after the appointed day of the  
Mah. .... of 2017. Maharashtra Goods and Services Tax Act, 2017 for the purposes of the levy,  
Mah. .... of 2017. returns, assessment, re-assessment, appeal, determination, revision,  
Mah. .... of 2017. rectification, reference, limitation, production and inspection of accounts and  
Mah. .... of 2017. documents and search of premises, transfer of proceedings, payment and  
Mah. .... of 2017. recovery, calculation of cumulative quantum of benefits, exemption from  
Mah. .... of 2017. payment of tax and deferment of due date for payment of tax, cancellation of  
Mah. .... of 2017. the certificate of Entitlement, collection or deduction of tax at source, refund  
Mah. .... of 2017. or set off of any tax, withholding of any refund, exemption from payment of  
Mah. .... of 2017. tax, collection of statistics, the power to make rules, the imposition of any  
Mah. .... of 2017. penalty, or of interest or forfeiture of sum where such levy, returns  
Mah. .... of 2017. assessment, re-assessment, appeal, determination, revision, rectification,  
Mah. .... of 2017. reference, limitation, payment and recovery, calculation of cumulative  
Mah. .... of 2017. quantum of benefits, exemption from payment of tax and deferment of due  
Mah. .... of 2017. date for payment of tax, cancellation of the certificate of entitlement,  
Mah. .... of 2017. collection, deduction of tax at source, refund, set-off, withholding of any  
Mah. .... of 2017. refund, exemption, collection of statistics, the power to make rules, limitation,  
Mah. .... of 2017. production and inspection of accounts and documents and search of premises,  
Mah. .... of 2017. transfer of proceedings, penalty, interest or forfeiture of any sum relates to  
Mah. .... of 2017. any period ending before the appointed day of the Maharashtra Goods and  
Mah. .... of 2017. Services Tax Act, 2017 or for any other purpose whatsoever connected with  
Mah. .... of 2017. or incidental to any of the purposes aforesaid and whether or not the tax,  
Mah. .... of 2017. penalty, interest, sum forfeited or tax deducted at source, if any, in relation  
Mah. .... of 2017. to such proceedings is paid before or after the appointed day of the  
Mah. .... of 2017. Maharashtra Goods and Services Tax Act, 2017.

(2) Without prejudice to the provisions contained in the foregoing sub-section, the provisions of section 7 of the Maharashtra General Clauses Act, 1904. shall apply in relation to the repeal of any of the provisions of the Acts referred to in sub-section (1).



# महाराष्ट्र शासन राजपत्र

## असाधारण भाग आठ

वर्ष ४, अंक २(३)]

मंगळवार, जानेवारी १६, २०१८/पौष २६, शके १९३९

[पृष्ठे २, किंमत : रुपये २७.००

असाधारण क्रमांक ११

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधि व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Village Panchayats (Amendment) and the Maharashtra Village Panchayats (Payment of Lump-sum Contribution by Factories in Lieu of Taxes) Rules (Repeal) Act, 2017 (Mah. Act No. XI of 2018), is hereby published under the authority of the Governor.

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

RAJENDRA G. BHAGWAT,  
I/c. Secretary (Legislation) to Government,  
Law and Judiciary Department.

### MAHARASHTRA ACT No. XI OF 2018

(First published, after having received the assent of the Governor in the "Maharashtra Government Gazette", on the 16th January 2018.)

An Act further to amend the Maharashtra Village Panchayats Act and to repeal the Maharashtra Village Panchayats (Payment of Lump-sum Contribution by Factories in Lieu of Taxes) Rules, 1961.

III of 1959. WHEREAS, it is expedient further to amend the Maharashtra Village Panchayats Act and to repeal the Maharashtra Village Panchayats (Payment of Lump-sum Contribution by Factories in Lieu of Taxes) Rules, 1961, for the purposes hereinafter appearing ; it is hereby enacted in the Sixty-eighth year of the Republic of India as follows :—

1. (1) This Act may be called the Maharashtra Village Panchayats (Amendment) and the Maharashtra Village Panchayats (Payment of Lump-sum Contribution by Factories in Lieu of Taxes) Rules (Repeal) Act, 2017. Short title and commencement.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

(१)

- Deletion of section 125 of III of 1959. **2.** Section 125 of the Maharashtra Village *Panchayats* Act (hereinafter referred to as “the principal Act”) shall be deleted. III of 1959.
- Amendment of section 176 of III of 1959. **3.** In section 176 of the principal Act, in sub-section (2), clause (xxvii) shall be deleted.
- Repeal and saving. **4.** (1) The Maharashtra Village Panchayats (Payment of Lump-sum Contribution by Factories in Lieu of Taxes) Rules, 1961 shall stand repealed.  
 (2) Notwithstanding deletion of section 125 of the principal Act and repeal of the Maharashtra Village Panchayats (Payment of Lump-sum Contribution by Factories in Lieu of Taxes) Rules, 1961, the agreements entered into or executed in pursuance thereof, shall be valid for a period mentioned in the agreements and shall then expire :  
 Provided that, the tax may be levied and collected separately,—  
 (i) if during the period the agreement is effective, *Panchayat* imposes any new taxes as per the provisions of the principal Act or rules made thereunder ; or  
 (ii) if the occupier constructs a new building in his premises or makes material alterations in any existing building.



# महाराष्ट्र शासन राजपत्र

## असाधारण भाग आठ

वर्ष ४, अंक २४(२)]

बुधवार, मार्च २८, २०१८/चैत्र ७, शके १९४०

[पृष्ठे ३, किंमत : रुपये २७.००

असाधारण क्रमांक ५६

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधि व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Village Panchayats (Amendment) Act, 2018 (Mah. Act No. XXIV of 2018), is hereby published under the authority of the Governor.

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

RAJENDRA G. BHAGWAT,  
I/c. Secretary (Legislation) to Government,  
Law and Judiciary Department.

### MAHARASHTRA ACT No. XXIV OF 2018.

(First published, after having received the assent of the Governor in the "Maharashtra Government Gazette", on the 28th March 2018.)

An Act further to amend the Maharashtra Village Panchayats Act.

WHEREAS both Houses of the State Legislature were not in session ;

AND WHEREAS the Governor of Maharashtra was satisfied that  
III of circumstances existed which rendered it necessary for him to take immediate  
1959. action further to amend the Maharashtra Village Panchayats Act, for the  
Mah. purposes hereinafter appearing ; and, therefore, promulgated the  
Ord. V Maharashtra Village Panchayats (Amendment) Ordinance, 2018 on the  
of 2018. 9th February 2018 ;

(१)

AND WHEREAS, it is expedient to replace the said Ordinance by an Act of the State Legislature; it is hereby enacted in the Sixty-ninth Year of the Republic of India as follows :—

Short title and commencement.

1. (1) This Act may be called the Maharashtra Village Panchayats (Amendment) Act, 2018.

(2) It shall be deemed to have come into force on the 9th February 2018.

Amendment of section 10-1A of III of 1959.

2. In section 10-1A of the Maharashtra Village Panchayats Act III of 1959. (hereinafter referred to as “the principal Act”), for the existing provisos, the following provisos shall be substituted, namely :—

“Provided that, for the General or by-elections for which the last date of filing of nomination falls on or before the 30th June 2019, in accordance with the election programme declared by the State Election Commission, a person who has applied to the Scrutiny Committee for verification of his Caste Certificate before the date of filing of the nomination papers but who has not received the Validity Certificate on the date of filing of the nomination papers shall submit, alongwith the nomination papers,—

(i) a true copy of the application preferred by him to the Scrutiny Committee for issuance of the Validity Certificate or any other proof of having made such application to the Scrutiny Committee; and

(ii) an undertaking that he shall submit, within a period of six months from the date on which he is declared elected, the Validity Certificate issued by the Scrutiny Committee :

Provided further that, if such person fails to produce the Validity Certificate within a period of six months from the date on which he is declared elected, his election shall be deemed to have been terminated retrospectively and he shall be disqualified for being a member.”.

Amendment of section 30-1A of III of 1959.

3. In section 30-1A of the principal Act, for the existing provisos, the following provisos shall be substituted, namely :—

“Provided that, for the elections for the post of *Sarpanch* for which the last date of filing of nomination falls on or before the 30th June 2019, in accordance with the election programme declared by the State Election Commission, a person who has applied to the Scrutiny Committee for verification of his Caste Certificate before the date of filing of the nomination papers but who has not received the Validity Certificate on the date of filing of the nomination papers shall submit, alongwith the nomination papers,—

(i) a true copy of the application preferred by him to the Scrutiny Committee for issuance of the Validity Certificate or any other proof of having made such application to the Scrutiny Committee; and

(ii) an undertaking that he shall submit, within a period of six months from the date on which he is declared elected, the Validity Certificate issued by the Scrutiny Committee:

Provided further that, if such person fails to produce the Validity Certificate within a period of six months from the date on which he is declared elected, his election shall be deemed to have been terminated retrospectively and he shall be disqualified for being a *Sarpanch*.”

Mah.  
Ord. V  
of 2018.

4. (1) The Maharashtra Village Panchayats (Amendment) Ordinance, 2018, is hereby repealed.

Repeal of  
Mah. Ord. V  
of 2018 and  
saving.

(2) Notwithstanding such repeal, anything done or any action taken (including any notification or order issued) under the corresponding provisions of the principal Act, as amended by the said Ordinance, shall be deemed to have been done, taken or issued, as the case may be, under the corresponding provisions of the principal Act, as amended by this Act.



# महाराष्ट्र शासन राजपत्र

## असाधारण भाग आठ

वर्ष ४, अंक ६२]

सोमवार, ऑगस्ट १३, २०१८/श्रावण २२, शके १९४०

[ पृष्ठे ९, किंमत : रुपये २७.००

असाधारण क्रमांक १२८

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधि व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Village Panchayats (Amendment) Act, 2017 (Mah. Act No. LIV of 2018), is hereby published under the authority of the Governor.

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

RAJENDRA G. BHAGWAT,

I/c. Secretary (Legislation) to Government,  
Law and Judiciary Department.

### MAHARASHTRA ACT No. LIV OF 2018.

*(First published, after having received the assent of the Governor in the "Maharashtra Government Gazette", on the 13th August 2018.)*

An Act further to amend the Maharashtra Village Panchayats Act.

WHEREAS the Governor of Maharashtra had promulgated the Mah. Ord. Maharashtra Village Panchayats (Amendment) Ordinance, 2017 (hereinafter referred to as "the said Ordinance") on the 19th July 2017 ;

AND WHEREAS the Maharashtra Village Panchayats (Amendment) Bill, 2017 (L.A. Bill No. LVI of 2017) (hereinafter referred to as "the said Bill") for converting the said Ordinance into an Act of the State Legislature, was Introduced in the Maharashtra Legislative Assembly on the 10th August 2017 ;



AND WHEREAS as the session of the Maharashtra Legislative Assembly was prorogued on the 11th August 2017, the said Bill could not be passed by the Maharashtra Legislative Assembly ;

AND WHEREAS as provided by article 213(2)(a) of the Constitution of India, the said Ordinance would have ceased to operate on the 3rd September 2017 ;

AND WHEREAS it was considered expedient to continue the provisions of the said Ordinance and, therefore, the Maharashtra Village Panchayats (Amendment and Continuance) Ordinance, 2017 (hereinafter referred to as “the said Continuance Ordinance”) was promulgated by the Governor of Maharashtra on the 1st September 2017 ;

Mah.  
Ord.  
XVIII  
of  
2017.

AND WHEREAS upon the re-assembly of the State Legislature on the 11th December 2017, the said Bill was passed with amendment by the Maharashtra Legislative Assembly on the 19th December 2017 and transmitted to the Maharashtra Legislative Council ;

AND WHEREAS the said Bill has been passed by the Legislative Council with further amendments on the 22nd December 2017 ;

AND WHEREAS, before the amendments to the said Bill made by the Maharashtra Legislative Council, could be considered by the Maharashtra Legislative Assembly, the session of the Legislative Assembly was prorogued on the 22nd December 2017 ;

AND WHEREAS, as provided by article 213(2)(a) of the Constitution of India, the said Continuance Ordinance would have ceased to operate at the expiration of six weeks from re-assembly of the State Legislature, that is, after the 21st January 2018 ;

AND WHEREAS both Houses of the State Legislature were not in session; and the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action to continue the operation of the provisions of the said Continuance Ordinance, for the purposes hereinafter appearing; and, therefore, promulgated the Maharashtra Village Panchayats (Amendment and Continuance) Ordinance, 2018 (hereinafter referred to as “the said Continuance Ordinance, 2018”) on the 20th January 2018 ;

Mah.  
Ord. II  
of  
2018.

AND WHEREAS it is expedient to replace the said Continuance Ordinance, 2018 by an Act of the State Legislature ; it is hereby enacted in the Sixty-eighth Year of the Republic of India as follows :—

Short title and commencement.

1. (1) This Act may be called the Maharashtra Village Panchayats (Amendment) Act, 2017.

(2) It shall be deemed to have come into force on the 19th July 2017.

Amendment of section 3 of III of 1959.

2. In section 3 of the Maharashtra Village Panchayats Act (hereinafter referred to as “the principal Act”),—

III of  
1959.

(a) after clause (11AA), the following clause shall be inserted, namely :—

“(11 AAA) “member” means a member duly elected as a member of *panchayat* under section 11 and include the *Sarpanch* of *panchayat* elected directly under section 30A-1A ;” ;

(b) in clause (17) after the word and figures “section 30” the figures, letters and sign “ , 30A- 1A” shall be inserted.

3. In section 7 of the principal Act, after sub-section (3), the following sub-section shall be inserted, namely :—

Amendment  
of section 7 of  
III of 1959.

“(3A) In respect of the *panchayat* to which the *Sarpanch* is elected directly under section 30A-1A, unless otherwise provided in this Act, all meetings of the *Gram Sabha* after each general election to a *panchayat*, shall be presided over by the *Sarpanch* and in his absence by the *Upa-Sarpanch*; and in absence of both *Sarpanch* and *Upa-Sarpanch*, it shall be presided over by senior most member of *panchayat* by age present in that meeting of the *Gram Sabha*. In case no member of *panchayat* is present, the said meeting of the *Gram Sabha* shall be adjourned for a period of one week, and such adjourned meeting shall be presided over by *Sarpanch* and in his absence by *Upa-Sarpanch* and in absence of both the *Sarpanch* and *Upa-Sarpanch* by the senior most member of the *panchayat* by age present in the meeting of *Gram Sabha*. In case no member of *panchayat* is present, such meeting shall be presided over by an officer authorized by the Block Development Officer in that behalf. ” .

4. In section 10 of the principal Act, after sub-section (1), the following sub-section shall be inserted, namely :—

Amendment  
of section 10  
of III of 1959.

“(1A) In respect of the *panchayat* to which the *Sarpanch* is directly elected under section 30A-1A, the provisions of this section shall apply with the modifications that, in sub-section (1), in clause (a), before sub-clause (i) the following sub-clause shall be inserted, namely :—

“(i-A) *Sarpanch* elected under section 30A-1A- *ex officio* member ; and ” .” .

5. In section 13 of the principal Act, for sub-sections (1) and (2), the following sub-sections shall be substituted, namely :—

Amendment  
of section 13  
of III of 1959.

“(1) Every person whose name is in the list of voters shall, unless disqualified under this Act, or any other law for the time being in force, be qualified to vote at the election of, a member for the ward to which such list pertains and, *Sarpanch* of *panchayat* to be elected directly.

(2) Every person whose name is in the list of voters and who is not less than 21 years of age on the last date fixed for making nomination for every general election or bye-election shall, unless disqualified under this Act, or under any other law for the time being in force, be qualified to be elected for any ward of the village and for *Sarpanch* of *panchayat*. No person whose name is not entered in the list of voters for such village shall be qualified to be elected for any ward of the village and *Sarpanch* of *panchayat*.

(2A) Every person who is not less than 21 years of age on the last date fixed for making nomination for every general election or bye-election and whose name is in the list of voters and who is born on or after 1st January 1995, and who is not disqualified under this Act, or under any other law for the time being in force shall, unless possesses minimum 7th standard of school education passing certificate or acquired educational qualification equivalent to 7th standard, as certified by the competent authority, be qualified to be elected as *Sarpanch*. ” .

Amendment  
of section 14  
of III of 1959.

**6.** In section 14 of the principal Act, in sub-section (1),—

(i) in clause (a), in sub-clause (ii), for the words “five years” the words “six years” shall be substituted;

(ii) in clause (d), for the words “five years” the words “six years” shall be substituted.

Amendment  
of section 15  
of III of 1959.

**7.** In section 15 of the principal Act, in sub-section (2), after the word and figure “section 11” the words, figures, letters and sign “or section 30A-1A, as the case may be” shall be added.

Amendment  
of section 16  
of III of 1959.

**8.** In section 16 of the principal Act, in sub-section (2), for the words “State Government” at both the places where they occur, the word “Commissioner” shall be substituted.

Amendment  
of section 29  
of III of 1959.

**9.** In section 29 of the principal Act, in sub-section (2), for the words “forward it to the Secretary” the words “forward it within seven days to the Secretary” shall be substituted.

Amendment  
of section 30  
of III of 1959.

**10.** In section 30 of the principal Act, after sub-section (1), the following sub-section shall be inserted, namely :—

“(1A) In respect of the *panchayat* to which the *Sarpanch* is elected directly under section 30A-1A, the provisions of this section shall apply with the following modifications :—

(a) for sub-section (1), the following sub-section shall be substituted, namely :—

“(1) Every *panchayat* shall be presided over by a *Sarpanch*.”;

(b) sub-section (2) shall be deleted ;

(c) in sub-section (4), for the words “the members belonging to” the words “persons belonging to” shall be substituted. ”.

Insertion of  
section 30A-  
1A in III of  
1959.

**11.** After section 30, the following section shall be inserted, namely :—

Direct  
election of  
*Sarpanch*.

**“30A-1A.** (1) After the date of commencement of the Maharashtra Village Panchayats (Amendment) Act, 2017 in respect of the *panchayat* to which the general election is to be held, subject to provisions of sub-sections (4), (5) and (6) of section 30, every *panchayat* shall have a *Sarpanch* who shall be elected by the persons whose names are included in the list of voters for village under section 12.

(2) Election of the *Sarpanch* shall be held simultaneously with the general elections of the *panchayat* and the procedure regarding holding of elections to the *panchayat* shall, *mutatis mutandis*, apply to such election.

(3) If at an election, no *Sarpanch* is elected, a fresh election shall be held to elect a *Sarpanch*, and if there is a failure to elect a *Sarpanch* at the fresh election, such vacancy may, notwithstanding anything contained in this Act, be filled by election by the elected members from amongst themselves and the term of *Sarpanch* elected under this sub-section shall be co-terminus with the term of members of the *panchayat*.

(4) Any person elected under sub-section (3) shall be deemed to be duly elected at an election under this section.

Mah.  
LIV of  
2018.

(5) If, in the election of the *Sarpanch*, there is an equality of votes, the result of the election shall be decided by lots to be drawn by the State Election Commissioner or the officer appointed by him for the purpose.

(6) In case of a dispute regarding election of the *Sarpanch*, the provisions of section 15 shall, *mutatis mutandis*, apply. ” .

**12.** In section 30A of the principal Act,—

Amendment of section 30A of III of 1959.

(a) after sub-section (1) the following sub-section shall be inserted, namely :—

“(1A) In respect of the *panchayat* to which the *Sarpanch* is directly elected, the election of the *Upa-Sarpanch* shall be held in the first meeting held after every general election. ” ;

(b) after sub-section (2), the following sub-section shall be added, namely :—

“(2A) In respect of the *panchayat* to which the *Sarpanch* is directly elected, the provisions of sub-section (3) of section 30 shall, *mutatis mutandis*, apply in the case of *Upa-Sarpanch*.

**13.** In section 33 of the principal Act, after sub-section (5), the following sub-section shall be inserted, namely :—

Amendment of section 33 of III of 1959.

“(6) In respect of the *panchayat* to which the *Sarpanch* is directly elected under section 30A-1A, the provisions of this section shall apply with the following modifications :—

(a) in sub-section (1), for the words “election of *Sarpanch* and *Upa- Sarpanch*” at both the places where they occurs, the words “election of *Upa-Sarpanch*” shall be substituted;

(b) after sub-section (1), the following sub-section shall be inserted, namely :—

“(1A) The election of the *Sarpanch* shall be held in accordance with the provisions of section 30A-1A of this Act.”;

(c) in sub-section (2), after the words “presided over by” the words “the *Sarpanch* and if the post of *Sarpanch* is vacant by” shall be inserted;

(d) in sub-section (3), the words “*Sarpanch* and” shall be deleted;

(e) for sub-section (4), the following sub-section shall be substituted,—

“(4) If, in the election of *Upa-Sarpanch* there is an equality of votes, the *Sarpanch* shall have the right to exercise casting vote, and if the post of *Sarpanch* is vacant, the result of elections shall be decided by lot drawn in the presence of the officer presiding in such manner as he may determine.”;

(f) in sub-section (5),—

(i) the words “*Sarpanch* or” shall be deleted;

(ii) after the word, brackets and figure “ sub-section (1) ” the words “*Sarpanch* or” shall be inserted.”.

**14.** In section 35 of the principal Act, after sub-section (1), the following sub-section shall be inserted, namely :—

Amendment of section 35 of III of 1959.

“(1A) In respect of the *panchayat* to which the *Sarpanch* is directly elected under section 30A- 1A, the provisions of this section shall apply with the following modifications:—

(a) in sub-section (1), for the words “one-third” the words “two-third” shall be substituted;

(b) in sub-section (3), for the portion beginning with the words “If the motion” and ending with the words “against the *Sarpanch*,” the following portion shall be substituted, namely :—

“ If the motion of no-confidence is carried by a majority of not less than three-fourth of the total number of the members who are for the time being entitled to sit and vote at any meeting of the *panchayat*, the *Sarpanch* or the *Upa- Sarpanch*, as the case may be, and ratified before the special *Gram Sabha* by the secret ballot in the presence and under the Chairmanship of the Officer appointed for the purpose by the Collector, shall forthwith stop, exercising all the powers and, performing all the functions and duties of the office and thereupon such powers, functions and duties shall vest in the *Upa-Sarpanch*, in case the motion is carried out against the *Sarpanch* ;”;

(c) for the fourth proviso, the following provisos shall be substituted, namely :—

“Provided also that, no such motion of no-confidence shall be brought within a period of two years from the date of election of *Sarpanch* or *Upa-Sarpanch* and before the six months preceding the date on which the term of *panchayat* expires :

Provided also that, if the no-confidence motion fails, then no motion shall be brought before the passage of time of next two years .”.

Amendment  
of section 38  
of III of 1959.

**15.** In section 38 of the principal Act, in sub-section (2), after clause (i) the following clause shall be inserted, namely :—

“(i-a) in respect of the *panchayat* to which the *Sarpanch* is directly elected under section 30A-1A, the *Sarpanch* shall also exercise the following powers, functions and duties,—

(a) finalise the agenda of *panchayat* meetings :

Provided that, if three or more members demands regarding inclusion of any item on agenda for immediate next meeting, the *Sarpanch* shall include the same in next meeting :

Provided further that, no *ad-hoc* financial business shall be transacted unless it forms a part of the circulated agenda :

Provided also that, if the *panchayat* resolves on any subject that is detrimental to the well-being of the village at large in the opinion of *Sarpanch*, the *Sarpanch* shall cause the resolution to be kept for final decision immediately in the next following *Gram-Sabha*, and the decision of the said *Gram Sabha* shall be final ;

(b) prepare the annual budget of *panchayat* ;

(c) exercise all other powers to implement the schemes in consultation with *panchayat* ; ”.

Amendment of  
section 39 of  
III of 1959.

**16.** In section 39 of the principal Act, in sub-section (2), for the words “five years” the words “six years” shall be substituted.

Amendment  
of section 43  
of III of 1959.

**17.** In section 43 of the principal Act, in sub-section (1), after the existing proviso, the following proviso shall be added, namely :—

“Provided further that, the post of the directly elected *Sarpanch* fallen vacant under this sub-section shall be filled in by election in the manner laid down in section 30A-1A, within six months from the date of such vacancy.”.

18. In section 49 of the principal Act, in sub-section (4), in proviso,— Amendment of section 49 of III of 1959.  
(i) before clause (a), the following clause shall be inserted, namely :—

“(a1) the *Sarpanch* shall be the *ex officio* Chairman ; ” ;

(ii) after clause (f), the following clause shall be inserted, namely :—

“(g) *Gramsevak* shall be *ex officio* Member- Secretary . ” .

19. In section 62 of the principal Act, after sub-section (1), the following sub-section shall be inserted, namely :— Amendment of section 62 of III of 1959.

“(1AA) In respect of the *panchayat* to which the *Sarpanch* is directly elected under section 30A-1A, the provisions of this section shall apply with the following modifications :—

(a) for sub-sections (1) and (1A), the following sub-sections shall be substituted, namely,—

“(1) The *Sarpanch* shall determine annually on or before 5th January of every year in such form as may be prescribed, a statement of,—

(a) the opening balance in the fund and estimated income of the *panchayat* for the following financial year ;

(b) the expenditure proposed on establishment and discharge of its duties under section 45 ;

(c) the amount to be contributed to the District Village Development Fund established under section 133 ;

(d) the statement made under clause (a), (b) or (c), as the case may be, shall be placed by the *Sarpanch*, before the *panchayat* ;

(e) the *panchayat* shall in respect of the said statement, finalise its recommendations on or before the 31st of January ;

(f) the statement along with the recommendation of the *panchayat* under clause (e), shall be placed before the *Gram Sabha*, which may ratify it on or before 28th of February ;

(g) after the decision of the *Gram Sabha* under clause (f), the said statement shall be submitted to the *Panchayat Samiti*.

(1-A) If, on or before the date specified in sub-section (1),—

(a) the *Sarpanch* fails to submit the statement ; or

(b) the *panchayat* fails to make recommendation in respect of the statement ; or

(c) the *Gram Sabha* fails to take decision in respect of ratification of the recommendations,

the Secretary shall prepare the statement, regarding the mandatory and office expenditure to be carried out and submit it to the *Panchayat Samiti* in the form prescribed under the said sub-section.”;

(b) in sub-section (2), for the portion beginning with words “ The *Panchayat Samiti* ” and ending with words “ increased or decreased: ” the portion “ The *Panchayat Samiti* shall, either approve the statement or direct that the proposed expenditure on

any of the duties falling under section 45 shall be increased or decreased on or before 31st March of the every year. Expenditure shall be carried out as per this statement till the date budgetary process outlined in sub-section (1) of this section is completed.” shall be substituted ;

(c) in second proviso of sub-section (2), after the words “ be increased or decreased” the words and figure “ on or before 31st March of every year and in case of revised and supplementary statement ” shall be inserted. ”.

Amendment  
of section 62A  
of III of 1959.

**20.** Section 62A of the principal Act, shall be re-numbered as sub-section (1) of that section and after sub-section (1) as so re-numbered, the following sub-section shall be added, namely :—

“(2) In respect of the *panchayat* to which the *Sarpanch* is directly elected under section 30A-1A, a *Sarpanch* may at anytime during the financial year for which any such statement has been approved as aforesaid cause a revised or supplementary statement to be prepared. Every such revised or supplementary statement shall be considered and approved by the *Panchayat Samiti* in the same manner as if it were an original statement, and the provisions of section 62 shall apply in relation to such revised or supplementary statement. ” .

Amendment  
of section 145  
of III of 1959.

**21.** In section 145 of the principal Act, sub-section (1 A) shall be deleted.

Power to  
remove  
difficulty.

**22.** (1) If any difficulty arises in giving effect to the provisions of the Maharashtra Village Panchayats Act, as amended by this Act, the State Government may, by an order published in the *Official Gazette*, as the occasion arises, make such provisions not inconsistent with provisions of the said Act, as amended by this Act, as may appear it to be necessary or expedient for purpose of removing the difficulty : III of 1959.

Provided that, no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

(2) Every order made under sub-section (1) shall be laid, as soon as may be, after it is made, before each House of the State Legislature.

Mah.  
Ord. II  
of 2018.

**23.** (1) The Maharashtra Village Panchayats (Amendment and Continuance) Ordinance, 2018, is hereby repealed.

Repeal of  
Mah. Ord. II  
of 2018 and  
saving.

(2) Notwithstanding such repeal, anything done or any action taken (including any notification or order issued) under the corresponding provisions of the Maharashtra Village Panchayats Act, as amended by the said Ordinance, shall be deemed to have been done, taken or issued, as the case may be, under the corresponding provisions of the said Act, as amended by this Act.





# महाराष्ट्र शासन राजपत्र

## असाधारण भाग आठ

वर्ष ४, अंक ८५(३)]

शुक्रवार, डिसेंबर १४, २०१८/अग्रहायण २३, शके १९४०

[पृष्ठे ४, किंमत : रुपये २७.००]

असाधारण क्रमांक १६७

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधि व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Village Panchayats and the Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Act, 2018 (Mah. Act No. LXVI of 2018), is hereby published under the authority of the Governor.

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

RAJENDRA G. BHAGWAT,  
Secretary (Legislation) to Government,  
Law and Judiciary Department.

### MAHARASHTRA ACT No. LXVI OF 2018.

(First published, after having received the assent of the Governor in the " Maharashtra Government Gazette ", on the 14th December 2018).

An Act further to amend the Maharashtra Village Panchayats and the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961.

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 further to amend the Maharashtra Village Panchayats Act and the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961, for the purposes hereinafter appearing ; and, therefore promulgated the Maharashtra Village Panchayats and the Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Ordinance, 2018 on the 11th October 2018 ;

AND WHEREAS, it is expedient to replace the said Ordinance by an Act of the State Legislature ; it is hereby enacted in the Sixty-ninth Year of the Republic of India as follows :—

## CHAPTER I

## PRELIMINARY

- Short title and commencement. 1. (1) This Act may be called the Maharashtra Village Panchayats and the Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Act, 2018.  
(2) It shall be deemed to have come into force on the 11th October 2018.

## CHAPTER II

AMENDMENTS TO THE MAHARASHTRA VILLAGE  
PANCHAYATS ACT.

- Amendment of section 10-1A of III of 1959. 2. In section 10-1A of the Maharashtra Village Panchayats Act (hereinafter in this Chapter referred to as "the Maharashtra Village Panchayats Act"),—  
(a) in the first proviso, in clause (ii), for the words "six months" the words "twelve months" shall be substituted and shall be deemed to have been substituted with effect from 31st March 2016 ;  
(b) in the second proviso, for the words "six months" the words "twelve months" shall be substituted and shall be deemed to have been substituted with effect from 31st March 2016 ;  
(c) after the second proviso, the following proviso shall be added, namely :—  
"Provided also that, in respect of the undertaking filed by any person under clause (ii) of the first proviso, before the date of commencement of the Maharashtra Village Panchayats and the Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Act, 2018, the period of "six months" specified in such undertaking shall be deemed to have been substituted as "twelve months".". Mah. LXVI of 2018.
- Amendment of section 30-1A of III of 1959. 3. In section 30-1A of the Maharashtra Village Panchayats Act,—  
(a) in the first proviso, in clause (ii), for the words "six months" the words "twelve months" shall be substituted and shall be deemed to have been substituted with effect from 31st March 2016 ;  
(b) in the second proviso, for the words "six months" the words "twelve months" shall be substituted and shall be deemed to have been substituted with effect from 31st March 2016 ;  
(c) after the second proviso, the following proviso shall be added, namely :—  
"Provided also that, in respect of the undertaking filed by any person under clause (ii) of the first proviso, before the date of commencement of the Maharashtra Village Panchayats and the Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Act, 2018, the period of "six months" specified in such undertaking shall be deemed to have been substituted as "twelve months".". Mah. LXVI of 2018.

## CHAPTER III

AMENDMENTS TO THE MAHARASHTRA ZILLA PARISHADS  
AND PANCHAYAT SAMITIS ACT, 1961.

- Amendment of section 12A of Mah.V of 1962. 4. In section 12A of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 (hereinafter in this Chapter referred to as "the Maharashtra Zilla Parishads and Panchayat Samitis Act"),—  
(a) in the first proviso, in clause (ii), for the words "six months" the words "twelve months" shall be substituted and shall be deemed to have been substituted with effect from 7th May 2016 ;

(b) in the second proviso, for the words “six months” the words “ twelve months ” shall be substituted and shall be deemed to have been substituted with effect from 7th May 2016 ;

(c) after the second proviso, the following proviso shall be added, namely :—

“ Provided also that, in respect of the undertaking filed by any person under clause (ii) of the first proviso, before the date of commencement of the Maharashtra Village Panchayats and the Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Act, 2018, the period of “ six months ” specified in such undertaking shall be deemed to have been substituted as “twelve months”.”.

Mah.  
LXVI of  
2018.

5. In section 42 of the Maharashtra Zilla Parishads and Panchayat Samitis Act, in sub-section (6A),— Amendment of section 42 of Mah. V of 1962.

(a) in the first proviso, in clause (ii), for the words “ six months ” the words “ twelve months ” shall be substituted and shall be deemed to have been substituted with effect from 7th May 2016 ;

(b) in the second proviso, for the words “ six months ” the words “twelve months” shall be substituted and shall be deemed to have been substituted with effect from 7th May 2016 ;

(c) after the second proviso, the following proviso shall be added, namely :—

“ Provided also that, in respect of the undertaking filed by any person under clause (ii) of the first proviso, before the date of commencement of the Maharashtra Village Panchayats and the Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Act, 2018, the period of “ six months ” specified in such undertaking shall be deemed to have been substituted as “ twelve months ”.”.

Mah.LXVI  
of 2018.

6. In section 67 of the Maharashtra Zilla Parishads and Panchayat Samitis Act, in sub-section (7A),— Amendment of section 67 of Mah. V of 1962.

(a) in the first proviso, in clause (ii), for the words “six months” the words “twelve months” shall be substituted and shall be deemed to have been substituted with effect from the 7th May 2016 ;

(b) in the second proviso, for the words “six months” the words “ twelve months” shall be substituted and shall be deemed to have been substituted with effect from 7th May 2016 ;

(c) after the second proviso, the following proviso shall be added, namely :—

“ Provided also that, in respect of the undertaking filed by any person under clause (ii) of the first proviso, before the date of commencement of the Maharashtra Village Panchayats and the Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Act, 2018, the period of “ six months ” specified in such undertaking shall be deemed to have been substituted as “ twelve months ”.”.

Mah.  
LXVI of  
2018.

## CHAPTER IV

### MISCELLANEOUS

7. (1) Nothing in this Act shall affect the elections conducted by the State Election Commission for conducting the elections or any programme declared by it therefor, prior to the date of commencement of the Maharashtra Village Panchayats and the Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Act, 2018, for filling up the resultant vacancy in view of the provisions of section 10-1A or section 30-1A of the Maharashtra Village Panchayats Act ; section 12A or sub-section (6A) of section 42 or sub-section (7A) of section 67 of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961, as it stood prior to such date of commencement. Saving as to certain elections.

Saving as to  
certain  
disqualifications.

8. Any person, who has obtained the Caste Certificate and Validity Certificate, but has not filed such certificate prior to the date of commencement of this Act, shall not be deemed to be disqualified under the provisions of the relevant Panchayat law, if he submits such certificate within a period of three months from the date of commencement of this Act :

Provided that, the provisions of this section shall not apply where the State Election Commission has already prior to the date of commencement of this Act held elections to fill the vacancy of such person or declared the programme for holding of such election.

Power to  
remove  
difficulty.

9. (1) If any difficulty arises in giving effect to the provisions of the Maharashtra Village Panchayats Act or, as the case may be, the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961, as amended by this Act, the State Government may, as the occasion arises, by an Order published in the *Official Gazette*, give such directions not inconsistent with the provisions of the said Acts as amended by this Act, as may appear to it to be necessary or expedient for the purpose of removing the difficulty. III of 1959. Mah. V of 1962.

(2) Every order made under sub-section (1) shall be laid, as soon as may be, after it is made, before each House of the State Legislature :

Provided that, no such order shall be made after expiry of the period of two years from the commencement of this Act.

Repeal of  
Mah. Ord.  
XXI of 2018  
and saving.

10. (1) The Maharashtra Village Panchayats and the Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Ordinance, 2018, is hereby repealed. Mah. Ord. XXI of 2018.

(2) Notwithstanding such repeal, anything done or any action taken (including any notification or order issued) under the corresponding provisions of the Maharashtra Village Panchayats Act and the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961, as amended by the said Ordinance, shall be deemed to have been done, taken or issued, as the case may be, under the corresponding provisions of said Acts, as amended by this Act. III of 1959. Mah. V of 1962.



# महाराष्ट्र शासन राजपत्र

## असाधारण भाग आठ

वर्ष ६, अंक ११]

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असाधारण क्रमांक २२

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधि व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Village Panchayats (Amendment) Act, 2020 (Mah. Act No. II of 2020), is hereby published under the authority of the Governor.

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

RAJENDRA G. BHAGWAT,  
Secretary (Legislation) to Government,  
Law and Judiciary Department.

### MAHARASHTRA ACT No. II OF 2020.

(First published, after having received the assent of the Governor in the "Maharashtra Government Gazette", on the 5th March 2020).

An Act further to amend the Maharashtra Village Panchayats Act.

WHEREAS it is expedient further to amend the Maharashtra Village Panchayats Act, for the purposes hereinafter appearing ; it is hereby enacted 1959. in the Seventy-first Year of the Republic of India as follows :—

1. This Act may be called the Maharashtra Village Panchayats Short title. (Amendment) Act, 2020.

III of 1959. 2. In section 7 of the Maharashtra Village Panchayats Act (hereinafter referred to as " the principal Act "),— Amendment of section 7 of III of 1959.

(1) sub-section (3) shall be deleted;

(2) in sub-section (3A), the words " In respect of the *panchayat* to which the *Sarpanch* is elected directly under section 30A-1A, " shall be deleted.

Amendment  
of section 13  
of III of 1959.

**3. In section 13 of the principal Act,—**

(1) in sub-section (1), the words “ and, *Sarpanch* of *panchayat* to be elected directly ” shall be deleted ;

(2) in sub-section (2), —

(a) for the words “for any ward of the village and for *Sarpanch* of *panchayat* ”, the words “as a member for any ward of the village ” shall be substituted ;

(b) the words “ and *Sarpanch* of *panchayat* ” shall be deleted ;

(3) in sub-section (2A), for the word “ *Sarpanch* ” the word “member ” shall be substituted.

Amendment  
of section 15  
of III of 1959.

**4. In section 15 of the principal Act, in sub-section (2), the words, figures and letters “or section 30A-1A, as the case may be” shall be deleted.**

Insertion of  
section 30A-  
1B in III of  
1959.

**5. After section 30A-1A of the principal Act, the following section shall be inserted, namely:—**

Non-  
application of  
section 30A-  
1A.

**“ 30A-1B. After the date of commencement of the Maharashtra Village Panchayats (Amendment) Act, 2020, in respect of the general elections and by-elections to panchayat, the provisions of section 30A-1A shall cease to apply and every *panchayat* have a *Sarpanch*, who shall be elected under section 30 and the provisions of section 33 shall apply therefor.”.** Mah. II of 2020.

Amendment  
of section 35  
of III of 1959.

**6. In section 35 of the principal Act,—**

(1) in sub-section (1), for the words “one-third” the words “two-third” shall be substituted ;

(2) in sub-section (3),—

(a) for the words “ two-third ” the words “ three-fourth ” shall be substituted ;

(b) for the fourth proviso, the following provisos shall be substituted, namely :—

“ Provided also that, no such motion of no-confidence shall be moved within a period of two years from the date of election of *Sarpanch* or *Upa-Sarpanch* and before six months preceding the date on which the term of *panchayat* expires :

Provided also that, if the no-confidence motion fails, then no motion shall be moved within next two years from the date of failure of no-confidence motion.”.

Amendment  
of section 38  
of III of 1959.

**7. In section 38 of the principal Act,—**

(1) in sub-section (2), after clause (j), the following clauses shall be inserted, namely :—

“ (k) finalise the agenda of *panchayat* meetings :

Provided that, if three or more members demands inclusion of any item on agenda for immediate next meeting, the *Sarpanch* shall include the same in the next meeting :

Provided further that, no *ad-hoc* financial business shall be transacted in the meeting unless it forms a part of the circulated agenda ;

(l) prepare the annual bidget of *panchayat* ;

(m) exercise all other powers to implelement the schemes in consultation with *panchayat* ;” ;

(2) after sub-section (4), the following sub-section shall be inserted, namely :—

“ (4A) If in the opinion of the *Sarpanch* or the person who presides over the meeting, the resolution of the *panchayat* on any subject is detrimental to the well-being of the village at large, the person presiding over the meeting shall cause the resolution of the *panchayat* to be kept for final decision in the immediate next following *Gram Sabha*, and the decision of the *Gram Sabha* thereon shall be final.”.

8. In section 43 of the principal Act, in sub-section (1), for the second proviso, the following proviso shall be substituted, namely:— Amendment of section 43 of III of 1959.

“Provided further that, the post of directly elected *Sarpanch* fallen vacant, then such post shall be filled in by election from amongst the members of the *panchayat* themselves within thirty days from the date of such vacancy.”.

9. In section 62 of the principal Act,—

(1) for sub-sections (1), (1A) and (1AA), the following sub-sections shall be substiuted, namely:— Amendment of section 62 of III of 1959.

“ (1) The *Sarpanch* shall determine annually on or before the 28th February of every year, in such form as may be prescribed, a statement of,—

(a) the opening balance in the fund and estimated income of the *panchayat* for the following financial year;

(b) the expenditure proposed on establishment and discharge of its duties under section 45 ;

(c) the amount to be contributed to the District Village Development Fund established under section 133 ;

(d) the statement made under clause (a), (b) or (c), as the case may be, shall be placed by the *Sarpanch* before the *panchayat*.

(1A) The *panchayat* shall in respect of the said statement, finalise its recommendations on or before the 7<sup>th</sup> of March of the same year.

(1B) The statement along with the recommendation of the *panchayat* under sub-section (1A), shall be placed before the *Gram Sabha*, which may ratify it on or before the 15<sup>th</sup> of March of the same year and the decision of the *Gram Sabha* shall be submitted to the *Panchayat Samiti*.

(1C) If, on or before the date specified in,—

(a) sub-section (1), the *Sarpanch* fails to submit the statement ; or

(b) sub-section (1A), the *panchayat* fails to make recommendation in respect of the statement; or

(c) sub-section (1B), the *Gram Sabha* fails to take decision in respect of ratification of the recommendations,

the Secretary shall prepare the statement, regarding the mandatory and office expenditure to be carried out, and submit it to the *Panchayat Samiti* in the form prescribed under the said sub-sections.”;

(2) in sub-section (2),—

(a) for the portion beginning with the words “ The *Panchayat Samiti*” and ending with the words “ increased or decreased :” the following shall be substituted, namely :—

“ The *Panchayat Samiti* shall, either approve the statement or direct that the proposed expenditure on any of the duties falling under section 45 shall be increased or decreased on or before the 31st March of the every year. Expenditure shall be carried out as per the statement till the date budgetary process outlined in sub-sections (1), (1A) and (1B) is completed :”;

(b) in second proviso, after the words “ be increased or decreased ” the words, figures and letters “on or before the 31st March of every year and in case of the revised and supplementary statement” shall be inserted.

Amendment  
of section 62A  
of III of 1959.

10. For section 62A of the principal Act, the following section shall be substituted, namely :—

Revised or  
supplementary  
budget.

“ 62A. A *Sarpanch* may at anytime during the financial year for which any such statement has been approved, cause a revised or supplementary statement to be prepared. Every such revised or supplementary statement shall be considered and approved by the *Panchayat Samiti* in the same manner as if it were an original statement and the provisions of section 62 shall apply in relation to such revised or supplementary statement.” .

Amendment  
of section 145  
of III of 1959.

11. In section 145 of the principal Act, after sub-section (1), the following sub-section shall be inserted, namely :—

“ (1A) If more than half of the total number of seats in a *panchayat* have become vacant, the State Government may, by an order published in the *Official Gazette*, dissolve such *panchayat* :

Provided that, the provisions of this sub-section shall not apply in respect of a *panchayat* where the *Sarpanch* is directly elected under section 30A-1A.”.

Removal of  
doubts.

12. (1) Notwithstanding anything contained in section 30A-1B of the principal Act, if any order in respect of election or bye-election of a *panchayat* is issued or any procedure for election of or bye-election of the *panchayat* is commenced, before the date of commencement of the Maharashtra Village Panchayats (Amendment) Act, 2020, such election shall be held as per the provisions of section 30A-1A.

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(2) Notwithstanding anything contained in second proviso to sub-section (1) of section 43 of the principal Act, as amended by this Act, if any order in respect of filling of casual vacancy of directly elected *Sarpanch* is issued or any procedure for filling of casual vacancy of directly elected *Sarpanch* is commenced, before the date of commencement of the Maharashtra Village Panchayats (Amendment) Act, 2020, such election shall be held as per the provisions of the second proviso to sub-section (1) of section 43, as it existed before the commencement of this Act.

**13.** (1) If any difficulty arises in giving effect to the provisions of the principal Act, as amended by this Act, the State Government may, by an order published in the *Official Gazette*, as the occasion arises, make such provisions not inconsistent with the provisions of the principal Act, as amended by this Act, as may appear to it to be necessary or expedient for the purpose of the removing of the difficulty :

Power to  
remove  
difficulty.

Provided that, no such order shall be made, after the expiry of a period of two years, from the date of commencement of this Act.

(2) Every order made under sub-section (1) shall be laid, as soon as may be, after it is made, before each House of the State Legislature.