



सत्यमेव जयते

GOVERNMENT OF MAHARASHTRA
LAW AND JUDICIARY DEPARTMENT

Bombay Act No. III Of 1959.

**THE MAHARASHTRA VILLAGE
PANCHAYATS ACT**

(As modified upto the 20th August, 2013)



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THE MAHARASHTRA VILLAGE PANCHAYATS ACT

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SCHEDULE II.

Bombay Act No. III of 1959¹

[THE MAHARASHTRA VILLAGE PANCHAYATS ACT].

(This Act received the assent of the President on 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. 35 of 1972 (1-11-1973).* |
|-----------------------------|--|
| " " " 5 of 1962. | " " " 38 of 1973 (1-11-1973).* |
| " " " 43 of 1962. | " " " 6 of 1975 (1-5-1975).† |
| " " " 26 of 1963. | " " " 13 of 1975.‡ |
| " " " 35 of 1963. | " " " 16 of 1975 (1-4-1976).* |
| " " " 36 of 1965. | " " " 11 of 1976 (14-4-1976).* |
| " " " 50 of 1965. | " " " 4 of 1981 (2-3-1981).* |
| " " " 10 of 1968. | " " " 56 of 1981 (2-3-1981).* |
| " " " 34 of 1970. | " " " 2 of 1982 (6-1-1982).* |
| | " " " 10 of 1990. |
| | " " " 10 of 1992. § |
| | " " " 21 of 1994. £ |
| | " " " 31 of 1994. |
| | " " " 52 of 1994 (16-12-1994).* |
| | " " " 5 of 1997 (2-1-1997).* |

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

* 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 and section 18 came into force on 1-4-1979 vide G.N.R.D.D., No. VPA. 1074/12739/(1634)-XII, dated 16th March 1979.

§ This Act came into force on 2-10-1992, vide G.N., R.D., and W.C.D. No. VPM. 2692/223/CR-3824/21, dated 16th September, 1992.

£ This Act came into force on 23-4-1994 vide G.N., R.D. and W.C.D., No. PRJ. 1093/CR-2194/06, dated 23rd April 1994.

| | | | |
|---|---|---|---|
| | | | Amended by Mah. 40 of 1997 (7-8-1997).* |
| " | " | " | 46 of 1997 (29-12-1997).* |
| " | " | " | 1 of 1998 ().* |
| " | " | " | 6 of 2000 (5-7-1999).* |
| " | " | " | 21 of 2000 ().* |
| " | " | " | 27 of 2000 (2-3-2000).* |
| " | " | " | 34 of 2000 (5-8-2000).* |
| " | " | " | 44 of 2000 (13-9-2000).* |
| " | " | " | 16 of 2001 (10-2-2001).* |
| " | " | " | 36 of 2001 (26-12-2001).* |
| " | " | " | 3 of 2003 (16-10-2002).*@ |
| " | " | " | 23 of 2003. # \$ \$ @@ |
| " | " | " | 27 of 2003. |
| " | " | " | 28 of 2003. |
| " | " | " | 3 of 2004. |
| " | " | " | 20 of 2005. |
| " | " | " | 37 of 2006 (21-12-2006).* |
| " | " | " | 38 of 2006 (21-12-2006).* |

* This indicates the date of commencement of Act.

@ Maharashtra Ordinance No. XII of 2002 was repealed by Mah. 3 of 2003, s. 5(1).

Sections 4 and 6 of Mah. 23 of 2003 came into force on 14-1-2003; and Sections 2, 3 and 5 of the said Act came into force on 2-7-2003.

@@ Maharashtra Ordinance No. V of 2003 and Maharashtra Ordinance No. VII of 2003 were repealed by Mah. 23 of 2003, s. 8 (1).

\$\$ Section 6 of Mah. 23 of 2003 reads as under :—

Saving.

6. (1) Any notification issued under section 4 of the principal Act, or any order, direction or instruction issued under the principal Act on or after the coming into force of section 4 of the Bombay Village Panchayats (Second Amendment) Act, 2003, shall be deemed never to have been issued and on account of issue of such notification, order, direction or, as the case may be, instruction, the existing *panchayat* whose limits have been altered, shall not be dissolved or shall be deemed never to have been dissolved, and any member of such *panchayat* shall be deemed never to have vacated his office and accordingly all the members of such *panchayat* shall and shall be deemed to have been continued as such members till the completion of their term.

Mah.
XXIII
of
2003.

(2) No suit, application or any legal proceeding shall lie or be maintainable in any Court or before any officer or authority solely on the ground that the notification under section 4 of the principal Act, altering the limits of such existing *panchayat* was already issued on or before the date of coming into force of section 4 of the Bombay Village Panchayats (Second Amendment) Act, 2003.

Mah.
XXIII
of
2003.

| | | | |
|---|---|---|------------------------------|
| ” | ” | ” | 21 of 2007 (12-6-2007).*@@@ |
| ” | ” | ” | 5 of 2009 (9-1-2009).* |
| ” | ” | ” | 27 of 2009 (31-8-2009).*@@@@ |
| ” | ” | ” | 16 of 2010 (6-5-2010).* |
| ” | ” | ” | 23 of 2010 (9-6-2010).*@@@@@ |
| ” | ” | ” | 28 of 2010 (9-6-2010).* |
| ” | ” | ” | 33 of 2010 |
| ” | ” | ” | 19 of 2011 (21-4-2011).* |
| ” | ” | ” | 27 of 2011 (8-6-2011).*## |
| ” | ” | ” | 39 of 2011 (5-10-2011).*### |
| ” | ” | ” | 16 of 2012. |
| ” | ” | ” | 22 of 2012. |
| ” | ” | ” | 24 of 2012 (22-8-2012).* |
| ” | ” | ” | 29 of 2012 (4-10-2012).*#### |

@ Maharashtra Ordinance No. IV of 2007 was repealed by Mah. 21 of 2007, s. 4.

@@@@ Maharashtra Ordinance No. XXI of 2009 was repealed by Mah. 27 of 2009, s. 9(I).

@@@@@ Maharashtra Ordinance No. V of 2010 was repealed by Mah. 23 of 2010, s. 4(I).

Maharashtra Ordinance No. XV of 2011 was repealed by Mah. 27 of 2011, s. 4(I).

Maharashtra Ordinance No. XIX of 2011 was repealed by Mah. 39 of 2011, s. 5(I).

Maharashtra Ordinance No. IX of 2012 was repealed by Mah. 29 of 2012, s. 4(I).

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 *panchayats* 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 ¹[the Maharashtra Village Panchayats Act.] Short title.

2. (1) It extends to the whole of the ²[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 ³as the State Government may, by notification in the *Official Gazette*, appoint.

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

⁴[* * * * *]

Bom. XXV of 1930. (a-2) "Auditor" means an Auditor as defined in the Bombay Local Fund Audit Act, 1930 ⁵[and in relation to a *panchayat* having an annual income (including grant received from the State Government) of ⁶[not exceeding rupees Ten thousand includes a Gram sabha and exceeding rupees Ten thousand but less than rupees Twenty-five thousand] also includes an Extension Officer duly authorised in writing by the Chief Executive Officer] ;

⁷[(a-3) "Backward Class of citizens" means such classes or parts of or groups within such classes as are declared, from time to time, by the State Government to be Other Backward Classes and *Vimukta Jatis and Nomadic Tribes* ;]

⁸["(aa-1) "ballot box" or "ballot paper" includes an electronic voting machine used at an election for giving or recording of votes ;]

⁹[(a-4) "Beneficiary Level Sub-Committee" means a sub-committee constituted under section 49A for a particular programme, scheme, activity or utility having regard to the geographical, geohydrological, technological, economic, social and demographic situation of the habitation (*ward, wasti, wadi, tanda, pada* or by whatever name such independent habitation may be called) or part thereof in the *panchayat*.;]

¹ This short title is substituted for "the Bombay Village Panchayat Act, 1958., by Mah. 24 of 2012, s. 2, Schedule entry.

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

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

⁴ This clause was deleted by Mah. 21 of 1994, s. 2(1).

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

⁶ These words were substituted for the words "less than Rs. 5,000," by Mah. 3 of 2004, s. 2.

⁷ Clause (a-3) was inserted by Mah. 21 of 1994, s. 2(2).

⁸ This clause was inserted by Mah. 20 of 2005, s. 2.

⁹ This clause was inserted by Mah. 23 of 2003, s. 3(a).

(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 ¹[*Zilla Parishad*] under section 177 ;

²[* * * * *]

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

³[(4A) "*Commissioner*" means the Commissioner of a revenue division appointed under section 6 of the Maharashtra Land Revenue Code, 1966;].

⁴[(5) "*Designated Authority*" means the authority designated by the State Government for the purpose of levy and collection of the Local Body Tax;];

⁵[(6) "*Zilla Parishad*" means a *Zilla Parishad* constituted under the Maharashtra Zilla Parishads and Panchayat Samits Act, 1961] ; Mah. V of 1962.

⁶[* * * * *]

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

⁷[(8A) "Finance Commission" means the Finance Commission constituted in accordance with the provisions of article 243-I of the Constitution of India ;]

⁸[(9) "*Gram Sabha*" means a body consisting of persons registered in the electoral rolls relating to village comprised within the area of the *panchayat* ;]

(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 ;

⁹[(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 ;

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

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

³ Clause (4A) was inserted by Mah. 38 of 2006, s. 2.

⁴ Clause (5) was inserted by Mah. 27 of 2009, s. 2(a).

⁵ Clause (6) was substituted by Mah. 5 of 1962, s. 286, Tenth Schedule.

⁶ Clause (7) was deleted, *ibid*.

⁷ Clause (8A) was inserted by Mah. 21 of 1994, s. 2(3).

⁸ Clause (9) was substituted *ibid*, s. 2(4).

⁹ Clause (11A) and (11B) were inserted Mah. 27 of 2009, s. 8(6).

[(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 Corporation Act, 1949 in respect of levy, assessment and recovery of the Local Body Tax, apply ;]

¹[(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 ;]

²[* * * * *]

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

³[(14A) "population" means the population as ascertained at the last preceding census of which the relevant figures, ⁴[* * *] 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, ⁵[30A,] 44 or 43 ;

⁶[(17A) "Scheduled Areas" means the Scheduled Areas referred to in clause (1) of article 244 of the Constitution of India ;]

(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 ⁷[State of Maharashtra] under article 341 of the Constitution of India ;

(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 ⁸[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 ;

⁹[(20A) "State Election Commission" means the State Election Commission consisting of a State Election Commissioner appointed in accordance with the provisions of clause (1) of article 243-K of the Constitution of India ;]

¹ Clause (11AA) was inserted Mah. 22 of 2012, s. 2.

² Clause (13) was deleted by Mah. 6 of 2000, s. 2.

³ Clause (14A) was inserted by Mah. 13 of 1975, s. 2(e).

⁴ The words, "whether provisional or final" were deleted by Mah. 21 of 1994 s. 2(5).

⁵ These figures and letter were inserted by Mah. 21 of 1994 s. 2(6).

⁶ Clause (17A) was inserted by Mah. 40 of 1997, s. 2.

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

⁸ Clause (20A) was inserted by Mah. 21 of 1994, s. 2(7).

⁹ Clause (22) was deleted by Mah. 13 of 1975, s. 2(d).

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

¹[* * * * *]

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

²[(24) "village" and "a group of villages" means the village or, as the case may be, a group of villages specified in the notification issued under clause (g) of article 243 of the Constitution of India ;]

³[(24A) "Village Development Committee" means a committee constituted under section 49, which shall be deemed to be a committee of the *panchayat* ;]

(25) "ward" means an area into which a village is divided under clause (b) of subsection (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 ;

⁴[(27) the expressions "Standing Committee", "Panchayat Samiti",

⁵["Chief Executive Officer"], ⁶["Block Development Officer" and "block grant"] shall have the meaning respectively assigned to them in the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961.]

Mah.
V of
1962.

¹ Clause (24) was substituted by Mah. 21 of 1994, s. 2(8).

² Clause (24A) was inserted by Mah. 23 of 2003, s. 2(b).

³ Clause (27) was inserted by Mah. 5 of 1962, s. 286, Tenth Schedule.

⁴ These words were substituted for the words "and Chief Executive Officer" by Mah. 36 of 1965 s. 2(d).

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

CHAPTER II.

Gram Sabhas, ESTABLISHMENT AND CONSTITUTION OF *Panchayats*.

Declaration of village. **4.** (1) ¹[Every village specified in the notification issued under clause (g) of article 243 of the Constitution of India shall be known by the name of that village specified in that notification:]

Provided that, where a group of revenue villages or hamlets or other such administrative unit or part thereof is ²[specified in that notification] 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.

(2) ³[Where the circumstances so require to include or exclude any local area from the local area of a village or to alter the limits of a village or that a local area shall cease to be a village, then the notification issued in the like manner after consultation with the Standing Committee and ⁴[the *Gram Sabha* and] the *panchayat* concerned, at any time, may provide to—]

(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.

Establishment of *Panchayats*. **5.** In every village there shall be a *panchayat*.

⁵[* * * * *]

Meetings of *Gram Sabha*. **7.** (1) There shall be held at least ⁶[four meetings] of the *Gram Sabha* ⁷[every financial year] on such date, at such ⁸[time and place, and in such manner], as may be prescribed ⁹[and if the *Sarpanch*, or in his absence the *Upa-Sarpanch* fails without sufficient cause, to ¹⁰hold ¹¹[any of such four meetings he shall be

¹ This portion was substituted for the portion beginning with the words " After making " and ending with the words " Name of village " by Mah. 21 of 1994, s. 3(1)(a).

² These words were substituted for the word " declared ", by Mah. 21 of 1994, s. 3(1)(b).

³ This portion was substituted for the portion beginning with the words " After, consultation and ending " with the words " any time " by Mah. 21 of 1994, s. 3(2).

⁴ These words were inserted by Mah. 28 of 2003, s.2.

⁵ Section 6 was deleted, *ibid.*, s. 4.

⁶ These words were substituted for the words " six meetings " by Mah. 16 of 2012, s.2(1)(a).

⁷ These words were substituted for the words " every year " by Mah. 36 of 1965, s. 4(a).

⁸ These words were substituted for the words " time and place " *ibid.*, s. 2(b).

⁹ These words were added *ibid.*, s. 4(a).

¹⁰ These words were substituted for the words " hold such two meetings " by Mah. 38 of 1973 s. 2.

¹¹ These words were substituted for the words " any one of such two meetings ", *ibid.*, s. 2(c).

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 ¹[of the *panchayat*; and the Secretary of the *panchayat* shall also if, *prima facie*, found responsible of any lapse in convening such meeting, be liable to be suspended, and for being proceeded against, for such other disciplinary action as provided under the relevant rules.] The decision of the Collector on the question whether or not there was such sufficient cause shall be final]:

²[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 the 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.]:

³[Provided further that, a period of not more than ⁴[Four months]shall be allowed to elapse between the two meetings of the *Gram Sabha* :

Provided also that, if the *Sarpanch* or *Upa-Sarpanch*, as the case may be, fails to call any such meeting within the specified period, the Secretary shall call the meeting and it shall be presumed that, such meeting has been called with the concurrence of the *Sarpanch* or, as the case may be, *Upa-Sarpanch*.]

(2) Any Officer authorised in this behalf by the ⁵[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.

⁶[(3) Unless otherwise provided in this Act, the first meeting of the *Gram Sabha* after each general election to a *panchayat* and thereafter the first meeting of every year, shall be presided over by the *Sarpanch* and in his absence by the *Upa-Sarpanch*; and all other subsequent meetings of the year of the *Gram Sabha*, shall be presided over by a person elected by the persons present in that meeting of the *Gram Sabha*.]

(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.

¹ These words were substituted for the words "of the *panchayat*" by Mah. 21 of 2000, s.2(d).

² This proviso was substituted for the original by Mah. 36 of 1965, s. 4(b).

³ These provisos were inserted by Mah. 3 of 2003, s. 2 (a)(ii).

⁴ These words were substituted for the word "three months" by Mah. 16 of 2012, s. 2 (i)(b).

⁵ These words were substituted for the word "Collector", *ibid*.

⁶ Sub-section (3) was substituted by Mah. 3 of 2003, s. 2 (b).

¹[(5) The meeting of the women members of the *Gram Sabha* shall be held before every regular meeting of the *Gram Sabha*, convened under sub-section (1).

²[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[(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*.

(6) The *Gram Sabha* shall have the disciplinary control over the Government, semi-Government and *panchayat* employees working in the village including the matters relating to their daily attendance in the office. The annual evaluation of such employees shall be brought to the notice of their respective higher authorities by the *Gram Sabha*.

⁴[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*.]

(7) The *Gram Sabha* ⁵[, or as the case may be, the *panchayat* shall report to the concerned Block Development Officer, the irregularities, if any, committed by any of such employees. The Block Development Officer shall consider such report within the period of three months from the date of its receipt. Such matters and the actions taken thereon shall be reviewed in the regular meetings of the *Panchayat Samiti*. If, the Block Development Officer fails to dispose of such reports within the specified period of three months, the same shall on the expiry of the said period,

¹ These sub-sections were added by Mah. 3 of 2003, s.2(c).

² This portion was added by Mah. 16 of 2012, s.2(2).

³ This sub-sections was inserted *ibid* s.3.

⁴ This proviso was added *ibid* s.4.

⁵ These words were inserted *ibid* s.5.

stand transferred to the Chief Executive Officer of the concerned *Zilla Parishad* for disposal, whose decision shall be final. The Chief Executive Officer of the *Zilla Parishad* shall take the decision on such reports so transferred to him, within a period of three months from the date of their receipt.

(8) The *Gram Sabha* shall select the beneficiaries for individual beneficiary schemes of the State, or as the case may be, of the Central Government.

(9) The *Gram Sabha* shall generally fix the date, time and place of the next meeting of the *Gram Sabha*, in its previous meeting.

(10) Unless exempted by the *Gram Sabha*, ¹[or as the case may be, the *panchayat*] all the Government, semi-Government and *panchayat* employees working in the village shall attend the meetings of the *Gram Sabha*.

(11) The proceedings of every meeting of the *Gram Sabha* shall be prepared and maintained ²[in a separate register] by the concerned Secretary of the *panchayat* and in his absence, the proceedings shall be prepared by any Government, semi-Government or *panchayat* employee working in the village, such as Teacher, *Talathi* or *Anganwadi Sevika* as directed by the *Sarpanch* and the same shall be handed over to the *panchayat* for records.]

³[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 Code.]

8. (1) The first meeting of the *Gram Sabha* in ⁴[every financial year] shall be held within two months from the commencement of that year, and the *panchayat* shall place before such meeting—

- (i) the annual statement of accounts ;
- (ii) the report of the administration of the preceeding 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 ⁵[Standing Committee, *Panchayat Samiti* or Chief Executive or any officer authorised by the Standing Committee or *Panchayat Samiti*] in this behalf, requires to be placed before such meeting.

Panchayat
to place
before
Gram Sabha
Statement
of accounts
etc., and
duties of
Gram Sabha.

¹ These words were inserted *ibid* s.6.

² These words were inserted *ibid* s.7(a).

³ This proviso was added, *ibid* s.7(b).

⁴ These words were substituted for the words "every year" by Mah. 36 of 1965, s.5.

⁵ 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 Schedule.

¹[(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*.

(2) It shall be open to the *Gram Sabha* to discuss any or all of the matters placed before it ²[under sub-section (i) or sub-section (1A)] 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.

8A. [Deleted] by Mah. 27 of 2003, s.2

Powers
and
duties of
*Gram
Sabha*.

³**8AA.** It shall be competent for every *Gram Sabha*,—

(i) to approve the social or economic development plans, programmes and projects to be implemented by the *panchayat* before such plans, programmes and projects are taken up for implementation by such *panchayat* ;

(ii) to grant permission for incurring any expenditure by the *panchayat* on the development schemes ;

(iii) to convey its views to the *panchayat* before taking any decision by the *panchayat* in respect of any proposal for acquisition of any land falling within the jurisdiction of such *panchayat*, for the Government purpose, by the Land Acquisition Authority concerned.]

Incorporation
of
Panchayats.

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) [* * * * *]

⁵[(a) A *panchayat* shall consist of,—

(i) such number of members not being less than seven and not more than ⁶[seventeen as the ⁷[State Government may prescribe] who shall be elected in accordance with section 11:

⁸[Provided that, the ration between the population of the territorial area of a *panchayat* and the number of seats in such *panchayat* to be filled by election shall, so far as practicable, be the same throughout the State].

⁹[* * * * *]

¹ This sub-section was inserted by Mah. 38 of 2006, s. 3(a).

² These words, brackets, figures and letter were substituted for “under sub-section (1), *ibid*, s. 3(b)

³ Section 8AA was inserted by Mah. 3 of 2003, s. 3.

⁴ The portion beginning with the words “Subject to” and ending with this words “in this behalf” was deleted by Mah. 52 of 1994, s. 2(a).

⁵ Clause (a) was substituted for the original by Mah. 6 of 1975, s.50, Schedule.

⁶ These words were substituted for the words “fifteen as the Collector may determines”, by Mah. 21 of 1994, s. 5(1)(a)(i).

⁷ These words were substituted for the words “State Election Commission may determine”, by Mah. 52 of 1994, s. 2(b).

⁸ This proviso was added *ibid.*, s. 5(1)(a)(ii).

⁹ Sub-clause (ii) and the *Explanation* thereto were deleted, *ibid*, s. 5(1)(a)(iii).

(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 ¹[in the prescribed manner by the State Election Commission or an officer authorised by it.]:

²[Provided that, the *panchayat* area shall be divided into wards in such manner that, the ratio between the population of each ward and the number of seats allotted to it shall, so far as practicable, be the same throughout the *panchayat* area.]

³[(2)(a) In the seats to be filled in by election in a *Panchayat* there shall be seats reserved for persons belonging to the Scheduled Castes, the Scheduled Tribes, Backward Class of Citizens and Women, as may be determined by the State Election Commission in the prescribed manner ;

(b) the seats to be reserved for the persons belonging to the Scheduled Castes and the Scheduled Tribes in a *Panchayat* shall bear, as nearly as may be, the same proportion to the total number of seats to be filled in by direct election in that *panchayat* as the population of the Scheduled Castes or, as the case may be, the Scheduled Tribes, in that *panchayat* area bears to the total population of that area and such seats shall be allotted by rotation to different wards in a *panchayat*]:

⁴[Provided that, in a *Panchayat* comprising entirely the Scheduled Areas, the seats to be reserved for the Scheduled Tribes shall not be less than one half of the total number of seats in the *Panchayat* :

Provided further that, the reservation for the Scheduled Tribes in *Panchayat* falling only partially in the Scheduled Areas shall be in accordance with the provisions of clause (b)] :

⁵[Provided also that], ⁶[one half of the total number of seats] so reserved shall be reserved for women belonging to the Scheduled Castes or, as the case may be, the Scheduled Tribes;

(c) the seats to be reserved for persons belonging to the category of Backward Class of Citizens shall be 27 per cent. of the total number of seats to be filled in by election in a *panchayat* and such seats shall be allotted by rotation to different wards in a *Panchayat* :

¹ These words were substituted for the words "by the Collector in the prescribed manner", *ibid.*, s. 5(1)(b)(i).

² This proviso was added by Mah. 21 of 1994, s. 5(1)(b)(ii).

³ Sub-sections (2) and (2A) were substituted *ibid.*, s. 5(2).

⁴ These provisos were inserted by Mah. 40 of 1997 s. 3(a)(i).

⁵ These words were substituted for the words "Provided" *ibid.*, s. 3(a)(ii).

⁶ These words were substituted for the words "one third of the number of seats" by Mah. 19 of 2011, s. 2(a).

¹[Provided that, in a *Panchayat* comprising entirely the Scheduled Areas, the seats to be reserved for persons belonging to the Backward Class of citizens shall be 27 per cent. of the seats remaining, if any, after reservation of the seats for the Scheduled Tribes and the Scheduled Castes :

Provided further that, the reservation for the persons belonging to the Backward Class of citizens in a *Panchayat* falling only partially in the Scheduled Areas shall be as per the provisions of clause (c) :

²[Provided also that], ³[one half of the total number of seats] so reserved shall be reserved for women belonging to the category of Backward Class of citizens ;

(d) ⁴[one half (including the number of seats reserved for women belonging to the Scheduled Castes, the Scheduled Tribes and the category of Backward Class of citizens) of the total number of seats to be filled in by direct election in a *panchayat* shall be reserved for women and such seats shall be allotted by rotation to different wards in a *panchayat*.

(2A) The reservation of seats (other than the reservation for women) under sub-section (2) shall cease to have effect on the expiration of the period specified in article 334 of the Constitution of India.]

⁵[(3) The names of the members falling under clause (a) of sub-section (1) shall be published by the State Election Commissioner 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 ⁶[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*.

Person
contesting
election for
reserved
seat to
submit
Caste
Certificate
and
Validity
Certificate.

⁷["**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 Scrutiny Committee in accordance with the provisions of the Maharashtra Scheduled Castes, Scheduled Tribes, De-notified Tribes (*Virnukta Jatis*), Nomadic Tribes, other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000:]

Mah.
XXIII
of
2001.

⁸[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

¹ These provisions were inserted by Mah. 40 of 1997, s. 3 (b)(i)

² These words were substituted for the words "Provided that" by Mah. 40 of 1997, s. 3 (b)(ii).

³ These words were substituted for the words, "one third of the total number of seats", by Mah. 19 of 2011, s. 2 (b).

⁴ These words were substituted for the words "one third", by Mah 19 of 2011 S. 2

⁵ Sub-section (3) was substituted by Mah. 36 of 2001, s. 2.

⁶ These words, brackets, letter and figure were inserted by Mah. 6 of 1975, Schedule.

⁷ Section 10-1A was inserted by Mah. 37 of 2006, s. 2.

⁸ These provisions were substituted for existing provision by Mah. 29 of 2012, s. 2.

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.]

¹[10A. (1) The superintendence, direction and control of the preparation of the electoral rolls for, and the conduct of, all elections to the *Panchayats* shall vest in the State Election Commissioner.

State
Election
Commis-
sion.

(2) The State Election Commissioner may, by order, delegate any of his powers and functions to any officer of the Commission or any officer of the State Government not below the rank of Tahsildar.

(3) All the officers and members of the staff appointed or deployed for preparation of electoral rolls and conduct of election of *Panchayats* under this Act or the rules shall function under the superintendence, direction and control of the State Election Commissioner.

(4) Notwithstanding anything contained in this Act and the rules, the Commission may issue such special or general orders or directions which may not be inconsistent with the provisions of the Act for fair and free elections.]

Elec-
tion. ²[11. (1) An election to constitute a *panchayat* shall be completed—

(a) in the case of the establishment of a *panchayat* for the first time, as soon as may be practicable ;

(b) in the case of *panchayat*, existing for the time being, before the expiry of its duration of five years as prescribed in sub-section (1) of section 27 ;

(c) in the case of the dissolved *panchayat* before the expiration of a period of six months from the date of its dissolution :

Provided that, where the remainder of the period for which the dissolved *panchayat* would have continued is less than six months, it shall not be necessary to hold any election under this clause for constituting the *panchayat* for such period ;

¹ Section 10A was inserted by Mah. 52 of 1994, s. 3.

² Section 11 was substituted for the original by Mah. 21 of 1994, s. 6.

(d) in the case of an interim *panchayat* referred to in section 157, before the expiry of the period of one year as specified in sub-section (1) of section 158.

(2) The election of members of *panchayat* or election to fill any vacancy shall be held on such date as the State Election Commission may appoint in this behalf.

(3) Notwithstanding anything contained in section 10, if the vacancy of a member occurs within six 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.

¹[(3A) The voting at an election shall be by ballot or by electronic voting machine and no votes shall be received by proxy.]

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

List of voters.

12. (1) The electoral roll of the ²[Maharashtra Legislative Assembly] prepared under the provisions of the Representation of the People Act, 1950, and in force on such day as ³[the State Election Commissioner may by 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.

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of
1950.

(2) An officer designated by the ⁴[State Election Commission] in this behalf shall maintain a list of voters for each such ward or village.

13. (1) Every person ⁵[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 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
quali-
fied 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.

(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.

⁶**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 ⁷[State Election Commission or any officer authorised by it] in this behalf, all the seats shall become vacant.]

¹ This sub-section was inserted by Mah. 20 of 2005, s. 3.

² These words were substituted for the words "Bombay Legislative Assembly" by the Maharashtra Adaption of Laws (State and Concurrent Subjects) Order, 1960.

³ These words were substituted for the words "the State Government may by general or special order" by Mah. 52 of 1994, s. 4.

⁴ These words were substituted for the word "Collector" by Mah. 21 of 1994, s. 7.

⁵ These words were inserted *ibid.*, s. 8.

⁶ Section 13A was inserted by Mah. 36 of 1965, s. 7.

⁷ These words were substituted for the words "Collector or any officer authorised by him" by Mah. 21 of 1994, s. 9.

14. ¹[(1) No person shall be a member of a *panchayat* continue as such, who— Disqualifications.

(a) has, whether before or after the commencement of this Act, been convicted—

XXII of 1955. Bom. XXV of 1949. (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

(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

²[(a-1) has been disqualified by or under any law for the time being in force for the purposes of elections to the Legislature of the Maharashtra State :

Provided that, no person shall be disqualified on the ground that he is less than twenty-five years of age, if he has attained the age of twenty-one years];

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

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

³[(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

¹ This existing section 14 was renumbered as sub-section(1) by Mah. 34 of 2000, s. 2.

² Clause (a-1) was substituted by Mah. 21 of 1994, s. 10.

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

(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* ¹[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]

²[(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 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

³[(j-1) has more than two children :

Provided that, a person having more than two children on the date of commencement of the Bombay Village *Panchayats* and the Maharashtra *Zilla Parishads* and *Panchayat Samitis* (Amendment) Act, 1995 (hereinafter in this clause referred to as “the date of such commencement”), shall not be disqualified under this clause so long as the number of children he had on the date of such commencement does not increase :

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of
2000.

Provided further that, a child or more than one child born in a single delivery within the period of one year from the date of such commencement shall not be taken into consideration for the purpose of disqualification mentioned in this clause ; or]

⁴[(j-2) has been elected as a Councillor of the *Zilla Parishad* or as a member of the *Panchayat Samiti* ; or]

⁵[(j-3) has been encroached upon the Government land or public property; or]

⁶[(j-4) has been disqualified by the State Election Commission under section 14 B; or]

¹ 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)

² Clause (h-1) was inserted by Mah. 13 of 1975, s. 4(b)

³ Clause (J-1) was inserted by Mah. 44 of 2000, s. (2)(a).

⁴ This clause was inserted by Mah. 28 of 2003, s. 3.

⁵ This clause was inserted by Mah. 38 of 2006, s. 4.

⁶ This clause was inserted by Mah. 16 of 2010, s. 2.

¹[(j-5) fails to submit a certificate of the concerned *panchayat*, along with 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 regularly uses the public toilet :]

Mah.
XXXIII
of
2010.

²[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.

³[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]

(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 shareholder 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 ⁴[State of Maharashtra] be held to be interested in any contract entered into between the company or co-operative society and the *panchayat*.

⁵[*Explanation 1A.*—A person shall not be disqualified under clause (g) by reason only of such person,—

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

(ii) having a share or a 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

¹ This clause was inserted by Mah. 33 of 2010, s. 2.

² This proviso was substituted for the existing proviso by Mah. 39 of 2011, s. 2(a), w.e.f. 10th January 2011.

³ This proviso was added *ibid.*, s. 2(b).

⁴ These words were substituted for the words “State of Bombay” by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

⁵ This *Explanation* was inserted by Mah. 36 of 1965, s 8(3).

(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 the 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 purpose 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.

¹[*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.]

Mah.
XLVI
of
1967.

²[*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.]

³[*Explanation 5.*—for the purpose of clause (j-1),—

(i) where a couple has only one child on or after the date of such commencement, any number of children born out of a single subsequent delivery shall be deemed to be one entity ;

(ii) “ child ” does not include an adopted child or children.]

⁴[* * * * *]

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

⁵[14A. If any person,—

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

XLV
of
1860.

¹ This *Explanation* was substituted for the original by Mah. 13 of 1975, s. 4(c).

² This *Explanation* was inserted by Mah. 34 of 1970, s. 3.

³ This *Explanation* was added by Mah. 44 of 2000, s. 2 (b).

⁴ These sub-sections were added by Mah. 34 and 2000, s. 2.

⁵ Section 14A was inserted by Mah. 13 of 1975, s. 5.

(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.]

¹[14B. (1) If the State Election Commission is satisfied that a person,—

Disqualifi-
cation by
State
Election
Commis-
sion.

(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* of 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 reason to be recorded, remove any disqualification under sub-section (1) or reduce the period of any such disqualification.

15. (1) If the validity of any election of a member of a *panchayat* is brought in question by ²[any candidate at such election or by] any person qualified to vote at the election to which such question refers ³[such candidate or person] may, at any time within fifteen days after the date of the declaration of the result of the election, apply ⁴[* * * * *] to the Civil Judge (Junior Division) and if there be no Civil Judge (Junior Division) then to the Civil Judge (Senior Division) (hereafter, in each case referred to 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.

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

(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. ⁵[If the election is set aside, a date for holding a fresh election shall forthwith be fixed under section 11.]

¹ Section 14B was inserted by Mah. 16 of 2010, s. 3.

² These words were inserted by Mah. 36 of 1965, s. 9(1).

³ These words were substituted for the words “such person”, *ibid*.

⁴ The portion from “(a) in the Hyderabad area” to “transferred territories” was omitted by the Maharashtra Adaptation of Laws (State and Concurrent Subject) Order, 1960.

⁵ This portion was added by Mah. 36 of 1965, s. 9(2).

(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.

(4) Notwithstanding anything contained in the Code of Civil Procedure, 1908, 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 alteration or amendment is *bona fide* and not collusive. V of 1908.

(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) ¹ * * * he shall declare the candidate disqualified for the purpose of that election and of such fresh election as may be held under ²[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 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 to stand or not to stand or to withdraw from

¹ These words were deleted by Mah. 37 of 2006, s. 4.

² These words, brackets and figure were substituted for the word and figures “section 17” by Mah. 36 of 1965, 9(3).

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

(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 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 vehicle or otherwise.

¹[(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.]

²[15A. No election to any *panchayat* shall be called in question except in accordance with the provisions of section 15; and no court other than the Judge referred to in that section shall entertain any dispute in respect of such election.]

Bar to interference by Courts in electoral matters.

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

² Section 15A was inserted by Mah. 21 of 1994, s. 11.

Disability
from
continuing
as member.

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) ¹[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.

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.

¹ 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.

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

Penalty for disorderly conduct in or near 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 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 abet 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 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.

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 officer on duty or by any person authorised in this behalf by such presiding officer.

Penalty for misconduct at polling station.

(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.

Officers,
etc. at
elections
not to act
for
candidates
or influence
voting.

22. (1) No person who is a returning officer, or a presiding or polling officer at an election or an officer or a 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.

(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.

Breaches
of official
duty in
connection
with
elections.

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.

(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 elections; 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.

Removal of
ballot
papers
from
polling
stations
to be an of-
fence.

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.

(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 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.

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

Other
offences
and
penalties
therefor.

(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 purpose 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 act.

(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 of, or 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 ¹[term of five years].

²[(2) The members of a *panchayat* constituted upon its dissolution before the expiration of its duration shall continue only for the remainder of the period for which the members of the dissolved *panchayat* would have continued under sub-section (1) had it not been so dissolved.]

Commencement of term of office. **28.** (1) The term of office of the members elected at a general election ³[* * * * *] 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 ⁴[Collector] ⁵[as soon as may be after the publication of the names of the elected members under section 10 ; and such date shall not—

(i) in the case of first meeting after general election, be later than the day immediately following the day of expiry of the term of outgoing members; and

(ii) in the case of election held after the dissolution of the *panchayat*, later than the date of expiry of the period of six months from the date of dissolution of the *panchayat*.]

⁶[* * * * *]

⁷[* * * * *]

Registration of member and disputes regarding resignation. **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.

¹ These words were substituted for the words “term of four years” by Mah. 38 of 1973, s. 3(I).

² Sub-section (2) was substituted for the original by Mah. 21 of 1994, s. 12.

³ The portion beginning with the word “including” and ending with the word and figures “section 10” was deleted *ibid*, s. 13(I)(a).

⁴ This word was substituted for the words “Chief Executive Officer” by Mah. 43 of 1962, s.26, Schedule.

⁵ This portion was substituted for the portion beginning with the words “within four weeks” and ending with the word and figures “section 10”, by Mah. 21 of 1994, s. 13 (I)(b).

⁶ This proviso was deleted *ibid*, s. 13(I)(c).

⁷ Sub-section (2) was deleted *ibid*, s. 13(2).

⁸ Section 29 was substituted for the original by Mah. 13 of 1975, s. 6.

(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 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 ;

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

¹[30. (1) Every *panchayat* shall be presided over by a *Sarpanch* who shall be elected by, and from amongst, the elected members thereof. Election of *Sarpanch*.

(2) The election of the *Sarpanch* shall be held in the first meeting held after every general election.

(3) No member of a *Panchayat* shall be eligible for being elected or for continuing, as *Sarpanch* if he holds the office of the President or Vice-President of any *Zilla Parishad* or Chairman of any Subjects Committee thereof or the Chairman or the Deputy Chairman of any *Panchayat Samiti* ; and if a *Sarpanch* is elected to any of such offices, his office as *Sarpanch* shall become vacant from the date of such election.

(4) There shall be reservation in the offices of the *Sarpanchas* in the *Panchayats* for the members belonging to the Scheduled Castes, the Scheduled Tribes, the category of Backward Class of citizens and women as follows :—

¹ Section 30 was substituted by Mah. 21 of 1994, s. 14.

(a) the number of offices of *Sarpanchas* to be reserved for the Scheduled Castes and the Scheduled Tribes in the *panchayats* shall bear, as nearly as may be, the same proportion to the total number of such offices in the *panchayats* as the population of the Scheduled Castes in the State or of the Scheduled Tribes in the State ¹[excluding the population of the Scheduled Tribes in *panchayat* comprising entirely the Scheduled Areas] bears to the total population of the State :

²[Provided that, the office of the *Sarpanch* of a *Panchayat* comprising entirely the Scheduled Areas shall be reserved only for the persons belonging to the Scheduled Tribes :

Provided further that, the office of the *Sarpancha* of a *Panchayat* falling only partially in the Scheduled Areas shall be reserved for the persons belonging to the Scheduled Tribes in accordance with the provisions of clause (a) :]

³[Provided also that], ⁴[one-half of the total number of offices] so reserved shall be reserved for women belonging to the Scheduled Castes or, as the case may be, the Scheduled Tribes ;

(b) the offices of *Sarpanchas* to be reserved for persons belonging to the category of Backward Class of citizens shall be 27 per cent. of the total number of such offices in the *panchayats* :

Provided that, ⁵[one-half of the offices] so reserved shall be reserved for women belonging to the category of Backward Class of citizens ;

(c) ⁶[one-half of the total number of offices of *Sarpanchas*] (including the number of offices reserved for women belonging to the Scheduled Castes, the Scheduled Tribes and the category of Backward Class of citizens) in the *panchayats* shall be reserved for women.

(5) The number of offices reserved under this section shall be allotted by rotation to different *panchayats* in the prescribed manner.

(6) The reservation of offices of *Sarpanchas* (other than the reservation for women) shall cease to have effect on the expiration of the period specified in article 334 of the Constitution of India.]

¹ This proviso was inserted by Mah. 28 of 2003, s. 4(a)(i).

² This proviso was added by Mah. 5 of 1997, s. 2(2)(b).

³ These words were substituted for the words "Provided that" by Mah. 28 of 2003, s. 4 (a) (ii).

⁴ These words were substituted for the words " is not carried " by Mah. 10 of 1992, s. 3(2)(a).

⁵ These words were substituted for the words "a majority of" by Mah. 27 of 2000. s. 2(3).

⁶ These words were substituted for the words "one-third of the total number of offices of *Sarpanchas*" *ibid*, s. 3(c).

¹[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*), Nomidic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issurance and Verification of) Caste Certificate Act, 2000]

Person contesting election for reserved office of *Sarpanch* to submit Caste Certificate and Validity Certificate.

²[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*.]

³[30A. (1) Every *panchayat* shall elect one of its elected members to be *Upa-Sarpanch*.

Election of *Upa-Sarpanch*.

(2) The provisions of sub-sections (2) and (3) of section 30 shall *mutatis mutandis* apply in the case of *Upa-Sarpanch*.]

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

Term of office of *Sarpanch* and *Upa-Sarpanch*.

⁴[* * * * *]

⁵[* * * * *]

¹ Section 30-1A was inserted by Mah. 5 of 2009, s. 3.

² These proviso were substituted for the existing proviso by Mah. 29 of 2012, s. 3.

³ Section 30A was inserted by Mah. 21 of 1994, s. 15.

⁴ The words “and when the term is extended also for such extended term” were deleted by Mah. 21 of 1994, s. 16.

⁵ Section 32 was deleted, *ibid.*, s. 17

Travelling and daily allowances to members. ¹[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.]

Procedure for election of *Sarpanch* and *Upa-Sarpanch*. **33.** (1) On the establishment of a *panchayats* 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 ²[* * * *] of a *panchayat* a meeting shall be called on the date fixed under sub-section (1) of section 28 by the ³[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 ³[Collector], for the election of the *Sarpanch* and *Upa-Sarpanch*.

(2) The meeting called under sub-section (1) shall be presided over by such officer as the ³[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) ⁴[the Officer presiding over such meeting or any member ⁵[* * * *] 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.]

¹ Section 32A was inserted by Mah. 36 of 1965, s. 15.

² The words "or extended term" were deleted by Mah. 21 of 1994, s. 18(1).

³ This word was substituted for the "Chief Executive Officer" by Mah. 43 of 1962, s. 26, Schedule.

⁴ 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.

⁵ The brackets and words "(other than an associate member)" were deleted by Mah. 21 of 1994, s. 18(2).

Sumptuary allowance to *Sarpanch*.¹[33A. Subject to any rules made by the State Government in this behalf, there shall be placed at the disposal of the *Sarpanch*, a sum equal to two percent. of the annual income of the *panchayat* or six thousand rupees per annum, whichever is less, as sumptuary allowance.]

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

(2) The *Upa-Sarpanch* may resign his office by writing under his hand addressed to the *Sarpanch*.³[* * * *]

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

⁴[(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.]

Motion of no confidence.⁵[35. (1) A motion of no confidence may be moved by not less than ⁶[one third] of the total number of the members ⁷[* * *] 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. ⁸[Such notice once given shall not be withdrawn.]

(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* 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 ⁹[a majority of not less than two-third of] ¹⁰[* * * *] the total number of the members ¹¹[* * *] who are for the time being entitled to sit and vote at any meeting of the *panchayat* or the *Upa-Sarpanch*, as the case may be, ¹²[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*

¹ Section 33A was inserted by Mah. 10 of 1992, s. 2.

² Section 34 was substituted by Mah. 36 of 1965, s. 17.

³ The words "and his office shall thereupon become vacant" were deleted by Mah. 13 of 1975, s. 8(a).

⁴ Sub-section (4) was inserted, *ibid.*, s. 8(b).

⁵ These sub-sections were substituted for sub-sections (1), (2) and (3) by Mah. 13 of 1975, s. 9.

⁶ These words were substituted for the words "one fifth" by Mah. 27 of 2000, s. 2(1).

⁷ The brackets and words "(other than associate members)" were deleted by Mah. 21 of 1994, s. 19(1).

⁸ These words were added by Mah. 10 of 1992, s. 3(1).

⁹ These words were substituted for the words "a majority of" by Mah. 27 of 2000, s. 2(2).

¹⁰ The words "not less than two-thirds of" were deleted by Mah. 5 of 1997, s. 2(a).

¹¹ The brackets and words "(other than associate members)" were deleted by Mah. 21 of 1994, s. 19(2).

¹² This portion was substituted for the portion beginning with the words, "shall cease to hold office" and ending with the words, "shall be deemed to be vacant:", by Mah. 16 of 2012 s.3(i) (a)

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 further that, in cases where the officers 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 meeting of the panchayat.]

¹[²Provided also that,] where the office of the *Sarpanch* being reserved for a woman, is held by a woman *Sarpanch*, such motion of no-confidence shall be carried only 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* :]

³[⁴Provided also that], no such motion of no-confidence shall be brought within a period of six months from the date of election of *Sarpanch* or *Upa-Sarpanch*.]

(3A) If the motion ⁵[is not moved or is not carried] by ⁶[a majority of not less than ⁷[or, as the case may be, three-fourth, of] ⁸[* * *] the total number of the members ⁹[* * *] 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 ¹⁰[¹¹[one year] from the date of such special meeting.]

(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 thirty days from the date on which it was received by him ; and his decision shall, be final.]

¹³[* * *]

¹ This proviso was inserted by Mah. 28 of 2003, s. 4(a)(i).

² These words were substituted for the words "provided that" by Mah. 16 of 2012, s. 3 (i) (b).

³ This proviso was added by Mah. 5 of 1997, s. 2(2)(b).

⁴ These words were substituted for the words "provided further that" by Mah. 16 of 2012, s. 3 (i) (c).

⁵ These words were substituted for the words "is not carried" by Mah. 10 of 1992, s. 3 (2) (a).

⁶ These words were substituted for the words "a majority of" by Mah. 27 of 2000, s. 2(3).

⁷ These words were substituted for the words "two-third of" by Mah. 28 of 2003, s. 4(b).

⁸ These words "not less than two-thirds of" were deleted by Mah. 5 of 1997, s. 2(3) (a).

⁹ The brackets and words "(other than associate Members)" were deleted by Mah. 21 of 1994, s. 19(3).

¹⁰ These words were substituted for the words "six months from the date of the rejection of the motion", by Mah. 10 of 1992, s. 3(2) (d).

¹¹ These words were substituted for the words "six months", by Mah. 16 of 2001, s. (2).

¹² These words, figure and letter were substituted for the words, figure and letter of 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 3(c), be final", by Mah. 16 of 2012, s. 3 (ii).

¹³ Sub-sections (3c), (3d) and 4 were deleted by Mah. 16 of 2012 s. 3(iii).

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

¹[Provided that, if the *Sarpanch*, or his absence the *Upa-Sarpanch*, fails without sufficient cause, to convene the meeting 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.]

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

37. No resolution of *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*. ²[* * * *]

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

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

(i) the *Sarpanch* shall—

(a) ³[save where otherwise provided in this Act, preside over] and regulate the meetings of the *panchayat* ;

⁴[* * * *]

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

⁶[* * * *]

¹ This proviso was added by Mah. 36 of 1965, s. 18.

² The brackets and words “(other than the associate members)” were deleted by Mah. 21 of 1994, s. 20.

³ These words were substituted for the words “preside over” by Mah. 13 of 1975, s. 10 (a).

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

⁵ This portion was added *ibid.*, s. 19 (a)(ii).

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

(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 ;

¹[(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 meeting 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* ²[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.

³[(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 power and follow the procedure prescribed, but shall not have the right to vote.]

⁴[(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 ⁵[sub-section (4)] of section 57.]

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

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

³ Sub-section (4) was added by Mah. 36 of 1965, s. 19 (b).

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

⁵ These words, brackets and figure were substituted for the words, brackets and figures, “sub-sections (3) and (4)”, by Mah. 38 of 2006, s. 5.

39. ¹[(1) The Commissioner may,—

Removal
from office.

(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, though 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.];

²[(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*.]

³[(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 *Up-Sarpanch* and has been guilty of the acts and omission 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.]

¹ This sub-section was substituted by Mah. 38 of 2006, s. 6, (a).

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

³ Sub-section 2 and 3 were substituted by *ibid.*, s. 6 (b)

Power of Government to direct inquiry. ¹[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.

(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.]

Leave of absence.

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

(a) is absent for more than four consecutive months from the village, ²[(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.

¹ Section 39A is inserted, *ibid*, s. 7.

² These brackets and words were inserted by Mah. 43 of 1962, s. 26, Schedule.

41. [Suspension of Sarpanch or Upa-Sarpanch.] Deleted by Mah. 2 of 1982, s. 2.

42. (1) A member of a *Panchayat* whose office has become vacant under ¹[section 16, if his disqualification or disability has ceased, or under section 40 shall] be eligible for re-election. Eligibility of certain members for re-election.

43. (1) Any vacancy of which notice has been given to the ²[Collector] in the prescribed manner due to the disablement, death, resignation, disqualification, ³[confirmation of no confidence motion,] absence without leave or removal of a *Sarpanch* or *Upa-Sarpanch* ⁴[* * *], shall be filled, by the election of a *Sarpanch* or *Upa-Sarpanch* ⁴[* * *], in whose place he has been elected would have held office if the vacancy had not occurred: Filling up of vacancies.

⁵[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.]

⁶[* * * * *]

⁷[* * * * *]

(2) The meeting for the election of a *Sarpanch* under sub-section (1) shall be convened by ³[Collector] in the manner described in sub-section (1) of section 33.

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

⁹[(2) Subject to the provision 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.]

¹ 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.

² This word was substituted for the words "Chief Executive Officer" by Mah. 43 of 1962, s. 26, Schedule.

³ These words were inserted by Mah. 16 of 2012, s. 4 (a).

⁴ The words "the member" were deleted by Mah. 21 of 1994, s. 21(a).

⁵ This proviso was added by Mah. 16 of 2012, s. 4(b).

⁶ The proviso was deleted by Mah. 13 of 1975, s. 12(a).

⁷ The proviso was deleted by Mah. 21 of 1994, s. 21(b).

⁸ Section 44 was renumbered as sub-section (1) and sub-sections (2) and (3) were inserted by Mah. 36 of 1965, s. 23.

⁹ This portion was substituted for the words "The *panchayat*" by Mah. 13 of 1975, s. 13.

CHAPTER III.

ADMINISTRATIVE POWERS AND DUTIES.

Administra-
tive powers
and duties
of
panchayats.

45. ¹[(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 and 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"). ² [It shall also be the duty of a *panchayat*, when the *Zilla Parishad* or the State Government undertakes and completes, through its agencies, any piped water-supply schemes (including works), at the request of the *panchayat*, to take over and maintain ³ [out of the Village Water-Supply Fund constituted under section 132B] such water-supply schemes, whether completed before or after the date of commencement of the Maharashtra Zilla Parishads and Panchayat Samitis and Bombay Village Panchayats (Amendment) Act, 1981. Where any such schemes were completed and were not taken over by the *panchayat* before the said date, the *panchayat* shall take them over within thirty days from the said date, which shall be the period specified for such schemes, and where any such schemes are completed after the said date the *panchayat* shall take them over within such period as may be specified by the *Zilla Parishad* or the State Government, as the case may be.]

Mah.
LVI of
1981.

(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 omitting 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.

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

² This portion was added by Mah. 56 of 1981, s. 7.

³ These words were inserted by Mah. 5 of 1997, s. 3.

(2B) A *panchayat* may, by resolution ¹[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 doubts arises ²[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.

(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 :

³[Provided that, no *panchayat* shall incur expenditure on any such reception, ceremony, entertainment or gathering exceeding such amount as the State Government may, from time to time, by notification in the *Official Gazette*, determine and that, different amounts may be determined for different class or category of *panchayats*, with reference to their annual income.]

(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 this estate has seriously suffered, the *panchayat* may bring such fact to the notice of the Collector.

(6) A *panchayat* shall with regard to the measures for the amelioration of the condition of Scheduled 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.

¹ 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).

² These words were inserted, *ibid*, s. 14 (1)(b).

³ This proviso was substituted by Mah. 31 of 1994, s. 2.

¹[(6A) A *panchayat* shall endeavour to make use of voluntary organisations ²[of farmers of the village], and shall encourage co-operative societies ³[therein] in increasing and improving agricultural production.

⁴[(6B) A *panchayat* established for 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 school situate within the area of its jurisdiction.]

⁵[(6D) A *panchayat* shall obtain permission of the *Gram Sabha* for incurring any expenditure on the development schemes.

(6E) A *panchayat* shall be consulted by the concerned Land Acquisition Authority, before such Authority acquires any lands falling within the jurisdiction of that *panchayat*, for the Government purpose :

Provided that, every *panchayat* shall obtain and consider the views of *Gram Sabha* before conveying its views to the Land Acquisition Authority concerned.]

(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.

⁶[* * *]

⁸[Power of *Parishads* and *Samitis* to transfer management of institution or execution or maintenance of work.]

46. ⁷[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, at any time, transfer to such *Panchayat* the management of any institution or the execution or maintenance of any work, and it shall thereupon be lawful for such *Panchayat* to undertake the management of such institution or the execution or maintenance of such work :]

Mah. V of 1962.

Provided that in every such case the funds necessary for such management, ⁹[execution or maintenance] shall be placed at the disposal of the *Panchayat* by the ¹⁰[*Zilla Parishad* or *Panchayat Samiti*].

Powers of State Government to transfer execution of other works.

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 :

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.

¹ Sub-sections (6A) to (6C) were inserted by Mah. 5 of 1962, s. 286, Tenth Schedule.

² These words were substituted for the words "of farmers" by Mah. 35 of 1963, s. 80, Schedule.

³ This word was inserted, *ibid*.

⁴ Sub-section (6B) was substituted by Mah. 13 of 1975, s. 14(2).

⁵ These sub-sections were inserted by Mah. 3 of 2003, s. 4.

⁶ Section 45A was deleted by Mah. 27 of 2003, s. 3.

⁷ This portion was substituted for the portion beginning with the words " the *Zilla Parishads* or *Panchayat Samiti* " and ending with the words " execution of such work " by Mah. 36 of 1965, s. 25(1).

⁸ This marginal note was substituted for the original, *ibid*, s. 25(3).

⁹ These words were substituted for the words "or execution" by Mah. 36 of 1965, s. 25(2).

¹⁰ These words were substituted for the words "District Local Board" by Mah. 5 of 1962, s. 286, Tenth Schedule.

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 ¹[*Panchayat Samiti*] be assigned to it by the State Government by notification in the *Official Gazette*.

Other duties.

²49. (1) A *Gram Sabha* may, in consultation with the *panchayat*, from amongst the members of the *panchayat*, representatives of community based organisations working in the *panchayat* area, village level functionaries of *panchayat*, *Zilla Parishad*, State Government and voters, constitute one or more Village Development Committees, by whatever name called.

Village Development Committees.

(2) The term of such committee shall be co-terminus with the term of the *panchayat*.

(3) Such committees shall exercise such powers, discharge such duties and perform such functions of the *panchayat*, as may be delegated or assigned to them by the *Gram Sabha* in consultation with the *panchayat*, relating to the subjects and activities enumerated in Schedule I and such other works and activities related to or associated with the *panchayat* as may be entrusted by the *Gram Sabha*, *Zilla Parishad*, Government or any other competent authority to the *panchayat*, from time to time. The *Gram Sabha* may, subject to the general supervision and control of *panchayat*, regulate the procedure of such committees.

(4) The total number of the members in a Village Development Committee shall not be less than twelve and not more than twenty four :

Provided that---

(a) not less than one-third of its members shall be from amongst the members of the *panchayat* ;

(b) not less than one-half of its members shall be women ; and

(c) such number of members, as may be specified by the Government in that behalf, shall be from the Scheduled Castes, Scheduled Tribes, *Vimukta Jatis* and Nomadic Tribes (hereinafter referred to as the "vulnerable class") :

Provided further that, the strength of the women members of the vulnerable class members on the Village Development Committee shall be not less than three-fourths of the total strength of such committee members, when such committee is constituted for the purpose of an activity, scheme or utility exclusively for the benefit of women or, as the case may be, for the vulnerable class ;

(d) the *Gram Sabha* shall ordinarily nominate such women members to the Village Development Committee as recommended by village *Mahila Mandal* or a *Gram Sabha* of the women voters specially called for the purpose, unless it has sufficient reason, to be recorded in the proceedings, to reject any such recommendation ;

(e) the *Gram Sabha*, in its discretion, may give preference to the members of the village level institutions, if any, like *Mahila Mandals*, Youth Clubs, etc. ;

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

² These sections were substituted for section 49 by Mah. 23 of 2003, s. 3.

(f) the *Gram Sabha* may, also invite any village level Government, semi-Government, *Zilla Parishad* officials or employees working in the village, such as teachers, *talathis*, *anganwadi sevikas*, village water men, village health workers, to attend any meeting or meetings of the Village Development Committee, as a special invitee for the purpose of assisting or advising it on any matter or matters. Such special invitee may take part in the deliberations in the meeting but, shall have no right to vote in such meeting.

(5) The Village Development Committee constituted under sub-section (1) shall be deemed to be a committee of the *panchayat* and shall be under overall supervision and control of the *panchayat*. The administrative machinery of the *panchayat* shall assist such committee as it assists the *panchayat*.

(6) The annual statement of accounts and proceedings of the Village Development Committee shall be kept and managed separately for day-to-day convenience but shall form an integral part of the *panchayat* record, accounts and proceedings, and shall be presented through the *panchayat* in the meeting of the *Gram Sabha* specially called for the purposes of approving annual budget and passing of the annual accounts of the *panchayat*.

(7) The *panchayat* shall normally not exercise the powers, discharge the duties and perform the functions entrusted to the Village Development Committee by the *Gram Sabha* unless, so resolved by the *Gram Sabha* in a extra-ordinary circumstances to be mentioned and approved by the majority of not less than two-third of the members present and voting, in a meeting specially called for the purpose of withdrawing such powers, duties and functions of the Village Development Committee, and allowing the *panchayat* to take over the same.

(8) (a) The members of the Village Development Committee, once appointed, shall not be removed or withdrawn before the completion of their term as provided in sub-section (2) except,—

(i) by an express resolution passed by the *Gram Sabha* in a special meeting duly called for the purpose, or

(ii) when such member suffers from any of the disqualification specified in section 14 for the members of the *panchayats* ;

(b) Any vacancy caused by the death, resignation, removal or withdrawal, or otherwise disqualification of a member of the Village Development Committee, shall be filled up as provided under sub-section (1) read with sub-sections (2) and (4).

(9) On constitution of a new *panchayat*, the Village Development Committee shall be re-constituted within forty-five days of the constitution of the new *panchayat* :

Provided that, there shall be no bar for the members of the previous committee to be re-appointed on the new committee, if otherwise eligible.

Beneficiary
Level Sub-
Committees.

49A. (1) The Village Development Committee constituted under sub-section (1) of section 49 may, in consultation with the *panchayat* and with the prior approval of the *Gram Sabha*, and if deemed expedient, having regard to the geographical, geohydrological, technological, economic, social and demographic

situation of the habitation within the area of the *panchayat*, constitute a Beneficiary Level Sub-Committee from amongst the voter beneficiaries of the existing or proposed activity, scheme or utility, exclusively serving a habitation, in a meeting held therefor, where each beneficiary household shall have one vote.

(2) The term of such committee shall be co-terminus with the term of the *panchayat*.

(3) The Village Development Committee may, with the approval of the *panchayat*, entrust its powers, authority, functions and duties as regards the specific activity, scheme or utility to the Beneficiary Level Sub-Committee.

(4) The total number of the members in the Beneficiary Level Sub-Committee shall not exceed twelve :

Provided that,—

(a) the *panchayat* members who are the beneficiaries of the scheme, activity or utility for which the Beneficiary Level Sub-Committee is constituted shall be the members of such Beneficiary Level Sub-Committee ;

(b) not less than one-half of its members shall be women ; and

(c) such number of seats on such committee, as may be specified by the Government in that behalf, shall be appointed from the vulnerable class.

(5) The Beneficiary Level Sub-Committee shall exercise the powers and authority, and discharge the duties and perform the functions in respect of the activity, scheme or utility for which it is constituted, and shall be under the overall superintendence, control and guidance of the Village Development Committee.

(6) (a) The members of the Beneficiary Level Sub-Committee once appointed, shall not be removed or withdrawn before the completion of their term as provided in sub-section (2), except,—

(i) by an express resolution passed by the *Gram Sabha* or the beneficiary voters of the activity, scheme or utility, as the case may be, in a special meeting duly called for the purpose, or

(ii) when such member suffers from any of the disqualification specified in section 14 for the members of the *panchayats* ;

(b) Any vacancy caused by the death, resignation, removal or withdrawal, or otherwise disqualification of a member of the Beneficiary Level Sub-Committee, shall be filled up as provided under sub-section (1) read with sub-sections (2) and (4).

(7) On constitution of a new *panchayat*, the Beneficiary Level Sub-Committee shall be re-constituted within forty-five days of the constitution of the new *panchayat* :

Provided that, there shall be no bar for the members of the previous sub-committee to be re-appointed on the new sub-committee, if otherwise eligible.]

Joint committees of two or more local bodies.

50. (1) A *panchayat* may, from time to time, concur with any other *panchayat* or with any municipal corporation, municipality, ¹[*Zilla Parishad, Panchayat Samiti*], cantonment authority or committee appointed for a notified area or with more than one such *panchayat*, municipal corporation, municipality, ¹[*Zilla Parishad, Panchayat Samiti*], authority or committee,—

(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, ²[* * * *] cantonment authority or committee appointed for a notified area, or with a combination of any 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.

³[(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

¹ These words were substituted for the words " district local board " by Mah. 5 of 1965, s. 286, Tenth Schedule.

² The words "district local board" were deleted, *ibid*.

³ These sub-sections were inserted by Mah. 36 of 1965, s. 26.

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.

(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*. ¹[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 ²[communicate its permission] or refusal in respect thereof within two months from the date of receipt of the application for permission. ³[In a case of refusal or in case of permission being granted subject to conditions, the *panchayat* shall communicate to the applicant the reason thereof ; 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.]

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

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

³ 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).

* Now, the short title of the Act has been amended as "the Maharashtra Highways Act" (LV of 1955) by Mah. XXIV of 2012, ss. 2 & 3, Schedule, entry 58, with effect from the 1st May 1960.

(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 therewith, unless he shall have again become so entitled by a fresh compliance with the provisions of the preceeding sub-sections.

(4) Whoever erect 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, 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 ;

(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 ¹[(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. ²[Nothing in this section shall also apply to any building erected or re-erected 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 ;

¹ These brackets and words were inserted by Mah. 36 of 1965, s. 27(3).

² This portion was added, *ibid.*, s. 27(4).

(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.

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 protect 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 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 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 been first 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. ¹[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.]

²[(2A) If any *panchayat* fails to take action under sub-section (2) ³[* *], the Collector *suo motu* or on an application made in this behalf, may take action as ⁴[provided in that sub-section, and submit the report thereof to the Commissioner]. 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.]

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

¹ This portion was added by Mah. 38 of 2006, s. 8 (a).

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

³ The words "within such time as may be prescribed" were deleted by Mah. 38 of 2006, s. 8 (b)(i).

⁴ These words were substituted for the words "provided in that sub-section", *ibid.*, s. 8 (b)(ii).

(3) The power under ¹[sub-section (2) or sub-section (2A)] may be exercised in respect of any obstruction, encroachment or ²[unauthorised cultivation of any crop] referred to therein whether or not such obstruction, encroachment or ²[unauthorised 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*.

³[(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, ⁴[appeal to the Commissioner and the Commissioner, after making such enquiry as he thinks necessary shall pass such orders as he deems necessary] after giving such person a reasonable opportunity of being heard.]

⁵[(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 an 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 occupaiton 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.

Numbering of
premises.

54. (1) The *panchayat* may, from time to time, by written notice require the owner of any permises 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 deface 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.

¹ These words, brackets, figures and letters were substituted for the word, bracket and figure "sub-section (2)" by Mah. 34 of 1970, s. 10(2)(a).

² These words were substituted for the words "or projection", *ibid.*, s. 10(2)(b).

³ This sub-section was inserted by Mah. 36 of 1965, s. 28.

⁴ These words were substituted 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" by Mah. 38 of 2006, s. 8(c).

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

(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, out-house, 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.

¹[CHAPTER III-A.

SPECIAL PROVISIONS FOR GRAM SABHA AND PANCHAYAT IN
SCHEDULED AREAS.

²[**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.]

54A. It shall be competent for every *Gram Sabha* in the Schedule Areas,—

(a) to safeguard and preserve the traditions and customs of the tribals, their cultural identity, community resources and the customary mode of dispute resolutions ;

(b) to appove the plans, programmes and projects to be implemented by the *panchayat* for social and economic development before such plans, programmes and projects are taken up for implementation by such *panchayat* ;

(c) to issue to the *panchayat* certificate of utilisation of funds, spent by that *panchayat* for the plans, programmes and projects referred to in clause (b) ;

(d) to decide priority for implementation of various development schemes of the State or as the case may be, of the Central Government and also to identify and select persons as beneficiaries under the various poverty alleviation and similar other programmes or schemes ;

(e) to enforce prohibition or regulate or restrict through *panchayat* concerned, the sale and consumption of intoxicants ;

(f) to issue directions to the *panchayat* with regard to the regulation, exploitation, management and trade of minor forest produce vested in it, subject to the provisions of the Maharashtra Transfer of Ownership of Minor Forest Produce in the Scheduled Areas and the Maharashtra Minor Forest Produce (Regulation of Trade) (Amendment) Act, 1997 ;

(g) to make recommendations through the *panchayat* concerned to the Collector with a view to prevent alienation of land in the Scheduled Areas and to restore unlawfully alienated land of a Scheduled Tribe. It shall be incumbent on the Collector and the concerned *panchayat* to initiate necessary appropriate action for

Special provisions relating to village and *Gram Sabha*.

Powers and duties of *Gram Sabha* in Scheduled Areas.

Mah.
XLV
of
1997.

¹ This Chapter was inserted by Mah. 27 of 2003, s. 4.

² This section was inserted by Mah. 18 of 2014, s. 2.

prevention or as the case may be, restoration of the land in the Scheduled Area unlawfully alienated ;

(h) to be consulted through the *panchayat* concerned for grant of any licence for money lending under the Bombay Money Lenders Act, 1946 and to take annual review of the money lending business. Any decision taken by the majority of the *Gram Sabha* concerned shall be binding on the concerned authorities and the *panchayat* at the appropriate level ;

Bom.
XXXI
of
1947.

(i) to make recommendation to the *panchayat* concerned with a view to exercise control over local plans and resources for such plans including tribal sub-plans ;

(j) to plan the minor water bodies and grant approval to the decision taken in this regard by the *panchayat concerned*.

Explanation.---For the purposes of this clause "minor water bodies" means any water storage and irrigation storage including village tanks, percolation tanks, lift irrigation works upto 100 hectares ;

(k) to grant approval to the establishment of village market in the area of the village. Any decision taken by the majority of the *Gram Sabha* for the establishment of a village market and for management thereof shall be binding on the *panchayat* ;

(l) to be consulted before acquiring any land in the Scheduled Areas falling within its jurisdiction, for development projects and resetting or rehabilitating any person affected by such projects in the Scheduled Areas ;

(m) to be consulted before grant of any licence or any permission for prospective licence for mining lease for minor minerals by concession for the exploitation of minor minerals by auction. Any decision taken by the majority of the *Gram Sabha* concerned shall be binding on the concerned authorities and the *panchayat* at the appropriate level ;

(n) to monitor progress and supervise functioning of institutions and functionaries entrusted with implementation of social sector programmes in the village concerned and make suitable recommendations to the *Panchayat Samiti* and *Zilla Parishad* with regard to implementation of social sector programmes. Any decision taken by the majority of the *Gram Sabha* in this regard shall be binding on the *panchayat* at the appropriate level.

Explanation.--- For the purposes of this clause and clause (d) of section 54B, "social sector" means any scheme, programme, project or work entrusted to a *Zilla Parishad* under the provisions of sections 100, 102, 103 or 123 and to a *Panchayat Samiti* under section 101 of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961, so also to a *panchayat* under section 45 of this Act ;

Mah.
V of
1962.

(o) to make recommendations through the *panchayat* concerned to the concerned authorities for felling of trees. Any recommendation made by the majority of the *Gram Sabha* shall be binding on the concerned authorities and the *panchayat* ;

(p) to approve the budget for the *panchayat*. Any decision in this regard by the majority of the *Gram Sabha* shall be binding on the *panchayat* ;

(q) to be consulted through the *panchayat* by any Competent Authority in respect of land, water resources, forests and all other natural resources situated within the jurisdiction of such *panchayat*.

Powers and
duties of
panchayats
in Scheduled
Areas.

54 B. Every *panchayat* in the Scheduled Areas shall,---

(a) obtain from the *Gram Sabha* a certification of utilisation of funds , spent by the *panchayat* for the plans, programmes and projects approved under clause (b) of section 54 A ;

(b) be consulted by the Land Acquisition Authority, before acquiring any land in the Scheduled Areas falling within its jurisdiction, for development projects and re-setting or rehabilitating any person affected by such projects in the Scheduled Areas :

Provided that, every *panchayat* shall consult the *Gram Sabha* before conveying its views to the Land Acquisition Authority concerned ;

(c) be competent to make recommendations, to the licencing authorities concerned, and the licencing authorities shall not grant any licence or any permission for prospecting licence or mining lease for minor minerals and concessions for the exploitation of minor minerals by auction, in the Scheduled Areas, without consultation with the *Gram Sabha*. Any decision taken by the majority of the *Gram Sabha* concerned shall be binding on the concerned authorities and the *panchayat* at the appropriate level ;

(d) be competent to monitor progress and supervise functioning of institutions and functionaries entrusted with implementation of social sector programmes in the village concerned and make suitable recommendations to the *Panchayat Samiti* and *Zilla Parishad* with regard to implementation of social sector programmes :

Provided that, every *panchayat* shall consult the *Gram Sabha* before conveying any recommendations to the *Panchayat Samitis* and the *Zilla Parishad*. Any decision taken by the majority of the *Gram Sabha* in this regard shall be binding on the *panchayat* ;

(e) be competent to make recommendations pertaining to alienation of land of the persons belonging to the Scheduled Tribes, to the Collector with a view to prevent alienation of land in the Scheduled Areas and to restore unlawfully alienated land of a Scheduled Tribe :

Provided that, every *panchayat* shall consult the *Gram Sabha* before conveying any recommendation to the Collector ;

(f) be competent to make any recommendation to the Registrar appointed under the Bombay Money Lenders Act, 1946 for grant of any licence for money lending. Any decision taken by the majority of the *Gram Sabha* concerned shall be binding on the *panchayat* as well as on the concerned authorities at the appropriate level :

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of
1947.

Provided that, every *panchayat* shall consult the *Gram Sabha* before conveying any recommendation to the Registrar :

Provided further that, the executive management of the money lending business shall be with the *panchayat* ;

Mah.
XLV
of
1997.

(g) be competent to regulate exploitation, management and trade of minor forest produce vested in it, subject to the provisions of the Maharashtra Transfer of Ownership of Minor Forest Produce in the Scheduled Areas, and the Maharashtra Minor Forest Produce (Regulation of Trade) (Amendment) Act, 1997 ;

(h) be competent to manage the minor water bodies.

Explanation.--- For the purposes of this clause "minor water bodies" means any water storage and irrigation storage including village tanks, percolation tanks, lift irrigation works upto 100 hectares ;

(i) be competent to establish and manage a village market in the area of the village after obtaining approval therefor from the *Gram Sabha*. Any decision taken by the majority of the *Gram Sabha* in this regard shall be binding on the *panchayat* ;

(j) in the Scheduled Areas where the population of the Scheduled Tribes is more than fifty per cent. of the total population, the Office of the Chairperson of such *panchayat* shall be reserved only for the persons belonging to Scheduled Tribes ;

(k) be competent to make recommendations to the concerned authorities for felling of trees in the area of the village after obtaining recommendations of the *Gram Sabha* :

Provided that, any recommendations made by the *Gram Sabha* shall be binding on the *panchayat* ;

(l) be competent to prepare the budget and to get it approved by the *Gram Sabha* :

Provided that, any decision taken by the majority of the *Gram Sabha* concerned shall be binding on the *panchayat* ;

(m) be consulted by any competent authorities in respect of land, water resources, forests and all other natural resources situated within the jurisdiction of *panchayat* after making consultation with the *Gram Sabha* in this regard ;

(n) be competent to get the plans, programmes and projects to be implemented for social and economic development before such plans, programmes and projects are taken up for implementation by such *panchayat*, approved by the *Gram Sabha*.

Meetings of
Gram Sabha.

54 C. (1) Secretary of the *panchayat* shall be Secretary of the *Gram Sabha* and he shall be responsible to call the meetings of the *Gram Sabha*. Such Secretary shall prepare and maintain the proceedings of all meetings of *Gram Sabha* or in his absence any officer authorised in this behalf by the person who is presiding over the meeting shall prepare such proceedings.

(2) Secretary of the *panchayat* shall convey the date, time and place of every meeting of the *Gram Sabha*, not less than fifteen clear days before the date fixed for such meetings to the concerned Officials and members of the *Gram Sabha*.

(3) The first meeting of the *Gram Sabha* in every financial year shall be presided over by the *Sarpanch*, or in his absence by the *Upa-Sarpanch*. 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. All other meetings in the financial year shall be presided by such persons who shall be elected by the majority of the members of the *Gram Sabha*.

(4) Unless exempted by the *Gram Sabha*, every meeting of the *Gram Sabha* shall be attended by the concerned village *Kotwal*, *Talathi*, Police Patil, Health Officer, Head Master of the Primary and Secondary School, Agriculture Officer, Junior Engineer of Maharashtra State Electricity Board and Officers in-charge of the Police Station.

(5) Notwithstanding anything contained in this Act or any rules made thereunder, twenty-five per cent. of total number of persons included in the list of voters or hundred of such persons, whichever is less, shall form a quorum for a meeting of the *Gram Sabha*. It shall not be allowed to be conduct any meeting including adjourned meeting without quorum.

(6) If any dispute arises between the *Gram Sabha* or any matter concerning to more than one *Gram Sabhas* within the area of the *panchayat*, shall be brought before the joint meeting of all the *Gram Sabhas* of that *panchayat* and the decision taken by majority at such joint meeting shall be deemed to be the decision taken by each of the *Gram Sabha*.

54D. (1) The *Sarpanch* and *Upa-Sarpanch* shall implement the suggestions and the resolutions made by the *Gram Sabha*. Any remiss on the part of such *Sarpanch* or, as the case may be, *Upa-Sarpanch*, shall be liable for the disqualification 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 member of the *panchayat*, if the *Gram Sabha* makes resolution to that effect by three-fourth majority :

Motion of No
Confidence.

Provided that, no such resolution against the *Sarpanch* or, as the case may be, *Upa-Sarpanch* shall come into effect without the prior approval of the Government.

(2) All officials of the *panchayat* shall implement the suggestions and the resolutions made by the majority of the *Gram Sabha* and shall submit their work report to the *Gram Sabha*. Any remiss on the part of such official shall be punishable departmentally, if *Gram Sabha* makes resolution to that effect by three-fourth majority :

Provided that, no such resolution against any official shall come into effect without the prior approval of the Government.

(3) A *Sarpanch* or, as the case may be, the *Upa-Sarpanch* shall cease to be *Sarpanch* or, as the case may be, *Upa-Sarpanch*, if a motion of no confidence is passed by secret ballot at a special meeting of the *Gram Sabha* and conceded by the majority of more than fifty per cent. of the members of the *Gram Sabha* :

Provided that, a motion of the no confidence shall be moved by not less than one third of the total members of the *Gram Sabha* against *Sarpanch* or, as the case may be, *Upa-Sarpanch* after giving notice thereof to the Secretary of the *Gram Sabha*. The Secretary of the *Gram Sabha* shall immediately deliver such notice to the *Tahsildar*.

(4) The *Tahsildar* after receipt of the notice, within fifteen days from the date of receipt of such notice shall convene a special meeting of *Gram Sabha* at the office of the *panchayat* for considering the motion of no confidence. The Officer not below the rank of *Naib Tahsildar* shall preside over such meeting. The *Sarpanch* or, as the case may be, 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).

(5) The meeting called for considering the no confidence motion under sub-section (4) shall not be adjourned for any reason unless the reasons therefor are recorded in writing by the Presiding Officer of the meeting.

(6) A motion of no confidence shall not be moved within a period of two and half years from the date of election of the *Sarpanch* or, as the case may be, *Upa-Sarpanch*.

(7) If the *Sarpanch*, or as the case may be, the *Upa-Sarpanch* desires to dispute the validity of the motion of no confidence carried under sub-section (3), he shall, within fifteen 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. Any person aggrieved by the decision of the Collector may, appeal to the Commissioner who shall decide the appeal, as far as possible, within fifteen days from the date on which it was received by him. Any such decision shall, subject to a second appeal under sub-section (8), shall be final.

(8) Any person aggrieved by the decision of the Commissioner, may, within fifteen days, appeal to the Government, and the decision of the Government shall be final.

(9) In case the offices of the *Sarpanch* or, as the case may be, the *Upa-Sarpanch* becomes vacant under sub-section (3) shall be filled, by the by-election of a *Sarpanch* or, as the case may be, *Upa-Sarpanch*, within fifteen days from the date of vacancy of such post and he shall hold office so long as the *Sarpanch* or, as the case may be, *Upa-Sarpanch*, in whose place he has been elected would have held office if the vacancy had not occurred.

(10) A member shall cease to be a member of *panchayat* in the Scheduled Areas, if a motion of no confidence is passed by secret ballot by not less than fifty per cent. of the votes of the electoral ward from which such member has been elected :

Provided that, the provisions of sub-sections (3) to (9) shall *mutatis-mutandis* apply to such no confidence.]

CHAPTER IV.

PANCHAYAT : ITS PROPERTY AND FUND.

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

55. Every *panchayat* shall be competent to lease, sell or otherwise transfer moveable or immovable property which may become ¹[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 ²[Chief Executive Officer.]

¹ These words, brackets and figures were substituted for the words " vested in " by Mah. 36 of 1965, s. 29.

² These words were substituted for the word " Collector " by Mah. 5 of 1962, s. 286, Tenth Schedule.

IV of 1882. XVI of 1908. **56.** (1) ¹[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, ²[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 :

Property of *panchayat*.

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 ³[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* ⁴[and every work constructed by a *panchayat* with the assistance of *Zilla Parishad* or *Panchayat Samiti* shall vest in a *panchayat* in the manner provided by rules made in that behalf.]

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

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

(a) the amount which may be allotted to the village fund by the State Government under the provisions of section 191 of the Bombay District Municipal Act 1901†; or ⁵[* * *] under section 8 of the Central Provinces and Berar Municipalities Act, 1922†;

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

⁶[(b) the proceeds of any tax or fee imposed under section 124 except the general water rate and the special water rate levied under clauses (viii) and (xii), respectively, of sub-section (1) of that section ;]

Mah. V of 1962.

(c) the proceeds of a tax on professions, trades, callings and employments assigned to the *panchayat* ⁷[under clause (b) of section 163 of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961];

⁸[(d) the sum representing the share of the *panchayat* in the net proceeds of the taxes, duties, tolls and fees levied by the State as distributed and allocated and determined by the State Government on the recommendations of the Finance Commission ;]

¹ 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).

² These words were substituted for the words "the property shall vest", *ibid.*, s. 30(1).

³ These words were substituted for the words "Collector" by Mah. 5 of 1962, s. 286. Tenth Schedule.

⁴ These words were added, *ibid.*, s. 30(2).

† See now the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965 (Mah. XL of 1965) section 90(2).

⁵ 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.

⁶ Clause (b) was substituted by Mah. 5 of 1997, s. 4(a).

⁷ This portion was substituted for the words, brackets, letters and figures "under clause (b) of sub-section (1) of section 102 C of the Bombay Local Boards Act, 1923" by Mah. 36 of 1965, s. 31(1).

⁸ Clause (d) was inserted by Mah. 21 of 1994, s. 22.

(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 so far as any person is entitled to the whole or a portion thereof ;

¹[(fa) the sale proceeds or royalty of the minor forest produce collected in the Scheduled Areas within the jurisdiction of a *panchayat* and vested in that *panchayat* ;]

(g) sums contributed to the village fund by the State Government or a ²[*Zilla Parishad* or *Panchayat Samiti*] ;

(h) all sums received by way of loans from the State Government or the ³[*Zilla Parishad*] or out of the District Village Development Fund constituted under section 133 ³[and all sums borrowed under section 57A] ;

(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* ;

⁴* * * * *

(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 received as pound fees after deducting the expenses ;

⁵[(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.]

⁶[(3) ⁷[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], 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* ;

¹ Clause (fa) was inserted by Mah. 46 of 1997, s. 4.

² These words were substituted for the words "District Local Board" by Mah. 5 of 1962, s. 286. Tenth Schedule.

³ This portion was added by Mah. 35 of 1963, s. 80, Schedule.

⁴ Clause (k) was deleted by Mah. 13 of 1975, s. 15.

⁵ Clause (o) was added by Mah. 36 of 1965, s. 32(2).

⁶ Sub-sections (3) and (4) were added by Mah. 4 of 1981, s. 3.

⁷ These words, brackets and figures were substituted 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" by Mah. 38 of 2006, s. 9 (a).

(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 ¹[than one hundred and fifty] at a time, for contingent purpose of the *panchayat* ;

(e) incur contingent expenditure ²[upto one hundred rupees] at any 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 accounts to the ³[*panchayat*] 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 ⁴[* *].

⁵[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.] Power of *panchayat* to borrow.

58. ⁶[(1)] 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. Application of village fund.

⁷[(2) Notwithstanding anything contained in sub-section (1), if any of the *panchayat* areas is falling partly in the Scheduled Area and partly in the non-Scheduled Area, the sale proceeds or royalty of the minor forest produce credited into the village fund under clause (fa) of sub-section (2) of section 57 shall be expended only for the development of the said area of *Panchayat* falling in the said Scheduled Areas.]

¹ These words were substituted for the letters and figures "than Rs. 50" by Mah. 1 of 1998, s. 2(a).

² These words were substituted for the words "upto ten rupees", *ibid.*, s. 2(b).

³ This word was substituted for the word "*Sarpanch*" by Mah. 38 of 2006, s. 9(b)(i).

⁴ The words "under his control" were deleted, *ibid.*, s. 9(b)(ii).

⁵ Section 57A was inserted by Mah. 35 of 1963, s. 80, Schedule.

⁶ This was renumbered as sub-section (1) by Mah. 46 of 1997, s. 5.

⁷ Sub-section (2) was inserted, *ibid.*, s. 5.

Decision of
claims to
property by
or against
panchayat.

59. (1) In any village ¹[* * * *] 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.

(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 the Bombay Land Revenue Code, 1879* ²[* * * *], sub-section (2) of section 158 of the Hyderabad Land Revenue Act, 1317 Fasli, or section 41 of the Madhya Pradesh Land Revenue Code, 1954*, shall be dismissed (although limitation has not been set up as a defence) if the suit is brought to set aside such order or if the relief claimed is inconsistent with such order, provided that the plaintiff has received due notice of such order.

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1879.
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of
1317 F.
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.

Secretary of
panchayat.

60. (1) There shall be ³[one or more secretaries] for every *panchayat*, or a group of *panchayats* as the ⁴[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.

⁵[Provided that, the Secretary shall also function as Secretary to the *Gram Sabha* of the respective *panchayat*.]

¹ 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.

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

² The words "or that section of the said Code as applied to the Saurashtra and Kutch areas of the State Bombay" were omitted by the Maharashtra Adaptation of Laws (State and concurrent Subjects) Order, 1960.

³ These words were substituted for the words "a Secretary" by Mah. 36 of 1965, s. 32.

⁴ These words were substituted for the words "State Government" by Mah. 35 of 1963, s. 80, Schedule.

⁵ This proviso was added by Mah. 46 of 1997, s. 6.

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