

The Maharashtra Village Panchayats Act, 1959

MAHARASHTRA

India

The Maharashtra Village Panchayats Act, 1959

Act 3 of 1959

- Published on 14 January 1959
- Commenced on 14 January 1959
- [This is the version of this document from 14 January 1959.]
- [Note: The original publication document is not available and this content could not be verified.]

The Maharashtra Village Panchayats Act, 1959 Act No. 3 of 1959 For Statement of Objects and Reasons, see Bombay Government Gazette, 1958, Part V, pages 279-289. (This Act received 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). 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. Short title.

- This Act may be called [the Maharashtra Village Panchayats Act] [This short title was substituted for the short title 'the Bombay Village Panchayats Act, 1958' by Maharashtra 24 of 2012, schedule entry No. 74, (w.r.e.f. 1-5-1960).].

2. Extent and commencement.

(1) It extends to the whole of the [State of Maharashtra] [These words were substituted for the words 'State of Bombay' by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.], 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. (2) It shall come into force on such [date]

[1st day of June 1959, vide G. N., L. S. G. and P. H. D., No. VPA, 1059-P, dated 23rd May, 1959.] as the State Government may, by notification in the Official Gazette, appoint.

3. Definitions.

- In this Act, unless the context otherwise requires,-[* * * * *] [This clause was deleted by Maharashtra 21 of 1994, section 2(1).](a-2) "Auditor" means an Auditor as defined in the Bombay Local Fund Audit Act, 1930 [and in relation to a panchayat having an annual income (including grant received from the State Government) of [not exceeding rupees Ten thousand includes as Gram sabha and exceeding rupees Ten thousand but less than rupees Twenty-five thousand] [This portion was added by Maharashtra 13 of 1975, section 2(a).] also includes an Extension Officer duly authorised in writing by the Chief Executive Officer;[(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;] [Clause (a-3) was inserted by Maharashtra 21 of 1994 section 7(2)][(aa-1) "ballot box" or "ballot paper" includes an electronic voting machine used at an election for giving or recording of votes;] [This clause was inserted by Maharashtra 20 of 2005, section 2.][(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;] [This clause was inserted by Maharashtra 23 of 2003, section 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 [Zilla Parishad] [These words were substituted for the words 'District Village Panchayat Mandal' by Maharashtra 5 of 1962 Section 286, Tenth schedule.] under section 177;[* * * * *] [Clauses (3), (5) and (12) were deleted by Maharashtra 13 of 1975, Section 2(b).](4)"Cattle" includes elephants camels, buffaloes, horses, mares, geldings, ponies, colts, fillies, mules, asses, swines, sheep, ewes, rams, lambs, goats and kids;[4A) "Commissioner" means the Commissioner of a revenue division appointed under section 6 of the Maharashtra Land Revenue Code, 1966;] [Clause (4A) was inserted by Maharashtra 38 of 2006,Section 2, w.e.f 29-12-2006.][***] [Deleted '(5) Designated Authority means the authority designated by the State Government for the purpose of levy and collection of the Local Body Tax;' by Maharashtra Act No. 42 of 2017, dated 29.5.2017.](6)["Zilla Parishad" means a Zilla Parishad constituted under the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961] [Clause (6) was substituted by Maharashtra 5 of 1962,Section 286, Tenth schedule.];[* * * * *] [Clause (7) was deleted by Maharashtra 5 of 1962.](8)"factory" means a factory as defined in the Factories Act, 1948;(8A)["Finance Commission" means the Finance Commission constituted in accordance with the provisions of article 243-1 of the Constitution of India;] [Clause (8A) was inserted by Maharashtra 21 of 1994,Section 2(3).](9)["Gram sabha" means a body consisting of persons registered in the electoral rolls relating to village comprised within the area of the panchayat;] [Clause (9) was substituted by Maharashtra 21 of 1994,Section 2(4).](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;(11A)[***] [Deleted by Maharashtra Act No. 42 of 2017, dated 29.5.2017.](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 (118) for consumption, use or sale therein, levied in accordance with the provisions of section 124;] [Clause (11AA) was inserted by Maharashtra 22 of 2012, Section 2 dated 14-8-2012.](11AAA) ["member" means a member duly elected as a member of panchayat under section 11 and include the Sarpanch of panchayat elected directly under section 30A-1A ;] [Inserted by Maharashtra Act No. 54 of 2018, dated 13.8.2018.](11B) [***] [Deleted by Maharashtra Act No. 42 of 2017, dated 29.5.2017.][* * * * *] [Clauses (3), (5) and (12) were deleted by Maharashtra 13 of 1975, Section 2(b).][* * * * *] [Clause (13) was deleted by Maharashtra 6 of 2000, Section 2.](14)"panchayat" means a panchayat established or deemed to have been established under this Act;[14A] "population" means the population as ascertained at the last preceding census of which the relevant figures, [* * *] [Clause (14A) was inserted by Maharashtra 13 of 1975, Section 2(c)] 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, , [30A-1A] [Inserted by Maharashtra Act No. 54 of 2018, dated 13.8.2018.] [30A,] [These figures and letter were inserted by Maharashtra 21 of 1994 Section 2(6).] 44 or 43;(17A) ["Scheduled Areas" means the Scheduled Areas referred to in clause (1) of article 244 of the Constitution of India;] [Clause (17A) was inserted by Maharashtra 40 of 1997, Section 2.](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 [State of Maharashtra] [These words were substituted for the words 'State of Bombay' by a Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.] 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 [State of Maharashtra] [These words were substituted for the words 'State of Bombay' by a Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.] 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;(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;] [Clause (20A) was inserted by Maharashtra 21 of 1994, Section 2(7)](21)"street" means any road, footway, square, court, alley or passage accessible whether permanently or temporarily to the public, whether a thorough-fare or not;[* * * * *] [Clause (22) was deleted by Maharashtra 13 of 1975, Section 2(d)](23)"tax" means a tax, cess, rate or other impost leviable under this Act, but does not include a fee;(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;] [Clause (24) was substituted by Maharashtra 21 of 1994, Section 2(8).](24A) ["Village Development Committee" means a committee constituted under section 49, which shall be deemed to be a committee of the panchayat;] [Clause (24A) was inserted by Maharashtra 23 of 2003, Section 2(b).](25)"ward" means an area into which a village is divided under clause (b) of sub-section (1) of section 10 for the purpose specified therein;(26)the expression "the term of a panchayat" means the period for which the members thereof elected or deemed to be elected shall hold office under section 27;(27)[the expressions "Standing Committee", panchayat Samiti", [Clause (27) was inserted by Maharashtra 5 of 1962, Section 286, Tenth Schedule.]["Chief Executive Officer"] ["Block Development Officer" and "block grant"] [These words were substituted

for the words 'and Block Development Officer' by Maharashtra 34 of 1970 Section 2.] shall have the meaning respectively assigned to them in the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961.]

Chapter II

Gram sabhas, Establishment and Constitution of panchayats

4. Declaration of village.

(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:] [This portion was substituted for the portion beginning with the words 'After making' and ending with the words 'Name of village' by Maharashtra 21 of 1994, Section 3(1)(a).]Provided that, where a group of revenue villages or hamlets or other such administrative unit or part thereof is [specified in that notification] [These words were substituted for the word 'declared', by Maharashtra 21 of 1994, Section 3(1)(b).] 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)[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 [the Gram sabha and] [This portion was substituted for the portion beginning with the words 'After, consultation' and ending with the words 'any time' by Maharashtra 21 1994, Section 3(2).] the panchayat concerned, at any time, may provide to-](a)include within, or exclude from any village, any local area or otherwise after the limits of any village, or(b)declare that any local area shall cease to be a village;and thereupon the local area shall be so included or excluded, or the limits of the village so altered, or, as the case may be, the local area shall cease to be a village.

5. Establishment of Panchayats.

- In every village there shall be a panchayat.

6.

[Deleted] [Section 6 was deleted by Maharashtra 28 of 2003, Section 4.]

7. Meetings of Gram sabha.

(1)There shall be held at least [four meetings] [These words were substituted for the words 'six meetings' by Maharashtra 16 of 2012, Section 2(1)(a) (w.e.f. 2-10-2012).] of the Gram sabha [every financial year] [These words were substituted for the words 'every year' by Maharashtra 36 of 1965, Section 4(a).] on such date, at such [time and place, and in such manner] [These words were substituted for the words 'time and place' by Maharashtra 36 of 1965, Section 2(b).], as may be

prescribed [and if the] [These words were added by Maharashtra 36 of 1965, Section 4(a).] Sarpanch, or in his absence the Upa-Sarpanch fails without sufficient cause, to [hold [any of such four meetings he shall be disqualified for continuing as Sarpanch or, as the case may be, Upa-Sarpanch or for being chosen as such for the remainder of the term of office of the members [of the panchayat;] [These words were substituted for the words 'hold such two meetings' by Maharashtra 38 of 1973 Section 2.] 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]:[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] [This proviso was substituted for the original by Maharashtra 36 of 1965, Section 4(b).]:[Provided further that, a period of not more than [four months] [These provisos were inserted by Maharashtra 3 of 2003, Section 2(a)(ii).] 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 authorized in this behalf by the [Standing Committee, Panchayat Samiti or Chief Executive Officer] [These words were substituted for the word 'Collector' by Maharashtra 3 of 2003.] by general or special order shall have the right to speak in, and otherwise to take part in, the proceedings of a meeting of the Gram sabha, but shall not be entitled to vote.(3)[Unless otherwise provided in this Act, the 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.] [Sub-section (3) was substituted by Maharashtra 3 of 2003, Section 2(b).](3A)[In respect of the panchayat to which the Sarpanch is elected directly under section 30A-1A, unless otherwise provided in this Act, all meetings of the Gram Sabha after each general election to a panchayat, shall be presided over by the Sarpanch and in his absence by the Upa-Sarpanch; and in absence of both Sarpanch and Upa- Sarpanch, it shall be presided over by senior most member of panchayat by age present in that meeting of the Gram Sabha. In case no member of panchayat is present, the said meeting of the Gram Sabha shall be adjourned for a period of one week, and such adjourned meeting shall be presided over by Sarpanch and in his absence by Upa-Sarpanch and in absence of both the Sarpanch and Upa-Sarpanch by the senior most member of the panchayat by age present in the meeting of Gram Sabha. In case no member of panchayat is present, such meeting shall be presided over by an officer authorized by the Block Development Officer in that behalf.] [Inserted by Maharashtra Act No. 54 of 2018, dated 13.8.2018.](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.(5)[The meeting of the women members of the Gram

sabha shall be held before every regular meeting to the Gram sabha, convened under sub-section (1) [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:] [These sub-sections were added by Maharashtra 3 of 2003, Section 2(c).] 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.](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.] [Sub-section 5A was Inserted by Maharashtra 16 of 2012, Section 2(3), (w.e.f. 2-10-2012).](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.[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.] [This proviso was added by Maharashtra 16 of 2012, Section 2(4) (w.e.f. 2-10-2012).](7)The Gram sabha [, or as the case may be, the panchayat] [These words were inserted by Maharashtra 16 of 2012, Section 2(5) (w.e.f. 2-10-2012).] 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, 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, [, or as the case may be, the panchayat] [These words were inserted by Maharashtra 16 of 2012, Section 2(6) (w.e.f. 2-10-2012).] 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 [in a separate register] [These words were inserted by Maharashtra 16 of 2012, Section 2(7)(a) (w.e.f. 2-10-2012).] 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.[Provided that, it shall be a joint responsibility of the Sarpanch and Secretary of the concerned panchayat to maintain secured custody and proper safety of proceeding register, attendance register and other relevant records of the Gram sabha, and they shall be primarily held responsible for any tampering, alteration, manipulation of entries or contents or loss or mutilation of such record unless proved otherwise and shall be liable to be prosecuted under relevant provisions of the Indian Penal Code.] [This proviso was added by Maharashtra 16 of 2012, Section 2(7)(b) (w.e.f. 2-10-2012).]

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

(1)The first meeting of the Gram sabha in [every financial year] [These words were substituted for the words 'every year' by Maharashtra 36 of 1965, Section 5.] 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 preceding financial year;(iii)the development and other programme of work proposed for the current financial year;(iv)the last audit note and replies (if any) made thereto;(v)any other matter which the [Standing Committee, Panchayat Samiti or Chief Executive or any officer authorized by the Standing Committee or Panchayat Samiti] [These words were substituted for the words 'Panchayat Mandal or Collector or any Officer authorised by the Collector' by Maharashtra 5 of 1962, Section 286, Tenth Schedule.] in this behalf, requires to be placed before such meeting.(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.] [Sub-section (1-A) was inserted by Maharashtra 38 of 2006, Section 3(a) w.e.f. 21-12-2006.];(2)It shall be open to the Gram sabha to discuss any or all of the matters placed before it [under sub-section (1) or sub-section (1A)] [These words, brackets, figures and letter were substituted for the words, brackets and figure 'under sub-section (1)' by Maharashtra 38 of 2006, Section 3(b), w.e.f. 21-12-2006.] 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 Maharashtra 27 of 2003. Section 2.

8AA. [Powers and duties of Gram sabha. [Section 8AA was inserted by Maharashtra 3 of 2003, Section 3.]

- 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.]

9. Incorporation of Panchayats.

- 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.

10. Constitution of Panchayats.

(1)[* * *] [The portion Beginning with the words 'Subject to' and ending with this words 'in this behalf' was deleted by Maharashtra 52 of 1994, Section 2(a).](a)[A panchayat shall consist of,] [Clause (a) was substituted for the original by Maharashtra 6 of 1975, Section 50, Schedule.](i)such number of members not being less than seven and not more than [seventeen as the [State Government may prescribe] [These words were substituted for the words 'fifteen as the Collector may determine', by Maharashtra 21 of 1994, section 5(1)(a)(i).] who shall be elected in accordance with section 11:[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] [This proviso was added by Maharashtra 52 of 1994, Section 5(1)(a)(ii).][* * *] [Sub-clause (ii) and the Explanation thereto were deleted by Maharashtra 52 of 1994, Section 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 [in the prescribed manner by the State Election Commission or an officer authorised by it.] [These words were substituted for the words 'By the Collector in the prescribed manner' by Maharashtra 52 of 1994, section 5(1)(b)(i).]:[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.] [This proviso was added by Maharashtra 21 of 1994, Section 5(1)(b)(ii).](1A)[In respect of the panchayat to which the Sarpanch is directly elected under section 30A-1A, the provisions of this section shall apply with the modifications that, in sub-section (1), in clause (a), before subclause (i) the following sub-clause shall be inserted, namely :-(i-A) Sarpanch elected under section 30A-1A-ex officio member ; and ".](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]:[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)] [These provisos were inserted by Maharashtra 40 of 1997 Section 3(a)(i)]: [Provided also that] [These words were substituted for the words 'Provided' by Maharashtra 40 of 1997, Section 3(a)(ii).], [one-half of the total number of seats] [These words were substituted for the words 'one third of the total number of seats' by Maharashtra 19 of 2011, section 2(a), (w.e.f. 21-4-2011).] 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: [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)] [These provisos were inserted by Maharashtra 40 of 1997, section 3(b)(i)]: [Provided also that] [These words were substituted for the words 'Provided that' by Maharashtra 40 of 1997, section 3(b)(ii).], [one-half of the total number of seats] [These words were substituted for the words 'one third of the total number of seats' by Maharashtra 19 of 2011, section 2(b), (w.e.f. 21-4-2011).] so reserved shall be reserved for women belonging to the category of Backward Class of citizens; (d) [one-half] [These words were substituted for the words 'one third' by Maharashtra 19 of 2011, Section 2(c), (w.e.f. 21-4-2011).] (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. (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.] [Sub-section (3) was substituted by Maharashtra 36 of 2001, Section 2] (4) Notwithstanding anything in sub-section (1) where two-thirds or more of the total number of members required to be elected [under sub-clause (i) of clause (a) of sub-section (1)] [These words, brackets, letter and figure were inserted by Maharashtra 6 of 1975, Schedule.] are elected, failure to elect the remaining members shall not affect constitution of the panchayat. [10(1A). Person contesting election for reserved seat to submit Caste Certificate and Validity Certificate. [Section 10-1A was Inserted by Maharashtra 37 of 2006, Section 2 (w.e.f. 21.12.2006).]- 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, along with the nomination paper, Caste Certificate issued by the Competent Authority and the Validity Certificate issued by the Scrutiny Committee in accordance with the provisions of the Maharashtra Scheduled Castes, Scheduled Tribes, De-notified Tribes (Vimukta Jatis), Nomadic Tribes, other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000:] [Sub-sections (2) and (2A) were substituted by Maharashtra 21 of 1994, Section 5(2).] [Provided that, for the General or by-elections for which the last date of filing of nomination falls on or before the 30th June 2019, in accordance with the election programme declared by the State Election Commission, a person who has applied

to the Scrutiny Committee for verification of his Caste Certificate before the date of filing of the nomination papers but who has not received the Validity Certificate on the date of filing of the nomination papers shall submit, alongwith the nomination papers, -(i) a true copy of the application preferred by him to the Scrutiny Committee for issuance of the Validity Certificate or any other proof of having made such application to Scrutiny Committee; and (ii) an undertaking that he shall submit, within a period of [twelve months] from the date on which he is declared elected, the Validity Certificate issued by the Scrutiny Committee : Provided further that, if such person fails to produce the Validity Certificate within a period of [twelve months] [Substituted 'six months' by Maharashtra Act No. 66 of 2018, dated 14.12.2018.] 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.] [Substituted by Maharashtra Act No. 24 of 2018, dated 28.3.2018.] [Provided also that, in respect of the undertaking filed by any person under clause (ii) of the first proviso, before the date of commencement of the Maharashtra Village Panchayats and the Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Act, 2018, the period of "six months" specified in such undertaking shall be deemed to have been substituted as " twelve months."] [Added by Maharashtra Act No. 66 of 2018, dated 14.12.2018.]

10A. [State Election Commission. [Section 10A was inserted by Maharashtra 52 of 1994, section 3.]

(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. (2) The State Election Commissioner may, by order, delegate any of his powers and functions to any officer of the Commission or any officer or 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.] [Inserted by Maharashtra Act No. 54 of 2018, dated 13.8.2018.]

11. [Election. [Section 11 was substituted for the original by Maharashtra 21 of 1994. Section 6]

(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; (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.(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.]

12. List of voters.

(1)The electoral roll of the [Maharashtra Legislative Assembly] [These words were substituted for the words 'Bombay Legislative Assembly' by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960] prepared under the provisions of the Representation of the People Act, 1950, and in force on such day as [the State Election Commissioner may by order] [These words were substituted for the words 'the State Government may by general or special order' by Maharashtra 52 of 1994, Section 4.] 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 of such ward or village.(2)An officer designated by the [State Election Commission] [These words were substituted for the words 'Collector' by Maharashtra 21 of 1994, Section 7.] in this behalf shall maintain a list of voters for each such ward or village.

13. Persons qualified to vote and be elected.

- [(1) Every person whose name is in the list of voters shall, unless disqualified under this Act, or any other law for the time being in force, be qualified to vote at the election of, a member for the ward to which such list pertains and, Sarpanch of panchayat to be elected directly.(2)Every person whose name is in the list of voters and who is not less than 21 years of age on the last date fixed for making nomination for every general election or bye-election shall, unless disqualified under this Act, or under any other law for the time being in force, be qualified to be elected for any ward of the village and for Sarpanch of panchayat. No person whose name is not entered in the list of voters for such village shall be qualified to be elected for any ward of the village and Sarpanch of panchayat.(2A)Every person who is not less than 21 years of age on the last date fixed for making nomination for every general election or bye-election and whose name is in the list of voters and who is born on or after 1st January 1995, and who is not disqualified under this Act, or under any other law for the time being in force shall, unless possesses minimum 7th standard of school education passing certificate or acquired educational qualification equivalent to 7th standard, as certified by the competent authority, be qualified to be elected as Sarpanch.] [Substituted by Maharashtra Act No. 54 of 2018, dated 13.8.2018.](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.

13A. [Vacation of Seats. [Section 13A was inserted by Maharashtra 36 of 1965, Section 7.]

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

14. Disqualifications.

- [(1) No person shall be a member of a panchayat continue as such, who-] [This existing section 14 was renumbered as sub section (1) by Maharashtra 34 of 2000, Section 2.](a)has, whether before or after the commencement of this Act, been convicted-(i)of an offence under the Untouchability (Offences) Act, 1955, or under the Bombay Prohibition Act, 1949 or any law corresponding thereto in force in any part of the State, unless a period of five years, or such lesser period as the State Government may allow in any particular case, has elapsed since his conviction, or(ii)of any other offence and been sentenced to imprisonment for not less than six months, unless a period of [six years] [Substituted 'five years' by Maharashtra Act No. 54 of 2018, dated 13.8.2018.], or such lesser period as the State Government may allow in any particular case, has elapsed since his release; or[(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: [Clause (a-1) was substituted by Maharashtra 21 of 1994, Section 10.]]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[(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] [This clause was inserted by Maharashtra 36 of 1965, Section 8 (1).](d)has been removed from office under sub-section (1) of section 39 and a period of [six years] [Substituted 'five years' by Maharashtra Act No. 54 of 2018, dated 13.8.2018.] has not elapsed from the date of such removal, unless he has, by an order of the State Government notified in the Official Gazette, been relieved from the disqualification arising on account of such removal from office; or(e)has been disqualified from holding office under sub-section (2) of section 39 and the period for which he was so disqualified has not elapsed; or(f)holds any salaried office or place of profit in the gift or disposal of the panchayat, while holding such office or place; or(g)has directly or indirectly, by himself or his partner, any share or interest in any work done by order of the panchayat or in any contract with, by or on behalf of, or employment with or under, the panchayat; or(h)fails to pay any tax or fee due to the panchayat [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] [These words were substituted for the portion beginning with the words 'within three months' and ending with the words and figures 'section 129; or' by Maharashtra 36 of 1965, Section 8(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;] [Clause (h-1) was inserted by Maharashtra 13 of

1975, Section 4(b)](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 [(j-1) has more than two children: [Clause (j-1) was inserted by Maharashtra 44 of 2000, Section (2)(a).] 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: Provided further that, a child or more than one child born in 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 [(j-2) has been elected as a Councillor of the Zilla Parishad or as a member of the Panchayat Samiti; or] [This clause was inserted by Maharashtra 28 of 2003, Section 3. [(j-3) has encroached upon the Government land or public property; or] [Clause (j-3) was inserted by Maharashtra 38 of 2006, Section 4 w.e.f. 21-12-2006. [(j-4) has been disqualified by the State Election Commission under section 14B; or] [Clause (j-4) was inserted by Maharashtra 16 of 2010, Section 2. [(j-5) fails to submit a certificate of the concerned panchayat, along with the resolution of the Gram sabha certifying that, -] [Clause (j-5) was inserted by Maharashtra 33 of 2010, Section 2. (i) he resides in a house owned by him and has a toilet in such house and he regularly uses such toilet; or (ii) he resides in a house not owned by him and has a toilet in such house and he regularly uses the public toilet: [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:] [Proviso substituted by Maharashtra 39 of 2011, Section 2(a), (w.e.f. 5-10-2011). Provided that, no member of a panchayat shall be disqualified under this clause, if he submits such certificate, within ninety days from the date of commencement of the Bombay Village panchayats and Maharashtra Zilla Parishads and Panchayat Samitis (Second Amendment) Act, 2010; or] [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] [This proviso was added by Maharashtra 39 of 2011, Section 2(b), (w.e.f. 5-10-2011). (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 [State of Maharashtra] [These words were substituted for the words 'State of Bombay' by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.] be held to be interested in any contract entered into between the company or co-operative society and the panchayat. [Explanation 1A. - A person shall not be disqualified under clause (g) by reason only of such person, - (i) having a share or an interest in any newspaper in which any advertisement relating to the affairs of the panchayat is inserted; or (ii) having a share or an interest in the occasional sale to the panchayat of any article in which he

regularly trades, or in the purchase from the panchayat of any article, of a value in either case not exceeding in any financial year two hundred rupees; or (iii) having a share or interest in the occasional letting out on hire to the panchayat or in the hiring from the panchayat of any article for an amount not exceeding in any financial year twenty-five rupees or such higher amount not exceeding one hundred rupees, as the panchayat, with the sanction of the Collector may fix in 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. [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.] [This Explanation was substituted for the original by Maharashtra 13 of 1975, Section 4(c).] [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.] [This Explanation was inserted by Maharashtra 34 of 1970, Section 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.][* * *] [[Sub sections (2) and (3) were deleted by Maharashtra 37 of 2006, Section 3, w.e.f. 21.12.2006. Deleted sub-sections (2) and (3) reads as follows: -[(2)(a) A person shall be disqualified for being a member of a panchayat or for contesting an election for being elected as such member, for a period of six years, if, an order is passed by the concerned authority, under sub-section (5) of section 15 or section 16, as the case may be, holding that such person elected as a member to a seat which was reserved for a member belonging to a Scheduled Caste, Scheduled Tribe or a Backward Class of C ti/ens (hereinafter referred to as 'a reserved category'), on the basis of a false claim or a false Caste Certificate, declaring that such person belonged to such reserved category.](b) Such period of disqualification shall be computed with effect from the date of passing of such order either under sub-section (5) of section 15 or the order of the Collector being upheld by the State Government in appeal under sub-section (2) of section 16, as the case may be.(3)(a) Notwithstanding anything contained in sub-section (2), a member of a panchayat who has been elected to a reserved seat [as mentioned in sub-section (2)], shall be disqualified for being such member consequent upon the Caste Certificate Verification Committee or any other competent Authority specified by the State Government for the purpose of scrutiny of the Caste Certificate, declaring the Caste Certificate of such member to be invalid and cancelling the same, on the ground of the same having been based on a false claim or declaration made by such person claiming to be belonging to the reserved category, and thereupon the member shall be deemed to have vacated his office on and from the date of declaration of such Certificate to be invalid and cancellation of the same by the said Committee or the Competent Authority.(b) On any person having been disqualified for being a member and consequently, his seat as such member having become vacant under clause (a), the Collector shall, by notification in the Official Gazette,

disqualified such person for being elected or being a member for a period of six years from the date of such order.]]]

14A. [Disqualification arising out of certain conviction and corrupt practices under this Act.] [Section 14A was inserted by Maharashtra 13 of 1975, Section 5.]

- 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 (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.

14B. [Disqualification by State Election Commission.] [Section 14B was inserted by Maharashtra 16 of 2010, Section 3.]

(1) If the State Election Commission is satisfied that a person, -(a) has failed to lodge an account of election expenses within the time and in the manner required by the State Election Commission, and (b) has no good reason or justification for such failure, the State Election Commission may, by an order published in the Official Gazette, declare him to be disqualified and such person shall be disqualified for being a member of panchayat or for contesting an election for being a member for a period of five years from the date of the order. (2) The State Election Commission may, for reasons to be recorded, remove any disqualification under sub-section (1) or reduce the period of any such disqualification.

15. Determination of validity of elections; enquiry by Judge; procedure.

(1) If the validity of any election of a member of a panchayat is brought in question by [any candidate at such election or by] [These words were inserted by Maharashtra 36 of 1965, Section 9(1).] any person qualified to vote at the election to which such question refers [such candidate or person] [These words were substituted for the words 'such person' by Maharashtra 36 of 1965.] may, at any time within fifteen days after the date of the declaration of the result of the election, apply [* * * * *] [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.] 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. (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.[If the election is set aside, a date for holding a fresh election shall forthwith be fixed under section 11 [or section 30A- 1A, as the case may be] [This portion was added by Maharashtra 36 of 1965, Section 9(2).].] [This Explanation was added by Maharashtra 44 of 2000, Section 2 (b).](3)All applications received under sub-sections (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.(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 subsection (6) [* * *] [The words 'or submitted a false claim or a false Caste Certificate' were deleted by Maharashtra 37 of 2007, Section 4, w.e.f. 21.12.2006.] he shall declare the candidate disqualified for the purpose of that election and of such fresh election as may be held under [sub-section (2)] [These words, brackets and figure were substituted for the word and figures 'section 17' by Maharashtra 36 of 1965, Section 9(3).] 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 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 interestedExplanation 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.(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.] [Sub section (7) was added by Maharashtra 34 of 1970, Section 4.]

15A. [Bar to interference by Courts in electoral matters. [Section 15A was inserted by Maharashtra 21 of 1994, Section 11.]

- 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.] [This Explanation was inserted by Maharashtra 36 of 1965, Section 8(3).]

16. Disability from continuing as member.

(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)[If any question whether a vacancy has occurred under this section is raised by the Collector suo motu or 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.] [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 Maharashtra 36 of 1965, Section 10.] 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 [Commissioner] [Substituted 'State Government' by Maharashtra Act No. 54 of 2018, dated 13.8.2018.], and the orders passed by the [Commissioner] [Substituted 'State Government' by Maharashtra Act No. 54 of 2018, dated 13.8.2018.] 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 Maharashtra 36 of 1965, Section 11.

18. Prohibition of canvassing in or near polling stations.

(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.

19. Penalty for disorderly conduct in or near polling station.

(1) No person shall, on the date or dates on which a poll is taken at any polling station, -(a) use or operate, within or at the entrance of the polling station, or in any public or private place in the neighbourhood thereof, any apparatus for amplifying or reproducing the human voice, such as a megaphone or a loudspeaker, 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 abets the contravention of, the provisions of sub-section (1) shall, on conviction, be punished with fine which may extend to two hundred and fifty rupees. (3) If the presiding officer of a polling station has reason to believe that any person is committing or has committed an offence punishable under this section he may direct any police officer to arrest such person, and thereupon the police 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. Penalty for misconduct at polling station.

(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. (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. Maintenance of secrecy of voting.

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

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

(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.(3A)[The Deputy or Assistant Charity Commissioner may, after such detailed and impartial inquiry and following such procedure as may be prescribed, de-register the trust on the following grounds :-(a)when its purpose is completely fulfilled ; or(b)when its purpose becomes unlawful ; or(c)when the fulfilment of its purpose becomes impossible by destruction of the trust-property or otherwise ; or(d)when the trust, being revocable, is expressly revoked ; or(e)when the trustees are found not doing any act for fulfilling object of the trust :Provided that, no trust shall be de-registered under clause (e) unless its trustees have committed default in reporting the change under sub-section (1), in submission of the audited accounts as prescribed by sub-section (2) of section 33 or sub-section (1A) of section 34 or in making any other compliance prescribed by or under this Act for a period of five years from the last date of reporting the change, submission of the accounts or making the compliance, as prescribed by or under this Act or the rules made thereunder, as the case may be.(3B)The Deputy or Assistant Charity Commissioner may take over the management of properties of the trust de-registered under subsection (3A) and pass such necessary orders for the same as he deems fit and may, if he considers it expedient, dispose them of by sale or otherwise and deposit the sale proceeds in the Public Trusts Administration Fund established under section 57.] [Inserted by Maharashtra Act No. 9 of 2016, dated 31.3.2016.]

23. Breaches of official duty in connection with elections.

(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.

24. Removal of ballot papers from polling stations to be an offence.

(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. Other offence and penalties therefor.

(1) A person shall be guilty of an offence if, at any election, he—(a) fraudulently defaces or fraudulently destroys any nomination paper; or (b) fraudulently defaces, destroys or removes any list, notice or other document affixed by or under the authority of a returning officer; or (c) fraudulently defaces or fraudulently destroys any ballot paper or the official mark on any ballot paper; or (d) without due authority supplies any ballot paper to any person; or (e) fraudulently puts into any ballot box anything other than the ballot paper which he is authorised by law to put in; or (f) without due authority destroys, takes, opens or otherwise interferes with any ballot box or ballot papers then in use for the 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.

26. Prosecution in certain offences.

- 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.

27. Term of office of members.

(1)The members of a panchayat shall, save as otherwise provided in this Act, hold office for a [terms of five years] [These words were substituted for the words 'terms of four years' by Maharashtra 38 of 1973, Section 3(1).](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.] [Sub-section (2) was substituted for the original by Maharashtra 21 of 1994, Section 12.]

28. Commencement of term of office.

(1)The term of office of the members elected at a general election [* * * *] [The portion beginning with the word 'including' and ending with the word and figures 'section 10' was deleted by Maharashtra 21 of 1994, Section 13(1)(a).] or appointed under sub-section (3) of section 10 shall be deemed to commence on the date of the first meeting of the panchayat The first meeting of the panchayat shall be held on a day fixed by the [Collector] [This word was substituted for the words 'Chief Executive Officer' by Maharashtra 43 of 1962, Section 26, Schedule.] [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.][* * * *] [This proviso was deleted by Maharashtra 21 of 1994, Section 13(1)(c).][* * * *] [Sub-section (2) was deleted by Maharashtra 21 of 1994, Section 13(2).]

29. [Registration of member and disputes regarding resignation. [Section 29 was substituted for the original by Maharashtra 13 of 1975, Section 6.]

(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.(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 within seven days to the Secretary] [This portion was substituted for the portion beginning with the words 'within four weeks' and ending with the word and figures 'section 10', by Maharashtra 21 of 1994, Section 13(1)(b).] 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]

30. [Election of Sarpanch. [Section 30 was substituted by Maharashtra 21 of 1994, Section 14.]

(1)Every panchayat shall be presided over by a Sarpanch who shall be elected by, and from amongst, the elected members thereof.(1A)[In respect of the panchayat to which the Sarpanch is elected directly under section 30A-1A, the provisions of this section shall apply with the following modifications :-(a)for sub-section (1), the following sub-section shall be substituted, namely :-(1) Every panchayat shall be presided over by a Sarpanch.";(b)sub-section (2) shall be deleted ;(c)in sub-section (4), for the words "the members belonging to" the words "persons belonging to" shall be substituted.](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 Sarpanchs 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:-(a)the number of offices of Sarpanchas as 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 [excluding the population of the Scheduled Tribes in panchayat comprising entirely the Scheduled Areas] [These words were inserted by Maharashtra 40 of 1997, Section 4(a).] bears to the total population of the State:[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 Sarpanchas 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):] [These provisos were inserted by Maharashtra 40 of 1997, Section 4(b).][Provided also that] [These words were substituted for the words 'Provided that' by Maharashtra 40 of 1997, Section 4(c).], [one-half of the total number of offices] [These words were substituted for the words 'one third of the total number of offices' by Maharashtra 19 of 2011, section 3(a), (w.e.f. 21-4-2011).] 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, [one-half of the offices] [These words were substituted for the words 'one third of the offices' by Maharashtra 19 of 2011, Section 3(b), (w.e.f. 21-4-2011).] so reserved shall be reserved for women belonging to the category of Backward Class of citizens;(c)[one-half of the total number of offices of Sarpanchas] [These words were substituted for the words 'one third of total number of offices of Sarpanchas' by Maharashtra 19 of 2011, Section

3(c), (w.e.f. 21-4-2011).] (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 as (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.]

30A.

1A. [Direct election of Sarpanch. [Inserted by Maharashtra Act No. 54 of 2018, dated 13.8.2018.]

(1)After the date of commencement of the Maharashtra Village Panchayats (Amendment) Act, 2017 in respect of the panchayat to which the general election is to be held, subject to provisions of sub-sections (4), (5) and (6) of section 30, every panchayat shall have a Sarpanch who shall be elected by the persons whose names are included in the list of voters for village under section 12.(2)Election of the Sarpanch shall be held simultaneously with the general elections of the panchayat and the procedure regarding holding of elections to the panchayat shall, mutatis mutandis, apply to such election.(3)If at an election, no Sarpanch is elected, a fresh election shall be held to elect a Sarpanch, and if there is a failure to elect a Sarpanch at the fresh election, such vacancy may, notwithstanding anything contained in this Act, be filled by election by the elected members from amongst themselves and the term of Sarpanch elected under this sub-section shall be co-terminus with the term of members of the panchayat.(4)Any person elected under sub-section (3) shall be deemed to be duly elected at an election under this section.(5)If, in the election of the Sarpanch, there is an equality of votes, the result of the election shall be decided by lots to be drawn by the State Election Commissioner or the officer appointed by him for the purpose.(6)In case of a dispute regarding election of the Sarpanch, the provisions of section 15 shall, mutatis mutandis, apply.][30(1A). Person contesting election for reserved office of Sarpanch to submit Caste Certificate and Validity Certificate. [Section 30-1A was inserted by Maharashtra 5 of 2009, Section 3.]- Every person desirous of contesting election to the office of the Sarpanch reserved for the Scheduled Castes, Scheduled Tribes or, as the case may be, Backward Class of citizens, shall be required to submit alongwith the nomination paper, Caste Certificate issued by the Competent Authority and the Validity Certificate issued by the Scrutiny Committee in accordance with the provisions of the Maharashtra Scheduled Castes, Scheduled Tribes, De-notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000.][Provided that, for the elections for the post of Sarpanch for which the last date of filing of nomination falls on or before the 30th June 2019, in accordance with the election programme declared by the State Election Commission, a person who has applied to the Scrutiny Committee for verification of his Caste Certificate before the date of filing of the nomination papers but who has not received the Validity Certificate on the date of filing of the nomination papers shall submit, alongwith the nomination papers,-(i)a true copy of the application preferred by him to the Scrutiny Committee for issuance of the Validity Certificate or any other proof of having made such application to Scrutiny Committee; and(ii)an undertaking that he shall submit, within a period of [twelve months] from the date on which he is declared elected, the

Validity Certificate issued by the Scrutiny Committee: Provided further that, if such person fails to produce the Validity Certificate within a period of [twelve months] [Substituted 'six months' by Maharashtra Act No. 66 of 2018, dated 14.12.2018.] 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.] [Substituted by Maharashtra Act No. 24 of 2018, dated 28.3.2018.][Provided also that, in respect of the undertaking filed by any person under clause (ii) of the first proviso, before the date of commencement of the Maharashtra Village Panchayats and the Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Act, 2018 (Mah. LXVI of 2018), the period of "six months" specified in such undertaking shall be deemed to have been substituted as "twelve months"] [Added by Maharashtra Act No. 66 of 2018, dated 14.12.2018.]

30A. [Election of Upa-Sarpanch. [Section 30A was inserted by Maharashtra 21 of 1994, Section 15.]

(1) Every panchayat shall elect one of its elected members to be Upa-Sarpanch. (1A) [In respect of the panchayat to which the Sarpanch is directly elected, the election of the Upa-Sarpanch shall be held in the first meeting held after every general election.] (2) The provisions of sub-sections (2) and (3) of section 30 shall mutatis mutandis apply in the case of Upa-Sarpanch.] (2A) [In respect of the panchayat to which the Sarpanch is directly elected, the provisions of sub-section (3) of section 30 shall, mutatis mutandis, apply in the case of Upa-Sarpanch.] [Inserted by Maharashtra Act No. 54 of 2018, dated 13.8.2018.]

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

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

32.

[* * *] [The words 'and when the term is extended also for such extended term' were deleted by Maharashtra 21 of 1994, section 16.] [* * *] [Section 32 was deleted by Maharashtra 21 of 1994 Section 17.]

32A. [Travelling and daily allowances to members. [Section 32A was inserted by Maharashtra 36 of 1965, Section 15.]

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

33. Procedure for election of Sarpanch and Upa-Sarpanch.

(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 [* * *] [The words 'or extended term' were deleted by Maharashtra 21 of 1994, Section 18(1).] of a panchayat a meeting shall be called on the date fixed under subsection (1) of section 28 by the [Collector] [This words was substituted for the words 'Chief Executive Officer' by Maharashtra 43 of 1962, Section 26, Schedule.], 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 [Collector] [This words was substituted for the words 'Chief Executive Officer' by Maharashtra 43 of 1962, Section 26, Schedule.], 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 [Collector] [This words was substituted for the words 'Chief Executive Officer' by Maharashtra 43 of 1962, Section 26, Schedule.] 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) [the Officer presiding over such meeting or any member [* * *] [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 Maharashtra 36 of 1965, Section 16.] 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. (6) [In respect of the panchayat to which the Sarpanch is directly elected under section 30A-1A, the provisions of this section shall apply with the following modifications :-(a) in sub-section (1), for the words "election of Sarpanch and Upa- Sarpanch" at both the places where they occurs, the words "election of Upa-Sarpanch" shall be substituted; (b) after sub-section (1), the following sub-section shall be inserted, namely :-(1A) The election of the Sarpanch shall be held in accordance with the provisions of section 30A-1A of this Act."; (c) in sub-section (2), after the words "presided over by" the words "the Sarpanch and if the post of Sarpanch is vacant by" shall be inserted; (d) in sub-section (3), the words "Sarpanch and" shall be deleted; (e) for sub-section (4), the following sub-section shall be substituted, -(4) If, in the election of Upa-Sarpanch there is an equality of votes, the Sarpanch shall have the right to exercise casting vote, and if the post of Sarpanch is vacant, the result of elections shall be decided by lot drawn in the presence of the officer presiding in such manner as he may determine."; (f) in sub-section (5), -(i) the words "Sarpanch or" shall be deleted; (ii) after the word, brackets and figure " sub-section (1) " the words "Sarpanch or" shall be inserted.]

33A. [Sumptuary allowance to Sarpanch. [Section 33A was inserted by Maharashtra 10 of 1992, Section 2.]

- 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 per cent of the annual income of the panchayat or six thousand rupees per annum, whichever is less, as sumptuary allowance.] [Inserted by Maharashtra Act No. 54 of 2018, dated 13.8.2018.]

34. [Resignation by Sarpanch or Upa-Sarpanch. [Section 34 was substituted by Maharashtra 36 of 1965, Section 17]

(1)The Sarpanch may resign his office by writing under his hand addressed to the Chairman of the panchayat Samiti. [* * *](2)The Upa-Sarpanch may resign his office by writing under his hand addressed to the Sarpanch. [* * *] [The words 'and his office shall thereupon become vacant' were deleted by Maharashtra 13 of 1975, Section 9.](3)The notice of resignation shall be delivered in the manner prescribed.](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.] [Sub-section (4) was inserted by Maharashtra 13 of 1975, Section 8(b).]

35. Motion of no confidence.

- [(1)] [These sub-sections were substituted for sub-sections (1), (2) and (3) by Maharashtra 13 of 1975, Section 9.] A motion of no confidence may be moved by not less than [one third] [These words were substituted for the words 'one fifth' by Maharashtra 27 of 2000, Section 2(1).] of the total number of the members [* * *] [The brackets and words '(other than associate members)' were deleted by Maharashtra 21 of 1994, Section 19(1).] 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. [Such notice once given shall not be withdrawn.] [These words were added by Maharashtra 10 of 1992, Section 3(1).] ["(1A) In respect of the panchayat to which the Sarpanch is directly elected under section 30A- 1A, the provisions of this section shall apply with the following modifications:-(a)in sub-section (1), for the words "one-third" the words "twothird" shall be substituted;(b)in sub-section (3), for the portion beginning with the words "If the motion" and ending with the words "against the Sarpanch;" the following portion shall be substituted, namely :-" If the motion of no-confidence is carried by a majority of not less than three-fourth of the total number of the members who are for the time being entitled to sit and vote at any meeting of the panchayat, the Sarpanch or the Upa- Sarpanch, as the case may be, and ratified before the special Gram Sabha by the secret ballot in the presence and under the Chairmanship of the Officer appointed for the purpose by the Collector, shall forthwith stop, exercising all the powers and, performing all the functions and duties of the office and thereupon such powers, functions and duties shall vest in the Upa-Sarpanch, in case the motion is carried out against the Sarpanch ;";(c)for the fourth proviso, the following provisos shall be substituted, namely :-"Provided also that, no such motion of no-confidence shall be brought within a period of two years

from the date of election of Sarpanch or Upa-Sarpanch and before the six months preceding the date on which the term of panchayat expires :Provided also that, if the no-confidence motion fails, then no motion shall be brought before the passage of time of next two years ."](2)Within seven days from the date of receipt by him of the notice under sub-section (1), the Tahasildar, 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 [a majority of not less than two-third of] [These words substituted for the words 'a majority of' by Maharashtra 27 of 2000, Section 2(2).] [* * *] [The words 'not less than two-thirds of' were deleted of Maharashtra 5 of 1997, Section 2(a).] the total number of the members [* * *] [The brackets and words '(other than associate members)' were deleted by Maharashtra 21 of 1994, Section 19(2).] 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, [shall forthwith stop exercising all the powers and perform all the functions and duties of the office and thereupon such powers, functions and duties shall vest in the Upa-Sarpanch in case the motion is carried out against the Sarpanch; and in case the motion is carried out against both the Sarpanch and Upa-Sarpanch, in such officer, not below the rank of Extension Officer, as may be authorised by the Block Development Officer, till the dispute, if any, referred to under sub-section (3B) is decided:Provided that, if the dispute so referred is decided in favour of the Sarpanch or, as the case may be, Upa-Sarpanch, thereby setting aside such motion, the powers, functions and duties of the Sarpanch or Upa-Sarpanch shall forthwith stand restored, and if the dispute is decided confirming the motion, the office of the Sarpanch or, as the case may be, Upa-Sarpanch shall be deemed to have fallen vacant from the date of the decision of the dispute, unless the incumbent has resigned earlier:Provided further that, in cases where the offices of both the Sarpanch and Upa-Sarpanch become vacant simultaneously, the officer authorised under this sub-section shall, pending the election of the Sarpanch, exercise all the powers and perform all the functions and duties of the Sarpanch but shall not have the right to vote in any meetings of the panchayat:] [This portion 'shall cease to hold office after seven days from the date on which the motion was carried unless he has resigned earlier or has disputed the validity of the motion so carried as provided in sub-section (3B); and thereupon the office held by such Sarpanch or Upa-Sarpanch shall be deemed to be vacant:' was substituted by Maharashtra 16 of 2012, Section 3(i)(a) (w.e.f. 2-10-2012).][[Provided also that] [This proviso was inserted by Maharashtra 28 of 2003, Section 4 (a)(i).], 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:] [Inserted by Maharashtra Act No. 54 of 2018, dated 13.8.2018.]][[Provided also that] [This proviso was added by Maharashtra 5 of 1997, Section 2(2)(b)], 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 [is not moved or is not carried] [These words were substituted for the words 'is not carried' by Maharashtra 10 of 1992, Section 3(2)(a).] by [a majority of not less than [or, as the case may be, three-fourth, of] [These words were substituted for the words 'a majority of' by Maharashtra 27 of 2000, Section 2(3).]] [* * *] [These words 'not less than two-thirds of' were deleted by Maharashtra 5 of 1997, Section 2(3)(a).] the total number of the members [* * *] [The brackets and words' (other than associate Members)' were deleted by Maharashtra 21 of 1994,

Section 19(3).] 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 [[one year] [These words were substituted for the words 'six months from the date of the rejection of the motion', by Maharashtra 10 of 1992, Section 3(2)(d).] 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] [These words were substituted for the words 'within fifteen days from the date on which it was received by him; and any such decision shall, subject to an appeal under sub-section (3C), be final.' by Maharashtra 16 of 2012, Section 3(ii) (w.e.f. 2-10-2012).](3C)[* * *] [(3C) Sub-sections (3C), (3D) and (4) deleted by Maharashtra 16 of 2012, section 3(iii) (w.e.f. 2-10-2012).Prior to substitution read as under:(3C)Any person aggrieved by the decision of the Collector may, within seven days from the date of receipt of such decision, appeal to the Commissioner who shall decide the appeal, as far as possible, within fifteen days from the date on which the appeal s received by him and any such decision shall be final. (3D) Where on a reference made to him under sub section (38), the Collector upholds the validity of the motion carried under sub section (3) and no appeal is made by the Sarpanch or the Upa-Sarpanch under sub-section (3C) within the limitation period specified in that sub-section, or where an appeal is made under sub-section (3C) but it is rejected by the Commissioner, the Sarpanch or, as the case may be, the Upa-Sarpanch shall cease to hold office in former case immediately after the expiry of the said limitation period and, in the latter case, Immediately alter the rejection of the appeal, and thereupon the office held by such Sarpanch or Upa-Sarpanch shall be deemed to be vacant.)(4)In cases where the offices of both the Sarpanch and Upa-Sarpanch become vacant simultaneously, the District Village panchayat Officer or such other officer as he may authorise in this behalf shall, pending the election of the Sarpanch exercise all the powers and perform all the functions and duties to the Sarpanch but shall not have the right to vote in any meeting of the panchayat.]].(3D)[* * *] [(3C) Sub-sections (3C), (3D) and (4) deleted by Maharashtra 16 of 2012, section 3(iii) (w.e.f. 2-10-2012).Prior to substitution read as under:(3C)Any person aggrieved by the decision of the Collector may, within seven days from the date of receipt of such decision, appeal to the Commissioner who shall decide the appeal, as far as possible, within fifteen days from the date on which the appeal s received by him and any such decision shall be final. (3D) Where on a reference made to him under sub section (38), the Collector upholds the validity of the motion carried under sub section (3) and no appeal is made by the Sarpanch or the Upa-Sarpanch under sub-section (3C) within the limitation period specified in that sub-section, or where an appeal is made under sub-section (3C) but it is rejected by the Commissioner, the Sarpanch or, as the case may be, the Upa-Sarpanch shall cease to hold office in former case immediately after the expiry of the said limitation period and, in the latter case, Immediately alter the rejection of the appeal, and thereupon the office held by such Sarpanch or Upa-Sarpanch shall be deemed to be vacant.)(4)In cases where the offices of both the Sarpanch and Upa-Sarpanch become vacant simultaneously, the District Village panchayat Officer or such other officer as he may authorise in this behalf shall, pending the election of the Sarpanch exercise all the powers and perform all the functions and duties to the Sarpanch but shall not have the right to vote in any meeting of the panchayat.]].(4)[* * *] [(3C) Sub-sections (3C), (3D) and (4) deleted by Maharashtra 16 of 2012, section 3(iii) (w.e.f. 2-10-2012).Prior to substitution read as under:(3C)Any person

aggrieved by the decision of the Collector may, within seven days from the date of receipt of such decision, appeal to the Commissioner who shall decide the appeal, as far as possible, within fifteen days from the date on which the appeal is received by him and any such decision shall be final. (3D) Where on a reference made to him under sub section (38), the Collector upholds the validity of the motion carried under sub section (3) and no appeal is made by the Sarpanch or the Upa-Sarpanch under sub-section (3C) within the limitation period specified in that sub-section, or where an appeal is made under sub-section (3C) but it is rejected by the Commissioner, the Sarpanch or, as the case may be, the Upa-Sarpanch shall cease to hold office in former case immediately after the expiry of the said limitation period and, in the latter case, Immediately after the rejection of the appeal, and thereupon the office held by such Sarpanch or Upa-Sarpanch shall be deemed to be vacant.)(4)In cases where the offices of both the Sarpanch and Upa-Sarpanch become vacant simultaneously, the District Village panchayat Officer or such other officer as he may authorise in this behalf shall, pending the election of the Sarpanch exercise all the powers and perform all the functions and duties to the Sarpanch but shall not have the right to vote in any meeting of the panchayat.]].

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

- The time and place of sitting, and the procedure at a meeting, of the panchayat shall be such as may be prescribed:[Provided that, if the Sarpanch, or in 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.] [This proviso was added by Maharashtra 36 of 1965 Section 18.]

37. Modification or cancellation of resolutions.

- 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, [* * * *] [The brackets and words '(other than the associate members)' were deleted by Maharashtra 21 of 1994, Section 20.].

38. Executive power of panchayat Functions of Sarpanch and Upa-Sarpanch.

(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 fulfillment 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.(2)Without prejudice to the generality of the foregoing provisions-(i)the Sarpanch shall-(a)[save where otherwise provided in this Act, preside over] [These words were substituted for the words 'preside over' by Maharashtra 13 of 1975, Section 10(a).] and regulate the meetings of the panchayat',(b)[* * * *] [Sub-clause (b) was deleted by Maharashtra 36 of 1965, Section 19(a)(i).](c)exercise supervision and control over the acts done and action taken by all officers and servants of the panchayat [including supervision over the keeping

and maintenance of records and registers of the panchayat in the custody of the Secretary] [This portion was added by Maharashtra 36 of 1965, Section 19(a)(ii).];(d)(e)(f)(g)[* * *] [Sub-clauses (d), (e), (f) and (g) were deleted by Maharashtra 4 of 1981, Section 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;[(i-a) in respect of the panchayat to which the Sarpanch is directly elected under section 30A-1A, the Sarpanch shall also exercise the following powers, functions and duties,- [Inserted by Maharashtra Act No. 54 of 2018, dated 13.8.2018.](a)finalise the agenda of panchayat meetings :Provided that, if three or more members demands regarding inclusion of any item on agenda for immediate next meeting, the Sarpanch shall include the same in next meeting :Provided further that, no ad-hoc financial business shall be transacted unless it forms a part of the circulated agenda :Provided also that, if the panchayat resolves on any subject that is detrimental to the well-being of the village at large in the opinion of Sarpanch, the Sarpanch shall cause the resolution to be kept for final decision immediately in the next following Gram- Sabha, and the decision of the said Gram Sabha shall be final ;(b)prepare the annual budget of panchayat ;(c)exercise all other powers to implement the schemes in consultation with panchayat ;(j)call meetings of Cram 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 [except where otherwise provided in this Act] [These words were added by Maharashtra 13 of 1975, Section 10(b).];(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.(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.] [Sub-section (4) was added by Maharashtra 36 of 1965, Section 19(b).](5)[Nothing contained in this section shall make the Sarpanch liable for any action taken by the Secretary for which he is made solely responsible under [sub-section(4)] [Sub-section (5) was inserted by Maharashtra 4 of 1981, Section 2(b).] of section 57.]

39. Removal from office.

- [(1) The Commissioner may,-(i)remove from office any member or any Sarpanch or Upa-Sarpanch who has been guilty of misconduct in the discharge of his duties, or of any disgraceful conduct, or of neglect of or incapacity to perform his duty, or is persistently remiss in the discharge thereof. A Sarpanch or an Upa-Sarpanch so removed may at the discretion of the Commissioner also be removed from the panchayat', or(ii)remove from office the member, Sarpanch or, as the case may be Upa-Sarpanch, if not less than twenty per cent of the total number of voters in the village who have paid all dues of the panchayat regarding taxes on buildings and lands and water charges, make a

complaint that the annual accounts and the report of the expenditure incurred by the panchayat on the development activities are not placed before the Gram sabha; and the information thereof is not displayed on the notice board as required by sub-section (1) or (1A) of section 8: Provided that, no such person shall be removed from office unless, in case of clause (i), the Chief Executive Officer or in case of clause (ii), the Deputy Chief Executive Officer as directed by the Chief Executive Officer; under the orders of the Commissioner, holds an inquiry after giving due notice to the panchayat and the person concerned; and the person concerned has been given a reasonable opportunity of being heard and thereafter the Chief Executive Officer or, as the case may be, the Deputy Chief Executive Officer concerned, through the Chief Executive Officer, submits his report to the Commissioner. The inquiry officer shall submit his report within a period of one month: Provided further that, the Commissioner shall, after giving the person concerned a reasonable opportunity of being heard, take a decision on the report submitted by the Chief Executive Officer or, as the case may be, the Deputy Chief Executive Officer, within a period of one month from the date of receipt thereof.]

[[Sub-section (1) was substituted by Maharashtra 38 of 2006, Section 6(a), (w.e.f. 21-12-2006).

Substituted sub-section (1) reads as follows-(1) The Standing Committee may 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 Standing Committee also be removed from the panchayat: Provided that, no such person shall be removed from office unless the Chief Executive Officer under the orders of the President of the Zilla Parishad concerned holds an inquiry after giving due notice to the panchayat and the person concerned; and the person concerned has been given a reasonable opportunity of being heard and thereafter the Chief Executive Officer submits his report to the Standing

Committee]];(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.] [Sub-section (1A) was inserted by Maharashtra 36 of 1965, Section 20(2).](2)[The Commissioner may subject to like condition disqualify for a period of not exceeding [six years] [Sub-sections (2) and (3) were substituted by Maharashtra 38 of 2006, Section 6(b), (w.e.f. 21-12-2006).], any person who has resigned his office as a member, Sarpanch or Upa-Sarpanch and has been guilty of the acts and omissions specified in sub-section (1).(3) Any person aggrieved by an order of the Commissioner under sub-section (1) or (2) may, within a period of fifteen days from the date of the receipt of such order, appeal to the State Government and the Government shall decide the appeal within a period of one month from the date of receipt thereof.]

39A. [Power of Government to direct inquiry. [Section 39A was inserted by Maharashtra 38 of 2006, section 7, w.e.f 21 12-2006.]

(1) Notwithstanding anything contained in section 39, the State Government may, suo motu or on 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 subsection (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.]

40. Leave of absence.

(1) Any member of a panchayat who, during his term of office, - (a) is absent for more than four consecutive months from the village, [(such absence not being on account of his being a Chairman or Deputy Chairman of a panchayat Samiti)] [These brackets and words were inserted by Maharashtra 43 of 1962, Section 26, Schedule.], unless leave not exceeding six months so to absent himself has been granted by the panchayat, or (b) absents 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. (2) [If any question whether a vacancy has occurred under this section is raised by the President of Zilla Parishad suo motu or an application made to him in that behalf, the President shall as far as possible decide the question within sixty days from the date of receipt of such application. Until the President decides the question, the member shall not be disabled from continuing to be a member of the panchayat. Any person aggrieved by the decision of the President may, within fifteen days from the date of such decision, appeal to the State Government, and the decision of the State Government in appeal shall be final: Provided that, no decision shall be given under the sub-section by the President against any member without giving him a reasonable opportunity of being heard.] [Sub-section (2) was substituted for the original by Maharashtra 36 of 1965, Section 21.] (3) Whenever leave is granted under sub-section (1) to a member who is an Upa-Sarpanch another member shall, subject to the conditions to which the election Upa-Sarpanch so absenting himself was subject be elected to perform all the duties and exercise all the powers of an Upa-Sarpanch during the period for which such leave is granted.

41. [Suspension of Sarpanch or Upa-Sarpanch.]

- Deleted by Maharashtra 2 of 1982, Section 2.

42. Eligibility of certain members for re-election.

(1) A member of a panchayat whose office has become vacant under [section 16, if his disqualification or disability has ceased, or under section 40 shall] [These words were substituted for the words and figures 'section 16 or under section 40 shall, if his disqualification or disability has ceased' by Maharashtra 36 of 1965, Section 22.] be eligible for re-election.

43. Filling up of vacancies.

(1) Any vacancy of which notice has been given to the [Collector] [This word was substituted for the words 'Chief Executive Officer' by Maharashtra 43 of 1962, Section 26, Schedule.] in the prescribed manner due to the disablement, death, resignation, disqualification, [confirmation of no confidence motion,] [These words were inserted by Maharashtra 16 of 2012, Section 4(a), (w.e.f 2-10-2012).]

absence without leave or removal of a Sarpanch or Upa-Sarpanch [* * *] [The words 'the member' were deleted by Maharashtra 21 of 1994, Section 21(a).], shall be filled, by the election of a Sarpanch or Upa-Sarpanch [* * *] [The words 'the member' were deleted by Maharashtra 21 of 1994, Section 21(a).], who shall hold office so long only as Sarpanch or Upa-Sarpanch [* * *] [The words 'the member' were deleted by Maharashtra 21 of 1994, Section 21(a).], in whose place he has been elected would have held office if the vacancy had not occurred:[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.] [This proviso was added by Maharashtra 16 of 2012, Section 4(b), (w.e.f. 2-10-2012).][Provided further that, the post of the directly elected Sarpanch fallen vacant under this sub-section shall be filled in by election in the manner laid down in section 30A-1A, within six months from the date of such vacancy.] [Added by Maharashtra Act No. 54 of 2018, dated 13.8.2018.](2)The meeting for the election of a Sarpanch under sub-section (1) shall be convened by [Collector] [This word was substituted for the words 'Chief Executive Officer' by Maharashtra 43 of 1962, Section 26, Schedule.] in the manner described in sub-section (1) of section 33.

44. Vacancy not to affect proceedings of panchayat.

- [(1) During any vacancy in the panchayat, the continuing members may act as if no vacancy had occurred.] [Section 44 was renumbered as sub-section (1) and sub sections (2) and (3) were inserted by Maharashtra 36 of 1965, Section 23.](2)[Subject to the provision of sub-section (1A) of section 145, [the panchayat] [Section 44 was renumbered as sub-section (1) and sub sections (2) and (3) were inserted by Maharashtra 36 of 1965, Section 23.] 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.]

Chapter III

Administrative Powers and Duties

45. Administrative powers and duties of panchayats.

- [(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 and 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". [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 [out of the Village Water-Supply Fund constituted under section 132B] [Sub-sections (1), (2), (2A) and (2(3) were substituted for the

original sub-sections (1) and (2) by Maharashtra 36 Of 1965, Section 24.] such water-supply schemes, whether completed before or after the date of commencement of the Maharashtra Zilla Panshads 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.](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.(2B)A panchayat may, by resolution [and subject to the prescribed limits, give grant-in-aid to any institution (whether situated within or outside the village but not outside the limits of the revenue taluka within which the panchayat functions) in respect of matters falling 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;] [This portion was substituted for the portion beginning with 'give grant-in-aid' and ending with 'Schedule I' by Maharashtra 13 of 1975, Section 14(1)(a).] or contribute to any fund sponsored by the Government for the purpose referred to in entry 75 of that Schedule. If any doubts arises [whether or not the institution serves the needs of the village, or] [These words were inserted by Maharashtra 13 of 1975, Section 14(1)(b)] 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:[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 or panchayats, with reference to their annual income.] [This proviso was substituted by Maharashtra 31 of 1994, Section 2.](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 authorized by the Collector.(6A)[A panchayat shall endeavour to make use of voluntary organizations [of farmers of the village] [Sub-sections (6A) to (6C) were inserted by Maharashtra 5 of 1962, Section 286, Tenth Schedule,], and shall encourage co-operative societies [therein] [This word was inserted by Maharashtra 35 of 1963.] in increasing and improving agricultural production.(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 an 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.] [Sub-section (6B) was substituted by Maharashtra 13 of 1975, Section 14(2).](6C)A panchayat shall supervise primary school situate within the area of its Jurisdiction.](6D)[A panchayat shall be 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.] [These sub-section were inserted by Maharashtra 3 of 2003, Section 4.](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.[* * * *] [Section 45A was deleted by Maharashtra 27 of 2003, Section 3.]

46. [Power of Parishads and Samitis to transfer management of institution or execution or maintenance of work.] [This marginal note was substituted for the original by Maharashtra 36 of 1965 , Section 25(3).]

- [Without prejudice to the provisions of sub-section (2) and sub-section (3) of section 124 of the Maharashtra Zilla Paishads 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:] [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 Maharashtra 36 of 1965, Section 25(1).]Provided that in every such case the funds necessary for such management, [execution or maintenance] [These words were substituted for the words 'or execution' by Maharashtra 36 of 1965, Section 25(2).] shall be placed at the disposal of the panchayat by the [Zilla Parishad of panchayat Samiti.] [These words were substituted for the words 'District Local Board' by Maharashtra 5 of 1962, Section 286, Tenth Schedule.]

47. Powers of State Government to transfer execution of other works.

- 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.

48. Other duties.

- 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 [Panchayat Samiti] [These words were substituted for the words 'panchayat Mandal' by Maharashtra 5 of 1962 Section 286 Tenth Schedule.] be assigned to it by the State Government by notification in the Official Gazette.

49. [Village Development Committees.] [These sections were substituted for section 49 by Maharashtra 23 of 2003, Section 3.]

(1) A Gram sabha may, in consultation with the panchayat, from amongst the members of the panchayat, representatives of community based organizations 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. (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; (a1) [the Sarpanch shall be the ex officio Chairman ;] [Inserted by Maharashtra Act No. 54 of 2018, dated 13.8.2018.] (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 is recommended by village Mahila Mandal or a Grapi 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 Mandats, Youth Clubs, etc.; (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.(g)[Gramsevak shall be ex officio Member- Secretary .] [Inserted by Maharashtra Act No. 54 of 2018, dated 13.8.2018.]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 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-section (2) and (4).(9)On constitution of a new panchayat, the Village Development Committee shall 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.

49A. Beneficiary Level Sub-Committees.

(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 Subcommittee from amongst the voter beneficiaries of the existing or proposed activity, scheme or utility, exclusively servicing a habitation, in a meeting held therefore, 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 panchayat.(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-section (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.]

50. Joint Committees of two or more local bodies.

(1)A panchayat may, from time to time, concur with any other panchayat or with any Municipal Corporation Municipality, [Zilla Parishad, Panchayat Samiti] [These words were substituted for the words 'district local board' by Maharashtra 5 of 1965, section 286 tenth schedule .] cantonment authority or committee appointed for a notified area or with more than one such Panchayat Samiti, Municipal Corporation, Municipality, [Zilla Parishad, Panchayat Samiti] [These words were substituted for the words 'district local board' by Maharashtra 5 of 1965, section 286 tenth schedule .] 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 maintenances 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 [* * *] [The words 'district local board' were deleted by Maharashtra 5 of 1965] 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.

51. Government may vest certain lands in panchayats.

(1) For the purposes of the 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, ditaches, dikes and fences, wells, river beds, tanks, streams, lakes, nallas, canals, water courses, trees or any other property in the village vesting in the Government. (1A) [Where the State Government is of opinion that any property vested in a panchayat under sub-section (1) is required for the purpose of any national or State development Plan or for any other public purpose, or where any such property is not required by the panchayat for the purpose for which it was vested, the State Government may resume such property; and upon such resumption, the property shall cease to vest in the panchayat and shall revert in the State Government. (1B) Notwithstanding anything contained in sub-section (1) or in any order vesting grazing or other lands in 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 panchayat (Amendment) Act, 1965, comes into force shall, on the commencement of that Act, cease to vest in such panchayat and revert in the State Government, subject to all limitations, conditions and right or interest of any person in force or subsisting immediately before such commencement.] [These sub-sections were inserted by Maharashtra 36 of 1965, Section 26.] (2) Subject to any conditions and restrictions imposed by the State Government under sub-section (1), and with the previous sanction of the Collector, a panchayat may discontinue or stop up any such public road or street vested in it by the State Government, but which is no longer required as a public road or street and any 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 Highway 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.

52. Control on erection of buildings.

(1) No person shall erect or re-erect, or commence to erect or re-erect within the limits of the village, any building without the previous permission of the panchayat. [Such permission may be granted with a without conditions or may be refused.] [These words were added by Maharashtra 36 of 1965,

Section 27(1)(2)Permission shall be presumed to have been granted if the panchayat fails to [communicate its permission] [These words were substituted for the words 'communicate its sanction' by Maharashtra 36 of 1965, Section 27(2)(a).] or refusal in respect thereof within two months from the date of receipt of the application for permission. [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.] [This portion was substituted for the portion beginning with the words 'In case of refusal' and ending with the words 'communication of such refusal', by Maharashtra 36 of 1965, Section 27(2)(b).](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 against become so entitled by a fresh compliance with the provisions of the preceding sub-sections.(4)Whoever erects or re-erects, or commences to erect or re-erect any building without such permission or in any manner contrary to the provisions of sub-section (1) or any by-law in force, or to ,any conditions imposed by the panchayat shall be punished with fine, 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 required such erection or re-erection to be altered or demolished as it may deem necessary;and if the requirement under clause (b) is not complied with within the time fixed in the notice [(such time being not less than thirty days)] [These brackets and words were inserted by Maharashtra 36 of 1965, Section 27(3).]the panchayat may cause the alteration or demolition to be carried out by its officers, and servants and all the expenses incurred by the panchayat therefore shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter IX.(6)Nothing contained in this section shall apply to any building which is used or required for public service, or for any public purpose, and is the property of the State or Central Government or any local authority, or is to be erected or re-erected by the State or Central Government or the local authority; but reasonable notice of the proposed construction shall be caused to be given to the panchayat, and the objections or suggestions of the panchayat, if any, shall be considered, [Nothing in this section shall also apply to any building erected or re-erected for any industrial or commercial purpose.] [This potion was added by Maharashtra 36 of 1965, Section 27(4).]Explanation. - The expression "erect" or "re-erect" with reference to a building in this section, includes-(a)any material alteration, or enlargement of or in any building;(b)the conversion by structural alteration into a place for human habitation of any building not originally constructed for human habitation;(c)such alteration of a building as would effect a change in the drainage or sanitary arrangement or materially affect its security;(d)the addition of any rooms, buildings, outhouses or other structures to any building.(e)the conversion by any structural alteration, into a place of religious worship or into a sacred building of any place or building not originally meant or constructed for such purpose;(f)roofing or covering an open space between walls and buildings, as regards the structure which is formed by roofing or covering such space;(g)conversing 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. Obstructions and encroachments upon public streets and open sites.

(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 unauthorized 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 unauthorized 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 authorized 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 [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.] [This portion was added by Maharashtra 38 of 2006, Section 8(a) (w.e.f. 21.12.2006).](2A)[If any panchayat fails to take action under sub-section 2 [* * *] [Sub-section (2A) was inserted by Maharashtra 34 of 1970, section 10(1).] the Collector suo motu or on an application made in this behalf, may take action as [provided in that sub-section, and submit the report thereof to the Commissioner] [Tnese words were substituted for the words 'provided in that sub-section' by Maharashtra 38 of 2006, Section 8(b)(ii) (w e.f. 21.12.2006).]. The expense of such removal shall be paid by the person who has caused the said obstruction or encroachment or unauthorised cultivation of the crop and shall be recoverable from such person as an arrear of land revenue.](3)The power under [sub-section (2) or sub-section (2A)] [These words brackets, figures and letter were substituted for the word, bracket and figure 'sub-section (2)', by Maharashtra 34 of 1970, Section 10(2)(a).] may be exercised in respect of any obstruction, encroachment or [unauthorised cultivation of any crop] [These words were substituted for the words 'or projection' by Maharashtra 34 of 1970, Section 10(2)(b).] referred to therein whether or not such obstruction, encroachment or [unauthorised cultivation of any crop] [These words were substituted for the words 'or projection' by Maharashtra 34 of 1970, Section 10(2)(b).] 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.(3A)[Any person aggrieved by the exercise of the powers by the panchayat under

sub-section (2) or (3) may, within thirty days from the date of exercise of such powers, [appeal to the Commissioner and the Commissioner, after making such enquiry as he thinks necessary, shall pass such orders as he deems necessary] [This sub-section was inserted by Maharashtra 36 of 1965, Section 28.] after giving such person a reasonable opportunity of being heard.](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.] [Sub-section (3B) was inserted by Maharashtra 34 of 1970, Section 10(3).](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 occupation of, or erection in, any public street on occasions of festivals and ceremonies, or the piling of fuel in by-lanes and sites for not more than seven days, and in such manner as not to inconvenience the public or any individual or from allowing any temporary erection on, or putting projection over, or temporary occupation of, any such public street or place for any other purpose in accordance with the by-laws made under this Act.

54. Numbering of premises.

(1)The panchayat may, from time to time, by written notice require the owner of any premises or a part thereof either to put up by means of a metal plate a number or sub-number on such premises or part thereof in such position and manner as may be specified in such notice or to signify in writing his desire that such work shall be executed under the orders of the panchayat.(2)Any person who destroys, pulls down or 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.(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.[Chapter III-A] [This Chapter was inserted by Maharashtra 27 of 2003, Section 4.] Special Provisions for gram Sabha and panchayat in Scheduled Areas

54A. Powers and duties of Gram sabha in Scheduled Areas.

- It shall be competent for every Gram sabha in the Scheduled 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 approve 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 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;(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;(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.

54B. Powers and duties of panchayats in Scheduled Areas.

- 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 54A; (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 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: 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; (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.

54C. Meetings of Gram sabha.

(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 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 Gram sabha of that panchayat and the decision taken by majority at such joint meeting shall be deemed to the decision taken by each of the Gram sabha.

54D. Motion of No Confidence.

(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 Sahba makes resolution to that effect by three-fourth majority: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 a 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 subsection (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

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

- Every panchayat shall be competent to lease, sell or otherwise transfer moveable or immovable property which may become [vested in (otherwise than under the provisions of sub-section (1) of section 51)] [These words, brackets and figures were substituted for the words 'vested in' by

Maharashtra 36 of 1965, Section 29.] or be acquired by it and to contract and do all other things necessary for the purpose 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 [Chief Executive Officer.] [These words were substituted for the word 'Collector' by Maharashtra 5 of 1962, Section 286, Tenth Schedule.]

56. Property of panchayat.

(1)[It shall be competent for a Zilla Parishad from time to time to direct that any property vesting in it] [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 Maharashtra 36 of 1965, Section 30(1).] shall vest in a panchayat and on such direction being issued, [the property shall, subject to rules made in that behalf, vest] [These words were substituted for the words the property shall vest', by Maharashtra 36 of 1965, Section 30(1).] in the panchayat notwithstanding anything contained in the Transfer of Property Act, 1882, or the Indian Registration Act, 1908: Provided that no lease, sale or other transfer of any such immovable property by the panchayat shall be valid without the previous sanction of the [Chief Executive Officer] [These words were substituted for the word 'Collector' by Maharashtra 5 of 1962, Section 286, Tenth Schedule.], (2) Every work constructed by a panchayat out of the village fund, or with Government assistance or peoples', participation shall vest in such panchayat [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.] [These words were added by Maharashtra 36 of 1965, Section 30(2).]

57. Village fund.

(1) There shall be in each village a fund, which shall be called the 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] [See now the Municipalities Act, 1965 (Maharashtra XL of 1965)] or [* * *] [These 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.] under section 8 of the Central Provinces and Berar Municipalities Act, [1922] [See now the Municipalities Act, 1965 (Maharashtra XL of 1965)]; (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] [Clause (b) was substituted by Maharashtra 5 of 1997, Section 4(a).]; (c) the proceeds or a tax on professions, trades, callings and employments assigned to the panchayat [under clause (b) of section 163 of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961] [This portion was substituted for the words, brackets, letter and figures' under clause (b) of sub-section (1) of section 102C of the Bombay Local Boards Act, 1923', by Maharashtra 36 of 1965 Section 31(1).]; (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 Commissioner;]

[Clause (d) was inserted by Maharashtra 21 of 1994, Section 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;(fa)[the sale proceeds or royalty of the minor forest produce collected to the Scheduled Areas within the jurisdiction of a panchayat and vested in that panchayat.] [Clause (fa) was inserted by Maharashtra 46 of 1997, Section 4.](g)sums contributed to the village fund by the State Government of [Zilla Parishad or Panchayat Samiti] [These words were substituted for the words 'District Local Board' by Maharashtra 5 of 1962 Section 286 Tenth Schedule.];(h)all sums received by way of loans from the State Government or the [Zilla Parishad] [These words were substituted for the words 'District Local Board' by Maharashtra 5 of 1962 Section 286 Tenth Schedule.] or out of the District Village Development Fund constituted under section 133 [and all sums borrowed under section 57A] [This portion was added by Maharashtra 35 of 1963, Section 80 Schedule.];(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',(k)[* * * *] [Clause (k) was deleted by Maharashtra 13 of 1975, 15.](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;(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.] [Clause (o) was added by Maharashtra 36 of 1965 Section 32(2).](3)[[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] [Sub-sections (3) and (4) were added by Maharashtra 4 of 1981, Section 3.] namely:-(a)authorisation of payments, issue of cheques and refunds in compliance with the provisions of this Act and the rules made thereunder or the resolutions duly passed by the panchayat;(b)receive all sums of money on behalf of the panchayat in response to notices, bills, appeals and other processes issued by the panchayat;(c)issue of receipts in the prescribed manner for all sums of money received on behalf of the panchayat and crediting them in the relevant fund;(d)hold cash imprest on hand, of not more [than one hundred and fifty] [These words were substituted for the letters and figures 'than Rs 50' by Maharashtra 1 of 1998 Section 2(a).] at a time, for contingent purpose of the panchayat;(e)incur contingent expenditure [upto one hundred rupees] [These words were substituted for the words 'upto ten rupees' by Maharashtra 1 of 1998 Section 2(b).] at any one on occasion;(f)for performing such other duties and exercising such other power in regard to the funds as may be prescribed.(4)The Secretary shall submit a weekly statement of accounts to the [panchayat] [This word was substituted for the word 'Sarpanch' by Maharashtra 38 of 2006, Section 9(b)(1).] 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. [* * * *] [The words 'under his control' were deleted by Maharashtra 38, of 2006, Section 9(b)(ii), (w.e.f. 21.12.2006).].]

57A. [Power of panchayat to borrow. [Section 57A was inserted by Maharashtra 35 of 1963. Section 80 Schedule.]

- 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.]

58. Application of village fund.

- [(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.(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.] [This was renumbered as sub-section (1) by Maharashtra 46 of 1997, Section 5.]]

59. Decision of claims to property by or against panchayat.

(1)In any village [* * *] [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 Maharashtra 34 of 1970, Section 11.] 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 subsection (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] [See now the Maharashtra Land Revenue Code, 1966 (Maharashtra XLI of 1966).] [* * *] [The words 'or that section of the said Code as applied to the Saurashtra and Kutch areas of the State of Bombay' were omitted by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.], 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] [See now the Maharashtra Land Revenue Code, 1966 (Maharashtra XLI of 1966).], 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.(3)(a)The powers conferred by this section on the Collector may be exercised also by an Assistant or Deputy Collector or by a Survey Officer or such other officer appointed under any of the Acts referred to in sub-section (2).(b)The formal inquiry referred to in this section shall be conducted in accordance with the provisions relating to such enquiry under the Acts referred to in sub-section (2).(c)A person shall be deemed to have due notice of any inquiry or order under this section if notice thereof has been given in the prescribed manner.

Chapter V

Establishment, Budget and Accounts

60. Secretary of panchayat.

(1) There shall be [one or more secretaries] [These words were substituted for the words 'a Secretary' by Maharashtra 36 of 1965, Section 32.] for every panchayat, or a group of panchayats as the [Chief Executive Officer] [These words were substituted for the words 'State Government' by Maharashtra 35 of 1963, Section 80 Schedule.] may (having regard to the extent and population of the village and income of the panchayat) by a general or special order, determine. [Provided that, the Secretary shall also function as Secretary to the Gram sabha of the respective panchayat] [This proviso was added by Maharashtra 46 of 1997, Section 6.] (2) [The Chief Executive officer shall appoint a Secretary (who may bear such other designations as Zilla Parishads may assign to him) from District Service (Class III). The Secretary shall be posted to panchayat but his salary and allowances shall be paid from the district fund.] [Sub-section (2) was substituted by Maharashtra 5 of 1962, Section 286, Tenth Schedule.] [* * * * *] [Sub-sections (3) and (4) were deleted by Maharashtra 5 of 1962.] [Explanation. - In this section the expression "District Fund" and "District Service (Class III)" shall have the meanings respectively assigned to them in the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961.] [This explanation was added by Maharashtra 5 of 1962.]

60A. [Certain duties of Secretary. [Section 60A was inserted by Maharashtra 38 of 2006, Section 10, (w.e.f. 21-12-2006).]

(1) In addition to any other duties cast on the Secretary, it shall be the duty of the Secretary to prepare the report of the expenditure incurred by the panchayat on the development activities to be placed before the Gram sabha and display the information thereof on the notice board of the panchayat as required by sub-section (1A) of section 8. (2) If the Secretary falls to prepare the report of the expenditure incurred on the development activities to be placed before the Gram sabha and display the information thereof on the notice board as required by sub-section (1), he shall be liable for disciplinary action under clause (v), (vi) or (vii) of rule 4 of the Maharashtra Zilla Parishads District Services (Discipline and Appeal) Rules, 1964.]

61. Appointment of servants.

- [(1)] [Section 61 was re-numbered as sub-section (1) and sub-section (2) was inserted by Maharashtra 36 of 1965, Section 33.] A panchayat may appoint such servants as may be necessary for the proper discharge of its duties under this Act and pay their salaries from the village fund. A Sarpanch may also, in cases of emergency, engage such temporary servants as he may deem necessary. A panchayat may, from time to time, by written order, fine, suspend or dismiss any servant appointed by it; but an appeal shall lie against any such order passed by the panchayat to the [Block Development Officer] [These words were substituted for the words 'panchayat Mandal' by Maharashtra 35 of 1963, Section 80, Schedule.], within one month from the date of the

communication of the order to the servant. [An application for revision may be made to the Chief Executive Officer against the decision of the Block Development Officer in such appeal: Provided that, no such application shall be entertained if it is not made within a period of one month from the date of such decision: Provided further that, no such appeal or application shall be decided unless the servant of the panchayat is given an opportunity of being heard.] [This portion was added by Maharashtra 35 of 1963.](2)[Without prejudice to the power of a panchayat under sub-section (1), the State Government may [make rules to regulate recruitment and] [This portion was added by Maharashtra 35 of 1963] the terms and conditions of service of servants appointed under sub-section (1).]

61A. [Provisions for development of panchayats as growth centres. [Section 61A was inserted by Maharashtra 16 of 2012, Section 5 (w.e.f. 2-10-2012).]

(1)Notwithstanding anything contained in this Act, taking into consideration the population, income and potential of the panchayat and such other factors as may be prescribed, the State Government shall, by notification in the Official Gazette, direct that a panchayat or a group of panchayats may engage experts, technical support agencies and skilled manpower on contract or on consultancy basis for conceiving, preparing, executing, operating, managing, maintaining and supervising the panchayat Development Plan, Land Development Plan and Environmental Development Plan for planned growth of the panchayat as well as the Livelihood and Employment Development Plan, Physical and Social Infrastructure Development Plan and other related activities to develop such panchayats or group of panchayats as growth centres.(2)The experts, technical support agencies and skilled manpower engaged under sub-section (1) shall be from a panel prepared by the officer authorised by the State Government in this behalf, and the persons so engaged shall possess such qualifications and experience and shall be engaged on such terms and conditions as may be prescribed.(3)The State Government may, direct such panchayats or group of panchayats to allocate such portion of funds from any scheme, project, programme or work sponsored by the State Government or the Central Government, as permissible, or from Village Development Fund or other own sources of the panchayats or group of panchayats which shall be utilised for engaging such persons.]

62. Budgets and Accounts.

(1)a panchayat shall determine annually and shall submit to the [Panchayat Samiti] [These words were substituted for the words 'panchayat Mandal' by Maharashtra 5 of 1962, Section 286, Tenth Schedule.] on or before such date and in such form as may be prescribed, a statement of,-(a)the opening balance in the fund and estimated income for the panchayatfor the following [financial year] [These words were substituted for the word 'year' by Maharashtra 36 of 1965, Section 34(1).];(b)the expenditure proposed on establishment and discharge of its duties under [* * *] [The words, brackets and figure 'sub-section (1) of' were deleted by Maharashtra 36 of 1965. Section 34(2).] section 45;(c)the amount to be contributed to the District Village Development Fund established under section 133.(1A)[If a panchayat fails to submit such statement as required by sub-section (1) on or before the date prescribed under that sub-section, the Secretary shall prepare such statement and submit it to the panchayat Samiti in the form prescribed under that sub-section

on or before such date as may be prescribed.] [Sub-section (1A) was inserted by Maharashtra 13 of 1975, Section 16](1AA)[In respect of the panchayat to which the Sarpanch is directly elected under section 30A-1A, the provisions of this section shall apply with the following modifications :-(a)for sub-sections (1) and (1A), the following sub-sections shall be substituted, namely,-"(1) The Sarpanch shall determine annually on or before 5th January of every year in such form as may be prescribed, a statement of,--(a)the opening balance in the fund and estimated income of the panchayat for the following financial year ;(b)the expenditure proposed on establishment and discharge of its duties under section 45 ;(c)the amount to be contributed to the District Village Development Fund established under section 133 ;(d)the statement made under clause (a), (b) or (c), as the case may be, shall be placed by the Sarpanch, before the panchayat ;(e)the panchayat shall in respect of the said statement, finalise its recommendations on or before the 31st of January ;(f)the statement along with the recommendation of the panchayat under clause (e), shall be placed before the Gram Sabha, which may ratify it on or before 28th of February ;(g)after the decision of the Gram Sabha under clause (f), the said statement shall be submitted to the Panchayat Samiti.(1-A) If, on or before the date specified in sub-section (1),-(a)the Sarpanch fails to submit the statement ; or(b)the panchayat fails to make recommendation in respect of the statement ; or(c)the Gram Sabha fails to take decision in respect of ratification of the recommendations, the Secretary shall prepare the statement, regarding the mandatory and office expenditure to be carried out and submit it to the Panchayat Samiti in the form prescribed under the said subsection.";(b)in sub-section (2), for the portion beginning with words " The Panchayat Samiti " and ending with words " increased or decreased: " the portion " The Panchayat Samiti shall, either approve the statement or direct that the proposed expenditure on any of the duties falling under section 45 shall be increased or decreased on or before 31st March of the every year. Expenditure shall be carried out as per this statement till the date budgetary process outlined in sub-section (1) of this section is completed:" shall be substituted ;(c)in second proviso of sub-section (2), after the words " be increased or decreased" the words and figure " on or before 31st March of every year and in case of revised and supplementary statement " shall be inserted.](2)The [Panchayat Samiti] [These words were substituted for the words 'panchayat Mandal' by Maharashtra 5 of 1962, Section 286, Tenth Schedule.] shall within two months from the date of the receipt of such statement, either approve the same or direct that the proposed expenditure on any of the duties [falling under section 45] [These words were substituted for the words 'specified in section 45' by Maharashtra 36 of 1965, Section 34(3).] shall be increased or decreased:Provided that the [Panchayat Samiti] [These words were substituted for the words 'panchayat Mandal' by Maharashtra 5 of 1962, Section 286, Tenth Schedule.], shall not have power [either to disapprove the statement or] [These words were inserted by Maharashtra 34 of 1970, Section 13(a).] to direct that the total proposed expenditure shall exceed the estimated income of the panchayat for the following [financial year] [These words were substituted for the word 'year' by Maharashtra 36 of 1965, Section 34(1).] and the opening balance in the fund:[Provided further that, if a Panchayat Samiti fails either to approve such statement or to direct that the expenditure on any of the duties falling under section 45 be increased or decreased, within two months from the date of receipt of such statement, the statement shall be deemed to have been duly approved by the Panchayat Samiti.] [This proviso was added by Maharashtra 34 of 1970, Section 13(b).](3)A panchayat shall contribute every [financial year] [These words were substituted for the word 'year' by Maharashtra 36 of 1965, Section 34(1).] to the [District Village Development Fund] [These words were substituted by Maharashtra 38 of 1973, Section 5.] constituted under

section 133 such percentage of its income from all sources (including contributions from the State Government) [but not including any sums received from the State Government, Zilla Panshad or Panchayat Samiti by way of grant or loans for any specific work] [These words were inserted by Maharashtra 36 of 1965, Section 34(4).] not exceeding 10 per cent thereof as may be prescribed.(4)The Secretary shall keep the accounts of the panchayat in such form as may be prescribed. He shall prepare the annual report of the administration of the panchayat and shall place the accounts and the report for approval before the panchayat. The annual statement of such accounts together with the annual report as approved shall be sent to the [Zilla Parishad] [These words were substituted for the words panchayat Mandal' by Maharashtra 5 of 1962, Section 286, Tenth Schedule.] on or before such date and in such form as may be prescribed.

62A. [Revised or supplementary budget. [Section 62A was inserted by Maharashtra 34 of 1970, Section 14.]

(1)A panchayat may at any time during the financial year for which any such statement has been approved as aforesaid cause a revised or supplementary statement to be prepared. Every such revised or supplementary statement shall be considered and approved by the panchayat Samiti in the same manner as if it were an original statement, and the provisions of section 62 shall apply in relation to such revised or supplementary statement.] [Inserted by Maharashtra Act No. 54 of 2018, dated 13.8.2018.](2)[In respect of the panchayat to which the Sarpanch is directly elected under section 30A-1A, a Sarpanch may at anytime during the financial year for which any such statement has been approved as aforesaid cause a revised or supplementary statement to be prepared. Every such revised or supplementary statement shall be considered and approved by the Panchayat Samiti in the same manner as if it were an original statement, and the provisions of section 62 shall apply in relation to such revised or supplementary statement.] [Added by Maharashtra Act No. 54 of 2018, dated 13.8.2018.]

Chapter VI

**, VII, and VIII [Deleted By Maharashtra 13 of 1975, Section 17]
[[On the deletion of these Chapters -**

(a)ali Nyaya panchayats functioning immediately before such commencement shall be deemed to have been abolished, and the members thereof shall be deemed to have vacated their offices;(b)all suits and all cases pending before a Nyaya panchayats immediately before such commencement shall stand transferred to the Civil or Criminal Court competent to try the same; and such Civil or Criminal Court may proceed to hear and dispose of such suit or case from the stage it reached before Its transferto it, or may commence the proceeding de novo by itself;(c)all other pending proceedings and applications for the execution of decrees or orders in suits and for the recovery of fines and compensation in cases, shall stand transferred to the Civil or Criminal Court, as the case may be, who would have been competent to try the suit or case in the Nyaya panchayat had not been constituted and such Civil Criminal Court, shall deal with the proceedings or applications If the suit or case out of which the proceedings or applications arose had been heard and decided by such Civil

or Criminal Court;(d)the unexpended balance of the funds provided to Nyaya panchayats shall vest in the State Government. (vide section 38 of Maharashtra 13 of 1975).]]

Chapter IX

Taxation and Recovery of Claims

124. Levy of taxes and fees by panchayats.

(1)[Subject to the minimum and maximum rates which may be fixed by the State Government and in such manner and subject to such exemptions as may be prescribed, a panchayat shall levy taxes referred to in [clauses (i), (i-a) and (i-aa)] [This portion was substituted for the portion beginning with 'it shall be competent' and ending with 'prescribed, namely:- 'by Maharashtra 13 of 1975, Section 18(1)(a).]] of this sub-section and [where the panchayat has taken over any water supply schemes under sub-section (1) of section 45, it shall also levy taxes referred it in clauses (viii) and (xii) of this sub-section and the panchayat may levy all or any of the taxes and fees referred to in the remaining clauses of this sub-section.] [These words, brackets and figures were inserted by Maharashtra 56 of 1981, Section 8.](i)a tax on building (whether subject to payment of agricultural assessment or not) and lands (which are not subject to payment of agricultural assessment), within the limits of the village;[(i-a) a betterment charges or the lands benefitted from schemes or projects undertaken by a panchayat from the village fund;] [Clause (i-a) was inserted by Maharashtra 13 of 1975, Section 18(1)(b).] [(i-aa) the Local panchayat Tax;] [This clause was inserted by Maharashtra 22 of 2012, Section 3(ii), dated 14-8-2012.](ii)[* * * * *] [This clause was deleted by Maharashtra 6 of 2000, section 3](iii)a pilgrims tax;(iv)a tax on fairs, festivals and other entertainments;(v)a tax on bicycles and on vehicles drawn by animals;(vi)subject to the provisions of article 276 of the Constitution, tax on the following professions, trades, calling or employments, that is to say:-(a)shop keeping and hotel-keeping;(b)any trade or calling (other than agriculture) which is carried on with the help of machinery run by steam, oil or electric power or by manual labour;(c)the profession or calling of broken in cattle markets;(vii)a general sanitary cess for the construction or maintenance or both the construction and maintenance of public latrines and for the removal and disposal of refuse;(viii)a general water rate which may be imposed in the form of a rate assessed on building and lands or in any other form as may be best adopted to the circumstances of any class of cases;[(viii-a) a lighting tax;] [This clause was inserted by Maharashtra 6 of 2000, Section 48(1)(b).](ix)any other tax [(not being a tax or toll on motor vehicles save as provided in section 2 of the Bombay Motor Vehicles Tax Act, 1958)] [This portion was substituted for '(not being a toll on motor vehicle or trailers, save as provided by section 14 of the Bombay Vehicles Tax Act, 1935)' by the Maharashtra Adaptation of Laws (State and Concurrent Subject) Order, 1960.] which the State Legislature has under the Constitution, power to impose in the State and which has been sanctioned by the State Government;(x)a fee on markets and weekly bazaars;(xi)a fee on cart-stand and tonga stands;(xii)a special water for water supplied by the panchayat through pipes, which may be imposed in any form including that of charges for such water supplied, fixed in such mode or modes as shall be best adopted in the circumstances of any class of cases;(xiii)a fee for the supply of water from wells and tanks vesting in it, for purposes other than domestic use and for cattle;(xiv)a fee for temporary erection on, or putting up projections over, or temporary occupation of, any public street

or place;(xv)a special sanitary cess upon private latrines, premises or compounds cleaned by the panchayat agency;(xvi)a fee for cleaning a cess pool constructed on land whether belonging to a panchayat or not;(xvii)a fee for grazing cattle or grazing lands vesting in a panchayat;(xviii)[a fee on the registration of animals sold in any market or place belonging to or under the control of a panchayat.] [This clause was added by Maharashtra 36 of 1965, Section 48(1)(c)](2)The tax on buildings or lands referred to in clause (i) of sub-section (1) shall be leviable from the owners or occupiers thereof:Provided that, when an owner of a building or land has left the village or cannot otherwise be found, any person to whom such building or land has been transferred shall be liable or the tax leviable from the owner.(3)The State Government may, by notification in the Official Gazette, direct that tax upon buildings or lands referred to in clause (i) of sub-section (1) shall not be levied on all buildings and lands or on any class of building or lands situated in an area predominantly populated by members of Scheduled Castes or Scheduled Tribes.(3A)[For the purposes of levying a betterment charge, the panchayat shall give notice to person believed to be owners of, or interest on the lands benefited by any scheme or project, make an inquiry and after hearing any objections, determine the lands benefited by the scheme or project, increase in the value of the lands as a result of any such scheme or project, the rate of betterment charge leviable on each of such lands and the date from which the betterment shall be leviable. The State Government may make rules for such supplemental and incidental matters including provisions for giving exemption from such charges in respect of the levy of betterment charges as it think fit.] [Sub-section (3A) was inserted by Maharashtra 13 of 1975, Section 18(2).][* * *] [Sub section (4) was deleted by Maharashtra 16 of 1975, Section 28, Schedule 11.](5)Any person aggrieved by assessment, levy or imposition of any tax or fee may appeal to the [Panchayat Samiti] [These words were substituted for the words 'panchayat Mandal', by Maharashtra 5 of 1962, Section 286, Tenth Schedule.], [A further appeal against the order of the Panchayat Samiti shall lie to the Standing Committee, whose decision shall be final.] [These words were substituted for the words 'The decision of the panchayat Mandal thereon shall be final' by Maharashtra 5 of 1962.] [The first appeal shall be made within thirty days after the presentation of the bill complained, and the further appeal within thirty days from the date on which the Panchayat Samiti decides the appeal.] [This portion was added by Maharashtra 36 of 1965, Section 48(2)](6)[If at any time it appears to the State Government on complaint made or otherwise, that any tax or fee leviable by a panchayat is unfair in its incidence, or that the evy thereof, or any part thereof is obnoxious to the interest of the general public or violates any promises made or undertakings given by the State Government or adversely affects the development of the village or any part thereof, the State Government may require the said panchayat, within such period as it fixes in this behalf, to take measures for removing any objections which appears to it to exits to the said tax or fee. If, within the period so fixed, such requirement is not carried into effect to the satisfaction of the State Government may, giving the panchayat an opportunity to give an explanation, by notification in the Official Gazette, suspend the levy of such tax or fee, or such part thereof, until such time as the objection thereto is removed.] [This sub-section was substituted for the original by Maharashtra 36 of 1965, Section 48(3).]

124A. [[Deleted by Maharashtra Act No. 42 of 2017, dated 29.5.2017.]

***]

124A. [Provisions relating to Local Body Tax.] [Section 124A was inserted by Maharashtra 27 of 2009, Section 9. w.e.f. 31-8-2009]- (1) Every panchayat in a notified area shall levy and collect the Local Body Tax on entry of goods for consumption, use or sale in such notified area in accordance with the provisions of this section. (2) The State Government may, by general or special order, designate any authority, Secretary of the panchayat or any other officer to be the Designated Authority. (3) It shall be the responsibility of the Designated Authority to levy and collect the Local Body Tax on the entry of the goods into the notified area, for consumption, use or sale therein in accordance with the provisions of Chapter XIB of the Bombay Provincial Municipal Corporations Act, 1949, and the rules made thereunder and to deposit or cause to be deposited into the treasury of the Government, such Local Body Tax. (4) The State Government shall, every year, after due appropriation made by law in this behalf, place in the hands of the Collector to pay to each of the Panchayats whose area falls within a notified area, a grant-in-aid approximately equal to the amount of the Local Body Tax collected from the area of that panchayat. (5) The sum of money required to meet the expenditure by the State Government under sub-section (4), shall be charged on the Consolidated Fund of the State.

125. [Deleted by Maharashtra Act No. 11 of 2018, dated 16.1.2018.]

***.]

125. Lump-sum contribution by factories in lieu of taxes levied by panchayats.- (1) Subject to any rules that may be under the Act, and regard being had to the fact that a factory itself provides in the factory area all or any of the amenities which such panchayat provides, a panchayat may arrive at an agreement with any factory with the sanction of the State Government to receive lump-sum contribution in lieu of all or any of the taxes levied by the panchayat. (2) Where no such agreement as it referred to in sub-section (1) can be reached, the matter may be referred to the State Government in the manner prescribed and the State Government may after giving to the panchayat and the factory concerned an opportunity of being heard decide the amount of such contribution. The decision of the State Government shall be binding on the panchayat and the factory concerned.

126. Farming of fees on markets, etc.

- It shall be lawful for a panchayat to lease by public auction or private contract the collecting of any fees levied by it on markets and weekly-bazars: Provided that, the lessee shall give security for the due fulfillment of the condition of the lease.

127. [Levy and collection of [* *] [Section 127 was substituted for the original by Maharashtra 5 of 1962, Section 286, Tenth Schedule.] cess on every rupee of land revenue.

(1) The State Government shall levy a cess at the rate of [one hundred paise] [These words were substituted for the portion beginning with the words 'twenty naye paise' and ending with the words 'by the State Government under this section', by Maharashtra 10 of 1962, Section 4(1)3] on every rupee of every sum payable to the State Government as ordinary land revenue in the area within the

jurisdiction of a panchayat and thereupon, the State Government shall (in addition to any cess) leviable under the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961) levy and collect such cess in such area.][* * * *] [Sub-sections (2), (3) and (4) were deleted by Maharashtra 10 of 1992, Section 4(2).](5)For the purpose of levying and collecting the cess referred to in subsection (1), in the Bombay area the provisions of section 144 (including the Fourth Schedule), 145, [147] [This figure was substituted for the figure '148' by Maharashtra 36 of 1965, Section 49(2).] and 149, in the Vidarbha area, the provisions of section 151, and in the Hyderabad area, the provisions of section 152 of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961, shall apply thereto as they apply to the levy of cess leviable under section 144, section 151, or as the case may be, section 152 of that Act.

127A. [Suspension or remission of cesses. [This section was inserted by Maharashtra 36 of 1965, Section 50.]

- The State Government may, on the application of panchayat to which the cess is payable, suspend or remit the collection of cess or any portion thereof in any year in any area subject to the jurisdiction of such panchayat.]

128. Power of [panchayat Samiti] [These words were substituted for the words 'panchayat Mandal' by Maharashtra 5 of 1962, Section 286, Tenth Schedule.] to increase taxation on panchayat.

(1)If in the opinion of the [panchayat Samiti] [These words were substituted for the words 'panchayat Mandal' by Maharashtra 5 of 1962, Section 286, Tenth Schedule.] the income of the panchayat falls below what is necessary for the proper discharge of the duties specified in subsection (2) of section 45, the [panchayat Samiti] [These words were substituted for the words 'panchayat Mandal' by Maharashtra 5 of 1962, Section 286, Tenth Schedule.] may require the panchayat to take steps within six months, to increase its income to such extent as the [Panchayat Samiti] [These words were substituted for the words 'panchayat Mandal' by Maharashtra 5 of 1962, Section 286, Tenth Schedule.] considers necessary. If the panchayat fails to take adequate steps to increase its income to the required extent, the [Panchayat Samiti] [These words were substituted for the words 'panchayat Mandal' by Maharashtra 5 of 1962, Section 286, Tenth Schedule.] may require it to levy any of the taxes or fees specified in section 124 or increase the rate at which any such taxes and fees is levied:Provided that, the [Panchayat Samiti] [These words were substituted for the words 'panchayat Mandal' by Maharashtra 5 of 1962, Section 286, Tenth Schedule.] shall not compel the panchayat to levy any tax or fee or increase the rate thereof beyond the maximum rate prescribed in this behalf.(2)A panchayat may appeal to the [Standing Committee] [These words were substituted for the words 'Commissioner' by Maharashtra 36 of 1965, Section 51.] against an order made under sub-section (1) and the [Standing Committee] [These words were substituted for the words 'Commissioner' by Maharashtra 36 of 1965, Section 51.] may stay the execution of such order until [it] [This word was substituted for the word 'he' by Maharashtra 36 of 1965, Section 51.] has decided the appeal.

129. Recovery of taxes and other dues.

(1) When any tax or fee has become due, a panchayat shall, with least practicable delay, cause to be presented to the person liable for the payment thereof a bill for the amount due from him, specifying the date on or before which the amount shall be paid. (2) If any person fails to pay any tax or fee or any other sum due from him to a panchayat under this Act or the rules on or before the specified date of payment, the panchayat shall cause a writ of demand in the prescribed form to be served on the defaulter. (3) The presentation of every bill under sub-section (1) and the service of every writ of demand under sub-section (2) shall be effected by an officer or servant of the panchayat in this behalf, - (a) by giving or tendering the bill or writ to the person to whom it is addressed; or (b) if such person is not found, by leaving the bill or writ at his last known place of abode, if within the limits of the village, or by giving or tendering the bill or writ to some adult male member or servant of his family; or (c) if such person does not reside within the limits of the village, and his address elsewhere is known to the Sarpanch or other person directing the issue of the bill or writ, then by forwarding the bill or writ to such person by registered post, under cover bearing the said address; or (d) if none of the means aforesaid be available then by causing the bill or writ to be affixed on some conspicuous part of the building or land, if any, to which the bill or writ relates in the presence of at least two panchas. (4) If the sum for which a writ of demand has been served is not paid within thirty days from the date of such service, the panchayat may levy such sum by distraint and sale of the moveable property of the defaulter in the prescribed manner. (5) Fees for - (a) every writ demand issued under sub-section (2), (b) every distress made under sub-section (4), (c) the costs of maintaining any livestock under sub-section (4), shall be chargeable at such rates as may be prescribed. (6) Notwithstanding anything contained in the foregoing sub-sections, any tax or fee payable on demand in accordance with rules shall be recoverable in such manner as may be prescribed. (7) If panchayat is unable to recover a tax or other sum due to it as aforesaid it may furnish to the Mamlatdar, Tahsildar or Naib-Tahasildar or Mahalkari, a statement of the arrears due with a request for the recover the same [* *] [The words 'through the village officer' were deleted by Maharashtra 34 of 1970, Section 18(1).] and on receipt of such statement of arrears, the Mamlatdar, Tahsildar or Naib-Tahasildar or Mahalkari shall proceed to recover the same as an arrear of land revenue. [* * * * *] [The words 'For the recovery of such sums, the village officers shall be remunerated by the panchayat in such manner as may be prescribed' were deleted, by Maharashtra 34 of 1970, Section 18(2).] (8) (a) If a panchayat fails to recover any tax, fee or any sum due to it, or neglects to take action under sub-sections (2) and (4) of this section. [* * *] [Sub-section (8) was substituted for the original by Maharashtra 26 of 1963, Section 3, Second Schedule.][* * . *] [The word 'or' and clause (b) were deleted by Maharashtra 13 of 1975, Section 19.] the panchayat Samiti may apply to the Collector to recover the same as an arrear of land revenue. [On receipt of such application, the Collector shall, after holding such inquiry as he thinks fit [and after ascertaining that three years from the date when the same has become recoverable have not elapsed] [These words were inserted by Maharashtra 36 of 1965 Section 52.], proceed to recover the sum as an arrear of land revenue unless such is, under section 130, directed to be written off.

130. Collector's power to direct irrecoverable sums to be written off.

- The Collector may direct-(a)[* * * *] [The words and figures 'any sum certified by a Nyaya panchayat and recoverable by him under sections 114, 115 and 117 and' were deleted by Maharashtra 13 of 1975, Section 20.][any sum recoverable by him on an application by the Panchayat Samiti] [These words were substituted for the words 'any sum certified by a panchayat and recoverable by him' by Maharashtra 26 of 1963, Section 3, Second Schedule.] under sub-section (8) of section 129;(b)any arrears of a tax fee or any other sum due to a panchayat and recoverable through a Mamlatdar, Tahsildar, Naib-Tahsildar or Mahalkari under subsection (7) of section 129;(bb)[any sum forming part of the village fund which has been stolen or misappropriated and any person prosecuted in that behalf has been duly acquitted;] [This clause was inserted by Maharashtra 34 of 1970, Section 19(1).](c)any other sum due to a panchayat whether under this Act or otherwise to be written off, if in the opinion of the Collector such sum or arrears are irrecoverable:Provided that, no sum exceeding rupees five hundred shall be written off under [clause (bb) or clause (c)] [These words were substituted for the words 'clause (c)' by Maharashtra 34 of 1970, Section 19(2).], except with the previous sanction of the Commissioner.[* * * * *] [The second proviso was deleted by Maharashtra 36 of 1965, Section 53.]

Chapter X

Financial Assistance to panchayats

131. [[Grant of sum equal to average of amounts of land revenue realized during each quinquennium commencing on 1st April 1964.] [Section 131 was substituted for the original by Maharashtra 34 of 1970, section 20.].]

(1)Subject to the provisions of this section, every panchayat shall, after a due appropriation made by law in this behalf, be entitled to receive every year [commencing on the 1st day of April 1927] [These words, figures and letters were inserted by Maharashtra 13 of 1975, Section 21(a).] a grant from the State Government of a sum equal to [* *] [The words 'thirty per cent of' were deleted by Maharashtra 38 of 1973, Section 20.] a average of the amounts of the ordinary land revenue (including not-agricultural assessment) realized during each quinquennium commencing on the 1st day of April, 1964 from lands within the limits of the village panchayats.(2)[Where a panchayat has been established for any wadi or any area called by any other designation and such wadi or area forms part of a revenue village, the payment of grant of land revenue shall be in the same proportion as the population of such wadi or area bears to the population of the entire revenue village.] [Sub-section (2) was deemed to have been substituted from 1st April 1972 for sub-section (2) to (6), by Maharashtra 38 of 1973, Section 6(2).][* * * *] [The Explanation was deleted by Maharashtra 13 of 1975, Section 21(b).]

132. Loans by [Zilla Parishads] [These words were substituted for the words 'Distinct Local Boards' by Maharashtra 63 of 1962, Section 26, Schedule.]

- Notwithstanding anything contained in [the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961, the Zilla Parishad] [These words and figures were substituted for the words and figures 'the Bombay Local Boards Act, 1923, or any corresponding law in force in the State of Maharashtra' by Maharashtra 43 of 1962, Section 26, Schedule.] may, subject to rules, grant a loan to a panchayat within the district for the purposes of this Act.

132A. [Equalisation grant. [Section 132A was substituted by Maharashtra 13 of 1975, section 21.]

- Where the amount of grant of land revenue payable to a panchayat under subsection (1) of section 131 is found to be less than the amount arrived at on the basis of one rupee per capita of the population of village, then the panchayat shall be entitled to an equalization grant equal to the difference between the amount arrived at on per capita basis and the amount payable to the panchayat under sub-section (1) of section 131; and such grant shall be made by the State Government.][* * * * *] [The Explanation was deleted by Maharashtra 13 of 1975, Section 22.]

132B. [Village Water Supply Fund. [Section 132B was substituted by Maharashtra 5 of 1997, section 5.]

(1) There shall be in each village, a separate Fund, which shall be called the "Village Water Supply Fund". There shall be in each village. (2) The following shall be paid into, and form a part of, the Village Water Supply Fund, namely:- (a) the amount credited to and outstanding in the Village Employment Fund, on the date of commencement of the Bombay Village panchayats (Amendment) Act, 1996; (b) an amount not less than thirty-five per cent of the amount of grant received by a panchayat under sub section (1) of section 131, with effect from the financial year 1996-97 and every year thereafter. In the case of a panchayat constituted for any Devasthan Inam Village, such amount shall be in accordance with such order as the State Government may, from time to time, make in this behalf, regard being had to the land therein which may be exempt from the payment of land revenue either wholly or partially; (c) the proceeds of the general water rate and the special water rate under clauses (viii) and (xii) respectively, of sub-section (1) of section 124; (d) all sums received by way of deposits etc. in relation to domestic water supply or non-domestic use through pipes or otherwise. (3) The amount standing to the credit of this Fund shall be utilized only for the purpose of supply of water for domestic use or for cattle or for other non-domestic uses excluding agricultural and industrial use. (4) The State Government may make rules relating to all matters connected with the Fund and its accounts, including the manner in which the Fund shall be maintained, operated upon and expanded.]

133. District Village Development Fund.

- In each district, there shall be established out of the contributions made by panchayats under sub-section (3) of section 62, a fund to be called the District Village Development Fund. The fund shall vest in such officer or authority [(including any officer or authority of the Zilla Parishad or of Panchayat Samiti concerned)] [These brackets and words were Inserted by Maharashtra 43 of 1962, Section 326 Schedule.] and shall be invested in such manner as may be prescribed. The fund shall be utilised for the purpose of granting loans to panchayats and the payment of interest on contributions made by panchayats [and with the sanction of the Commissioner, for meeting expenditure on staff engaged for operating the fund and on all charges incidental thereto, such as printing, stationery, stamps and the like] [These words were Inserted by Maharashtra 34 of 1970, Section 22.]. The State Government shall make rules prescribing from time to time the purposes for which such loans may be granted, the terms and conditions (including the rate of interest) on which such loans may be made, the period therefor, the manner of repayment, and all matters incidental to the grant of such loans.

Chapter XI

Control

134. [Constitution of District Village panchayat Mandal.]

- Deleted by Maharashtra 5 of 1962, Section 286. Tenth Schedule.

134A. [Special provision consequent on Bombay Re-organisation Act, 1960.]

- Deleted by Maharashtra 43 of 1962, Section 26, Schedule.

135. Duties of [Zilla Parishads and Panchayat Samitis] [These words were substituted for the words 'panchayat Mandal' by Maharashtra 36 of 1965, Section 56.].

- Subject to the provisions of this Act and the rules made thereunder it shall be the duty of the [Zilla Parishad and the Panchayat Samiti] [These words were substituted for the words 'panchayat Mandal' by Maharashtra 5 of 1962, Section 286, Tenth Schedule.] to,-(a)encourage the establishment and foster the development of panchayats in the [area for which they are established] [These words were substituted for the words 'district' by Maharashtra 5 of 1962, Section 286, Tenth Schedule.];(b)supervise and control the administration of panchayat in the [area for which they are established] [These words were substituted for the words 'district' by Maharashtra 5 of 1962, Section 286, Tenth Schedule.];(c)perform such other functions as are imposed by this Act, and as the State Government may from time to time prescribe.

136. [Appointment of District Village panchayat Officers. [Section 136 was substituted for the original by Maharashtra 43 of 1962, Section 26, Schedule.]

- The State Government may appoint for each district such officer working under a Zilla Parishad as it may specify to be a District Village panchayat Officer; to discharge such functions as may be prescribed under this Act.]

137. Power to call for proceedings, etc.

(1)The [Zilla Parishad or Panchayat Samiti] [These words were substituted for the words 'The panchayat Mandal' by Maharashtra 5 of 1962, Section 286, Tenth Schedule.] shall have power-(a)to call for any proceedings of a panchayat or an extract therefrom, any book or document in the possession or under the control of a panchayat, and any return, statement, account or report which the [Zilla Parishad or Panchayat Samiti] [These words were substituted for the words 'The Panchayat Mandal' by Maharashtra 5 of 1962, Section 286 Tenth Schedule.] thinks fit to require such panchayat to furnish; and(b)to require a panchayat to take into consideration,-(i)any objection which appears to the [Zilla Parishad or Panchayat Samiti] [These words were substituted for the words 'The Panchayat Mandal' by Maharashtra 5 of 1962, Section 286 Tenth Schedule.] to exist to the doing of anything which is about to be done, or is being done by such panchayat; or(ii)any information which the [Zilla Parishad or Panchayat Samiti] [These words were substituted for the words 'The Panchayat Mandal' by Maharashtra 5 of 1962, Section 286 Tenth Schedule.] is able to furnish and which appears to the [Zilla Parishad or Panchayat Samiti] [These words were substituted for the words 'The Panchayat Mandal' by Maharashtra 5 of 1962, Section 286 Tenth Schedule.] to necessitate the doing of a certain thing by the panchayat, and to make a written reply to the [Zilla Parishad or Panchayat Samiti] [These words were substituted for the words 'The Panchayat Mandal' by Maharashtra 5 of 1962, Section 286 Tenth Schedule.] within a reasonable time stating its reasons for not desisting from doing or for not doing such things.(2)[All or any of the powers given to the Zilla Parishad or Panchayat Samiti under sub-section (1) may be delegated by the Zilla Parishad to the President or any other officer of the Zilla Parishad or by the Panchayat Samiti to the Chairman or any other officer of the Panchayat Samiti.] [Sub-Section (2) was substituted by Maharashtra 5 of 1962.]

138. Delegation of duties, etc.

(1)[The Zilla Parishad or the Panchayat Samiti may delegate to any of its presiding authorities or any officer] [These words were substituted for the words 'The Panchayat Mandal may delegate to the Chairman, Vice-Chairman or the District Village Panchayat Officer', by Maharashtra 5 of 1962.] the duties of encouraging the establishment and fostering the development of panchayats and of assisting panchayats in the proper exercise of the powers and performance of the duties conferred or imposed by or under this Act.(2)It shall be competent to the [Zilla Parishad or Panchayat Samiti] [These words were substituted for the words 'Panchayat Mandal' by Maharashtra 5 of 1962.] to accept and utilise in an honorary capacity, in the performance of any of duties which may be delegated under sub-section (1) the services of any person who in the opinion of [such Zilla Parishad

or as the case may be, Panchayat Samiti] [These words were substituted for the words 'such Mandal', try Maharashtra 5 of 1962.] is specially fitted to assist it in this behalf.

139. Power of entry.

- The [Zilla Parishad may authorise its President or Chief Executive Officer or the Panchayat Samiti may authorise its Chairman] [These words were substituted for the words 'Panchayat Mandal may authorise its Chairman, Vice-Chairman or Secretary', by Maharashtra 5 of 1962.] [Block Development Officer] [These words were inserted by Maharashtra 36 of 1965, Section 57] to enter on and inspect, or cause to be entered on and inspected, at all reasonable time any immovable property occupied by any Panchayat or any work in progress under its direction.

139A. [Power of authorised officer or persons to inspect and give technical guidance etc. [These sections were inserted by Maharashtra 36 of 1965, Section 58.]

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

139B. Power of Chief Executive Officer or any officer to inspect office of Panchayat.

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

140. Audit of account of Panchayats.

(1)The audit of the accounts of a Panchayat shall be carried out [by such authority and] [These words were substituted for the words 'by the State Government' by Maharashtra 13 of 1975, Section 23(a)(i).] in such manner as may be prescribed and a copy of the audit note [shall be forwarded to [Chief Executive Officer] [These words were substituted for the words 'to the Panchayat and the Zilla Parishad and Panchayat Samiti' by Maharashtra 36 of 1965, Section 59(1).], the Panchayat Samiti and the Panchayat] within [two months] [These words were substituted for the words 'one month' by Maharashtra 34 of 1970, Section 23] of the completion of the audit.(2)On receipt of the audit note referred to in sub-section (1), the Panchayat shall either remedy any defects or irregularities which

may have been pointed out in the audit note and send to the [Panchayat Samiti] [These words were substituted for the words 'Panchayat Mandal' by Maharashtra 5 of 1962, Section 286 Tenth Schedule.] within three months and intimation of its having done so or shall, within the said period, supply to the [Panchayat Samiti] [These words were substituted for the words 'Panchayat Mandal' by Maharashtra 5 of 1962, Section 286 Tenth Schedule.] any further explanation in regard to such defects or irregularities as it may wish to give.(3)On receipt of such intimation or explanation, the [Panchayat Samiti] [These words were substituted for the words 'Panchayat Mandal' by Maharashtra 5 of 1962, Section 286 Tenth Schedule.] may in respect of all or any of the matters discussed in the audit note, -(a)accept the intimation or explanation given by the Panchayat and recommend the [Chief Executive Officer] [These words were substituted for the word 'Collector' by Maharashtra 13 of 1975, Section 23(b).] to [drop] [This word was substituted for the word 'withdraw' by Maharashtra 36 of 1965, Section 59(2)(a).] the objection.(b)[suggest] [This word was substituted for the word 'direct' by Maharashtra 36 of 1965, Section 59(2)(b).] that the matter be reinvestigated at the next audit or at any earlier date, or(c)hold that the defects or irregularities pointed out in the audit note or any of them, have not been removed or remedied.(4)The [Panchayat Samiti] [These words were substituted for the words 'Panchayat Mandal' by Maharashtra 5 of 1962, Section 286 Tenth Schedule.] shall send a report of its decision to the [Chief Executive Officer] [These words were substituted for the word 'Collector' by Maharashtra 13 of 1975, Section 23(b).] within one month of the date of receipt by it of the intimation or explanation referred to in sub-section (2), or in the event of the Panchayat failing to give such intimation or explanation on the expiry of the period of three months referred to in the said sub-section (2), or in the event of the Panchayat failing to give such intimation or explanation on the expiry of the period of three months referred to in the said sub-section (2), [and shall forward a copy of such report to the auditor and the Panchayat] [These words were substituted for the words 'and shall forward a copy of such report to the Panchayat' by Maharashtra 36 of 1965, Section 59(3)(a).]. If the [Panchayat Samiti] [These words were substituted for the words 'Panchayat Mandal' by Maharashtra 5 of 1962, Section 286 Tenth Schedule.] holds that any defects or irregularities have not been removed or remedied, the [Panchayat Samiti] [These words were substituted for the words 'Panchayat Mandal' by Maharashtra 5 of 1962, Section 286 Tenth Schedule.] shall state in the report whether in its opinion the defects or irregularities can be regularised and if so, by what method and if they do not admit of being regularised, whether they can be condoned and if so, by what authority. The [Panchayat Samiti] [These words were substituted for the words 'Panchayat Mandal' by Maharashtra 5 of 1962, Section 286 Tenth Schedule.] shall also state whether the amounts to which the defects or irregularities relate should in its opinion be [surcharged or charged] [These words were substituted for the word 'surcharged' by Maharashtra 36 of 1965, Section 59(3)(b)] as hereafter provided.(5)[The Chief Executive Officer may, after considering the report of the Panchayat Samiti and after making such further inquiry as he considers necessary, disallow any item which appears to him contrary to law and surcharge the same on the person making or authorizing the making of the illegal payment and may charge against any person responsible therefore the amount of any deficiency or loss caused by the gross negligence or misconduct of that person, or any sum received which ought to have been, but is not, brought into account by that person; and may after taking explanation of such persons, direct by order in writing that such person shall pay to the Panchayat the amount surcharge or charged and where the Chief Executive Officer considers it necessary, also an interest on the amount so surcharged at such rate as may be determined by him. If the amount or

interest directed to be paid by the Chief Executive Officer under his order is not paid by the person aforesaid within one month from the date of receipt of such order by him, the Chief Executive Officer shall request the Collector to recover it as an arrears of land revenue and credit it to the village fund, and thereupon the Collector shall be bound to do so.] [Sub-Section (5) was substituted by Maharashtra 13 of 1975, Section 23(c).](6)Any person aggrieved by any order of [surcharge or charge or interest thereon] [These words were substituted for the words 'surcharge or charge' by Maharashtra 13 of 1975, Section 23(d).] made by the [Chief Executive Officer] [These words were substituted for the word 'Collector' by Maharashtra 13 of 1975, Section 23(b).] under this section, may, within one month from the receipt by him of the decision of [Chief Executive Officer] [These words were substituted for the word 'Collector' by Maharashtra 13 of 1975, Section 23(b).], apply to the District Court to modify or set aside such order, and that court after taking such evidence as it thinks necessary, may confirm, modify or remit such [surcharge or charge or interest thereon] [These words were substituted for the words 'surcharge or charge' by Maharashtra 13 of 1975, Section 23(d).] and make such order as to costs as it thinks proper in the circumstances.(7)[* * *] [Sub-section (7) was deleted by Maharashtra 5 of 1962, Section 286, Tenth Schedule.]

141. Reduction of establishment.

(1)if, in the opinion of the [Standing Committee] [These words were substituted for the word 'Collector', by Maharashtra 5 of 1962, Section 286, Tenth Schedule.] the number of persons maintained by a Panchayat as officers or servants, or the remuneration given or proposed to be given by the Panchayat to such persons, is excessive, the Panchayat shall, on being required by the [Standing Committee] [These words were substituted for the word 'Collector', by Maharashtra 5 of 1962, Section 286, Tenth Schedule.] reduce such number or remuneration.(2)The Panchayat may appeal to the Commissioner against any requisition made under sub-section (1), and the decision of the Commissioner shall be final.

142. Suspension of execution of order.

(1)If, in the opinion of the [Standing Committee] [These words were substituted for the word 'Collector', by Maharashtra 5 of 1962, Section 286, Tenth Schedule.] the execution of any order or resolution of a Panchayat or the doing of anything which is about to be done, by or on behalf of a Panchayat, is causing or is likely to cause injury or annoyance to the public, or to lead to a breach of peace, or [is, in the public interest, unlawful] [These words were substituted for the words 'is unlawful' by Maharashtra 36 of 1965, Section 60] [it] [This word was substituted for the 'he' by Maharashtra 5 of 1962, Section 286, Tenth Schedule.] may by order in writing suspend the execution or prohibit the doing thereof.(2)When the [Standing Committee] [These words were substituted for the word 'Collector', by Maharashtra 5 of 1962, Section 286, Tenth Schedule.] makes an order under sub-section (1), [it] [This word was substituted for the 'he' by Maharashtra 5 of 1962, Section 286, Tenth Schedule.] shall forthwith send to the Panchayat affected thereby a copy of the order, with a statement of the reasons therefor.(3)The [Standing Committee] [These words were substituted for the word 'Collector', by Maharashtra 5 of 1962, Section 286, Tenth Schedule.] shall [forthwith forward] [These words were substituted for the words 'forthwith submit', by Maharashtra 5 of 1962.] to the Commissioner a report of every case occurring under this section, and the

Commissioner may revise or modify any order made therein and make in respect thereof any other order which the [Standing Committee] [These words were substituted for the word 'Collector', by Maharashtra 5 of 1962, Section 286, Tenth Schedule.] could have made.

143. Execution of work in case of emergency.

(1)In case of emergency the [Standing Committee] [These words were substituted for the word 'Collector', by Maharashtra 5 of 1962, Section 286, Tenth Schedule.] may provide for the execution of any work or the doing of any act which a Panchayat is empowered to execute or do, and the immediate execution or doing whereof is in [its] [This word was substituted for the word 'his', by Man 5 of 1962.] opinion necessary for the health of safety of the public and may direct that the expense of executing the works or doing the act shall be forthwith paid by the Panchayat.(2)If the expense is not so paid, the [Standing Committee] [These words were substituted for the word 'Collector', by Maharashtra 5 of 1962, Section 286, Tenth Schedule.] may direct the [person in whose custody the village fund is kept] [These words were substituted for the words 'Officer-in-charge of the treasury in which the village fund is kept' by Maharashtra 36 of 1965, Section 61.] to pay such expense or so much thereof as is possible, from the balance of such fund in his hands [and such person] [These words were substituted for the words 'and the officer-in-charge of the treasury', by Maharashtra 36 of 1965, section 61.] shall comply with such directions.(3)The [Standing Committee] [These words were substituted for the word 'Collector', by Maharashtra 5 of 1962, Section 286, Tenth Schedule.] shall forthwith report to the Commissioner every case in which [its] [This word was substituted for the words 'he' and 'it' respectively, by Maharashtra 5 of 1962, Section 286, Tenth Schedule.] powers under sub-section (1).

144. Default in performance of duty.

(1)If at any time, it appears to the [Standing Committee] [These words were substituted for the word 'Collector' by Maharashtra 5 of 1962, Section 286, Tenth Schedule.] that a Panchayat has made default in the performance of [any duty under section 45] [These words and figures were substituted for the words, figures and brackets 'any duty specified in subsection (1) of section 45' by Maharashtra 5 of 1962, Section 62.], it may order the duty to be performed within a specified period, and if the duty is not performed within the period specified, the [Standing Committee] [These words were substituted for the word 'Collector' by Maharashtra 5 of 1962, Section 286, Tenth Schedule.] may appoint a person to perform it, and direct that the expense of performances shall be paid by the defaulting Panchayat within such period as the [Standing Committee] [These words were substituted for the word 'Collector' by Maharashtra 5 of 1962, Section 286, Tenth Schedule.] may fix.(2)If the expenses is not so paid, the [Standing Committee] [These words were substituted for the word 'Collector' by Maharashtra 5 of 1962, Section 286, Tenth Schedule.] may direct the person in custody of the village fund to pay such expenses, or so much thereof as is possible, from the balance of such fund in his hands and such person shall pay such expense or part thereof accordingly.(2A)[If at any time it appears to the Standing Committee, that a Panchayat has failed to contribute or pay in any financial year the amount as required by subsection (3) of section 62 or has committed default in payment of any instalment towards repayment of the loan taken by the Panchayat from the District Village Development Fund, in accordance with the rules made for the purpose in

pursuance of the provisions of section 133, the [Standing Committee] [Sub-section (2A) was inserted by Maharashtra 38 of 1973, Section 8(1).] may, by an order in writing direct the person in custody of the village fund to pay to the credit of the District Village Development Fund such sums as may be due to it is at such intervals and in such instalments as it may, regards being had to the finances of the Panchayat, direct and the Panchayat shall comply with such directions.](3)If at any time it appears to the State Government or any officer authorised by the State Government in this behalf, that a Panchayat has made default in the performance of [any duty under section 45] [These words and figures were substituted for the words, brackets and figures 'any duty specified in subsection (1) of section 45' by Maharashtra 36 of 1965, Section 62.] [or in the payment of any amount to the credit of the District Village Development Fund under sub-section (2A)] [These words were inserted by Maharashtra 38 of 1973, Section 8(2)(a).] and that the [Standing Committee] [These words were substituted for the word 'Collector' by Maharashtra 5 of 1962, Section 286, Tenth Schedule.] has failed or neglected to take action under sub-section (1) [or under sub-section (2A)] [This portion was inserted by Maharashtra 38 of 1973, Section 8(2)(b).], the State Government or the officer authorised, as the case may be, may take such action as could have been taken by the [Standing Committee] [These words were substituted for the word 'Collector' by Maharashtra 5 of 1962, Section 286, Tenth Schedule.] [under sub-sections (1), (2) and (2A)] [This portion was substituted for the words, brackets and figures 'under sub-sections (1) and (2)' by Maharashtra 38 of 1973, Section 8(2)(c).](4)The [Standing Committee] [These words were substituted for the word 'Collector' by Maharashtra 5 of 1962, Section 286, Tenth Schedule.] or the officer authorised, as the case may be, shall forthwith report to the Commissioner every case occurring under this section and the Commissioner may revise or modify any order made therein, and make in respect thereof, any other order which [Standing Committee] [These words were substituted for the word 'Collector' by Maharashtra 5 of 1962, Section 286, Tenth Schedule.] could have made.

144A. [Power to take action where default is made by Panchayat in taking over or maintaining rural drinking water supply schemes. [Section 144A was inserted by Maharashtra 56 of 1981, Section 9.]

(1)Where a Panchayat makes a default in taking over any rural drinking water schemes within the specified period, which it is its duty to take over under sub-section (1) of section 45, or makes a default in maintaining such schemes properly, the State Government may, without prejudice to any action may be taken against such Panchayat under any other provisions of this Act, arrange for the operation and maintenance of such schemes through the Zilla Parishad. It shall then be competent for the Zilla Parishad to levy a general water tax and a special water tax within the limits of such Panchayat, and the provisions of sections 157, 163 and 164, of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 shall mutatis mutandis, apply to the levy and collection of such taxes.(2)It shall also be competent of the State Government or the Zilla Parsihad to recover the expenditure incurred by it for the operation and maintenance of such schemes, by making necessary adjustment against any grants or other moneys due and payable to the Panchayat under any statute or otherwise.]

145. Dissolution [* *] [The words 'or supersession' were deleted by Maharashtra 36 of 1965, Section 24(4).] of Panchayat [* * * *] [The word 'or' was deleted by Maharashtra 21 of 1994, Section 23(1)(a).].

(1) If in the opinion of the State Government, a Panchayat exceeds or abuses its power or is incompetent to perform, or makes persistent default in the performance of the duties imposed on it or functions entrusted to it under sub-section (1) of section 45 or any other provision of this Act or by or under any other law for the time being in force, [or has failed to levy taxes referred of in clauses (i) and (i-a) of sub-section (1) of section 124,] [These words, brackets, figures and letter were Inserted by Maharashtra 13 of 1975, Section 24(a).] [or has failed to levy taxes referred to in clauses (viii) and (xii) of sub-section (1) of section 124] [These words, brackets and figures were inserted by Maharashtra 56 of 1981, Section 10.] when it was compulsory to levy such taxes under sub-section (1) of section 124 or fails to obey an order made by the [Panchayat Samiti] [These words, were substituted for the words 'Panchayat Mandal' by Maharashtra 5 of 1962, Section 286, Tenth Schedule.] under section 128 or persistently disobeys any of the orders of the [Standing Committee] [These words were substituted for the word 'Collector' by Maharashtra 5 of 1962, Section 286, Tenth Schedule.] or by Commissioner under section 142 [or wilfully disregards any instructions given by the Zilla Parishad or Panchayat Samiti under section 152 or by any competent authority arising out of audit of accounts under this Act or inspection of the office and work of the Panchayat or instructions given or directions issued by the State Government under section 153 A] [This portion was inserted by Maharashtra 36 of 1965, Section 63(1)], the State Government may, after consultation with the [Zilla Parishad] [These words, were substituted for the words 'Panchayat Mandal' by Maharashtra 5 of 1962, Section 286, Tenth Schedule.] and after giving the Panchayat an opportunity of tendering an explanation, by order in the Official Gazette—(i) Dissolve such Panchayat, [* *] [The words, 'for default', were deleted by Maharashtra 13 of 1975, Section 24(d).] [* * * *] [Clause (II) was deleted by Maharashtra 21 of 1994, Section 23(1)(b).] (1A) [***.] [Deleted by Maharashtra Act No. 54 of 2018, dated 13.8.2018.] (2) [When a Panchayat [is dissolved [*] [Sub-section (2) was substituted by Maharashtra 36 of 1965, Section 63(2).] as provided in the preceding subsections], the following consequences shall ensue, that is to say—(a) all members of the Panchayat shall, in the case of dissolution, as from the date specified in the order of dissolution, [* *] [The words 'and in the case of supersession, as from the date of order of the supersession', were deleted by Maharashtra 21 of 1994, Section 23(2)(b).] vacate their office as such members; (b) all powers and duties of the Panchayat shall, during the period of dissolution [* * *] [The words 'or supersession' were deleted by Maharashtra 21 of 1994, Section 23(2)(c).] be exercised and performed by such person or persons as the State Government may, from time to time, appoint in that behalf; and (c) all property vested in the Panchayat shall, during the period of dissolution [* *] [The words 'or supersession' were deleted by Maharashtra 21 of 1994, Section 2.3(d).] vest in State Government]. (3) When the Panchayat is dissolved it shall be reconstituted in the manner provided in this Act. (4) [* * *] [Sub-section (4) was deleted by Maharashtra 21 of 1994, Section 23(3).]

146. Dissolution and reconstitution of Panchayat on alteration of limits of a village.

(1)When during the term of the Panchayat the limits of a village are altered the Commissioner may, by order in writing dissolve such Panchayat and direct a Panchayat-(i)To be reconstituted for the village for which the Panchayat has been dissolved; or(ii)to be established for a village which has been newly [specified by notification issued under clause (g) of article 243 of the Constitution of India] [These words were substituted for the word 'declared' by Maharashtra 21 of 1994, Section 24 (1).].The members of the Panchayat which has been dissolved shall vacate their office from the date specified in the order.(2)The Panchayat reconstituted or established under the provisions of subsection (1) shall consist of [the elected members and the appointed members, if any] [These words were substituted for the portion, beginning with the words 'such members' and ending with the words 'in writing direct' by Maharashtra 21 of 1994, Section 24(3).].The Sarpanch and Upa-Sarpanch of the Panchayat Section reconstituted or established shall be elected in the manner provided in this Act.(3)&(4) [* * *] [Sub-sections (3) and (4) were deleted by Maharashtra 21 of 1994, Section 24 (3).]

147. Vesting of property etc. of Panchayat which has been dissolved and reconstituted or established.

(1)When a Panchayat has been dissolved and reconstituted or established under section 146 and so much of the village fund and other property vesting in the Panchayat which has dissolved shall vest in, and such portion of the debts and obligations shall be transferred to, the reconstituted or established Panchayat as the Commissioner may, by order in writing, direct.(2)The rights and liabilities of the Panchayat which has been dissolved in respect or contracts, agreements and other matters or things arising in or relating to any part of the area subject to the authority of the reconstituted or established Panchayat shall vest in such Panchayat.(3)Any notice, tax, order, licence, permission rule or by-law issued, imposed, granted or made in respect any part of the area subject to the authority of the reconstituted or established Panchayat shall be deemed to have been issued, imposed, granted or made by or in respect of such Panchayat, unless and until it is superseded by any notice, tax, order, licence, permission, rule or by-law made, issued, imposed, granted or made by or in respect of such Panchayat.

148. Effect of area being excluded from village.

- Where [*] [The words 'by a notification' were deleted by Maharashtra 21 of 1994, Section 25.] under section 4 any local area forming part of village is excluded from such village, and such area is not included in or declared to be a village so much of the village fund and other property vesting in the Panchayat of the village of which such area formed part, as the Commissioner may by order in writing direct, shall vest in the Collector to be utilized for the benefit of the area as the Collector may think fit.

149. Effect of area ceasing to be a village.

- On any area ceasing to be a village [* *] [The words 'by virtue of any notification' were deleted by Maharashtra 21 of 1994, Section 26(2).] under section 4,-(a)the Panchayat shall be dissolved and all

members of the Panchayat shall vacate office as from the date [on which such area has ceased to be a village] [These words were substituted for the words 'of the notification' by Maharashtra 21 of 1994, Section 26(2).];(b)the unexpended balance of the village fund and the property vesting in the Panchayat shall vest in the Collector, to be utilised for the benefit of the inhabitants of the area as the Collector may think fit.[* * * *] [Clause (c) was deleted by Maharashtra 13 of 1975, Section 25.]

150. Effect of dissolution or supersession of Panchayat or of withdrawal of judicial powers of Nyaya Panchayat or Nyaya Panchayats and proceedings pending before them.

- Deleted by Maharashtra 13 of 1975, Section 26.

151. Powers and duties of Panchayat [* *] [These words 'or Nyaya Panchayats' and 'or by Courts as the case may be' were deleted by Maharashtra 13 of 1975, Section 27.] not validly constituted to be performed by person appointed by Government [* *] [These words 'or Nyaya Panchayats' and 'or by Courts as the case may be].

(1)(a)Notwithstanding anything contained in this Act or the rules or bye-laws made thereunder, if at any time it appears to the State Government that a Panchayat has not been validly constituted under this Act, the State Government may, by notification in the Official Gazette, [dissolve such Panchayat and by the same notification in or like notification cause all] [These words were substituted for the words 'cause all' by Maharashtra, 21 of 1994, Section 2.7(1).] or any of the powers and duties performed by such person or persons, in such manner and for such period and subject to such conditions as it may think fit:Provided that on the reconstitution of the Panchayat under sub-section (2) such notification shall cease to have effect from the date on which the first meeting of the Panchayat so reconstituted is held under section 28.[* * *] [Clause (b) was deleted by Maharashtra 13 of 1975, Section 27(a).](2)On the issue of such notification all the members of the Panchayat shall be deemed to have vacated their office as members and the Panchayat shall be reconstituted [* *] [The words 'before the expiry of the period specified in such notification' were deleted by Maharashtra 13 of 1975, section 27(2).] in the manner provided in this Act.(3)All the powers and duties of the Panchayat [* *] [The words 'or Nyaya Panchayat' were deleted by Maharashtra 13 of 1975, Section 27(d).] exercised and performed bona fide till the date of the notification referred to in sub-section (1) by the persons who constituted such Panchayat [* *] [The words 'or Nyaya Panchayat as the case may be' were deleted by Maharashtra 13 of 1975.] shall be deemed to be and always to have been validly exercised and performed by the said persons; and no acts done by the said persons shall be deemed to be invalid or be called in question on the ground merely that the persons were not members of a validly constituted Panchayat [* * *] [The words 'or Nyaya Panchayat' were deleted by Maharashtra 13 of 1975, Section 27(d).] and the said person shall be deemed to have been indemnified and discharged from liability in respect of such acts.

152. [Panchayat to conform to instructions given by Parishad and Samiti. [Section 152 was inserted by Maharashtra 35 of 1965, Section 66.]

- A Panchayat shall conform to any instructions that may, from time to time, be given to it by the Zilla Parishad of the Panchayat Samiti or both, in the execution by the Panchayat of its duties and functions under this Act.]

153. Inquiry by officers of [State Government] [These words were substituted for the words 'Panchayat Mandal' by Maharashtra 36 of 1965, Section 67.].

- [(1) The State Government may order an inquiry to be held by any Officer appointed by it in this behalf into any matters concerning the village administration of any Panchayat or any matters with respect to which the sanction approval, consent or order of the State Government is required by this Act.] [Sub section (1) was substituted for the original by Maharashtra 5 of 1962, Section 286, Tenth Schedule.](2)The officer holding such inquiry shall have the powers of a Court under the Code of Civil Procedure, 1908 to take evidence and to compel the attendance of witnesses and the production of documents for the purposes of the inquiry.(3)The State Government may make orders so to the cost of inquiries under sub-section (1) and as to the parties by whom and the funds out of which they shall be paid and any such order may, on the application of the State Government or of any person named therein, be executed as if it were a decree of a civil court.

153A. [Powers of State Government to give instructions and issue of directions to the Panchayats. [This sections was inserted by Maharashtra 36 of 1965, Section 68.]

- The State Government may give to any Panchayat general instructions as to matters of policy to be followed by the Panchayat in respect of its duties or functions and in particular, it may issue directions in the interest of the national or State Development Schemes. Upon the issue of such instructions and directions it shall be the duty of the Panchayat to give effect to such instructions and directions.]

153B. [Powers of State Government to give instructions and issue directions to Gram sabha or Panchayat in Scheduled Areas. [This section was added by Man. 46 of 1997, Section 7.]

- The State Government may give to any Gram sabha or Panchayat in the Scheduled Areas general or special instructions as to the matters of policy to be followed by the Gram sabha or Panchayat, as the case may be, in the interest of the tribals in the Scheduled Areas with reference to the implementation of or compliance with, the provisions of the Panchayats (Extension to the Scheduled Area) Act, 1996. Upon the issue of such instructions and directions it shall be the duty of the Gram sabha or the Panchayat, as the case may be, to give effect to such instructions or directions.]

154. [Authority of State Government Commissioners and Collectors.] [This was substituted for the original marginal note by Maharashtra 36 of 1965, Section 69(ii).]

- [(1)] [Section 154 was renumbered as sub-section (1) and sub-section (2) was inserted, by Maharashtra 36 of 1965, section 69(i).] in all matters connected with this Act, the State Government, and the Commissioners and Collectors shall have and exercise the same authority and control over the Commissioner, the Collectors and their subordinates, respectively as they have and exercise over them in the general and revenue administration.(2)[In all matters connected with this Act, the State Government shall have and exercise the same authority and control over the Zilla Parishad and the Panchayat Samiti as it has and exercises over them under the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961] [Section 154 was renumbered as sub-section (1) and sub-section (2) was inserted, by Maharashtra 36 of 1965, section 69(i).].

155. State Government may call for proceedings.

- The State Government may call for and examine the record of proceedings of [Zilla Parishad Panchayat Samiti or Standing Committee as the case may be] [These words were substituted for the words 'Panchayat Mandal' by Maharashtra 5 of 1962, Section 286, Tenth Schedule.] or of any officer [* * * *] [The brackets and words '(except any proceedings of the District' or the Sessions Court in Judicial proceedings in revision or reference from the proceedings of Nyaya Panchayat' were deleted by Maharashtra 13 of 1975, Section 28.] for the purpose of satisfying as to the legality or propriety of any order passed and may revise or modify the order as it shall deem just.

Chapter XII

Provisions for Conversion of a Municipality into a Panchayat and for Amalgamation and Divisions of Panchayats

156. Interpretation.

- For the purposes of this Chapter, unless the context otherwise requires, the expression,-(a)"municipality" includes a person or persons appointed to exercise the powers and perform the functions of a municipality under section 179 of the Bombay District Municipal Act, 1901, [* * *] [The words 'or that Act in its application to the Saurashtra area of the State of Bombay' were omitted by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.] or under section 57 of the Central Provinces and Berar Municipalities Act, 1922, or of a Town Municipality under section 254 of the Hyderabad District Municipalities Act, 1956 (the aforesaid Acts being hereafter in this Chapter referred as "the municipal laws");(b)"Panchayat" includes a person or persons appointed to exercise the powers and to perform the functions of a Panchayat under section 145.

157. Effect of conversion of municipality into Panchayat.

- When any local area ceases to be a municipal district by virtue of, or when the whole area comprised in a municipality is withdrawn from, or when any municipality ceases to be a municipality by virtue of, any municipal law, and such area is [specified] [The word was substituted for the word 'declared' by Maharashtra 21 of 1994, Section 28.] to be a village under section 4 with effect from the date on which such local area is so [specified] [The word was substituted for the word 'declared' by Maharashtra 21 of 1994, Section 28.] to be a village (in this section referred to as "the said date"), the following consequences shall notwithstanding anything in the relevant municipal law, ensue, that is to say-(a)the municipality of such local shall cease to exist;(b)there shall notwithstanding anything contained in any law for the time being in force, be constituted for the village an interim Panchayat consisting of persons vacating office as councillors of the municipality or members of the Committee or members of a Town Committee of such municipality and the President and Vice-President of the Municipality or as the case may be of a Committee or Town Committee shall, respectively, be deemed to be the Sarpanch and Upa-Sarpanch of the interim Panchayat;(c)the unexpended balance of the municipal fund and property including arrears of rates, taxes and fees, belonging to the municipality, and all rights and powers, which prior to such notification, vested in the municipality shall, subject to all charges and liabilities affecting the same, vest in the interim Panchayat as the village fund until the new Panchayat is constituted in pursuance of the provision of sub-section (1) of section 158;(d)any appointment, notification, notice, tax, order, scheme, licence, permission, rule, bye-law or form made, issued, imposed or granted under any municipal law immediately before the said date in respect of such local area shall continue in force and be deemed to have been made, issued, imposed or granted in respect of the village until it is superseded or modified by any other appointment, notification, notice, tax, order, scheme, licence, permission, rule, bye-law or form made, issued, imposed or granted under this Act;(e)all budget estimates, assessments, assessment lists, valuation or measurements made or authenticated under any of the municipal laws immediately before the said date in respect of such local area shall be deemed to have been made or authenticated under this Act;(f)all debts and obligations incurred and all contracts made by or on behalf of the municipality immediately before the said date and subsisting on the said date shall be deemed to have been incurred and made by the interim Panchayat in exercise of the powers conferred on it by or under this Act;(g)all officers and servants in the employ of the municipality immediately before the said date shall be officers and servants of the interim Panchayat under this Act and shall, until other provision is made in accordance with the provisions of this Act, receive salaries and allowances and be subject to the conditions of service to which they were entitled or subject on such date:Provided that, it shall be competent to the interim Panchayat subject however, to the previous sanction of the State Government to discontinue the service of any officer or servant who, in its opinion, is not necessary or suitable to the requirements of the service of the interim Panchayat, after giving such officer or servant such notice as is required to be given by the terms of his employment and every officer or servant whose services are discontinued shall be entitled to such leave, pension, provident fund and gratuity as he would have been entitled to take receive on being invalided out of service as if the municipality in the employ of which he was, had not ceased to exist;(h)all proceedings pending at the said date before the municipality shall be deemed to be transferred to and continued by, the interim Panchayat;(i)all appeals pending at the said date before the municipality shall, so far as may be practicable, be

disposed of as if such local area had been included in the village when they were filed;(j)all prosecutions instituted by or on behalf of the municipality and all suits or other legal proceedings instituted by or against such municipality or any officer of such municipality pending at the said date shall be constituted by or against the interim Panchayat as if such local area had been included in the village when such prosecutions, suits or proceedings were instituted.

158. Term of office of members of interim Panchayat and their powers.

(1)The [State Election Commission] [These words were substituted for the word 'Collector' by Maharashtra 21 of 1994, Section 29(1).] shall, within a period not exceeding one year from the date on which the interim Panchayat has been constituted, take steps to hold election for a new Panchayat.(2)The members of the interim Panchayat shall hold office until the day immediately preceding the day of the first meeting of the new Panchayat',(3)Any vacancy in the office of the interim Panchayat shall be filled as soon as conveniently may be, by appointment by the [Standing Committee] [These words were substituted for the word 'Collector' by Maharashtra 5 of 1962, Section 286, Tenth Schedule.].(4)[* * * * *] [Sub-section (4) was deleted by Maharashtra 13 of 1975, Section 29.](5)All arrears of rates, taxes and fees vesting in the interim Panchayat shall be recoverable under the provisions of this Act as if the rates, taxes and fees were imposed and recoverable under this Act:Provided that, steps to recover arrears of rates, taxes and fees shall be taken within a period of three years from the date on which they vest in the interim Panchayat.(6)In other respects the provisions of this Act shall mutatis mutandis, apply to the interim Panchayat and its members.(7)[* * * * *] [Sub-section (7) was deleted by Maharashtra 21 of 1994, Section 29(2).]

159. Effect of amalgamation of villages.

(1)When two or more villages cease to be villages and the local areas constituting such villages are amalgamated and [specified to be one village (hereinafter in this section referred to as "the amalgamated village") under section 4 with effect from the date on which it is so specified] [These words were substituted for the portion beginning with the words 'declared' and ending with the word 'issued' by Maharashtra 21 of 1994, Section 30(1)(a).] (hereinafter in this section referred to as "the said date") the following consequences shall ensue, that is to say,-(a)the Panchayats of such local areas [shall be deemed to have been dissolved and shall cease] [These words were substituted for the words 'shall cease', by Maharashtra 21 of 1994, Section 30(1)(b).] to exist and all the members of such Panchayats shall vacate office;(b)all powers and duties of such Panchayats shall be exercised and performed by such person or persons (hereinafter referred to as the administrator or administrators) as the State Government appoints in this behalf;(c)the unexpended balance of the village funds and all the properties including arrears of rates, taxes and fees belonging to such Panchayats and all rights and powers which prior to the said date, vested in such Panchayat shall, subject to all charges and liabilities affecting the same, vest as the village fund,-(i)in the administrator or administrators, until the Panchayat for the amalgamated village is constituted and holds first meeting under sub-section (1) of section 28, and(ii)thereafter, in the amalgamated Panchayats,-(d)the unexpended balance of the village funds and all the properties (including arrears of rates, taxes and fees) shall, until the amalgamated Panchayat is constituted and holds its first meeting, be utilised for the benefit of the inhabitants of such local areas in such manner as the

administrator or administrators may think fit;(e)any appointment, notification, notice, tax, order, scheme, licence, permission, rule, bye-law or form made, issued imposed or granted in respect of such local areas and in force in the said date shall continue in force and be deemed to have been made, issued, imposed or granted in respect of the amalgamated village, until it is superseded or modified by any appointment, notification, notice, tax, order, scheme, licence, permission, rule, bye-law or form, made, issued, imposed or granted under this Act;(f)all budget estimates, assessments, assessment lists, valuation or measurements made or authenticated by such Panchayats immediately before the said date shall be deemed to have been made or authenticated in respect of the amalgamated village under this Act;(g)all debts and obligations incurred and all contracts made by or on behalf of such Panchayats immediately before the said date and subsisting on the said date shall be deemed to have been incurred and made by the amalgamated Panchayat in exercise of the powers conferred on it by this Act;(h)all officers and servants in the employ of such Panchayats immediately before the said date shall be officers and servants of the amalgamated Panchayats and shall until other provision is made in accordance with this Act, receive salaries and allowances and be subject to the conditions of service to which they were entitled or subject on such date:Provided that it shall be competent to the administrator or administrators or the amalgamated Panchayat, subject however, to the previous sanction of the State Government, to discontinue the services of any officer or servants who, in his, their or its opinion, is not necessary or suitable to the requirements of the service of the amalgamated village, after giving such officer or servant such notice as is required to be given by the terms of his employment and every officer or servant whose services are discontinued, shall be entitled to such leave, pension, provident fund and gratuity as he would have been entitled to take or receive on being invalided out of service, as if the Panchayat in the employ of which he was, had not ceased to exist;(i)all proceedings pending at the said date before such Panchayats shall be deemed to be transferred to, and continued by, the administrator or administrators or the amalgamated Panchayats, as the case may be;(j)all appeals pending before such Panchayats at the said date shall, so far as may be practicable, be disposed of by the administrator or administrators or the amalgamated Panchayats, as the case may be;(k)all prosecutions instituted by or on behalf of such Panchayats and all suits or other legal proceedings instituted by or against such Panchayats or any officer of such Panchayats pending at the said date shall be constituted by or against the amalgamated Panchayat.(2)[Before the expiration of a period of six months from] [These words were substituted for the words 'within one year of' by Maharashtra 21 of 1994, Section 30(2).] the said date a Panchayat for the amalgamated village shall be constituted in accordance with the provisions of this Act.

160. Effect of Division of village.

(1)Where any local area comprised within the limits of a village ceases to be a village and is [specified as constituting two or more villages under section 4 with effect from the date on which they are so specified] [These words were substituted for the portion beginning with the word 'declared' and ending with the word 'issued', by Maharashtra 21 of 1994, Section 31(1)(a).] (hereinafter in this section referred to as "the said date"), the following consequences shall ensue, that is to say,-(a)the Panchayats constituted in respect of such local area [shall be deemed to have been dissolved and shall cease] [These words were substituted for the words 'shall cease', by Maharashtra 21 of 1994, Section 31(1)(b).], to exist and all the members of the Panchayat shall

vacate office:[Provided that, where any local area comprised within the limits of a village is excluded from the local area of such village and declared as a separate village solely for rehabilitation of the project affected persons, without in any way affecting or resulting in more than ten per cent Migration of the population of such existing village to the newly declared village, then in such a case, notwithstanding anything contained in this clause or in any other law for the time being in force, such exclusion of the local area and the consequential alteration of the limits of the existing village shall not be deemed to be alteration of the limits of such village as envisaged by sub-section (2) of section 4 and sub-section (1) of section 160, and the existing Panchayat of such affected existing village shall not be deemed to have been dissolved as provided in this clause, and all the members of the Panchayat shall continue to be the members of such Panchayat for the remainder of their term;] [This proviso was added by Maharashtra 23 of 2003, Section, 4](b)until Panchayats are constituted for the new villages, the State Government shall appoint an administrator or administrators to exercise the powers and perform the functions of the Panchayats for each of the new villages;(c)the unexpended balance of the village fund and all the property (including arrears of rates, taxes and fees) belonging to such Panchayats shall vest in the new Panchayats in such proportion and in such manner as the State Government may direct;(d)the officers and servants of such Panchayat shall be allocated by the State Government to the Panchayats in such manner as the State Government may direct;(e)subject to clauses (a) to (d) the provisions of section 159 shall mutatis mutandis apply to the administrator or administrators of the new Panchayats and their members;(f)[* * * * *] [Clause (f) was deleted by Maharashtra 13 of 1975, Section 30](2)[Before expiration of a period of six months from] [These words were substituted for the words 'within one year of' by Maharashtra 21 of 1994, Section 31(2).] the said date the Panchayats for the new village shall be constituted in accordance with the provisions of this Act.(3)[* * * * *] [Sub-section (3) was deleted by Maharashtra 21 of 1994, Section 31(3).]

Chapter XIII

Cattle Pounds

161. Cattle-trespass Act to cease to apply.

- In any local area which is declared to be a village under section 4 of this Act, or deemed to be a village under sub-section (1) of section 186 the Provisions of the Cattle-trespass Act, 1871, or any law corresponding to that Act in force in any part of the State shall cease to apply in relation to such local area:Provided that-(a)nothing in this section shall affect the liability of any person to any penalty under any law so ceasing to be in force;(b)any appointment, notification, order, rule made or issued under any such law in respect of any cattle pounds, within the limits of any Panchayat area shall, so far as it is not inconsistent with the provisions of this Act, be deemed to have been made or issued under this Act and continue in force until superseded by any notification, order or rule made under this Act;(c)any cattle pound in the local area established under any law so ceasing to be in force shall be deemed to be vested in the Panchayat within whose limits it is situate and shall be maintained and managed by the Panchayats in accordance with provisions of this Act.

162. Power to establish cattle pounds and appoint pound keepers.

(1)Notwithstanding anything contained in any law for the time being in force, every Panchayat within the limits of its jurisdiction shall, from time to time, appoint such places as it thinks fit to be public pounds, and may appoint to be keepers of such pounds such persons as may be approved by the [Block Development Officer] [These words were substituted for the words 'District Magistrate' by Maharashtra 10 of 1992, Section 5.]. The duties of pound keepers shall be such as may be prescribed.(2)Every pound keeper so appointed shall, in the performance of his duties, be subject to the direction and control of the Panchayat.

163. Penalty for allowing cattle to stay in street or to trespass upon private or public property.

(1)Whoever, within the limits of a village, allows any cattle which are his property or in his charge to stray in any street or to trespass upon any private or public property shall, on conviction, be punished-(i)for the first offence, with imprisonment for a term which may extend to one month or with fine which may extend to three hundred rupees or with both;(ii)for a second or subsequent offence, with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees, or with both.(2)The Magistrate trying offence under sub-section (1) may order,-(a)that the accused shall pay such compensation, not exceeding two hundred and fifty rupees as the Magistrate considers reasonable, to any person for any damage proved to have been caused to his property or to the produce of land, by the cattle under the control of the accused, trespassing on his land; and also,(b)that the cattle in respect of which an offence has been committed shall be forfeited to the State Government.(3)Any compensation awarded under sub-section (2), may be recovered as if it were a fine imposed under this section.(4)An offence under this section shall be cognizable.

164. Impounding cattle.

(1)It shall be the duty of every Police Officer and a Watch and Ward appointed by the Panchayat, and it shall be for any other person, to seize and take to any such public pound for confinement therein, any cattle found straying in any street or trespassing upon any private or public property within the limits of the village.(2)Whoever forcibly opposes the seizure of cattle liable to be seized under this Act, and whoever rescues the same after seizure, either from a pound or from any person taking or about to take them to a pound, shall, on conviction, be punished with imprisonment for a term not exceeding six months or with fine not exceeding five hundred rupees, or with both.

165. Delivery of cattle claimed.

- If the owner of cattle which are impounded under section 164 or his agent appears and claims the cattle, the pound-keeper shall deliver them to him on payment of the pound-fees and expenses chargeable in respect of such cattle under section 167.

166. Sale of cattle not claimed.

(1) If within ten days any cattle has been impounded, no person appearing to be the owner of such cattle offer to pay the pound-fee and expenses chargeable under section 167 such cattle shall be forthwith sold by auction in the prescribed manner and the surplus remaining after deducting the fee and expenses aforesaid from the proceeds of the sale, shall be paid to any person who, within fifteen days after the sale, proves to the satisfaction of such officer as the Panchayat authorises in this behalf, that he was the owner of such cattle and shall in any other case, form part of the village fund: [Provided that, when a complaint is made under section 168, no auction shall be held until the complaint is examined and disposed of as provided by that section] [This proviso was added by Maharashtra 36 of 1975, Section 70.], (2) No police Officer, or officer, member or servant of the Panchayat including the pound-keeper shall, directly or indirectly, purchase any cattle at a sale under sub-section

167. Pound-fees and expenses chargeable to be fixed.

(1) The pound-fee chargeable shall be such as the State Government may, from time to time, by notification in the Official Gazette, specify of each kind of cattle. (2) The expenses chargeable shall be at such rates for each day during any part of which any cattle is impounded, as shall from time to time be fixed by the Panchayat with the previous approval of the [Panchayat Samiti] [These words were substituted for the words 'Panchayat Mandal' by Maharashtra 5 of 1962, Section 286 Tenth Schedule.].

168. Complaints of illegal seizure or detention.

(1) Any person whose cattle have been seized under this Act or having been so seized, have been detained in contravention of this Act, may at any time within ten days from the date of the seizure, make a complaint to the Magistrate of the first class. (2) The complaint shall be made by the complainant in person, or by an agent personally acquainted with the circumstances. If the Magistrate on examining the complaint or his agent sees reason to believe the complaint to be well founded, he shall summon the person complained against, and make an enquiry into the case. (3) If the seizure or detention be adjudged illegal, the Magistrate shall award to the complainant for the loss caused by the seizure or detention reasonable compensation not exceeding one hundred rupees to be paid by the person who made the seizure or detained the cattle, together with all fees paid and expenses incurred by the complainant in procuring the release of the cattle, and if the cattle have not been released the Magistrate shall, beside awarding such compensation order their release, and direct that the fees and expenses leviable under this Act shall be paid by the person who made the seizure or detained the cattle. (4) The compensation, fees and expenses mentioned in this section may be recovered as if they were fines imposed by the Magistrate.

168A. [Security in respect of impounded cattle. [Section 168A and 168B were inserted by Maharashtra 36 of 1965, Section 71.]

(1) In any local area within the jurisdiction of a Panchayat to which the State Government may, by notification in the Official Gazette, apply this section, every pound-keeper shall, before releasing any impounded cattle, require the owner of the impounded cattle or his agent to make, in the prescribed form, a declaration regarding the ownership of such cattle and to deposit by way of security such sum as the State Government may, by rules, prescribe. Different scales may be prescribed for different areas or different classes of cattle. (2) If any cattle belonging to such owner are impounded within a period of six months from the date on which the security is deposited, and if the seizure is not adjudged illegal the amount of deposit or a part thereof, as may be directed by the State Government by rules made in this behalf, shall stand forfeited to the Panchayat. If the cattle are not impounded as aforesaid, the amount of security deposit shall, on an application made by or on behalf of the depositor, be refunded to him on the expiry of that period. (3) On every occasion on which the release of the cattle impounded under this Act is claimed, the owner of the cattle shall deposit a fresh security.

168B. Removal of cattle to specified places.

(1) If a Mamlatdar, Tahsildar, Naib-Tahsildar or Mahalkari is satisfied that the crops of grass standing on any agricultural land or grazing land set apart for the use of cattle or one or more villages within the jurisdiction of a Panchayat are likely to be damaged by cattle belonging to any persons (whether or not residents of such village or villages), who own more than twenty head of cattle, he may, by special or general order, direct the owner of such cattle to remove or cause to be removed within a period specified in the order, all or any of the cattle to such place or places within the State as may be specified in the order. (2) If the owner of the cattle fails to remove the cattle as directed under subsection (1), the Mamlatdar, Tahsildar, Naib-Tahsildar or Mahalkari, as the case may be, may direct a police officer not below the rank of a head constable to remove or cause to be removed such cattle to the place or places specified in the order. (3) If the Mamlatdar, Tahsildar, Naib-Tahsildar or Mahalkari is satisfied that the order issued by him under sub-section (1) is contravened by any owner or keeper of cattle, he may impose a fine not exceeding five hundred rupees. Any fine so imposed, may, on failure of such owner or keeper to pay the same within the specified time, be recovered by sale of all or any of the cattle ordered to be removed under sub-section (1).]

Chapter XIV

[Deleted by Maharashtra 13 of 1975, Section 31]

Chapter XV

Rules and Bye-Laws

176. Rules.

(1) The State Government may, by notification in the Official Gazette, make rules for carrying into effect the purposes of this Act. (2) In particular but without prejudice to the generality of the

foregoing provision, the State Government may make rules-(i)[* * * *] [Clause (i) was deleted by Maharashtra 21 of 1994, Section 32(1).](ii)under sub-section (1) of section 7, prescribing the date, [place, time and manner of convening] [These words were substituted for the words, 'place and time for' by Maharashtra 21 of 2000, Section 3.] meetings of the Gram sabha;[(ii-a) under clause (b) of sub-section (1) of section 10, prescribing the manner in which the number of wards and the number of members to be elected from each ward may be determined;] [This Clause was inserted by Maharashtra 36 of 1965, Section 73(1).](iii)under sub-section (2) of section 10, [the manner in which the [State Election Commission] [These words were substituted for the words, 'prescribing the number of seats to be reserved' by Maharashtra 13 of 1975, Section 32(a)(1).] shall determine the number of seats to be reserved] for the Scheduled Castes and Scheduled Tribes [and Backward Class of citizens and women] [These word were inserted by Maharashtra 21 of 1994, Section 32(2)(b).] [and prescribing the manner and rotation of] [These words were inserted with effect from the 1st day of July, 1980 by Maharashtra 10 of 1990, Section 9.] [such reservation of seats] [These words were substituted for the words 'reservation of seats for women' by Maharashtra 21 of 1994, Section 32(2)(c).] in each Panchayat and under sub-section (3) of the said section, prescribing the manner of [publication of the names of members falling under clause (a) of subsection (1)] [These words were substituted for the words 'publication of elected and appointed members of a Panchayat' by Maharashtra 36 of 2001, Section 3.):(iv)under section 11, prescribing the manner in which the election of members shall be held;[(iv-aa) under sub-section (1) of section 29, prescribing the manner in which the resignation shall be delivered;] [Clause (iv-aa) was Inserted by Maharashtra 13 of 1975, Section 32(a)(ii).][(iv-aaa) under section 30, prescribing the number of office of Sarpanchas of Panchayats to be reserved for Scheduled Castes. Scheduled Tribes, Backward Class of citizens and women in a Panchayat and the manner and rotation of such reservation;] [Clause (iv-aaa) was inserted by Maharashtra 21 of 1994, Section 32(3).][(iv-a) under section 32-A, prescribing the travelling and daily allowances to be paid to the members of the Panchayat including its Sarpanch and Upa-Sarpanch-,] [This Clause was inserted by Maharashtra 36 of 1965, Section 73(2).](v)under sub-section (2) o,f section 33, prescribing the powers of, and the procedure to be followed by the [* *] [The words 'Collector or other' were deleted by Maharashtra 5 of 1962. Section 286, Tenth Schedule.] officer presiding;[(v-aa) under section 33A, prescribing the manner in which the sumptuary allowance shall be placed at the disposal of the Sarpanch;] [Clause (v-aa) was inserted by Maharashtra 10 of 1992, Section 6.][(v-a) under sub-section (3) of section 34, prescribing the manner in which the notice of resignation shall be delivered;] [This Clause was inserted by Maharashtra 36 of 1965, Section 73(3).](vi)prescribing the form of notice under sub-section (1) of section 35;(vii)under section 36, prescribing the time and place of sitting and the procedure at a meeting of the Panchayat-,(vii-a)[* * * *] [Clause (vii-a) was deleted by Maharashtra 4 of 1981, Section 4.](viii)under sub-section (1) of section 38, prescribing the rules for the performance and exercising of powers and duties of Sarpanch by Upa-Sarpanch in the absence of Sarpanch-,(ix)under sub-section (1) of section 43, regulating the manner in which the notice of a vacancy in the office of a Sarpanch, Upa-Sarpanch or member of a Panchayat shall be given:(x)[under entry 44 of Schedule 1] [This was substituted for the words, figures and letter 'under section 45(i) 11(2)' by Maharashtra 36 of 1965, section 73(5).] prescribing the principles for the extension of village sites and regulation of buildings;[(x-a) under sub-section (2B) of section 45, prescribing the limits subject to which grant-in-aid may be given by a Panchayat to institutions specified in that sub-section:] [Clause (x-a) was inserted by Maharashtra 13 of 1975, Section 32(a)(iii).][(x-b) under sections 49 and 49A, for any

matter for which rules are required to be made or generally for carrying out the purposes of the said sections;] [This Clause was inserted by Maharashtra 23 of 2003 Section Section](xi)[under entry 50 of Schedule 1] [This was substituted for the words, figures and letters 'under section 45(1) IV (a)', by Maharashtra 36 of 1965, Section 73(d).], prescribing the person in the village from whom and the manner in which the cost of watch and ward shall be levied and recovered;(xii)under the proviso to sub-section (2) of section 51 prescribing the manner of publishing the notice for the stoppage or discontinuance of public road or street:[(xii-a) under sub-section (1) of section 56, for the purpose of vesting property of the Zilla-Parishad or Panchayat Samiti in a Panchayat; and under subsection (3) of the said section, for the purpose of visiting work in a Panchayat:] [This Clause was inserted by Maharashtra 36 of 1965 Section 73(7).](xiii)under section 58, prescribing the custody in which all funds received by and all sums accruing to Panchayat shall be kept;(xiv)under clause (c) of sub-section (3) of section 59, prescribing the manner in which the notice of any inquiry shall be given to any person;[* * * * *] [Clause (xv) was deleted by Maharashtra 11 of 1976, Section 3 Second Schedule.][(xv-a) under section 61, prescribing the rules regulating the terms and conditions of service of servants referred to therein;] [This Clause was Inserted by Maharashtra 36 of 1965, Section 73(8).](xvi)under section 62, prescribing the date and form of the statement, the percentage of the total income from all sources to be contributed to the District Village Development Fund and the form in which account shall be kept;[* * * * *] [Clauses (xvii), (xviii), (xix), (xx), (xxi), (xxii), (xxiii), (xxiv), and (xxiv-a) were deleted by Maharashtra 13 of 1975, section 32(iv).][* * * * *] [Clause (xxv) was deleted by Maharashtra 36 of 1965, Section 73(11)](xxvi)under section 124, laying down the maximum and the minimum rates and manner in which and the exemptions subject to which taxes and fees specified in the section shall be leviable:(xxvii)[***.] [Deleted by Maharashtra Act No. 11 of 2018, dated 16.1.2018.](xxviii)under sub-section (1) of section 128, prescribing the maximum rate of tax;(xxix)under sub-section (2) of section 129, prescribing the form of the writ to be presented to the defaulter:(xxx)under sub-section (4) of section 129, prescribing the manner of distriant and sale of moveable property of the defaulter;(xxxi)under sub-section (5) of section 129, prescribing the rates of fees for writ of demand, distress and cost of maintaining any livestock seized;(xxxii)[under sub-section (6) of section 129, prescribing the manner or recovery of any tax or fees payable on demand;] [Clause (xxxii) was inserted by Maharashtra 43 of 1962, Section 26, Schedule.][* * * * *] [Clause (xxxiii) was deleted by Maharashtra 34 of 1970, Section 25.](xxxiv)prescribing the manner in which refunds may be allowed and paid, in respect of any amount of tax, fee or other sum, not due or paid in excess;[(xxxiv-a)] [Clause (xxxiv-a) was inserted by Maharashtra 35 of 1972, Section 6.] under sub-section (3) of section 132B, prescribing for all matters connected with the [Village Water Supply Fund;] [These words were substituted for the words 'Village Employment Fund' by Maharashtra 5 of 1997, Section 6.][* * * * *] [Clause (xxxv) and (xxxvii) were deleted by Maharashtra 5 of 1962, Section 286, Tenth Schedule.](xxxvi)under sub-section 133, prescribing the officer or authority in whom the District Village Development Fund shall vest, the manner of the investment of the find, the rate of interest to be paid on the contributions made to the fund by Panchayat, the purpose for which and the terms and conditions on which loans may be granted and all matters incidental to the grant and repayment of such loans;[* * * * *] [Clause (xxxv) and (xxxvii) were deleted by Maharashtra 5 of 1962, Section 286, Tenth Schedule.][* * * * *] [Clause (xxxviii) was deleted by Maharashtra 43 of 1962, Section 26, Schedule.](xxxix)under section 135, prescribing the other functions which may be performed by a [Zilla Parishad and Panchayat Samiti] [These words were substituted for the words 'Zilla Parishad'

by Maharashtra 36 of 1965, Section 73 (12).];(xl)under section 136, prescribing the functions of the District Village Panchayat Officer;(xli)under section 140, prescribing [the authority by which and] [These words were inserted by Maharashtra 13 of 1975, Section 32(a)(v).] the manner in which the audit of accounts of Panchayat shall be carried out;(xlii)under section 162, prescribing the duties of the pound-keeper;(xliii)under section 166, prescribing the manner in which auction shall be held;[(xliii-a) under section 168-A, prescribing the form of, and the procedure relating to the declaration, and the scales of deposits to be made;] [This Clause was inserted by Maharashtra 36 of 1965, Section 73(13).](xliv)under sub-section (2), of section 179, prescribing the form of the warrant;[* * * * *] [Clause (xiv) was deleted by Maharashtra 13 of 1975, Section 32(a)(vi).](xlvi)authorizing the payment of contributions, at such rates and subject to such conditions as may be prescribed in such rules, to any provident fund which may be established by a Panchayat or with the approval of the Panchayat by the officers and servants of the Panchayat;(xlvii)for any other matter for which rules are required to be made under this Act, or generally for carrying out the purposes thereof.(3)In making any rule under this section, the State Government may provide that for any breach thereof the offender shall, on conviction, be punished with fine which may extend to fifty rupees and in the case of continuing breach, with fine which may extend to five rupees for every day during which the breach continues, after conviction for the first breach.(4)The rules to be made under this section shall be subject to the condition of previous publication:[* * * *] [This Proviso was deleted by Maharashtra 52 of 1994, Section 5.](5)[Every rule (except rules made under clause (xxvi) of sub-section (2)) made under this section shall be laid, as soon as may be, after it is made, before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions and if before the expiry of the session in which it is so laid or the session immediately following both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made and notify such decision in the Official Gazette, the rule shall from the date of publication of such notification have effect only in such modified form or be of no effect, as the case may be; so however, that any modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule.] [Sub-section (5) was substituted for the original by Maharashtra 13 of 1975, Section 32(b).](6)The draft of every rule made, under clause (xxvi) of sub-section [(2)] [These brackets and figure were substituted for the brackets and figure '(1)' by Maharashtra 11 of 1976, Section 3, Second Schedule.] shall, as soon as may be after it is published in the Official Gazette as required by subsection (4), be laid before each House of the State Legislature and shall be subject to such modifications as may be made by the State Legislature, before it is finally published as required by sub-section (1).

177. Bye-laws.

(1)The [Zilla Parishad] [These words were substituted for the words 'Panchayat Mandal' by Maharashtra 5 of 1962, Section 286, Tenth Schedule.] may, with the previous sanction of the Commissioner, make bye-laws generally for the carrying out of the purposes of this Act.(2)Without prejudice to the generality of the foregoing provisions, the [Zilla Parishad] [These words were substituted for the words 'District Village Panchayat Mandal', by Maharashtra 5 of 1962, Section 286, Tenth Schedule.] may make bye-laws-(a)under section 45-(i)for the purification and protection from pollution or all sources of water used for drinking purposes;(ii)for the prohibition or the

removal or use for drinking purposes of any water from any stream, tank, well or other source, where such removal or use cause, or is likely to cause, disease or injury to health, and the prevention of such removal or use by the filling in or covering over of such tank, or well, or by any other method which may be considered advisable;(iii)for the prohibition of the deposit or storage of manure, refuse or other offensive matter in a manner or in places prejudicial to the public health, comfort or convenience;(iv)for the regulation of offensive callings, or trades;(v)for the disposal of corpses by burning or burial;(vi)for the excavation of earth and the filling up of excavations and depressions injurious to the health or offensive to the neighbourhood;(vii)for the removal of noxious vegetation;(viii)for the repair and removal of dangerous or ruinous buildings;(ix)for the prevention of the erection of building without adequate provisions for ventilation, or the laying out and location of streets;(x)for the control of fairs and bazars, and the regulations of markets, slaughter-houses and cart stands;(xi)for the inspection and destruction of unfit food and drink exposed for sale; and(xii)for the general regulation of sanitation and conservancy and the disposal of carcasses of dead animals;(b)under section 53 of the temporary erection on, or projections over, or temporary occupation of, any public street or place.(3)Any bye-law made under the foregoing sub-sections may provide that a contravention thereof shall be punishable-(a)with a fine which may extend to fifty rupees;(b)in the case of continuing contravention with a fine, which may extend to five rupees per day after conviction for the first contravention during the period within which such contravention continues.

Chapter XVI

Miscellaneous

178. Liability of members for loss, waste or misapplication.

(1)Every member of Panchayat shall be personally liable for the loss, waste or misapplication of any money or other property of the Panchayat to which he has been party or which has been caused or facilitated by his misconduct or gross neglect of his duty as a member.(2)If after giving the member concerned a reasonable opportunity for showing cause to the contrary, the Collector is satisfied that the loss, waste or misapplication of any money or other property of the Panchayat is a direct consequence of misconduct or gross neglect on his part, the Collector shall by order in writing direct such member to pay to the Panchayat before a fixed date, the amount required to reimburse it for such loss, waste or misapplication.(3)If the amount is not so paid, the Collector shall recover it as an arrear of land revenue and credit it to the village fund.(4)Any person aggrieved by the decision of the Collector may apply to the District Court as provided in sub-section (6) of section 140, within the like time for redress of his grievance, and that Court may pass any order thereon which it can pass under that section.

179. Power of Collector to recover record and money.

(1)Where on an application of Panchayat [or otherwise] [These words were inserted by Maharashtra 43 of 1962 Section 26 Schedule.] the Collector is of the opinion that any person, who in his capacity [as a, Upa-Sarpanch, member.] [These words were substituted for the words 'as a member' by

Maharashtra 43 of 1962, Schedule.] officer, servant or secretary of a Panchayat had in his custody any record or money belonging to the Panchayat is [on his vacating or ceasing to hold, his office for any reason whatsoever,] [These words were substituted for the words 'on the expiry of his term of office or, after his removal' by Maharashtra 36 of 1965, Section 75.] or suspension from office, as the case may be, not likely to deliver such record or pay such money, the Collector may by written order required that the record or money so detained be delivered or paid to Panchayat forthwith.(2)If any such person as aforesaid shall not deliver the record or pay the money as directed, the Collector may cause him to be apprehended and may send him with a warrant in such form as may be prescribed, to be confined in a civil jail till he delivers up the record or pays the money:Provided that no such person shall be so detained in confinement for a period longer than one calendar month.(3)It shall be lawful for the Collector-(a)for recovering any such money to direct that such money be recovered as an arrears of land revenue and on such direction being given, such money shall be recoverable as an arrear of land revenue from such person:(b)for recovering any such record to issue a search warrants and to exercise all such powers with respect thereto as may lawfully be exercised by a Magistrate under the provisions of Chapter VII of the [Code of Criminal Procedure, 1989.] [See now the Code of Criminal Procedure, 1973 (2 of 1974).](4)No action under sub-section (1), (2) or (3) shall be taken unless reasonable opportunity has been given to the person concerned to show cause why such action should not be taken against him.

180. Bar of action against Panchayats etc. and previous notice before institution.

(1)No action shall lie against any member, officer, servant or agent of Panchayat [* * *] [The words 'or Nyaya Panchayat' were deleted by Maharashtra 13 of 1975, Section 33.] acting under its direction, in respect of anything in good faith done under this Act or any rule or bye-law.(2)no action shall be brought against any Panchayat [* * *] [The words 'or Nyaya Panchayat' were deleted by Maharashtra 13 of 1975, Section 33.] or any member, officer, servant or agent or such Panchayat [* * *] [The words 'or Nyaya Panchayat' were deleted by Maharashtra 13 of 1975, Section 33.] acting under its direction for anything done or purporting to have done by or under this Act, until the expiration of three months next after notice in writing has been left or delivered at the office or the Panchayat [* *] [The words 'or Nyaya Panchayat' were deleted by Maharashtra 13 of 1975, Section 33.] and also at the residence of the member, officer, servant or agent thereof against whom the action is intended to be brought. The notice shall state the cause of action, the nature or the relief sought, the amount of compensation claimed and the name and place of abode of the person who intends to bring the action.(3)Every such action shall be commenced within six months after the accrual of the cause of action, and not afterwards.(4)If any Panchayat [* * *] [The words 'or Nyaya Panchayat' were deleted by Maharashtra 13 of 1975, Section 33.] or person to whom a notice under sub-section (2) is given shall, before action is brought, tender sufficient amends to the plaintiff and pay into Court, the amount so tendered, the plaintiff shall not recover more than the amount so tendered. The plaintiff shall also pay all cost, incurred by the defendant after such tender.

181. Bar of action against [Zilla Parishad Standing Committee or Panchayat Samiti] [These words were substituted for the words 'Panchayat Mandal' by Maharashtra 5 of 1962, Section 286, Tenth Schedule.] etc. and previous notice before institution.

(1) No suit shall be commenced against any [Zilla Parishad, Standing Committee or Panchayat Samiti] [These words were substituted for the words 'Panchayat Mandal' by Maharashtra 5 of 1962, Section 286, Tenth Schedule.] or against any officer or servant of a [Zilla Parishad, Standing Committee or Panchayat Samiti] [These words were substituted for the words 'Panchayat Mandal' by Maharashtra 5 of 1962, Section 286, Tenth Schedule.] of any person, acting under the orders of a [Zilla Parishad, Standing Committee or Panchayat Samiti] [These words were substituted for the words 'Panchayat Mandal' by Maharashtra 5 of 1962, Section 286, Tenth Schedule.] for any thing done or purporting to have been done in pursuance of this Act, without giving to such [Zilla Parishad, Standing Committee or Panchayat Samiti] [These words were substituted for the words 'Panchayat Mandal' by Maharashtra 5 of 1962, Section 286, Tenth Schedule.] officer, servant or person, one month's previous notice in writing of the intended suit and of the cause thereof not after three months from the date of the act complained of. (2) In the case of any such suit for damages, if tender or sufficient amounts shall have been made before the action was brought, the plaintiff shall not recover more than the amount so tendered, and shall pay all cost incurred by the defendant after such tender.

182. Delegation of powers.

(1) The State Government may, by notification in the Official Gazette, authorise the Commissioner or any other officer to exercise [* * *] [The words 'In respect of Panchayats' were deemed always to have been deleted by Maharashtra 34 of 1990, Section 26(1).] any of the powers which may be exercised by the State Government under this Act [* *] [The words 'except the powers in respect of Nyaya Panchayat under Chapter IV' were deleted by Maharashtra 13 of 1975, Section 34(a).] [* * * *] [Sub-sections (2) and (3) were deleted by Maharashtra 13 of 1975, Section 34(b).] (4) Subject to the general or special orders of the State Government, the Commissioner or Collector may delegate to an officer not below the rank of Mamlatdar, Tahsildar, Naib-Tahsildar or Mahalkari, powers exercised by the Commissioner, or as the case may be, the Collector under this Act. (5) [Subject to the general or special orders of the State Government, the Chief Executive Officer may delegate to any officer working under a Zilla Parishad all or any of the powers exercisable by him under this Act.] [Sub-section (5) was inserted by Maharashtra 43 of 1962, Section 26, Schedule.]

183. Local enquiry and reports by Panchayat.

- It shall be the duty of every Panchayat to enquire and report in any of the following cases:- (a) any case where a Magistrate has directed that previous local investigation be made by a Panchayat under section 202 of the Code of Criminal Procedure, [1898] [See now the Code of Criminal Procedure, 1973 (2 of 1974).], and the words 'such other person' in sub-section (1) of the said section shall be deemed to include a Panchayat; (b) any case in which a Magistrate making an enquiry under section

488 of the Code of Criminal Procedure, [1898] [See now the Code of Criminal Procedure, 1973 (2, of 1974).], may require from the Panchayat in whose village either the wife or child for whose maintenance the application is made or the husband or parent respectively of such wife or child resides, report as to the amount of maintenance which, having regard to the circumstances of the parties should be payable and such report shall be evidence in such enquiry: Provided that no member of the Panchayat shall be required to attend as a witness touching any matter on which the report is itself evidence, but the Magistrate may, in his discretion, call for a further report.

184. Members, etc., of Panchayat, [* *] [The words 'or Nyaya Panchayat' were deleted, by Maharashtra 13 of 1975, Section 35(b).] to be public servants.

- Every member a [* * *] [The words 'Panchayat Mandal or' were deleted by Maharashtra 5 of 1962, Section 286, Tenth Schedule.] Panchayat [* * *] [The words 'or Nyaya Panchayat' were deleted by Maharashtra 13 of 1975, Section 35(a).] and every officer and servant maintained by or employed under a [* * *] [The words 'Panchayat Mandal or' were deleted by Maharashtra 5 of 1962, Section 286, Tenth Schedule.] Panchayat [* * *] [The words 'or Nyaya Panchayat' were deleted by Maharashtra 13 of 1975, Section 35(a).] shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

184A. [Panchayat Samiti to exercise duties in respect of Panchayats within its area. [Section 184A was inserted by Maharashtra 5 of 1962, Section 286, Tenth Schedule.]

(1) Nothing in this Act shall be construed as empowering a Panchayat Samiti to exercise any powers or perform any functions under this Act in relation to a Panchayat area of which is not within its jurisdiction. (2) If any Block comprises only a part or a village for which a Panchayat has been established, the State Government, may, by notification in the Official Gazette, declare which Panchayat Samiti shall exercise the powers and perform the functions under this Act in respect of such Panchayat]

184B. [Powers of Police Officers. [Section 184B was inserted by Maharashtra 36 of 1965, Section 75.]

- It shall be the duty of every police officer to give immediate information to the Panchayat [* * *] of any offence committed against this Act or the rules or byelaws made thereunder and to assist the Panchayat [* * *] [The words 'or Nyaya Panchayat' were deleted by Maharashtra 13 of 1975, Section 36.] in the exercise of its lawful authority.][184C. Suspension of operation of Act, rules and bye-laws.- If the State Government is satisfied that circumstances have arisen by reason of earthquake or similar natural calamity rendering it necessary that certain provisions of this Act or any rules or bye-laws made thereunder, which impede or delay the rapid rehabilitation or giving of relief to persons affected thereby, should be suspended or relaxed in the public interest, the State Government may, by notification in the Official Gazette, suspend or relax for such period and in such areas as may be specified in the notification the operation of any of the provisions of this Act or

any rules or bye-laws made thereunder.]

185. Repeal.

- The Bombay Village Panchayats Act, 1933, or that Act in its application to the Kutch area of the [State of Bombay, the Saurashtra Gram Panchayat Ordinance, 1949, the Hyderabad Gram Panchayat Act, 1956 and the Central Provinces and Bearar Panchayats Act, 1946 are hereby repealed.] [The words 'State of Bombay' shall stand unmodified vide Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.]

186. Savings.

- Notwithstanding the repeal of the said laws and the foregoing provisions of this Act, -(1) Any local area declared to be a village immediately before the coming into force of this Act shall be deemed to be a village under this Act; (2) The Panchayats constituted under the said Acts immediately before the said date (hereinafter called "the old Panchayats") shall be deemed to be Panchayats of the respective villages (hereinafter called "the new Panchayats"); (3) The Sarpanch, the Deputy Sarpanch or Upa-Sarpanch and the members of Panchayats elected or appointed for the Panchayats and holding office immediately before the said date shall respectively be deemed to be the Sarpanch, the Upa-Sarpanch and the members of the new Panchayats; (4) the said Sarpanch, the Upa-Sarpanch and the members shall hold office as such Sarpanch, the Upa-Sarpanch and the members for the period for which they would have held office under the said Act, subject however to the provision relating to disqualifications, resignation, removal and vacancy provided in this Act; (5) [* * * * *] [Clauses (5) and (6A) were deleted by Maharashtra 13 of 1975, Section 37(a).] (6) the unexpended balance of the village fund and all the properties (including arrears of rates, taxes and fees) vesting in the old Panchayats shall from the said date vest in the new Panchayats and such arrears of rates, taxes and fees shall be recoverable under the provisions of this Act as if they had been imposed and recoverable under the provisions of this Act; (6A) [* * *] [Clauses (5) and (6A) were deleted by Maharashtra 13 of 1975, Section 37(a).] (7) all debts and obligations incurred and all contracts made by or in behalf of the old Panchayats immediately before the said date and subsisting on the said date shall be deemed to have been incurred and made by the new Panchayats in exercise of the powers conferred to them by this Act; (8) Any appointment, notification, notice, tax, fees, order, scheme, licence, permission, rule, bye-laws or form made, issued, imposed or granted in respect of the said villages and in force on the date of the commencement of this Act shall in so far as they are not inconsistent be deemed to have been made, issued, imposed or granted under this Act in respect of the village and shall continue in force until it is superseded or modified by any appointment, notification, notice, tax, fee, order, scheme, licence, permission, rule, bye-law or form made, issued, imposed or granted under this Act; (9) all budget estimates, assessments, assessment lists, valuations or measurements made or authenticated immediately before the commencement of this Act by the old Panchayats shall be deemed to have been made or authenticated by the new Panchayats under this Act; (10) The Secretaries, Karbharis, all officers and servants in the employ of the old Panchayats immediately before the said date shall be the Secretaries, Karbharis, Officers and servants of the new Panchayats; (11) All proceedings pending before the old Panchayats [* * *] [The words 'and Nyaya Panchayat of the old Panchayats' were deleted by Maharashtra 13 of 1975, Section 37(b).]

shall be deemed to have been instituted and to be pending before the new Panchayats, [* * *] [The words 'and Nyaya Panchayat of the New Panchayats, as the case may be' were deleted by Maharashtra 13 of 1975.] and Shall be heard and disposed of by the said Panchayats [* * *] [The words 'or Nyaya Panchayat as the case may be' were deleted by Maharashtra 13 of 1975.] under this Act; (12) all appeals pending before the old Panchayats at the said date shall be disposed of by the new Panchayats; (13) All prosecutions instituted by or on behalf of the old Panchayats and all suits or other legal proceedings instituted by or against the old Panchayats or any officer of Panchayats pending at the said date shall be continued by or against the new Panchayats; (14) The Saurashtra Gram Panchayats Madhyastha Mandal constituted under section 45 of the Saurashtra Gram Panchayats Ordinance, 1949, or any District Panchayat Mandal or Taluka Panchayats Mandal appointed by it shall be dissolved and cease to function and any unexpended balances of money in their custody shall vest in the State Government. The provisions of sub-section (4) of section 60 shall, so far as may be applicable, apply in relation to the officers, and servants of the Saurashtra Gram Panchayat Madhyastha Mandal, or the District Village Panchayats Mandal or Taluka Village Panchayat Mandal. (15) Any reference to any enactment or in any instrument to any of the laws repealed or to any provision thereof or any authority elected or appointed thereunder shall be construed as reference to the Bombay Village Panchayats Act, 1958, or to the corresponding provision thereof or to the corresponding authority elected or appointed thereunder.

187. Provision for removal of difficulties.

- If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by an order published in the Official Gazette, do anything not inconsistent with the provisions of this Act which appear to it to be necessary or expedient for the purpose of removing the difficulty.

188. Amendment of certain Acts.

- During such time as this Act and the rules and bye-laws made thereunder are in operation in any village, the enactments mentioned in Schedule II shall be amended, modified or repealed in the manner and to the extent specified in the third column thereof. [Schedule I] [Schedule 1 was inserted by Maharashtra 36 of 1965, Section 77.] (Village List) (See section 45) Subjects of Activities including development Activities Agriculture

1. Making arrangement for co-operative management of lands and other resources in village, organization of collective co operative farming.

2. Improvement of agriculture (including provision of implements and stores) and establishment of model agricultural farms.

3. Bringing under cultivation waste and fallow lands vested by Government in the Panchayats.

- 4. Reclamation of waste land and bringing waste land under cultivation with the previous permission of the State Government.**
- 5. Establishment and maintenance of nurseries for production of improved seeds and encouraging their use.**
- 6. Crop experiments.**
- 7. Crop protection.**
- 8. Ensuring conservation of manurial resources, preparing compost and sale of manure.**
- 9. Securing minimum standards of cultivation in the village with a view to increasing agricultural production.**
- 10. Assistance in the implementation of land reform schemes.**
- 11. Establishment of granaries.**

Animal Husbandry

- 12. Improvement of cattle and cattle breeding and general care of live-stock.**

Forests

- 13. Raising, preservation, improvement and regulation of the use of village forests and grazing lands including lands assigned under section 28 of the Indian Forests Act, 1927.**

Social Welfare

- 14. Relief of the crippled, destitute and the sick.**
- 15. Promotion of social and moral welfare of the village including promotion of prohibition, the removal of untouchability, amelioration of the condition of backward classes, eradication of corruption and the discouragement of gambling and useless litigation.**

16. Women's and Children's organization and welfare.

Education

17. Spread of education.

18. Other educational and cultural objects.

18A. [Maintenance and Repairs of Primary School Buildings [vesting for the time being in the Zilla Parishad] [Entry 18-A was inserted by G.N.R.D.D. No. VPA, 1075/1949/XXIII, dated the 20th September 1971.] .]

19. Provision of equipment and playgrounds for schools.

20. Adult literacy centres, libraries and reading rooms.

21. Rural Insurance.

Medical and Public Health

22. Providing medical relief.

23. Maternity and child welfare.

24. Preservation and improvement of public health.

25. Taking of measures to prevent outbreak, spread or recurrence of any infectious disease.

26. Encouragement of human and animal vaccination.

27. Regulation by licensing or otherwise of tea, coffee and milk shops.

28. Construction and maintenance or control of slaughter houses.

29. Cleansing of public roads, drains, bunds, tanks and wells (other than tanks and wells used for irrigation) and other public places or works.

30. Reclaiming of unhealthy localities.

31. Removal of rubbish heaps, jungle growth, prickly, pear, filling in of disused wells, insanitary ponds, pools, ditches, pits or hollows, prevention of water-logging in irrigated areas and other improvements sanitary conditions.

32. Construction and maintenance of public latrines.

33. Sanitation, conservancy, prevention and abatement of nuisance and disposal of unclaimed corpses and carcasses of dead animals.

34. [***] [Entry 34 was deleted by Maharashtra 5 of 1937, Section 7.]**

35. Excavation, cleansing and maintenance of ponds for the supply of water to animals.

36. Management and control of bathing or washing ghats which are not managed by any authority.

37. Provision, maintenance and regulation of burning and burial grounds.

Building and Communications

38. Maintenance and regulation of the use of public buildings, tanks and wells (other than tanks and wells used for irrigation) vesting in or under the control of the Panchayats.

39. Removal of obstruction and projections in public streets or places and in sites, not being private property, which are open to the public whether such sites are vested in the Panchayat or belong to Government [removal of unauthorised cultivation of any crop on any grazing land or any other land not being private property] [These words were added by Maharashtra 34 of 1970, Section 27.].

40. Construction, maintenance and repair of public roads, drains, bunds and bridges:

Provided that, if the roads, drains, bunds and bridges vest in any other public authority such works shall not be undertaken without the consent of the authority.

41. Planting of trees along roads, in market places and other public places and their maintenance and preservation.

42. Provision and maintenance of playgrounds, public parks and camping grounds.

43. Construction and maintenance of dharmashalas.

44. Extension of village sites and regulation of buildings in accordance with such principles as may be prescribed.

45. Lighting of village.

Irrigation

46. Minor irrigation.

Industries and Cottage Industries

47. Promotion, improvement and encouragement of cottage and village industries.

Co-operation

48. Organisation of Credit Societies and Multi-purpose Co-operative Societies.

49. Promotion of Co-operative farming.

Self-Defence and Village Defence

50. Watch and ward of the village:

Provided that, the cost of watch and ward shall be levied and recovered by the Panchayat from such person in the village and in such manner, as may be prescribed.

51. Village Volunteer Force and Defence Labour Bank.

52. Rendering assistance in extinguishing fires and protecting life and property when fire occurs.

53. Regulating checking and abating of offensive or dangerous trades or practices.

General Administration

54. Preparation, maintenance and up-keep of Panchayat records.

55. Numbering of premises.

56. Registration of births, deaths and marriages in such manner and in such form as may be laid down by Government by general or special order in this behalf.

57. Collection of land revenue [when entrusted by the State Government under] [These words were substituted for the words 'to the extent provided under' by Maharashtra 50 of 1965, Section 3(c).] section 169.

58. Maintenance of village records relating to land revenue in such manner and in such form as may be prescribed from time to time by or under any law relating to land revenue.

59. Preparation of plans for the development of the village.

60. Drawing up of programmes for increasing the output of agriculture and non-agricultural produce in the village.

61. Preparation of the statement showing requirement of supplies and finances needed for carrying out rural development schemes.

62. Establishment, control and management of cattle pounds.

63. Destruction of stray and ownerless dogs and pigs.

64. Disposal of unclaimed cattle.

65. Construction and maintenance of houses for the conservancy staff to the Panchayat.

66. Reporting to proper authorities village complaints which are not removable by the Panchayat.

67. Making Surveys.

68. Acting as a channel through which assistance given by the Central or State Government for any purpose reaches the village.

69. Establishment, maintenance and regulation of fairs, pilgrimages and festivals.

70. Establishment and maintenance of markets, provided no market shall be established without prior permission of the Zilla Parishad.

71. Controls of fairs, bazaars, tonga stands and car stands.

72. Establishment and maintenance of warehouses.

73. Establishment and maintenance of works or the provision of employment in time of scarcity.

73A. [Provision of employment to needy local persons seeking manual work under any scheme for employment gurantee undertaken or adopted by, or transferred to, the Panchayat.] [Entry 73-A was added by G. N., R. D. D. No. VPA, 1070/20354-E, dated 25th July 1970.]

74. Preparation of statistics of unemployment.

75. Assistance to the residents when any natural calamity occurs.

76. Organising voluntary labour for community work and works for the up-lift of village.

77. Opening fair price shops.

78. Control of cattle stands, threshing floors, grazing grounds and community lands.

79. [Securing [or continuing] [Entry 79 was added by G. N., R. D. D. No. VPS, 1266/1737-E, dated 20th February, 1969.] postal facilities of experimental post offices in the village by providing for payment of non-refundable contribution to the Posts and Telegraphs Department, wherever necessary.]

II

(See Section 188)

Number and year of enactment	Subject of title	Extent of repeal or amendment
(1)	(2)	(3)
1.	Bombay Act VII of 1867.	The Bombay District Police Act, Sections 33 and 34 shall be repealed. 1867.
2.	C. P. and Berar Act, XXXVIII of 1948.	The Central Provinces and Berar Local Government Act, 1948. (1) In section 3, in sub-section (9), the words "subject to the general power of control vested in a Sabha over the Gram Panchayats" shall be deleted. (2) Section 52A shall be repealed. (3) In section 109, sub-section (1) shall be repealed.
3.	Hyderabad Act I of 1956.	The Hyderabad District Boards Act, 1955. Section 203 shall be repealed.
4.	Saurashtra Act XXV of 1956.	The Saurashtra District Panchayat Act, 1956. (1) In section 28, in the first paragraph, for the words "Gram Panchayat", wherever they occur the words "Village Panchayat" and for the words and letters "Saurashtra Gram Panchayats Ordinance, 1949" the words and letters "the Bombay Village Panchayats Act, 1958" shall be substituted; and the proviso shall be repealed. (2) Sections 30 and 83 shall be repealed.

Notifications G. N., R.D.D., No. VPA. 48215-P, dated 20th September, 1965 (M. G., Part I-A-C-S, page 36). - In exercise of the powers conferred by sub-section (2) of section 1 of the Bombay Village Panchayats (Amendment) Act, 1965 (Maharashtra XXXVI of 1965), the Government of Maharashtra hereby appoints the 1st day of October 1965 to be the date on which the said Act shall come into force. G. N., R.D.D., No. VPA. 1070/1946 N. dated 26th November, 1970 (M. G., Part I-A-C-S, page 123). - In exercise of the powers conferred by sub-section (2) of section 1 of the Bombay Village

Panchyats (Amendment) Act, 1970 (Maharashtra XXXVI of 1970), the Government of Maharashtra hereby appoints the 1st day of January 1971 as the date on which the provisions of this Act, including the provisions of sub-section (1) of section 131 substituted by section 20 of this Act but not including sub-sections (2) to (6) of section 131 shall come into force. G. N., R.D.D., No. VPA. 1072/2664-E-I, dated 25th October, 1973 (M. G., Part I-A C-S, page 157). - In exercise of the powers conferred by sub-section (2) of section 1 of the Bombay Village Panchyats (Amendment) Act, 1972 (Maharashtra XXXV of 1972), the Government of Maharashtra hereby appoints the first day of November 1973, to be the date on which the said Act shall come into force. G. N., R.D.D., No. VPA. 1072/32419-E-I, dated 25th October, 1973 (M. G., Part I-A-C-S, page 157). - In exercise of the powers conferred by sub-section (2) of section 1 of the Bombay Village Panchyats (Amendment) Act, 1973 (Maharashtra XXXVIII of 1973), the Government of Maharashtra hereby appoints the first day of October 1965 to be the date on which the said Act shall come into force. G. N., R.D., No. VPA. 1074/12739-XII, dated 1st August, 1975 (M. G., Part IV-B, page 700). - In exercise of the powers conferred by sub-section (2) of section 1 of the Bombay Village Panchyats (Amendment) Act, 1974 (Maharashtra XIII of 1975), the Government of Maharashtra hereby appoints-(1)the 15th day of August 1975, to be the date on which the provisions of sections 3 to 17, 19 to 21 and 24 to 38, and(2)the 1st day of October 1975 to be the date on which the provisions of sections 2, 22 and 23, of the said Act shall come into force. G. N., R.D.D., No. VPA. 1074/12739/(1634)-XII, dated 16th March, 1979 (M.G., Part I-A, C-S, page 12). - In exercise of the powers conferred by sub-section (2) of section 1 of the Bombay Village Panchyats (Amendment) Act, 1974 (Maharashtra XIII of 1975), the Government of Maharashtra hereby appoints the 1st day of April 1979 to be the date on which the provisions of section 18 of the said Act shall come into force. G. N. R. D & W. C. D. No. PRJ 1093/CR 2194/06 dated 23rd April, 1994 (M. G. Part IV-B, page 679). - In exercise of the powers conferred by sub-section (2) of section 1 of The Bombay Village Panchayats and the Maharashtra Zilla Parishad and Panchayat Samitis (Amendment) Act, 1994 (Maharashtra XXI of 1994), the Government of Maharashtra hereby appoints the 23rd of April, 1994, to be the date on which all the provisions of the said Act shall come into force. G. N., L.S.G. & P.H.D.No. VPA. 1059-P, dated 23rd May, 1959 (B. G., Part I-A-C. S., page 98). - In exercise of the powers conferred by sub-section (2) of section 2 of the Bombay Village Panchyats Act, 1958 (Bombay III of 1959), the Government of Bombay hereby appoints the 1st day of June, 1959 to be the date on which the said Act shall come into force. G. N., R.D.D., No. VPM. 1188/502/CR-2755/22, dated 21st September, 1989 (M. G., Part I-A, Nasik, page 443). - In exercise of the powers conferred by sub-section (1) of section 4 of the Bombay Village Panchayats Act, 1958 (Bombay III of 1959), the Government of Maharashtra hereby with effect from the 1st day of October 1989 declares the local areas comprising the revenue villages shown in column (2) of the schedule hereto in the talukas shown in column (3) of the schedule of Nasik district to be the villages to be known by the respective name shown in column (4) of the said schedule.

Schedule 2

Serial No.	Local area	Name of taluka	Name of be known by
(1)	(2)	(3)	(4)
1	Ekalahare	.. Nasik	.. Ekalahare
2	Kotamgaon	.. Nasik	.. Kotamgaon
3	Samangaon	.. Nasik	.. Samangaon

G. N., R. D. D., No. VPM. 1184/CR-1744/22, dated 31st May, 1985 (M. G., Part IV-B, page 1779). - In exercise of the powers conferred by clause (b) of sub-section (2) of section 4 of the Bombay Village Panchayats Act, 1958 (Bombay III of 1959) and after consultation with the Standing Committee of Gadchiroli Zilla Parishad and Village Panchayats of Gadchiroli, Lanzeda and Visapur in Gadchiroli Tahsil, the Government of Maharashtra hereby, with effect from 31st day of May 1985 declares that the local areas comprising the revenue villages of Gadchiroli, Rampur, Tukum, Lanzeda, Visapur, Sonapur and Devapur Rith shall cease to be villages. G. N., R. D. D., No. VPM. 1184/CR 1746(i)/22, dated 31st May, 1985 (M. G., Part IV B, page 1783). - In exercise of the powers conferred by clause (b) of sub-section (2) section 4 of the Bombay Village Panchayats Act, 1958 (Bombay III of 1959) and after consultation with the Standing Committee of Thana Zilla Parishad and the Village Panchayats of Virar and Naringi, Bassein Tahsil, the Government of Maharashtra hereby with effect from the 31st day of May 1985 declares that the local areas comprising the revenue village of Virar, Manvel and Naringi shall cease to be villages. G. N., R. D. D., No. VPM. 1182/26236/CR-1398/22, dated 31st May, 1985 (M. G., Part IV B, page 1785). - In exercise of the powers conferred by clause (b) of sub-section (2) of section 4 of the Bombay Village Panchayats Act, 1958 (Bombay III of 1959) and after consultation with the Standing Committee of the Thana Zilla Parishad and the Village Panchayats of Dhanu, Agar-Ambemora, Masli, Malayan and Wadkun, the Government of Maharashtra hereby with effect from the 31st day of May, 1985 declares that the local areas comprising the revenue villages of Dahanu, Agar Ambemora, Masoli, Malyan, Wadkun and Lonipada shall cease to be villages. G. N., R. D. D., No. VPM. 1182/CR 1929/22, dated 12th June, 1985 (M. G., Part IV-B, page 1856). - In exercise of the powers conferred by clause (b) of sub-section (2) section 4 of the Bombay Village Panchayats Act, 1958 (Bombay III of 1959) and after consultation with the Standing Committee of Thane Zilla Parishad and the Village Panchayats of Bhayandar, Navghar, Kashi, Mira and Ghodbunder, the Government of Maharashtra hereby with effect from the 12th June, 1985, declares that the local areas comprising the revenue villages of Bhayandar, Navghar, Ghoddev, Khari, Kashi Mira, Mahajanwadi, Penpada and Ghodbunder shall cease to be villages. G. N. R. D. D., No. VPM. 1183/CR 2553/22, dated 30th October, 1987 (M. G., Part IV-B, Part I-A. C.S. page 9). - In exercise of the powers conferred by clause (b) of sub-section (2) section 4 of section 4 of the Bombay Village Panchayats Act, 1958 (Bombay III of 1959) and after consultation with the Standing Committee of the Zilla Parishad, jalgaon and Village Panchayats of Asoda, Savkehd Budruk, Khedi Budruk, Mehrum, Manyar Khede, Kusumbe Khurd, Pimprale and Avhane Villages, and in supersession of Government Notification Rural Development Department, No. VPM. 1183/8285/CR-2523/22, dated the 11th September, 1987, the Government of Maharashtra hereby with effect from the 11th date of September, 1987.-(a)excludes the local areas consisting of survey numbers specified in column 2 of the Schedule hereto appended, against each of the revenue villages mentioned in column 1 thereof; and(b)declares that the local area comprising the revenue villages of Khedi Budruk Mehru and Pimparale shall cease to be villages.

Schedule 3

Name of Village (1)	Survey Numbers (2)
1. Savkhede Budruk Nimkhedi . . Survey Nos.	} Not printed
. . Nimkhedi NorthNimkhedi(West). –	

2. Manyakhede . . Survey Nos.
3. Kusumbe Khurd . . Survey Nos.
4. Avhane . . Survey Nos.
5. Asoda . . Survey Nos.

G. N. R. D. D., No. VPM. 1184/9897/CK 1700/22, dated 30th October, 1987 (M. G., 1988 Part I-A, C. S., page 12). - In exercise of the powers conferred by clause (b) of sub-section (2) section 4 of the Bombay Village Panchayats Act, 1958 (Bombay III of 1959) and after consultation with the Standing Committee of the Buldhasna Zilla Parishad and the Village Panchayat, Sindhkhed Raja, the Government of Maharashtra hereby, with effect from the 30th day of October 1987, declares that the local area comprising the revenue village of Sindhkhed Raja shall cease to be a village.G. N., R. D. D., No. VPM. 118/9924/CR-1938/22, dated 30th October, 1987 (M.G., 1988, Part I-A. C. Section page 15). - In exercise of the powers conferred by clause (b) of sub-section (2) section 4 of the Bombay Village Panchayats Act, 1958 (Bombay III of 1959) and after consultation with Standing Committee of the Buldhana Zilla Parishad and the Village Panchayat Lonar the Government of Maharashtra hereby, with effect from the 30th day of October, 1987, declares that the local area comprising the revenue village of Lonar shall cease to be a village.G. N., R. D. D., No. VPM. 1184/7414/CR-2595/22, dated 3rd November, 1987 (M. G., 1988, Part I-A, C. S., page 18). - In exercise of the powers conferred by clause (b) of sub-section (2) section 4 of the Bombay Village Panchayats Act, 1958 (Bombay III of 1959) and after consultation with the Standing Committee of the Zilla Parishad, Nanded and the Village Panchayat of Loha, Vithalwadi and Bannalwadi (Devanyachiwadi) villages the Government of Maharashtra hereby, with effect from the 18th day of November 1987 declares that the local areas comprising the revenue villages of Loha, Vithalwadi and Bannalwadi (Devanyachiwadi) shall cease to be village.G. N., R. D. D., No. VPM. 1182/CR-1415/22, dated 1st January, 1988 (M. G., Part I-A, C. S., page 30). - In exercise of the powers conferred by clause (b) of sub-section (2) section 4 of the 8ombay Village Panchayats Act, 1958 (Bombay III of 1959), the Government of Maharashtra hereby, with effect from the 10th day of September 1987, cancels Government Notification, Rural Development Department, No. VPM. 1181/CR-1415/22, dated the 10th September, 1987.G. N., R. D. D., No. VPM. 1188/1231/CR-2712/22, dated 1st September, 1988 (M. G., Part I-A, C. Section, page 38). - In exercise of the powers conferred by clause (b) of sub-section (2) section 4 of the Bombay Village Panchayats Act, 1958 (Bombay III of 1959) and after consultation with the Standing Committee of the Zilla Parishad, and the Village Panchayat Waghala, Vasarni, Asarjan, Asadwana and Kavatha, the Government of Maharashtra hereby with effect from the 22nd day of September 1988, declares that the local area comprising the revenue village of Waghala, Vasarni, Rahimpur, Asarjan, Fattejangpur, Asadwan and Kavatha shall cease to be village.G. N., R. D. D., No. VPM. 1188/444/CR-2674/22, dated 8th September, 1988 (M. G., Part I-A, C. Section, page 46). - In exercise of the powers conferred by clause (b) of sub-section (2) section 4 of the Bombay Village Panchayats Act, 1958 (Bombay III of 1959) and after consultation with the Standing Committee of the Zilla Parishad, and the Village Panchayat Taroda (Kd.), Taroda (Bk.), Mahaliya, Nasratpur, the Government of Maharashtra hereby with effect from the 8th day of September, 1988, declares that the local area comprising the revenue village to Taroda (Kd.), Taroda (Bk.), Mahalja, Jangamwadi shall cease to be villages.G. N., R. D. D., No. VPM. 1182/8399/CR-1461/22, dated 16th August, 1988 (M. G., Part I-A, C. Section, page 87). - In exercise of the powers conferred by clause (b) of sub-section (2) section 4 of the Bombay Village Panchayats

Act, 1958 (Bombay III of 1959) and after consultation with the Standing Committee of the Zilla Parishad, and the Village Panchayat, Kanher, the Government of Maharashtra hereby, with effect from the 16th day of August 1988, declares that the local area comprising the revenue village of Kanher shall cease to be a village.G. N., R.D.D., No. VPM. 1183/7876/CR-1773/22, dated 10th November, 1987 (M. G., Part I-A, C.S., 1988, page 23) - In exercise of the powers conferred by clause (b) of sub-section (2) of section 4 of the Bombay Village Panchayats Act, 1958 (Bombay III of 1959) and after consultation with the Standing Committee of Ahmednagar Zilla Parishad and the village Panchayats of Rahata and Pimplas in Kopargaon Taluka, the Government of Maharashtra hereby with effect from the 12th day of November, 1987, declares that the local area comprising the revenue village of Rahata and Pimplas shall cease to be villages.G. N., R.D.D., No. VPM. 1187/1201/CR-2521/22, dated 20th June, 1989 (M. G., Part I-A, PUNE, page 138). - In exercise of the powers conferred by clause (b) of sub-section (2) of section 4 of the Bombay Village Panchayats Act, 1958 (Bombay III of 1959) and after consultation with the Standing Committee of the Satara, Zilla Parishad and the Village Panchayats Saidapur, Banawadi and Malkapur, the Government of Maharashtra hereby with effect from the 20th day of June, 1989, declare that the local area comprising the revenue village of Saidapur, Banawadi and Malkapur shall cease to be villages.G. N., R.D.D. No. VPM-1187/247/CR-2677/22, dated the 10th January, 1990 (M. G., Pt. I-A., C.S., p. 73). - In exercise of the powers conferred by clause (b) of sub-section (2) of section 4 of the Bombay Village Panchayats Act, 1958 (Bombay III of 1959) and after consultation with the Standing Committee of the Chandrapur Zilla Parishad and the Village Panchayats Brahmapuri, Kurja and Bondegaoon the Government of Maharashtra hereby, with effect from the 10th day of January, 1990 declares that the local area comprising the revenue villages of Brahmapuri and Delanwadi, under the jurisdiction of the Village Panchayat Brahmapuri and Kurja and Bondegaoon under the jurisdiction of the Village Panchayats Kurja and Bondegaoon shall cease to be villages.G. N., R.D.D., No. VPM-1089/CR-2907/22, dated the 10th January, 1990 (M. G., Part I-A, C.S., page 78). - In exercise of the powers conferred by clause (b) of sub-section (2) of section 4 of the Bombay Village Panchayats Act, 1958 (Bombay III of 1959) and after consultation with the Standing Committee of Ahmednagar Zilla Parishad and the Administrator, Village Panchayat Shirdi the Government of Maharashtra hereby with effect from the 10th January, 1990 declare that the local area specified in column (3) of the schedule hereto and comprising revenue village in column 2 thereof shall cease to be a village.

Schedule 4

Serial No.	Name of the revenue Village	Local area
(1)	(2)	(3)
1.	Shirdi	Shirdi Gaothan and entire area with shirdi revenue village.

G. N., R.D.D., No. VPM-1189/2979/22, dated the 10th January, 1990 (M. G., Part I-A., C.S., page 83). - In exercise of the powers conferred by clause (b) of sub-section (2) of section 4 of the Bombay Village Panchayats Act, 1958 (Bombay III of 1959), and after consultation with Standing Committee of Aurangabad Zilla Parishad and the Village Panchayat Sillod the Government of Maharashtra hereby declared that with effect from the 10th January, 1990 the local area comprising the revenue villages Sillod, Radalwadi, shall cease be villages.G. N., R.D.D., No. VPM. 1189/CR-2935/22, dated

the 10th January, 1990 (M. G., Part I-A, C.S., page 89) - In exercise of the powers conferred by clause (b) of sub-section (2) of section of the Bombay Village Panchayats Act, 1958 (Bombay III of 1959), and after consultation with the Standing Committee of Thane Zilla Parishad and the Village Panchayats Sopara, Nilemore, Tulinj, Umrle, Achole the Government of Maharashtra hereby declared that with effect from the 10th day of January 1990 the local areas comprising the revenue Village at Umrle, Samel, Karnale, Sopara, Nilemore, Tulinj and Achole shall cease to be villages.G. N., R.D.D., No. VPM. 1189/CR-31 21/22, dated the 10th January, 1990 (M. G., Part I-A, C.S., page 95) - In exercise of the powers conferred by clause (b) of sub-section (2) of Section 4 of the Bombay Village Panchayats Act, 1958 (Bombay III of 1959) and after consultation with the Standing Committee of the Ahmednagar Zilla Parishad and the Village Panchayat Shrigonda, the Government of Maharashtra hereby declared that with effect from the 10th day of January, 1990, the local area comprising the revenue village Shrigonda shall cease to be village.G. N., R.D.D., No. VPM. 1189/CR-2939/22, dated the 10th January, 1990 (M. G., Part I-A, C.S., page 100) - In exercise of the powers conferred by clause (b) of sub-section (2) of section of the Bombay Village Panchayats Act, 1958 (Bombay III of 1959), and after consultation with the Standing Committee of Thane Zilla Parishad and the Village Panchayats Uttan, Dongari, Chene-Varsova, Rai-Murdhe, the Government of Maharashtra hereby declared that with effect from the 10th day of January 1990, the local area comprising the revenue villages Uttan, Dongari, Torodi, Pali, Chawk, Rai-Murdhe, Morva, Chene-Varsova shall cease to be villages.G. N., R.D.D., No. VPM. 1191/2090/CR-3635/22, dated the 17th December, 1991 (M. G., Part I-A, C.S., page 40) - In exercise of the power conferred by clause (b) of sub-section (2) of Section of the Bombay Village Panchayats Act, 1958 (Bombay III of 1959) and after consultation with the Administrator of Thane Zilla Parishad and the Village Panchayats of Turbhe, Pawane, Ju, Vashi, Sanpada, Kukshet, Shirwane, Sarsole, Nerul, Darawe, Karawe, Belapur (Shahabad, Ghansoli, Dighe, Airoli, Dive, Rabale, Gothiwali, Talawali, Koparkhairane, Khairane, Dahisar, Pimpri, Nagaon, Waklan, Narivali, Nighu-Nawali and Uttarshiv, the Government of Maharashtra hereby, declares that with effect from the 17th day of December 1991, the local areas comprising the revenue villages of Airoli, Belapur (Shahabad), Bonsari, Borivali, Chmchavalai, Dighe, Dive, Dharave, Ghansoli (Urban), Gothivali, Ilthan, Ju, Karawe, Khairane, Kopar-Khairane, Kukshet, Mohape, Nerul, Pawane, Rabale, Sunpada, Sarsole, Savali, Shirwane, Sonkhar, Talwali, Tetavali, Turbhe, Vashi, Adivali-Bhutali, Dahisar, Mokashi, Walivali, Pimpri, Nighu, Navali, Waklan-Babhali, Narivali, Bale, Nagaon, Bhandarli, Uttarshiv and Goteghar shall cease to be villages.Amended by G. N., R. D. D., No. VPA. U72/14736-E, dated 2nd May, 1972 (M. G., Part I-A, C.S., page 54)G.O., C. & R.D.D., No. VPA. 1162/34143-E, dated 5th October, 1962 (M. G., Part I-A, C.S., page 33) - In exercise of the powers conferred by sub section 91) of section 12 of the Bombay Village Panchayats Act, 1958 (Bombay III of 1959), and in supersession of the Government Order, Local Self-Government Public Health Department, No VPA. 1059-P, dated the 6th June, 1959, the Government of Maharashtra hereby notifies the seventh day immediately preceding [the last date] [Substituted by G. N. of 2-5-1972.] fixed for the nomination of candidates under rule 7 of the Bombay Village Panchayats Election Rules, 1959, to be the day for the purposes of sub-section (1) of the said section 12.G. N., R.D.D., No. VPA. 1266/1737-E, dated 20th February, 1969 (M. G., Part IV-B, page 295). - In exercise of the powers conferred by sub-section (2) of section 45 of the Bombay Village Panchayats Act, 1958 (Bombay III of 1959), the Government of Maharashtra hereby amends Schedule I to the said Act as follows, namely:-In Schedule I to the said Act, after entry 78, the following entry shall be added at the end, namely:-"79. Securing postal facilities of experimental

post offices in the village by providing for payment of non-refundable contribution to the Posts and Telegraphs Department, wherever necessary."G. N., R.D.D., No. VPA. 1070/20354-E, dated 25th July, 1970 (M. G., Part I-A-C.S., page 71) - In exercise of the powers conferred by sub-section (2) of section 45 of the Bombay Village Panchayats Act, 1958 (Bombay III of 1959) the Government of Maharashtra hereby amends Schedule I appended to the said Act, as follows:-In the said Schedule after entry 73, the following entry shall be added, namely:-"73A. Provision of employment to needy local persons seeking manual work under any scheme for employment guarantee undertaken or adopted by, or transferred to, the Panchayat."G. N., R.D.D., No. VPS. 1266/1737-E, dated 24th November, 1970 (M. G., Pt. IV-B, part 1865). - In exercise of the powers conferred by sub section (2) of section 45 of the Bombay Village Panchayats Act, 1958 (Bombay III of 1959), the Government of Maharashtra hereby amends Schedule I to the said Act as follows, namely:-In Schedule I to said Act, in entry 79, after the words "Securing", the words "or continuing" shall be inserted.G. N., R.D.D. No. VPA. 1075/1949/XXIII, dated 20th September, 1976 (M. G. Part IV-B, page 1184). - In exercise of the powers conferred by sub-section (2) of section 45 of the Bombay Village Panchayats Act, 1958 (Bombay III of 1959), the Government of Maharashtra hereby amends Schedule I appended to the said, Act as follows, namely: -In Schedule I to said Act, after entry 18 under the heading "Education" the following entry shall be inserted namely; -"18A. Maintenance and Repairs or Primary School Buildings which may be vesting in the Zilla Parishad or Panchayat Samiti."G. N., R. D. D. No. VPA. 1075/1949/XXIII, dated 26th September, 1977 (M. G. Part IV-B, page 819). - In exercise of the powers conferred by sub-section (2) of section 45 of the Bombay Village Panchayats Act, 1958 (Bombay III of 1959), the Government of Maharashtra hereby amends Schedule I to the said, Act as follows, namely:-In the said Schedule I, under the heading "Education", in entry 18A, for the words "which may be vesting in the Zilla Parishad or Panchayat Samiti" the words "vesting for the time being in Zilla Parishad' shall be substituted.G. N., R.D.D., No. VPM. 2681/21269 (CR-1399)/XXIII-B, dated 17th August, 1982 (M. G., Part I-A-C-S., page 28). - In exercise of the powers conferred by sub-section (2) of section 45 of the Bombay Village Panchayats Act, 1958 (Bombay III of 1959), the Government of Maharashtra hereby amends Schedule I to the said Act as follows, namely:-In entry 56, in Schedule I to the said Act, the words "birth, deaths and" shall be deleted.G. N. W. S. & S. D. No. RWS 1004/CR-164/ WS-07 dated 23rd August, 2004 (M. G. Part IV-B. Page 992). - In exercise of the powers conferred by sub-section (2) of section 45 of the Bombay Village Panchayats Act, 1958 (Bombay III 1958) and of all other powers enabling it in that behalf, the Government of Maharashtra hereby amends Schedule I to the said Act, as follows, namely:- In Schedule I to the Bombay Villages Panchayats Act, 1958, after entry 46, the following shall be added, namely:-"Drinking Water supply"

46A. Identification, planning, designing, construction, implementation, operations and maintenance, repairs, reconstructions and management and all allied matters relating to drinking water supply facilities, sources and systems of all types.

46B. Integrated development, management and regulation of drinking water supply and water sources within the area of the Panchayat".

G.O., P.W.D., No. TRS. 2183/85172 (713)/R-1, dated 12th November, 1984 (M. G., Part IV-B, page 1280). - In exercise of the powers conferred by sub-section (1) of section 51 of the Bombay Village Panchayats Act, 1958 (Bombay III of 1959), and of all other powers enabling it in that behalf, the Government of Maharashtra hereby directs that the road comprising the old abandoned portion of the Dahivadi-Mograle Phaltan Road, State Highway No. 14A, starting from Kilometre 87/400 and ending at 89/382 and passing through village Dahivadi in Satara District, shall vests in the Gram Panchayat, Dahivadi in Satara District, subject to the condition that no changes, shall be made in respect of that road without the prior approval of the State Government or of any of its officers authorised by it in that behalf. G. O., P.W.D., No. TRS. 1484/(3138) Road-1, dated 17th April, 1985 (M. G., Part, IV-B, page 1614). - In exercise of the powers conferred by sub-section (1) of section 51 of the Bombay Village Panchayats Act, 1958 (Bombay III of 1959), the Government of Maharashtra hereby vests the road comprising the abandoned portion of the Nashik-Vani-Borgaon-Waghai upto State Border (SH No. 1959), (length of the road 615 metres) in the Dindori Village Panchayat of the Nashik District, for the purpose of Chapter III of the said Act; subject to the condition that no changes shall be made in respect of that road without the prior approval of the State Government or of any of its officers authorised by it in that behalf. G. O., P.W.D., No. TRS. 2585/36244/(4083)/Road-1, dated 9th August, 1985 (M. G., Part, IV-B, page 1038). - In exercise of the powers conferred by sub-section (1) of section 51 of the Bombay Village Panchayats Act, 1958 (Bombay III of 1959), the Government of Maharashtra hereby vest the road length starting from Km. 0/0 to 0/75 Km. Pimpalgaon-Baswant to Chinchkhed (Village Road No. 4) in the Pimpalgaon Baswant Village Panchayat of the Nashik District, for the purpose of Chapter III of the said Act, subject to the condition that (1) The road shall be maintained by Village Panchayat properly, (2) It should be seen that no encroachment or of new construction on this road is taken place and provisions in the Ribbon Development Rules be followed strictly, (3) No changes shall be made in respect of road without prior permission of the State Government or of any of its officers authorised by it in that behalf. G. O., & R.D.D., No. VPA. 11559-P, dated 19th April, 1961 (M. G., Part, I-A-C.S., page 23). - In exercise of the powers conferred by sub-section (3) of section 64 of the Bombay Village Panchayats Act, 1958 (Bombay III of 1959), the Government of Maharashtra hereby specifies the following powers which every Nayaya Panchayat constituted under that section may exercise, that is to say: -(a) Powers in respect of Suits mentioned in sub-sections (1) and (2) of section 73 of the said Act; and (b) Powers in respect of offences mentioned in section 75 except those under sections 323, 352, 358, 379, 426, 447, 461, 504, 506 and 510 of the Indian Penal Code, 1860. Amended by G. N., L.S.G. & P H.D., No. VPS 3959-P, dated 20th July, 1959 (B.C., Pt., I-A-C.S, page 153) G. N., L.S.G. 8. P.H.D., No. VPS, 3959-P, dated 25th May, 1959 (B. G., Part I-A-C.S., page 101) - In exercise of the powers conferred by clause (v) of sub-section (2) of section 134 of the Bombay Village Panchayats Act, 1958 (Bon III of 1959), the Government of Bombay hereby determines that the number of persons to be elected in each District as members of the District Village Panchayat Mandal for that District from amongst the Sarpanchas of the Panchayats in that District shall be as shown in column 3 of the Schedule annexed hereto, against the District Village Panchayat Mandal concerned.

Serial No.

Number

	Name of the District Village Panchayat Mandal
Bombay Division	
1	District Village Panchayat Mandal, West Khandesh .. 10 District
2	District Village Panchayat Mandal, Nasik District .. 12
3	District Village Panchayat Mandal, Thana District .. 12
4	[* * * *] [Not printed as it pertains to the Gujarat State.]
5	District Village Panchayat Mandal, Kolaba District .. 12
6	District Village Panchayat Mandal, Ratnagiri .. 2 District
Poona Division	
7	District Village Panchayat Mandal, Poona District .. 12
8	District Village Panchayat Mandal, Sholapur District .. 11
9	District Village Panchayat Mandal, Ahmednagar .. 12 District
10	District Village Panchayat Mandal, North Satara .. 11 District
11	District Village Panchayat Mandal, South Satara .. 7 District
12	District Village Panchayat Mandal, Kolhapur .. 12 District
Ahmedabad Division[Not printed.] [Not printed as it pertains to the Gujarat State.]Rajkot Division[Not printed.] [Not printed as it pertains to the Gujarat State.]Aurangabad Division	
13	District Village Panchayat .. 12 Mandal, Aurangabad

	District	
14	District Village Panchayat Mandal, Bhir District	.. 7
		[8]
15	District Village Panchayat Mandal, Parbhani District	[Substituted by G.N. of 20-7-1959.]
16	District Village Panchayat Mandal, Nanded District	.. 8
17	District Village Panchayat Mandal, Usmanabad	.. 11
18	District Village Panchayat Mandal, East Khandesh District	.. 12
Nagpur Division		
19	District Village Panchayat Mandal, Nagpur District	.. 10
20	District Village Panchayat Mandal, Bhandara District	.. 12
21	District Village Panchayat Mandal, Chanda District	.. 12
22	District Village Panchayat Mandal, Wardha District	.. 7
23	District Village Panchayat Mandal, Amravati District	.. 12
24	District Village Panchayat Mandal, Yoetmal District	.. 12
25	District Village Panchayat Mandal, Akola District	.. 12
26	District Village Panchayat Mandal, Buldhana District	.. 9

G. N., R.D.D., No. VPA. 2473/727/76-XXIII, dated the 7th August, 1976 (M. G., Part I-A C-S., page 73). - In exercise of the powers conferred by section 136 of the Bombay Village Panchayats Act, 1958 (Bombay III of 1959), and of all other powers enabling it in that behalf, and in supersession of Government Notification, Co-operation and Rural Development Department, No. VPS 2462/22703-E, dated the 5th June 1962, the Government of Maharashtra hereby appoints each of the Deputy Chief Executive Officers (Village Panchayats) of the Zilla Parishads in the State to be the

District Village Panchayat Officer within the limits of their respective revenue district or districts.G. N. R.D. & W. C. D. No. VPM 2601/CR 1492/22, dated 19th March, 2001 (M. G. Part IV B, page 336).
- In exercise of the powers conferred by sub-section of section 182 of the Bombay Village Panchayats Act, 1958 (Bombay III of 1959), the Government of Maharashtra hereby authorises the Commissioner of Divisions, to exercise within their respective jurisdiction the powers of the State Government under section 125 of the said Act.