THE MAHARASHTRA VILLAGE PANCHAYATS ACT

[*Text as on 13th January 2026*]

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27. Amended by Mah. 40 of 1997 (7-8-1997)
28. Amended by Mah. 46 of 1997 (29-12-1997)
29. Amended by Mah. 1 of 1998[5]

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

2 Section 1 of Mah. 13 of 1975 came into force on 28-5-1975, sections 3 to 17, 19 to 21 and 24 to 38 came into force on 15-8-1975 and sections 2, 22 and 23 of the said Act came into force on 1-10-1975 *vide* G.N. R.D.D., No. VPA. 1074/12739-XII, dated 1st August 1975 and section 18 came into force on 1-4-1979 *vide* G.N. R.D.D., No. VPA. 1074/12739/(1634)-XII, dated 16th March 1979.

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

4 This Act came into force on 23-4-1994, *vide* 1093/CR-2194/06, dated 23rd April, 1994.

5 Mah. I of 1998 has not been brought into force.

Note.- The date mentioned in the bracket indicates the date of commencement of the Act.

30. Amended by Mah. 6 of 2000 (5-7-1999)

31. Amended by Mah. 21 of 2000[1]

32. Amended by Mah. 27 of 2000 (2-3-2000)

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49. Amended by Mah. 23 of 2010[9] (9-6-2010)

50. Amended by Mah. 28 of 2010 (9-6-2010)

51. Amended by Mah. 33 of 2010[10] (10-1-2011)

52. Amended by Mah. 19 of 2011 (21-4-2011)

1 Mah. 21 of 2000 has not been brought into force.

2 Maharashtra Ordinance No. XII of 2002 was repealed by Mah. 3 of 2003, s. 5(*1*).

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

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

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

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

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

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

7 Sections l and 7 of Mah. 5 of 2009 came int to 6 and section 8 of the said Act came

into force on 1-8-2009, *vide* G. N., R. D. and W. C. D., No. MISC. 2007/C.R. 157/PR-2, dated the 15th March, 2009.

8 Maharashtra Ordinance No. XXI of 2009 was repealed by Mah. 27 of 2009, s. 9(*1*).

9 Maharashtra Ordinance No. V of 2010 was repealed by Mah. 23 of 2010, s. 4(*1*).

10 This Act came into force on 10-1-2011, *vide* G. N., No. SANKIRNA 2010/C.R.-122/PR-2, dated the 11th January 2011.

Note.- The date mentioned in the bracket indicates the date of commencement of the Act.

53. Amended by Mah. 27 of 2011[1] (8-6-2011)

54. Amended by Mah. 39 of 2011[2] (5-10-2011)

55. Amended by Mah. 16 of 2012[3] (2-10-2012)

56. Amended by Mah. 22 of 2012[4]

57. Amended by Mah. 24 of 2012 (22-8-2012)

58. Amended by Mah. 29 of 2012[5] (4-10-2012)

59. Amended by Mah. 18 of 2014[6] (30-1-2014)

60. Amended by Governor Notification[7] (30-10-2014)

61. Amended by Mah. 46 of 2014[8] (15-05-2015)

62. Amended by Mah. 7 of 2015 (26-03-2015)

63. Amended by Mah. 10 of 2016 (31-03-2016)

64. Amended by Governor Notification[9] (13-04-2016)

65. Amended by Governor Notification[10] (27-02-2017)

66. Amended by Mah. 28 of 2017[11] (31-01-2017)

67. Amended by Mah. 42 of 2017[12] (1-07-2017)

68. Amended by Mah. 11 of 2018[13] (15-02-2018)[14]

69. Amended by Mah. 24 of 2018[15] (9-02-2018)

1 Maharashtra Ordinance No. XV of 2011 was repealed by Mah. 27 of 2011, s. 4(*1*)

2 Maharashtra Ordinance No. XIX of 2011 was repealed by Mah. 39 of 2011, s. 5(*1*).

3 This Act came into force on 2-10-2012, *vide* G. N., R. D., and W.C.D. No. MISC 2010/C.R. 187/PR-2, dated the 1st October 2012 (M.G.G., Extra-ord. Part-IV-B) (Extra-ordinary No. 135).

4 This Act yet to be brought into force.

5 Maharashtra Ordinance No. IX of 2012 was repealed by Mah. 29 of 2012, s. 4(*1*).

6 Maharashtra Ordinance No. II of 2014 was repealed by Mah. 18 of 2014, s. 3(*1*).

7 Notification No. RB/TC/e-11019(89)(2013)/Notification-4/1120/2014, dated the 30th October 2014 issued by the Office 30-10-2014, page 1-5.

8 Sections 1, 2, 3 and 4 of Mah. 43 of 2014 came into force *vide* G.N., R.D. & W. C.D., No. VPM. 2015/CR-39/ PR.4., dated 15th May 2015.

9 Notification No. RB/TC/e-13012(*1*)(2015)/Notification-506/2016, dated the 13th April 2016 issued by the Office of the page 1-2.

10 Notification No. RB/TC/e-13012(*1*)(2015)/Notification-238/2017, dated the 27th February 2017 issued by the Office of page 1-2.

11 Maharashtra Ordinance No. V of 2017 was repealed by Mah. XXVIII of 2017, s. 4(*1*).

12 All sections except sections 13 to 31 of Mah. 42 of 2017 came into force *vide* G.N., F.D., No. MGST. 1017/ CR101(*2*)/Taxation-1, dated 29th June 2017.

13 Section 4 of Mah. 11 of 2018 reads as under :—

"4. Repeal and Saving.— (*1*) The Maharashtra Village Panchayats (Payment of Lump-sum Contribution by Factories in Lieu of Taxes) Rules, 1961 shall stand repealed.

(*2*) Notwithstanding deletion of section 125 of the principal Act and repeal of the Maharashtra Village Panchayats (Payment of Lump-sum Contribution by Factories in Lieu of Taxes) Rules, 1961 the agreements entered into or executed in pursuance thereof, shall be valid for a period mentioned in the agreements and shall then expire:

Provided that, the tax may be levied and collected separately,—

(*i*) if during the period the agreement is effective, *Panchayat* imposes any new taxes as per the provisions of the principal Act or rules made thereunder; or

(*ii*) if the occupier constructs a new material attentions in any existing

building.”.

14 *vide* G.N., R.D.D., No. VPM. 2016/C.R.126/PR. 4(*22*), dated 15th February 2018.

15 Maharashtra Ordinance No. V of 2018 was repealed by Mah. XXIV of 2018, s. 4(*1*).

Note.- The date mentioned in the bracket indicates the date of commencement of the Act.

70. Amended by Mah. 54 of 2018[1,2] (19-7-2017)

71. Amended by Mah. 66 of 2018[3,4] (11-10-2018)

72. Amended by Mah. 2 of 2020[5]

73. Amended by Mah. 4 of 2020

74. Amended by Mah. 25 of 2020[6] (25-6-2020)

75. Amended by Mah. 4 of 2022[7] (6-12-2021)

1 Maharashtra Ordinance No. II of 2018 was repealed by Mah. 54 of 2018, s. 23.

2 Section 22 of Mah. 54 of 2018 reads as under :—

“22. Power to remove difficulty.— (*1*) If any difficulty arises in giving effect to the provisions of the Maharashtra Village Panchayats Act (III of 1959), as amended by this Act, the State Government may, by an order published in the *Official Gazette*, as the occasion arises, make such provisions not inconsistent with provisions of the said Act, as amended by this Act, as may appear it to be necessary or expedient for purpose of removing the difficulty :

Provided that, no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

(*2*) Every order made under sub-section (*1*) shall be laid, as soon as may be, after it is made, before each House of the State Legislature.”.

3 Maharashtra Ordinance No. XXI of 2018 was repealed by Mah. 66 of 2018, s. 10.

4 Section 7, 8 and 9 reads as under :—

“7. Saving as to certain election.— (*1*) Nothing in this Act shall affect the elections conducted by the State Election Commission for conducting the elections or any programme declared by it therefor, prior to the date of commencement of the Maharashtra Village Panchayats and the Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Act, 2018 (Mah. LXVI of 2018), for filling up the resultant vacancy in view of the provisions of section 10-1A or section 30-1A of the Maharashtra Village Panchayats Act (III of 1959); section 12A or sub-section (*6A*) of section 42 or sub-section (*7A*) of section 67 of the Maharashtra *Zilla Parishads* and *Panchayat Samitis* Act, 1961 (Mah. V of 1962), as it stood prior to such date of commencement.

8. Saving as to certain disqualifications.— Any person, who has obtained the Caste Certificate and Validity Certificate, but has not filed such certificate prior to the date of commencement of this Act, shall not be deemed to be disqualified under the provisions of the relevant *Panchayat* law, if he submits such certificate within a period of three months from the date of commencement of this Act:

Provided that, the provisions of this section shall not apply where the State Election Commission has already prior to the date of commencement of this Act held elections to fill the Vacancy of such person or declared the program for holding of such election.

9. Power to remove difficulty.— (*1*) If any difficulty arises in giving effect to the provisions of the Maharashtra Village *Panchayats* Act (III of 1959) or, as the case may be, the Maharashtra *Zilla Parishads* and *Panchayat Smitis* Act, 1961 (Mah. V of 1962), as amended by this Act, the State Government may, as the occasion arises, by an Order published in the *Official Gazette*, give such directions not inconsistent with the provisions of the said Acts as amended by this Act, as may appear to it to be necessary or expedient for the purpose of removing the difficulty.

(*2*) Every order made under sub-section (*1*) shall be laid, as soon as may be, after it is made, before each House of the State Legislature:

Provided that, no such order shall be made after expiry of the period of two years from the commencement of this Act.”

5 Sections 12 and 13 of Mah. 2 of 2020 reads as under :—

“12. Removal of doubts.— (*1*) Notwithstanding anything contained in section 30A-1B of the principal Act, if any order in respect of election or bye-election of a *panchayat* is issued or any procedure for election of or bye-election of the *panchayat* commenced, before the date of commencement of the Maharashtra Village Panchayats (Amendment) Act, 2020 (Mah. II of 2020), such election shall be held as per the provisions of section 30A-1A.

(*2*) Notwithstanding anything contained in second proviso to sub-section (*1*) of section 43 of the principal Act, as amended by this Act, if any order in respect of filling of casual vacancy of directly elected *Sarpanch* is issued or any procedure for filling of casual vacancy of directly elected *Sarpanch* is commenced, before the date of commencement of the Maharashtra Village Panchayats (Amendment) Act, 2020 (Mah. II of 2020), such election shall be held as per the provisions of the second proviso the sub-section (*1*) of section 43, as it existed before the commencement of this Act.

13. Power to remove difficulty.— (*1*) If any difficulty arises in giving effect to the provisions of the principal Act, as amended by this Act, the State Government may, by an order published in the *Official Gazette*, as the occasion arises, make such provisions not inconsistent with the provisions of the principal Act, as amended by this Act, as may appear to it to be necessary or expedient for the purpose of the

Provided that, no such order shall be made, after the expiry of a period of two years, from the date of commencement of this Act.

(*2*) Every order made under sub-section (*1*) shall be laid, as soon as may be, after it is made, before each House of the State Legislature.".

6 Maharashtra Ordinance No. X of 2020 was repealed by Mah. 25 of 2020, s. 3.

7 Maharashtra Ordinance No. XIV of 2021 was repealed by Mah. 4 of 2022, s. 7.

75. Amended by Mah. 19 of 2022[1] (23-9-2021)

76. Amended by Mah. 22 of 2022[2]

77. Amended by Mah. 42 of 2022[3,4] (27-7-2022)

78. Amended by Mah. 15 of 2023

79. Amended by Mah. 30 of 2023[5] (28-4-2023)

80. Amended by Mah. 43 of 2025 (29-8-2025)

81. Amended by Mah. 48 of 2025[6] (3-11-2025)

1 Maharashtra Ordinance No. III of 2021 was repealed by Mah. 19 of 2022, s. 8.

2 Section 6 of Mah. 22 of 2022 reads as under :—

6. Annulment of division of wards, electoral divisions and electoral colleges.— Notwithstanding anything contained in the Maharashtra Village Panchayats Act (III of 1959) and the Zilla Parishads and Panchayat Samitis Act and the rules made thereunder, where the process,—

(*i*) to divide a village into wards and to determine number of members of Panchayat to be elected from each ward;

(*ii*) to divide a district into electoral divisions and to determine the number of councilors to be elected from each electoral division, or

(*iii*) to divide an electoral division into electoral colleges, is started or completed by the State Election Commission, before the date of commencement of the Maharashtra Village Panchayats and Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Act, 2022 (Mah. XXII of 2022), such process shall be deemed to be annulled; and the process to divide the wards. Electoral divisions or electoral colleges and determination of number of memebers of panchayat or councilors of *Zilla Parishads* to be elected from each ward or electoral division shall be done afresh according to the provisions of the Maharshtra Village Panchayats Act and the Zilla Parishads and Panchayat Samits Act, (III of 1959) as amended by this Act.".

3 Maharashtra Ordinance No. V of 2022 was repealed by Mah. 42 of 2022, s. 9.

4 Section 9 of Mah. 42 of 2022 reads as under :—

"9. Repeal of Mah. Ord. V of 2022 and saving.— (*1*) The Maharashtra Village Panchayats (Amendment) Ordinance, 2022 (Mah. Ord. V of 2022), is hereby repealed.

(*2*) Notwithstanding such repeal, anything done or any action taken (including any notification or order issued) under the corresponding provisions of the principal Act, as amended by the said Ordinance, shall be deemed to have been done, taken or issued, as the case may be, under the corresponding provisions of the principal Act, as amended by this Act.".

5 Maharashtra Ordinance No. I of 2023 was repealed by Mah. 30 of 2023, s. 7.

6 Maharashtra Ordinance No. XII of 2025 was repealed by Mah. 48 of 2025, s. 7.

Note.- The date mentioned in the bracket indicates the date of commencement of the Act.

ACT No. III of 1959[1]

[THE MAHARASHTRA VILLAGE PANCHAYATS ACT.]

[This Act received the assent of the President on 14th January 1959; 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 *panchayat* for every village or group of villages and investing them with such powers and authority as may be necessary to enable them to function as units of local self-government and of development activities in rural areas, and for certain other matters; It is hereby enacted in the Nineth Year of the Republic of India as follows :—

CHAPTER I

PRELIMINARY

1. Short title.— This Act may be called [2][the Maharashtra Village Panchayats Act].

2. Extent and commencement.— (*1*) It extends to the whole of the [3][State of Maharashtra], except the areas within the limits of a municipal corporation, municipality or cantonment established by or under any law for the time being in force.

(*2*) It shall come into force on such [4]date as the State Government may, by notification in the *Official Gazette*, appoint.

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

[5][* * * * * * * *]

(*a-2*) "Auditor" means an Auditor as defined in the Bombay Local Fund Audit Act, 1930 (Bom. XXV of 1930) [6][and in relation to a *panchayat* having an annual income (including grant received from the State Government) of [7][not exceeding rupees Ten thousand includes a *Gram sabha* and exceeding rupees Ten thousand but less than rupees Twenty-five thousand] also includes an Extension Officer duly authorised in writing by the Chief Executive Officer] ;

[8][(*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* ;]

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

[10][(*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* ;]

2 This short title was substituted for "the Bombay Village Panchayats Act, 1958" by Mah. 24 of 2012, s. 2, Schedule, entry 74, with effect from 1st May 1960.

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

4 1st day of June 1959, *vide* G. N., L. S. G. and P. H. D., No. VPA. 1059-P, dated 23rd May 1959.

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

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

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

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

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

10 This clause was inserted by Mah. 23 of 2003, s. 2(*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*) "by-laws" means the by-laws made by the [1][*Zilla Parishad*] under section 177 ;

[2][* * * * *]

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

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

[4][* * * * *]

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

[6][* * * * *]

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

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

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

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

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

[9][* * * * *]

[10][(*11AA*) "Local Panchayat Tax" means a tax on the entry of goods into the limits of any *panchayat* other than the area of *panchayat* included in the limits of the notified area within the meaning of clause (*11B*) for consumption, use or sale therein, levied in accordance with the provisions of section 124 ;]

[11][(*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 ;]

[12][* * * * *]

[13][* * * * *]

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

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

Schedule.

2 Clauses (*3*), (*5*) and (*12*) were deleted by Mah. 13 of 1975, s. 2(*b*).
3 Clause (*4A*) was inserted by Mah. 38 of 2006, s. 2.
4 Clause (*5*) was deleted by Mah. 42 of 2017, s. 47.
5 Clause (*6*) was substituted by Mah. 5 of 1962, s. 286, Tenth Schedule.
6 Clause (*7*) was deleted by Mah. 5 of 1962.
7 Clause (*8A*) was inserted by Mah. 21 of 1994, s. 2(*3*).
8 Clause (*9*) was substituted by Mah. 21 of 1994, s. 2(*4*).
9 Clause (*11A*) was deleted by Mah. 42 of 2017, s. 47.
10 Clause (*11AA*) was inserted by Mah. 22 of 2012, s. 2, however this section yet to be brought into force.
11 This clause was inserted by Mah. 54 of 2018, s. 2(*a*).
12 Clause (*11B*) was deleted by Mah. 42 of 2017, s. 47.
13 Clause (*13*) was deleted by Mah. 6 of 2000, s. 2.

1[(*14A*) "population" means the population as ascertained at the last preceding census of which the relevant figures, 2[* * *] 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, 3[, 30A-1A] 4[30A,] 5[* *] or 43 ;

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

(*18*) "Scheduled Castes" means such castes, races or tribes or parts of, or groups within, such castes, races or tribes as are deemed to be Scheduled Castes in relation to the 7[State of Maharashtra] under article 341 of the Constitution of India ;

(*19*) "Scheduled Tribes" means such tribes or tribal communities or parts of, or groups within, such tribes or tribal communities as are deemed to be Scheduled Tribes in relation to the 8[State of Maharashtra] under article 342 of the Constitution of India ;

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

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

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

10[* * * * *]

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

11[(*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 ;]

12[(*24A*) "Village Development Committee" means a committee constituted under section 49, which shall be deemed to be a committee of the *panchayat* ;]

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

13[(*27*) the expressions "Standing Committee", "Panchayat Samiti" 14[, "Chief Executive Officer",] 15["Block Development Officer" and "block grant"] shall have the meaning respectively assigned to them in the Maha anchayat Samitis Act, 1961

(Mah. V of 1962).]

1 Clause (*14A*) was inserted by Mah. 13 of 1975, s. 2(*c*).

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

3 These figures, letters and sign were inserted for the word and figures "section 30" by Mah. 54 of 2018, s. 2(*b*).

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

5 The figures "41" were deleted by Mah. 22 of 1991, Second Schedule.

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

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

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

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

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

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

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

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

14 These words were substituted for the words and "Chief Executive Officer" by Mah. 36 of 1965, s. 2(*b*).

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

CHAPTER II

GRAM SABHAS,ESTABLISHMENT AND CONSTITUTION OF*PANCHAYATS*

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

2[Provided that, where a group of revenue villages or hamlets or other such administrative unit or part thereof is 3[specified in that notification] to be a village, the village shall be known by the name of the revenue village, hamlet or, as the case may be, administrative unit or part thereof, having the largest population.]

(*2*) 4[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 5[the *Gram Sabha* and] the *Panchayat* concerned, at any time, may provide to—]

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

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

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

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

6[* * * * *]

7. Meetings of *Gram Sabha*.— (*1*) There shall be held at least 7[four meetings] of the *Gram Sabha*8[every financial year] on such date, at such 9[time and place, and in such manner], as may be prescribed 10[and if the *Sarpanch*, or in his absence the *Upa-Sarpanch* fails without sufficient cause, to 11[hold 12[any of such 13[four meetings]]] he shall be disqualified for continuing as *Sarpanch* or, as the case may be, *Upa-Sarpan ch* or for being chosen as such for the remainder of the term of office of the members 14[of the *panchayat*; and the Secretary of the *panchayat* shall also if, *prima facie*, found responsible of any lapse in convening such meeting, be liable to be suspended, and for being proceeded against, for such other disciplinary action as provided under the relevant rules.] The decision of the Collector on the question whether or not there was such sufficient cause shall be final :]

15[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 t teen days from the date he is

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

2 This was added by Mah. 36 of 1965, s. 3.

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

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

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

6 Section 6 was deleted by Mah. 28 of 2003, s. 4.

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

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

9 These words were substituted for the words "time and place" by Mah. 21 of 2000, s. 2(*b*).

10 These words were added by Mah. 36 of 1965, s. 4(*a*).

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

12 These words were substituted for the words "any one of such two meetings" by Mah. 21 of 2000, s. 2(*c*).

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

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

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

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 :]

[1][Provided further that, a period of not more than [2][four months] shall be allowed to elapse between the two meetings of the *Gram Sabha* :

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

(*2*) Any Officer authorised in this behalf by the [3][Standing Committee, *Panchayat Samiti* or Chief Executive Officer] by general or special order shall have the right to speak in, and otherwise to take part in, the proceedings of a meeting of the *Gram Sabha*, but shall not be entitled to vote.

[4][* * * * *]

[5][(*3A*) [6][* * * *] 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 shal 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 Bolck Development Officer in that behalf.]

(*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.

[7][(*5*) The meeting of the women members of the *Gram Sabha* shall be held before every regular meeting of the *Gram Sabha*, convened under sub-section (*1*) [8][and the proceedings of such meeting shall invariably be brought or caused to be brought before every regular meeting of the *Gram Sabha* by the *Sarpanch*, and the *Gram Sabha* shall consider the recommendations made in the meeting of the women members, and the *panchayat* shall ensure the implementation of such recommendations :

Provided that, if the *Gram Sabha* is not agreeable to the recommendations made in the meeting of the women members, it shall record the reasons therefor.]

[9][(*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*.]

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

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

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

4 Sub-section (*3*) was deleted by Mah. 2 of 2020, s. 2(*1*).

5 Sub-section (*3A*) was inserted by Mah. 54 of 2018, s. 3.

6 The words "In respect of the *panchayat* to which the *sarpanch* is elected directly under section 30A-A" were deleted by Mah. 2 of 2020, s. 2(*2*).

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

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

9 This sub-section was inserted by Mah. 16 of 2012, s. 2(*3*).

(*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* :

[1][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*

(*7*) The *Gram Sabha*[2][, or as the case may be, the *panchayat*] shall report to the concerned Block Development Officer, the irregularities, if any, committed by any of such employees. The Block Development Officer shall consider such report within the period of three months from the date of its receipt. Such matters and the actions taken thereon shall be reviewed in the regular meetings of the *Panchayat Samiti*. If, the Block Development Officer fails to dispose of such reports within the specified period of three months, the same shall on the expiry of the said period, 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*, [3][, or as the case may be, the *panchayat*] all the Government, semi-Government and *panchayat* employees working in the village shall attend the meetings of the *Gram Sabha*.

(*11*) The proceedings of every meeting of the *Gram Sabha* shall be prepared and maintained [4][in a separate register] by the concerned Secretary of the *panchayat* and in his absence, the proceedings shall be prepared by any Government, semi-Government or *panchayat* employee working in the village, such as Teacher, *Talathi* or *Anganwadi Sevika* as directed by the *Sarpanch* and the same shall be handed over to the *panchayat* for records :]

[5][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 otherwis secuted under relevant provisions of

the Indian Penal Code (45 of 1860).]

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 [6][every financial year] shall be held within two months from the commencement of that year, and the *panchayat* shall place before such meeting—

(*i*) the annual statement of accounts ;

(*ii*) the report on the administration of the proceeding 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 ;

1 This proviso was added by Mah. 16 of 2012, s. 2(*4*).

2 These words were inserted by Mah. 16 of 2012, s. 2(*5*).

3 These words were inserted by Mah 16 of 2012, s. 2(*6*).

4 These words were inserted by Mah. 16 of 2012, s. 2(*7*)(*a*).

5 This proviso was added by Mah. 16 of 2012, s. 2(*7*)(*b*).

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

(*v*) any other matter which the [1][Standing Committee, *Panchayat Samiti* or Chief Executive or any officer authorised by the Standing Committee or *Panchayat* Samiti] in this behalf, requires to be placed before such meeting.

[2][(*1A*) The *panchayat* shall place the report of the expenditure incurred on the development activities before the *Gram Sabha* once in every six months, and display the information thereof on the notice board of the *panchayat*.]

(*2*) It shall be open to the *Gram Sabha* to discuss any or all of the matters placed before it [3][under sub-section (*1*) or sub-section (*1A*)] and the *panchayat* shall consider suggestions, if any made by the *Gram Sabha*.

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

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

[4]**[8AA. Power and duties of *Gram Saabha*.—** 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 *panchaya t*;

(*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 movable 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*) [5][* * * *]

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

(*i*) such number of members not being less than seven and not more than [7][seventeen as the [8][State Government may prescribe]] who shall be elected in accordance with section 11 :

[9][Provided that, the ratio 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].

[10][* * * *]

(*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 [11][in the prescribed

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

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

3 These words, brackets, figures and letter were substituted for "under sub-section (*1*)" by Mah. 38 of 2006 s. 3(*b*). 4 Section 8AA was inserted by Mah. 3 of 2003, s. 3.

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

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

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

8 These words were substituted for the words "State Election Commission may determine" by Mah. 52 of 1994, s. 2(*b*). 9 This proviso was added by Mah. 21 of 1994, s. 5(*1*)(*a*)(*ii*).

10 Sub-clause (*ii*) and the *Explanation* thereto were deleted by Mah. 21 of 1994, s. 5(*1*)(*a*)(*iii*).

11 These words were substituted for the words "by the Collector in the prescribed manner" by Mah. 21 of 1994, s. 5(*1*)(*b*)(*i*).

manner by [1][State Government or an officer authorised by it]], with approval of the State Election Commission :]

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

[3][(*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 modification that, in sub-section (*1*), in clause (*a*), before sub-clause (*i*) the following sub-clause shall be inserted, namely :—

"(*i-A*) *Sarpanch* elected under section 30A-1A - *ex officio* member; and".]

[4][(*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* :

[5][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*) :]

[6][Provided also that], [7][one-half of the total number of seats] so reserved shall be reserved for women belonging to the Scheduled Castes or, as the case may be, the Scheduled Tribes ;

[8][(*c*) the seats to be reserved for persons belonging to the category of Backward class of Citizens shall be upto 27 per cent. of the total number of seats to be filled in by election in a panchayat and the total reservation shall not be more than 50 per cent. of the total seats in the 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 the persons belonging to the Backward Class of Citizens shall be the seats remaining, if any, after reservation of the seats for the Scheduled Tribes and 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 per the provisions of this clause:

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

(*d*) [9][one-half] (including the number of seats reserved for women belonging to the Scheduled Castes, the Scheduled Tribes and the category of Backward Class of Citizens) of the total number of

1 These words were substituted for the words "State Election Commissioner an officer authorized by it" by Mah. 22 of 2022, s. 2.

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

3 This sub-section was inserted by Mah. 54 of 2018, s. 4.

4 Sub-sections (*2*) and (*2A*) were substituted by Mah. 21 of 1994, s. 5(*2*).

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

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

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

8 This clause was substituted by Mah. 19 of 2022, s. 2.

9 These words were substituted for the words "one third" by Mah. 19 of 2011, s. 2(*c*).

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.]

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

(*4*) Notwithstanding anything in sub-section (*1*) where two-thirds or more of the total number of members required to be elected [2][under sub-clause (*i*) of clause (*a*) of sub-section (*1*)] are elected, failure to elect the remaining members shall not affect constitution of the *panchayat*.

[3]**[10-1A. Person contesting election for reserved seat to submit Caste Certificate and Validity Certificate.—** Every person desirous of contesting election to a seat reserved for Scheduled Castes, Scheduled Tribes or, as the case may be, Backward Class of Citizens, shall be required to submit, alongwith the nomination paper, Caste Certificate issued by the Competent Authority and the Validity Certificate issued by the Scrutiny Committee in accordance with the provisions of the Maharashtra Scheduled Castes, Scheduled Tribes, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000 (Mah. XXIII of 2001) :

[4][Provided that, a person who has applied to the Scrutiny Committee for verification of his Caste Certificate before the date of filing of the nomination 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 submitted by him to the Scrutiny Committee for issuance of the Validity Certificate or any other proof of having made such application to the Scrutiny Committee ; and

(*ii*) an undertaking that he shall submit the Validity Certificate issued by the Scrutiny Committee, within a period of six months from the date on which he is declared elected :

Provided further that, if such person fails to produce the Validity Certificate within a period of six months from the date on which he is declared elected, his election shall be deemed to have been terminated retrospectively and he shall be disqualified for being a member.]

[5]**[10A. State Election Commission.—** (*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 of the State Government not below the rank of Tahsildar.

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

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

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

2 These words, brackets, letter and figure were inserted by Mah. 6 of 1975, Schedule. 3 Section 10-1A was inserted by Mah. 37 of 2006, s. 2.

4 These provisos were substituted by Mah. 48 of 2025, s. 2.

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

1**[11. Election.—** (*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.

2[(*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 3[Maharashtra Legislative Assembly] prepared under the provisions of the Representation of the People Act, 1950 (XLIII of 1950), and in force on such day as 4[the State Election Commissioner may by order] notify in this behalf for such part of the constituency of the Assembly as is included in a ward or a village shall be the list of voters for such ward or village.

(*2*) An officer designated by the 5[State Election Commission] in this behalf shall maintain a list of voters for each such ward or village.

13. Persons qualified to vote and be elected.—6[(*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 7[such list pertains and, *Sarpanch* of *panchayat* to be elected directly.]

8[(*2*) Every person whose name is in the list of voters and who is not less than twenty-one 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 as a member from any ward of the village or 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 as a member of any ward of the village or *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

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

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

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

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

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

6 These sub-section were substituted by Mah. 54 of 2018, s. 5.

7 These words were substituted for the words "such list pertains" by Mah. 42 of 2022, s. 2(*1*).

8 Sub-section (*2*) was substituted by Mah. 42 of 2022, s. 2(*2*).

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 [1][member].]

(*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.

[2]**[13A. Vacation of Seats.—** 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 [3][State Election Commission or any officer authorised by it] in this behalf, all the seats shall become vacant.]

14. Disqualifications.—[4][(*1*)] No person shall be a member of a *panchayat*, or continue as such, who—

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

(*i*) of an offence under the Untouchability (Offences) Act, 1955 (XXII of 1955), or under the Bombay Prohibition Act, 1949 (Bom. XXV of 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 [5][six years], or such lesser period as the State Government may allow in any particular case, has elapsed since his release ; or

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

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

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

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

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

(*d*) has been removed from office under sub-section (*1*) of section 39 and a period of [8][six years] has not elapsed from the date of such removal, unless he has, by an order of the State account of such removal from offic

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

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

1 This word was substituted for the word "*Sarpanch*" by Mah. 2 of 2020, s. 3(*3*).

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

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

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

5 These words were substituted for the words "five years" by Mah. 54 of 2018, s. 6(*i*).

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

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

8 These words were substituted for the words "five years" by Mah. 54 of 2018, s. 6(*ii*).

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

(*h*) fails to pay any tax or fee due to the *panchayat*[1][or the *Zilla Parishad* within three months from the date on which the amount of such tax or fee is demanded, and a bill for the purpose is duly served on him ; or]

[2][(*h-1*) fails to pay the amount of surcharge or charge under section 140 or the amount ordered to be paid under section 178 together with interest, if any, within the period provided in that behalf, and where an appeal has been made, then within one month from the date of receipt of the decision rejecting such appeal ;]

(*i*) is a servant of the Government or a servant of any local authority ; or

(*j*) has voluntarily acquired the citizenship of a Foreign State, or is under any acknowledgement of allegiance or adherence to a Foreign State ; or

[3][(*j-1*) has more than two children :

Provided that, a person having more than two children on the date of commencement of the Bombay Village Panchayats and the Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Act, 1995 (Mah. XLIV of 1995/2000), (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 a single delivery within the period of one year from the date of such commencement shall not be taken into consideration for the purpose of disqualification mentioned in this clause ; or]

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

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

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

[7][(*j-5*) fails to submit a certificate of the concerned *panchayat*, alongwith the resolution of the *Gram Sabha*[8][or of the chief Executive Officer or an Officer designated by him; or a self certificate] certifying that,—

(*i*) he resides in a house owned by him and has a toilet in such house and he regularly uses such toilet ; or

(*ii*) he resides in a house not owned by him and has a toilet in such house and he regularly uses it or he has no such toilet but regularly uses the public toilet :

[9][Provided that, no member of a *panchayat* shall be disqualified under this clause, if he submits such certificate to the r, within a period of one year from the

10th January 2011, being the date of commencement of the Bombay Village Panchayats and Maharashtra Zilla Parishads and Panchayat Samitis (Second Amendment) Act, 2010 (Mah. XXXIII of 2010):]]

1 These words were substituted for the portion beginning with the words "within three months" and ending with the words and figures "section 129; or" by Mah. 36 of 1965, s. 8(*2*).

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

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

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

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

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

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

8 These words were inserted by Mah. 28 of 2017, s. 2.

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

1[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 (Mah. XXXIII of 2010); and he shall not be deemed to be disqualified and shall continue to hold his office for a period of one year from the said date, unless he is disqualified under any other provisions of this Act or any other law for the time being in force ; or]

(*k*) is disqualified under any other provisions of this Act, and the period for which he was so disqualified has not elapsed.

Explanation 1.— A person shall not, by reason only of his being a shareholder in or a member of, any incorporated or registered company or a co-operative society registered under any law for the time being in force in the 2[State of Maharashtra] be held to be interested in any contract entered into between the company or co-operative society and the *panchayat*.

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

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

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

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

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

Explanation 2.— For the 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.

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

[5][*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.]

[6][*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 ;

1 This proviso was added by Mah. 39 of 2011, s. 2(*b*).

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

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

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

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

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

(*ii*) "child" does not include an adopted child or children.]

[1][* * * * *]

[2]**[14A. Disqualification arising out of certain convictions and corrupt practices under this Act.—** 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 (XLV of 1860), 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.]

[3]**[14B. Disqualification by State Election Commission.—** (*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 [4][any candidate at such election or by] any person qualified to vote at the election to which such question refers [5][such candidate or person] may, at any time within fifteen days after the date of the declaration of the result of the election, apply [6][* * * * * *] to the Civil Judge (Junior Division) and if there be no Civil Judge (Junior Division) then to the Civil Judge (Senior Division) (hereinafter, in each case referred 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*) An 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. [7][If the election is set aside, a date for holding a fresh election shall forthwith be fixed under [8][section 11 or section 30A-1A, as the case may be.]]

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

1 These sub-sections (*2*) and (*3*) were deleted by Mah. 37 of 2006, s. 3.

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

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

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

5 These words were substituted for the words "such person" by Mah. 36 of 1965, s. 9(*1*).

6 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.

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

8 These words, figures and letters and sign were substituted for the word and figures "section 11" by Mah. 42 of 2022, s. 3.

(*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 (V of 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 sub-section (*6*) [1][* * *] he shall declare the candidate disqualified for the purpose of that election and of such fresh election as may be held under [2][sub-section (*2*)] and shall set aside the election of such candidate if he has been elected.

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

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

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

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

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

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

(*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 votor 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.

1 The words "or submitted a false claim or false caste certificate" were deleted by Mah. 37 of 2006, s. 4.

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

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

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

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

2**[15A. Bar to interference by courts in electoral matters.—** 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.]

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*) 3[If any question whether a vacancy has occurred under this section is raised by the Collector *suo motu* or on an application made to him by any person in that behalf, the Collector shall decide the question as far as possible within sixty days from the date of receipt of such application. Until the Collector decides the question, the member shall not be disabled under sub-section (*1*) from continuing to be a member.] Any person aggrieved by the decision of the Collector may, within a period of fifteen days from the date of such decision, appeal to the 4[Commissioner], and the orders passed by the 5[Commissioner] in such appeal shall be final :

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

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

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

(*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.

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

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

3 This portion was substituted for the portion beginning with the words "In every case" and ending with the words "from continuing to be a member" by Mah. 36 of 1965, s. 10.

4 This word was substituted for the words "State Government" by Mah. 54 of 2018, s. 8.

5 This word was substituted for the words "State Government" by Mah. 54 of 2018, s. 8.

(*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 loud-speaker, or

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

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

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

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

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 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.

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 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 offences 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 [1][term of five years].

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

28. Commencement of term of office.— (*1*) The term of office of the members elected at a general election [3][* * * * *] or appointed under sub-section (*3*) of section 10 shall be deemed to commence on the date of the first meeting of the *panchayat*. The first meeting of the *panchayat* shall be held on a day fixed by the [4][Collector] [5][as soon as may be after the publication of the names of the elected members under section 10; and such date shall not—

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

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

[6][* * * * *]

[7][* * * * *]

[8]**[29. Registration of member and disputes regarding resignation.—** (*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 [9][forward it within seven days to the Secretary] who shall place it before the meeting of the *panchayat* next following.

(*3*) If any member or the *Sarpanch* whose resignation is placed before the meeting of the *panchayat* wants to dispute genuineness of the resi 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.

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

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

3 The portion beginning with the word "including" and ending with the word and figures "section 10" was deleted by Mah. 21 of 1994, s. 13(*1*)(*a*).

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

5 This portion was substituted for the portion beginning with the words "within four weeks" and ending with the word and figures "section 10" by Mah. 21 of 1994, s. 13(*1*)(*b*).

6 This proviso was deleted by Mah. 21 of 1994 s. 13(*1*)(*c*).

7 Sub-section (*2*) was deleted by Mah. 21 of 1994, s. 13(*2*).

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

9 These words were substituted for the words "forward it to the secretary" by Mah. 54 of 2018, s. 9.

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

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

(*6*) The resignation shall take effect,—

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

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

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

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

2[(*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.*]

3[* * *]

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

(*4*) There shall be reservation in the offices of the *Sarpanchas* in the *Panchayats* for 4[the persons 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* 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 5[excluding the population of the Scheduled Tribes in *Panchayat* comprising entirely the Scheduled Areas] bears to the total population of the State :

6[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 *Sarpanch* 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*) :]

[7][Provided also that], [8][one-half of the total number of offices] so reserved shall be reserved for women belonging to the Scheduled Castes or, as the case may be, the Scheduled Tribes ;

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

2 This sub-section was inserted by Mah. 54 of 2018, s. 10(*a*).

3 Sub-section (*2*) was deleted by Mah. 54 of 2018, s. 10(*b*).

4 These words were substituted for the words "the members belonging to" by Mah. 54 of 2018, s. 10(*c*).

5 These words were inserted by Mah. 40 of 1997, s. 4(*a*).

6 These provisos were inserted by Mah. 40 of 1997, s. 4(*b*).

7 These words were substituted for the words "Provided that" by Mah. 40 of 1997, s. 4(*c*).

8 These words were substituted for the words "one third of the total number of the offices" by Mah. 19 of 2011, s. 3(*a*).

[1][(*b*) the offices of *Sarpanchas* to be reserved for the persons belonging to the category of Backward Class of Citizens shall be upto 27 per cent. of the total number of such offices in the *panchayats* and the total reservation shall not be more than 50 per cent. of the total seats in the concerned District :

Provided that, one-half of the offices so reserved shall be reserved for women belonging to the category of Backward Classes of Citizens ;]

(*c*) [2][one-half of the total number of offices of *Sarpanchas*] (including the number of offices reserved for women belonging to the Scheduled Castes, the Scheduled Tribes and the category of Backward Class of Citizens) in the *Panchayats* shall be reserved for women.

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

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

[3]**[30A-1A. Direct election of *Sarpanch*.—** (*1*) After the date of commencement of [4][the Maharashtra Village Panchayats (Amendment) Act, 2022 (XLII of 2022)] 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 election 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.]

[5]**[30A-1B.** [* * *]]

[6][30-1A. **Person contesting election for reserved office of *Sarpanch* to submit Caste Certificate and Validity Certificate.—** 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

1 Clause (*b*) was substituted by Mah. 19 of 2022, s. 3(*b*).

2 These words were substituted for the words "one third of the total number of offices of *Sarpanchas*" by Mah. 19 of 2011, s. 3(*c*).

3 Section 30A-1A was inserted by Mah. 54 of 2018, s. 11.

4 These words and figures were substituted for the words and figures "the Maharashtra Village Panchayats (Amendment) Act, 2022" by Mah. 42 of 2022, s. 4.

5 Section 30A-1B was deleted by Mah. 42 of 2022, s. 5.

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

Tribes (*Vimukta Jatis*), Nomidic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000 (Mah. XXIII of 2001)] :

[1][Provided that, a person who has applied to the Scrutiny Committee for verification of his Caste Certificate before the date of filing of the nomination 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 submitted by him to the Scrutiny Committee for issuance of the Validity Certificate or any other proof of having made such application to the Scrutiny Committee; and

(*ii*) an undertaking that he shall submit the Validity Certificate issued by the Scrutiny Committee, within a period of six months from the date on which he is declared elected :

Provided further that, if such person fails to produce the Validity Certificate within a period of six months from the date on which he is declared elected, his election shall be deemed to have been terminated retrospectively and he shall be disqualified for being a *Sarpanch*.]

[2][30A. **Election of *Upa-Sarpanch*.—** (*1*) Every *panchayat* shall elect one of its elected members to be *Upa-Sarpanch*.

[3][(*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*.]

[4][(*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*.]

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*.

[5][* * * * *]

[6][* * * * *]

[7][32A. **Travelling and daily allowances to members.—** 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 [8][* * * *] of a *panchayat* a meeting shall be called on the date fixed under sub-section (*1*) of section 28 by the [9][Collector], for the election of the *Sarpanch* and *Upa-Sarpanch*. In the case where the offices of both the *Sarpanch* and *Upa-Sarpanch* become vacant simultaneously, a meeting shall be called on the date fixed by the [10][Collector], for the election of the *Sarpanch* and *Upa-Sarpanch*.

1 These provisos were substituted by Mah. 48 of 2025, s. 3.
2 Section 30A was inserted by Mah. 21 of 1994, s. 15.
3 This sub-section was inserted by Mah. 54 of 2018, s. 12(*a*).
4 This sub-section was added by Mah. 54 of 2018, s. 12(*b*).
5 The words "and when the term is extended also for such extended term" were deleted by Mah. 21 of 1994, s. 16. 6 Section 32 was deleted by Mah. 21 of 1994, s. 17.
7 Section 32A was inserted by Mah. 36 of 1965, s. 15.
8 The words "or extended term" were deleted by Mah. 21 of 1994, s. 18(*1*).
9 This word was substituted for the words "Chief Executive Officer" by Mah. 43 of 1962, s. 26, Schedule.
10 This word was substituted for the words "Chief Executive Officer" by Mah. 43 of 1962, s. 26, Schedule.

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

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

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

(*5*) In the event of a dispute arising as to the validity of the election of a *Sarpanch* or *Upa-Sarpanch* under sub-section (*1*) 2[the officer presiding over such meeting or any member 3[* * * *] 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.]

4[(*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 :—

5[(*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 of 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.]

6**[33A. Sumptuary allowance to *Sarpanch*.—**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.]

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

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

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

4 This sub-section was inserted by Mah. 54 of 2018, s. 13.

5 Sub-section (*1A*) was inserted by Mah. 54 of 2018, s. 13(*b*).

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

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

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

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

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

35. Motion of no confidence.—5[(*1*) A motion of no confidence may be moved by not less than 6[two third] of the total number of the members 7[* * *] who are for the time being entitled to sit and vote at any meeting of the *panchayat* against the *Sarpanch* or the *Upa-Sarpanch* after giving such notice thereof to the Tahsildar as may be prescribed. 8[Such notice once given shall not be withdrawn.]

9[* * *]

(*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*) 10[(*a*)] 11[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*;] 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* :]

12[13[Provided also that,] where the office of the *Sarpanch* being reserved for a woman, is held by a woman *Sarpanch*, such motion of no-confidence shall be carried only by a majority of not less than

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

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

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

4 Sub-section (*4*) was inserted by Mah. 13 of 1975, s. 8(*b*).

5 These sub-sections were substituted for sub- 3 of 1975, s. 9.

6 These words were substituted for the words "one third" by Mah. 2 of 2020, s. 6(*1*).
7 The brackets and words "(other than associate members)" were deleted by Mah. 21 of 1994, s. 19(*1*).
8 These words were added by Mah. 10 of 1992, s. 3(*1*).
9 Sub-section (*1A*) was deleted by Mah. 42 of 2022, s. 6(*1*)
10 Sub-section (*3*) was re-lettered as clause (*a*) thereof by Mah. 42 of 2022, s. 6(*2*).
11 This portion was substituted for the portion beginning with the wards "of the motion" and ending with the words "against the *Sarpanch*" by Mah. 54 of 2018, s. 14 (*b*).
12 This proviso was inserted by Mah. 28 of 2003, s. 4(*a*)(*1*).
13 These words were substituted for the words "Provided that" by Mah. 16 of 2012, s. 3(*1*)(*b*).

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* :]

1[Provided also that, no such motion of no-confidence shall be moved within a period of two years from the date of election of *Sarpanch* or *Upa-Sarpanch* and before six months preceding the date on which the term of *panchayat* expires :

Provided also that, if the no-confidence motion fails, then no motion shall be moved within next two years from the date of failure of no-confidence motion.]

2[(*b*) After the motion of no-confidence against the directly elected *Sarpanch* 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 *panchyat*, then the same shall be ratified by the *Gram Sabha,* in a special meeting convened, within fifteen days from passing of such motion, by an officer appointed by a Collector in this behalf, in the presence and under the Chairmanship of such officer, by a simple majority by the method of counting of heads. After such ratification of motion by the *Gram Sabha,* the *Sarpanch* 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-Sarpach,* and in case the motion is carried out against both the *Sarpanch* and *Upa-Sarpacnch,* 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 :]

(*3A*) If the motion 3[is not moved or is not carried] by 4[a majority of not less than 5[or, as the case may be, three-fourth, of] 6[* * *] the total number of the members 7[* * *] 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 8[9[one year]] from the date of such special meeting.]

(*3B*) If the *Sarpanch* or, as the case may be, the *Upa-Sarpanch* desires to dispute the validity of the motion carried under sub-section (*3*), he shall, within seven days from the date on which such motion was carried, refer the dispute to the Collector who shall decide it, as far as possible, 10[within thirty days from the date on which it was received by him and his decision shall be final.]

11[* * *]

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 :

12[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.]

1 There provisos were substituted by Mah. 2 of 2020, s. 6(*2*)(*b*).
2 Sub-section (*3*) was re-lettered as clause (*a*) thereof; and after clause (*a*) as so re-lettered, this clause was inserted by Mah. 42 of 2022, s. 6(*2*).
3 These words were substituted for the words "is not carried" by Mah. 10 of 1992, s. 3(*2*)(*a*).
4 These words were substituted for the words "a mojority of" by Mah. 27 of 2000, s. 2(*3*).
5 These words were substituted for the words "two-third of" by Mah. 28 of 2003, s. 4(*b*).
6 These words "not less than two-thirds of" were deleted by Mah. 5 of 1997, s. 2(*3*)(*a*).
7 The brackets and words "(other than associa h. 21 of 1994, s. 19(*3*).

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

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

10 These words, figure and letter were substituted for the words, figure and letter "within fifteen days from the date on which it was received by him; and any such decision shall, subject to an appeal under sub-section 3(*C*), be final" by Mah. 16 of 2012, s. 3(*ii*).

11 Sub-sections (*3C*), (*3D*) and (*4*) were deleted by Mah. 16 of 2012, s. 3(*iii*).

12 This proviso was added by Mah. 36 of 1965, s. 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*.

1[* * * *]

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 fulfilment of the duties imposed upon the *panchayat* by or under this Act. In the absence of the *Sarpanch*, the powers and duties of the *Sarpanch* shall, save as may be otherwise prescribed by rules, be exercised and performed by the *Upa-Sarpanch*.

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

(*i*) the *Sarpanch* shall—

(*a*) 2[save where otherwise provided in this Act, preside over] and regulate the meetings of the *panchayat*;

3[* * * * *]

(*c*) exercise supervision and control over the acts done and action taken by all officers and servants of the *panchayat*4[including supervision over the keeping and maintenance of records and registers of the *panchayat* in the custody of the Secretary] ;

5[* * * * *]

(*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 ;

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

7[(*i-a*) in respect of the *panchayat* to which the *Sarpanch* is directly elected under section 30A-1A, the *Sarpanch* shall also exercise the following powers, functions and duties,—

(*a*) finalise the agenda of *panchayat* meetings :

Provided that, if three or more members demands regarding inclusion of any item on agenda for immediate next meeting, the *Sarpanch* shall include the same in next meeting :

Provided further that, no *ad-hoc* financial business shall be transacted unless it forms a part of the circulated agenda :

Provided also that, if the *panchayat* resolves on any subject that is detrimental to the well-being of the village at large in the opinion of *Sarpanch*, the *Sarpanch* shall cause the resolution to be kept for final decision immediately in the next following *Gram Sabha*, and the decision of the said *Gram Sabha* shall be final ;

(*b*) prepare the annual budget of *panchayat* ;

1 The brackets and words "(other than the associate members)" were deleted by Mah. 21 of 1994, s. 20. 2 These words were substituted for the words "preside over" by Mah. 13 of 1975, s. 10(*a*).
3 Sub-clause (*b*) was deleted by Mah. 36 of 1965, s. 19(*a*)(*i*).
4 This portion was added by Mah. 36 of 1965, s. 19(*a*)(*ii*).
5 Sub-clauses (*d*), (*e*), (*f*) and (*g*) were deleted by Mah. 4 of 1981, s. 2(*a*).
6 Clause (*i-a*) was inserted by Mah. 34 of 1970, s. 8.
7 This clause was inserted by Mah. 54 of 2018, s. 15.

(*c*) exercise all other powers to implement the schemes in consultation with *panchayat* ;]

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

1[(*k*) finalise the agenda of *panchayat* meetings :

Provided that, if three or more members demands inclusion of any item on agenda for immediate next meeting, the *Sarpanch* shall include the same in the next meeting :

Provided further that, no *ad-hoc* financial business shall be transacted in the meeting unless it forms a part of the circulated agenda ;

(*l*) prepare the annual budget of *panchayat* ;

(*m*) exercise all other powers to implement the schemes in consultation with *panchyat*;]

(*ii*) the *Upa-Sarpanch* shall,—

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

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

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

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

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

4[(*4A*) If in the opinion of the *Sarpanch* or the person who presides over the meeting, the resolution of the *panchayat* on any subject is detrimental to the well-being of the village at large, the person presiding over the meeting shall cause the resolution of the *panchayat* to be kept for final decision in the immediate next following *Gram Sabha,* and the decision of the *Gram Sabha* thereon shall be final.]

5[(*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 6[sub-section (*4*)] of section 57.]

39. Removal from office.—7[(*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

1 This clause was inserted by Mah. 2 of 2020, s. 7(*1*).
2 These words were added by Mah. 13 of 1975, s. 10(*b*).
3 Sub-section (*4*) was added by Mah. 36 of 1965, s. 19(*b*).
4 This Sub-section was inserted by Mah. 2 of

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

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

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

Upa-Sarpanch so removed may at the discretion of the Commissioner also be removed from the *panchayat* ; or

(*ii*) remove from office the member, *Sarpanch* or, as the case may be, *Upa-Sarpanch,* if not less than twenty per cent. of the total number of voters in the village who have paid all dues of the *panchayat* regarding taxes on buildings and lands and water charges, make a complaint that the annual accounts and the report of the expenditure incurred by the *panchayat* on the development activities are not placed before the *Gram Sabha*; and the information thereof is not displayed on the notice board as required by sub-section (*1*) or (*1A*) of section 8 :

Provided that, no such person shall be removed from office unless, in case of clause (*i*), the Chief Executive Officer or in case of clause (*ii*), the Deputy Chief Executive Officer as directed by the Chief Executive Officer; under the orders of the Commissioner, holds an inquiry after giving due notice to the *panchayat* and the person concerned; and the person concerned has been given a reasonable opportunity of being heard and thereafter the Chief Executive Officer or, as the case may be, the Deputy Chief Executive Officer concerned, though the Chief Executive Officer, submits his report to the Commissioner. The inquiry officer shall submit his report within a period of one month :

Provided further that, the Commissioner shall, after giving the person concerned a reasonable opportunity of being heard, take a decision on the report submitted by the Chief Executive Officer or, as the case may be, the Deputy Chief Executive Officer, within a period of one month from the date of receipt thereof.]

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

2[(*2*) The Commissioner may subject to like condition disqualify for a period of not exceeding 3[six years] any person who has resigned his office as a member, *Sarpanch* or *Upa-Sarpanch* and has been guilty of the acts and omission specified in sub-section (*1*).

(*3*) Any person aggrieved by an order of the Commissioner under sub-section (*1*) or (*2*) may, within a period of fifteen days from the date of the receipt of such order, appeal to the State Government and the Government shall decide the appeal within a period of one month from the date of receipt thereof.]

4**[39A. Powers of Government to direct inquiry.—**(*1*) Notwithstanding anything contained in section 39, the State Government may, *suo motu* or on an application made to it against any member, *Sarpanch* or *Upa-Sarpanch* regarding any act or omission specified in sub-section (*1*) of section 39, direct the Chief Executive Officer concerned to hold an inquiry against such member, *Sarpanch* or, as the case may be, *Upa-Sarpanch,* and submit its report, within a period of one month, to the Commissioner.

(*2*) The Commissioner shall, after giving a reasonable opportunity of being heard to the *panchayat* and the person concerned, take a decision, within a period of one month, on the inquiry report.

(*3*) Any person aggrieved by an order of the Commissioner under sub-section (*2*), may, within a period of fifteen days from the date of receipt of such order, appeal to the State Government and the decision of the Government thereon shall be final.]

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, 5[(such absence not being on account of his being a Chairman or Deputy Chairman of a *PanchayatSamiti*)], unless leave not exceeding six months so to absent himself has been granted by the *panchayat*, or

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

2 Sub-section (*2*) and (*3*) were substituted by Mah. 38 of 2006, s. 6(*b*).

3 These words were substituted for the words "five years" by Mah. 54 of 2018, s. 16. 4 Section 39A is inserted by Mah. 38 of 2006, s. 7.

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

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

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

1[(*2*) If any question whether a vacancy has occured 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 this sub-section by the President against any member without giving him a reasonable opportunity of being heard.]

(*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 of the *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 Mah. 2 of 1982, s. 2.*

42. Eligibility of certain members for re-election.— (*1*) A member of a *Panchayat* whose office has become vacant under 2[section 16, if his disqualification or disability has ceased, or under section 40 shall] be eligible for re-election.

43. Filling up of vacancies.— (*1*) Any vacancy of which notice has been given to the 3[Collector] in the prescribed manner due to the disablement, death, resignation, disqualification, 4[confirmation of no confidence motion,] absence without leave or removal of a *Sarpanch* or *Upa-Sarpanch*5[* * *], shall be filled, by the election of a *Sarpanch* or *Upa-Sarpanch*6[* *], who shall hold office so long only as *Sarpanch* or *Upa-Sarpanch*7[* *], in whose place he has been elected would have held office if the vacancy had not occurred :

8[Provided further that, if the post of the directly elected *Sarpanch* fallen vacant under this sub-section, then it shall be filled in by election in the manner laid down in section 30A-1A within six months from the date of such vacancy.]

9[* * * * * * *]

10[* * * * * *]

(*2*) The meeting for the election of a *Sarpanch* under sub-section (*1*) shall be convened by 11[Collector] in the manner described in sub-section (*1*) of section 33.

44. Vacancy not to affect proceedings of *panchayat*.—12[(*1*)] During any vacancy in the *panchayat*, the continuing members may act as if no vacancy had occurred.

13[(*2*) 14[Subject to the provision of sub-section (*1A*) of section 145, the *panchayat*] shall have power to act notwithstanding any vacancy in the membership or any defect in the constitution thereof;

1 Sub-section (*2*) was substituted for the original by Mah. 36 of 1965, s. 21.

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

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

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

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

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

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

8 This proviso was substituted by Mah. 42 of

9 The proviso was deleted by Mah. 13 of 1975, s. 12(*a*).
10 The proviso was deleted by Mah. 21 of 1994, s. 21(*b*).
11 These words were inserted by Mah. 16 of 2012, s. 4 (*a*).
12 Section 44 was renumbered as sub-section (*1*) and sub-sections (*2*) and (*3*) were inserted by Mah. 36 of 1965, s. 23.
13 Section 44 was renumbered as sub-section (*1*) and sub-sections (*2*) and (*3*) were inserted by Mah. 36 of 1965, s. 23.
14 This portion was substituted for the words "The panchayat" by Mah. 13 of 1975, s. 13.

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][(*1*) Subject to the general control of the *Zilla Parishad* and the *Panchayat Samiti* it shall be the duty of a *panchayat* so far as the village fund and its disposal will allow to make reasonable provision within the village with respect to all or any of the subjects enumerated in Schedule I as amended from time to time under sub-section (*2*) (in this Act referred to as "the Village List")]. [2][It shall also be the duty of a *panchayat*, when the *Zilla Parishad* or the State Government undertakes and completes, through its agencies, any piped water-supply schemes (including works), at the request of the *panchayat*, to take over and maintain [3][out of the Village Water-Supply Fund constituted under section 132B] such water-supply schemes, whether completed before or after the date of commencement of the Maharashtra Zilla Parishadsand Panchayat Samitis and Bombay Village Panchayats (Amendment) Act, 1981 (Mah. LVI of 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 [4][and subject to the prescribed limits, give grant-inaid to any institution (whether situated within or outside the village but not outside the limits of the revenue taluka within which the *panchayat* functions) in respect of matters falling in entries 17, 18, 19, 20, 22 and 23 of that Schedule provided that the institution serves the needs of the village, and to any person in respect of matters falling in entry 23 of the said Schedule ;] or contribute to any fund sponsored by the Government for the purpose referred to in entry 75 of that Schedule. If any doubts arises [5][whether or not the institution serves the needs of the village, or] whether or not the fund is sponsored by the Government, the question shall be decided by the Collector, and his decision shall be final :

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

1 Sub-sections (*1*), (*2*), (*2A*) and (*2B*) were substituted for the original sub-sections (*1*) and (*2*) by Mah. 36 of 1965, s. 24. 2 This portion was added by Mah. 56 of 1981, s. 7.

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

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

5 These words were inserted by Mah. 13 of 1975, s. 14(*1*)(*b*).

(*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 :

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

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

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

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

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

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

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

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

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

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

7[* * *]

46. 8[Power of *Parishads* and *Samitis* to transfer management of institution or execution or maintenance of work].—9[Without prej b-section (*2*) and sub-section (*3*)

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

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

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

4 This word was inserted by Mah. 35 of 1963, s. 80, Schedule.

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

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

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

8 This marginal note was substituted for the original by Mah. 36 of 1965, s. 25(*3*).

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

of section 124 of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 (Mah. V of 1962), 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 :]

Provided that in every such case the funds necessary for such management, [1][execution or maintenance] shall be placed at the disposal of the *Panchayat* by the [2][*Zilla Parishad* or *Panchayat Samiti*.]

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

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

(*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—

[5][(*a-1*) the *Sarpanch* shall be *ex-officio* Chairman ;]

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

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

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

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

2 These words were substituted for the words "District Local Board" by Mah. 5 of 1962, s. 286, Tenth Schedule. 3 These words were substituted for the words "*Panchayat Mandal*" by Mah. 5 of 1962, s. 286, Tenth Schedule. 4 These sections were substituted for section 49 by Mah. 23 of 2003, s. 3.

5 This clause was inserted by Mah. 54 of 2018, s. 18(*i*).

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

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

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

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

1[(*g*) *Gramsevak* shall be *ex-officio* Member Secretary.]

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

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

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

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

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

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

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

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

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

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

1 This clause was inserted by Mah. 54 of 2018, s. 18(*ii*).

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

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

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

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

Provided that,—

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

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

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

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

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

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

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

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

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

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

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, 1[*Zilla Parishad*, *Panchayat Samiti*], cantonment authority or committee appointed for a notified area or with more than one

such *panchayat*, municipal corporation, municipality, 2[*Zilla Parishad*, *Panchayat Samiti*], authority or committee,—

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

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

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

1 These words were substituted for the words "district local board" by Mah. 5 of 1965, s. 286, Tenth Schedule. 2 These words were substituted for the words "district local board" by Mah. 5 of 1965, s. 286, Tenth Schedule.

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

2[(*1A*) Where the State Government is of opinion that any property vested in a *panchayat* under sub-section (*1*) is required for the purpose of any national or State Development Plan or for any other public purpose, or where any such property is not required by the *panchayat* for the purpose for which it was vested, the State Government may resume such property; and upon such resumption, the property shall cease to vest in the *panchayat* and shall revest in the State Government.

(*1B*) Not withstanding anything contained in sub-section (*1*) or in any order vesting grazing or other lands in a *panchayat*, such of the grazing or other lands vested in a *panchayat* as were under cultivation immediately before the day on which the Bombay Village Panchayats (Amendment) Act, 1965 (Mah. XXXVI of 1965), comes into force shall, on the commencement of that Act, cease to vest in such *panchayat* and revest in the State Government, subject to all limitations, conditions and right or interest of any person in force or subsisting immediately before such commencement.]

(*2*) Subject to any conditions and restrictions imposed by the State Government under sub-section (*1*), and with the previous sanction of the Collector, a *panchayat* may discontinue or stop up any such public road or street vested in it by the State Government, but which is no longer required as a public road or street and may lease or sell any such land therefore 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 sign 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 [3]Bombay Highways Act, 1955 (Bom. LV of 1955), in relation to the assessment, apportionment and

1 The words "district local board" were deleted by ah. 5 of 1965, s. 286.

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

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

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][(*1*) In the village, for which a draft Regional plan or final Regional plan has been published under the provisions of the Maharashtra Regional and Town Planning Act, 1966 (Mah. XXXVII of 1966), no person shall erect or re-erect or commence to erect or re-erect any building,—

(*i*) in the *gaothan* area of the village, within the meaning of clause (*10*) of section 2 of the Maharashtra Land Revenue Code, 1966 (Mah. XLI of 1966), without obtaining the previous permission of the panchayat, in the prescribed manner ;

(*ii*) in other areas of the village, without obtaining the previous permission of the Collector or any other officer, not below the rank of Tahsildar to whom the powers of the Collector are delegated.

(*1A*) In the village for which a draft Regional plan or final Regional plan has not been published, no person shall erect or re-erect or commence to erect or re-erect any building, without obtaining the previous permission of the panchayat in the prescribed manner.

(*2*) Any permission under sub-section (*1*) or sub-section (*1A*), as the case may be, shall be granted by the panchayat, upon an application made for this purpose, only after obtaining the prior approval of the Town Planning Officer of the State Government, posted at the Panchayat Samiti level, or in case, no such officer has been posted at the Panchayat Samiti level, the Town Planning Officer at the Zilla Parishad level.

(*2A*) If the panchayat fails to communicate its permission or refusal in respect thereof, within sixty days from the date of receipt of such application or, within sixty days from the date of receipt of the reply from the applicant, in respect of the requisition, if any, made by the panchayat, whichever is later, such permission shall be deemed to have been granted to the applicant, on the day immediately following the expiry of the said period of sixty days :

Provided that, such permission shall be deemed to have been granted subject to the condition that, the erection or re-erection or commencement of erection or re-erection of any building, shall be in strict conformity with the relevant Development Control Regulations or the draft of final Regional plan, as the case may be, in accordance with the provisions of the Maharashtra Regional and Town Planning Act, 1966 (Mah. XXXVII of 1966) or any bye-laws or regulations framed under any other law for the time being in force :

Provided further that, any erection or re-erection or commencement of erection or recreation of any building, in contravention of the preceding proviso, shall be deemed to be unauthorised development.

(*2B*) Any applicant aggrieved by an order granting permission on conditions or for refusing permission under sub-section (*1*) or (*1A*), as the case may be, may within forty days from the date of communication of the order to him, prefer an appeal to the District Head of the Town Planning

Department posted at the Zilla Parishad. The appeal shall be in such form and shall bear such court-fees as may be prescribed. Such District Head, after giving an Appellant a reasonable opportunity of being heard, may by order, passed within a period of ninety days from the date of receipt of appeal, either allow the appeal unconditionally or subject to such conditions, as he may deem fit, or reject the appeal. The decision of the District Head on such appeal shall be final and binding on all concerned.

(*2C*) Notwithstanding anything contained in any Judgment, order or decree of any court, on and with effect from the date of commencement of the Maharashtra Village Panchayats and the Maharashtra Regional and Town Planning (Amendment) Act, 2014 (Mah. XLIII of 2014), the Maharashtra Village Panchayats (Extension of Village Sites) Rules, 1967 shall, stand repealed.

(*2D*) On and with effect from the date of commencement of the Maharashtra Village Panchayats and the Maharashtra Regional and Town Planning (Amedment) Act, 2014 (Mah. XLIII of 2014), until the rules, under this section are made, the Standardised Development Control and Promotion

1 These sub-sections were substituted for sub-sections (*1*) and (*2*) by Mah. 43 of 2014, s. 2(*a*).

Regulations for Regional Plans in Maharashtra, framed under sub-section (*4*) of section 20 of the Maharashtra Regional and Town Planning Act, 1966 (Mah. XXXVII of 1966), in respect of grant of permission to erect or re-erect the buildings shall apply.]

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

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

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

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

(*b*) by written notice require such erection or re-erection to be altered or demolished as it may deem necessary;

and if the requirement under clause (*b*) is not complied with within the time fixed in the notice 2[(such time being not less than thirty days)], the *panchayat* may cause the alteration or demolition to be carried out by its officers and servants and all the expenses incurred by the *panchayat* therefore, shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter IX.

(*6*) Nothing contained in this section shall apply to any building which is used or required for public service, or for any public purpose, and is the property of the State or Central Government or any local authority, or is to be erected or re-erected by the State or Central Government or the local authority; but reasonable notice of the proposed construction shall be caused to be given to the *panchayat*, and the objections or suggestions of the *Panchayat*, if any, shall be considered. 3[Nothing in this section shall also apply to any building erected or re-erected for any industrial or commercial purpose.]

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

(*a*) any material alteration, or enlargement of or in any building ;

(*b*) the conversion by structural alteration into a place for human habitation of any building not originally constructed for human habitation ;

(*c*) such alteration of a building as would effect a change in the drainage or sanitary arrangement or materially affect its security ;

(*d*) the addition of any rooms, buildings, out-houses or other structures to any building ;

(*e*) the conversion by any structural alteration, into a place of religious worship or into a sacred building of any place or building not originally meant or constructed for such purpose ;

(*f*) roofing or covering an open space between walls and buildings, as regards the structure which is formed by roofing or covering such space ;

(*g*) conversion into a stall, shop, warehouse, or godown of any building not originally constructed for use as such or *vice-versa* ;

(*h*) construction in a wall adjoining any street or land not vested in the owner of the wall, of a door opening on such street or land.

1 These words, brackets, figures and letters were substituted by Mah. 43 of 2014, s. 2(*b*). 2 These brackets and words were inserted by Mah. 36 of 1965, s. 27(*3*).

3 This portion was added by Mah. 36 of 1965, s. 27(*4*).

53. Obstructions and encroachments upon public streets and open sites.—(*1*) Whoever, 1[within the limits of the *gaothan* area 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 contravences any conditions, subject to which any permission as aforesaid is given or the provisions of any by-law made in relation to any such projections or cultivates or makes any unauthorised use of any grazing land, not being private property, shall, on conviction, be punished with fine, which may extend to fifty rupees and with further fine which may extend to five rupees for every day on which such obstruction, deposit, projection, cultivation or unauthorised use continues after the date of first conviction for such offence.

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

3[(*2A*) If any *panchayat* fails to take action under sub-section (*2*) 4[* *], the Collector *suo motu* or on an application made in this behalf, may take action as 5[provided in that sub-section, and submit the report thereof to the Commissioner]. The expense of such removal shall be paid by the person who has caused the said obstruction or encroachment or unauthorised cultivation of the crop and shall be recoverable from such person as an arrear of land revenue.]

(*3*) The power under 6[sub-section (*2*) or sub-section (*2A*)] may be exercised in respect of any obstruction, encroachment or 7[unauthorised cultivation of any crop] referred to therein whether or not

such obstruction, encroachment or [8][unauthorised cultivation of any crop] has been made before or after the village is declared as such under this Act, or before or after the property is vested in the *panchayat*.

[9][(*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, [10][appeal to the Commissioner and the Commissioner, after making such enquiry as he thinks necessary, shall pass such orders as he deems necessary] after giving such person a reasonable opportunity of being heard.]

1 These words were substituted for the words "within the limits of the village" by Mah. 43 of 2014, s. 3.

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

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

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

5 These words were substituted for the words "provided in that sub-section" by Mah. 38 of 2006, s. 8(*b*)(*ii*).

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

7 These words were substituted for the words "or projection" by Mah. 34 of 1970, s. 10(*2*)(*b*).

8 These words were substituted for the words "or projection" by Mah. 34 of 1970, s. 10(*2*)(*b*).

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

10 These words were substituted for the words "appeal to the Standing Committee and the Standing Committee, after making such enquiry as it thinks necessary, shall pass such orders as it deems necessary" by Mah. 38 of 2006, s. 8(*c*).

[1][(*3B*) Any order made by the Collector in exercise of powers conferred on him under sub-section (*2A*) or (*3*) shall be subject to appeal and revision in accordance with the provisions of the Maharashtra Land Revenue Code, 1966 (Mah. XLI of 1966).]

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

(*5*) Nothing contained in this section shall prevent the *panchayat*, from allowing any temporary 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 masonary, bricks, wood, mud, metal, or any other material whatsoever whether used as a human dwelling or otherwise.

[2][CHAPTER III-A

SPECIAL PROVISIONS FOR GRAM SABHA AND PANCHAYAT IN SCHEDULED AREAS

[3][**54-1A. Special provisions relating to village and *Gram Sabha*.—**Notwithstanding anything contained in sections 4, 5 or any other provisions of this Act, in the Scheduled Areas,—

(*a*) a habitation or a group of habitations or a hamlet or a group of hamlets comprising a community and managing its affairs in accordance with traditions and customs, and which is declared as a village in the prescribed manner shall be the village for the purposes of this Chapter ;

(*b*) every village, so declared under clause (*a*), shall have a *Gram Sabha* consisting of persons whose names are included in the electoral rolls for the panchayat at the village level and a panchayat may comprise of one or more than one of such villages.]

54A. Powers and duties of *Gram Sabha* in Scheduled Areas.—It shall be competent for every *Gram Sabha* in the Schedule Areas,—

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

1 Sub-section (*3B*) was inserted by Mah. 34 of 1970, s. 10(*3*). 2 This Chapter was inserted by Mah. 27 of 2003, s. 4.

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

(*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 (Mah. XLV of 1997) [1][and Chapter III A of the Indian Forests Act, 1927 (16 of 1927), in its application to the State of Maharashtra.]

(*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 (Bom. XXXI of 1947) 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 [2][and also to manage fishing activities in minor water bodies within its jurisdiction.]

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*[3][and to other Departments

1 These words were inserted by Governor Notification, dated 30th October 2014. 2 These words were inserted by Governor Notification, dated 30th October 2014. 3 These words were inserted by Governor Notification, dated 30th October 2014.

concerned with the implementation of programmes, projects and schemes in social sector] 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 (Mah. V of 1962), so also to a *panchayat* under section 45 of this Act [1][and any Department of the State Government executing similar schemes, programs and projects;]

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

Provided that, every *panchayat* shall consult the *Gram Sabha* before conveying any recommendations to the *PanchayatSamitis* and the *ZillaParishad*. 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 (Bom. XXXI of 1947) for grant of any licence for money lending. Any

1 These words were inserted by Governor Notification, dated 30th October 2014.

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 (Mah. XLV of 1997) ;

(*h*) be competent to manage the minor water bodies [1][and also to manage fishing activities in minor water bodies within its jurisdiction].

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*.

2[(*o*) be competent to exercise control over local plans and resources for such plan including the 3[Tribal Component Schemes:]

4[Provided that, not less than 5% of the total 5[Tribal Component Schemes] funds 6[as outlined in the Annual Financial Statement each year] shall be devolved to *Gram Panchayats* in the Scheduled Areas of Maharashtra in proportion of the Scheduled Tribes population of each *Gram Panchayat* to the total Scheduled Tribes population of the *Gram Panchayats* in Scheduled Areas of Maharashtra:]

1 These words were inserted by Governor Notification, dated 30th October 2014.

2 Clause (*o*) was inserted by Governor Notification, dated 30th October 2014.

3 These words were substituted for the words "Tribal Sub-Plan" by Governor Notification, dated 27th February 2017. 4 First proviso was substituted by Governor Notification, dated 13th April 2016.

5 These words were substituted for the words "Tribal Sub-Plan" by Governor Notification, dated 27th February 2017. 6 These words were substituted for the words "of the respective annual plan" by Governor Notification, dated 27th February 2017.

Provided further that, the Panchayat shall utilise these funds for the purpose and to the extent as recommended by the *Gram Sabha* :

Provided also that, in case a *Panchayat* has more than one *GramSabha* these funds shall be utilized in proportion to the population of the respective *GramSabhas*].

54C. Meetings of *Gram Sabha*.— (*1*) Secretary of the *panchayat* shall be Secretary of the *GramSabha* and he shall be responsible to call the meetings of the *GramSabha*. Such Secretary shall prepare and maintain the proceedings of all meetings of *GramSabha* 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 *GramSabha*, not less than fifteen clear days before the date fixed for such meetings to the concerned Officials and members of the *GramSabha*.

(*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 *GramSabha* 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 *GramSabha*.

(*4*) Unless exempted by the *GramSabha*, every meeting of the *GramSabha* 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 *GramSabha*. It shall not be allowed to be conduct any meeting including adjourned meeting without quorum.

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

54D. 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 Sabha* 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 *GramSabha* against *Sarpanch* or, as the case may be, *Upa-Sarpanch* after giving

notice thereof to the Secretary of the *GramSabha*. The Secretary of the *GramSabha* 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 *GramSabha* at the office of the *panchayat* for considering the motion of no confidence. The Officer not below the rank of *NaibTahsildar* shall preside over such meeting. The *Sarpanch* or, as the case may be, the *Upa-Sarpanch* against whom the motion of no confidence is moved shall have a right to speak or otherwise to take part in the proceedings at the meeting (including the right to vote).

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

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

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

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

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

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

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

CHAPTER IV

PANCHAYAT : ITS PROPERTY AND FUND

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 [1][vested in (otherwise than under the provisions of sub-section (*1*) of section 51)] or be acquired by it and to contract and do all other things necessary for the purposes of this Act :

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

56. Property of *panchayat*.—(*1*) [3][It shall be competent for a *ZillaParishad* from time to time to direct that any property vesting in it] shall vest in a *panchayat* and on such direction being issued,

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

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

3 These words were substituted for the words "It shall be competent to a *Zilla Parishad* or *PanchayatSamiti* from time to time to direct that any property vesting in such *ZillaParishad* or *PanchayatSamiti*" by Mah. 36 of 1965, s. 30(*1*).

[1][the property shall, subject to rules made in that behalf, vest] in the *panchayat* notwithstanding anything contained in the Transfer of Property Act, 1882 (IV of 1882), or the Indian Registration Act, 1908 (XVI of 1908) :

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

(*2*) Every work constructed by a *panchayat* out of the village fund, or with Government assistance or peoples' participation shall vest in such *panchayat*[3][and every work constructed by a *panchayat* with the assistance of *ZillaParishad* or *PanchayatSamiti* shall vest in a *panchayat* in the manner provided by rules made in that behalf.]

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[4] (Bom. III of 1901); or [5][* * *] under section 8 of the Central Provinces and Berar Municipalities Act, 1922[6] (C.P. and Berar Act II of 1922) ;

[7][(*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 ;]

(*c*) the proceeds of a tax on professions, trades, callings and employments assigned to the *panchayat*[8][under clause (*b*) of section 163 of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 (Mah. V of 1962)] ;

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

(*e*) all other sums ordered b 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 ;

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

(*g*) sums contributed to the village fund by the State Government or a 11[*ZillaParishad* or *PanchayatSamiti*] ;

(*h*) all sums received by way of loans from the State Government or the 12[*ZillaParishad*] or out of the District Village Development Fund constituted under section 133 13[and all sums borrowed under section 57A] ;

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

1 These words were substituted for the words "the property shall vest" by Mah. 36 of 1965, s. 30(*1*).
2 These words were substituted for the words "Collector" by Mah. 5 of 1962, s. 286, Tenth Schedule.
3 These words were added by Mah. 36 of 1965, s. 30(*2*).
4 *See* now the Maharashtra Municipal Councils, *NagarPanchayats* and Industrial Townships Act, 1965 (Mah. XL of 1965), section 90(*2*).
5 The words "under the said Act in its application to the Saurashtra area of the State of Bombay and" were omitted by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.
6 *See* now the Maharashtra Municipal Councils, *NagarPanchayats* and Industrial Townships Act, 1965 (Mah. XL of 1965), section 90(*2*).
7 Clause (*b*) was substituted by Mah. 5 of 1997, s. 4(*a*).
8 This portion was substituted for the words, brackets, letters and figures "under clause (*b*) of sub-section (*1*) of section 102 C of the Bombay Local Boards Act, 1923" by Mah. 36 of 1965, s. 31(*1*).
9 Clause (*d*) was inserted by Mah. 21 of 1994, s. 22.
10 Clause (*fa*) was inserted by Mah. 46 of 1997, s. 4.
11 These words were substituted for the words "District Local Board" by Mah. 5 of 1962, s. 286, Tenth Schedule.
12 This portion was added by Mah. 35 of 1963, s. 80, Schedule.
13 This portion was added by Mah. 35 of 1963, s. 80, Schedule.

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

1[* * * * * * *]

(*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 ;

2[(*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.]

3[(*3*) 4[The Secretary and the *Sarpanch* shall be jointly responsible for the safe custody of the village fund, the Village Water Supply Fund and other moneys received on behalf of the *panchayat*, from time to time, and shall jointly operate them for the following purposes], namely :—

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

(*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 impress on hand, of not more 5[than one hundred and fifty] at a time, for contingent purpose of the *panchay*

(*e*) incur contingent expenditure [6][upto one hundred rupees] at any occasion ;

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

(*4*) The Secretary shall submit a weekly statement of accounts to the [7][*panchayat*] and a monthly statement of account to the Block Development Officer, giving in particular the details of the receipts into and payments from and the balance in the funds [8][* *].

[9][**57A. Power of *panchayat* to borrow.**—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.—[10][(*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.

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

2 Clause (*o*) was added by Mah. 36 of 1965, s. 31(*2*).

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

4 These words, brackets and figures were substituted for the words, brackets and figures "Subject to the provisions of sub-section (*5*) of section 38, the Secretary shall be solely responsible for the safe custody of the village fund, the Village Water Supply Fund and other moneys received on behalf of the *panchayat*, from time to time, and shall operate them for the following purposes" by Mah. 38 of 2006, s. 9(*a*).

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

6 These words were substituted for the words "upto ten rupees" by Mah. 1 of 1998, s. 2(*b*).

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

8 The words "under his control" were deleted by Mah. 38 of 2006, s. 9(*b*)(*ii*).

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

10 This section was re-numbered as sub-section (*1*) by Mah. 46 of 1997, s. 5.

[1][(*2*) Notwithstanding anything contained in sub-section (*1*), if any of the *Panchayat* area 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.]

59. Decision of claims to property by or against *panchayat*.—(*1*) In any village [2][* * * *] where any property or any right in or any property is claimed by or on behalf of the *panchayat*, or by any person against the *panchayat*, it shall be lawful for the Collector, after formal enquiry, of which due notice has been given, to pass an order deciding the claim.

(*2*) Any suit instituted in any Civil Court after the expiration of one year from the date of the communication of any order passed by the Collector under sub-section (*1*), or if one or more appeals have been made against such order within the period of limitation, then, from the date of the communication of any order passed by the final appellate authority, as determined according to section 204 of the Bombay Land Revenue Code, 1879[3] (Bom. V of 1879) [4][* * *], sub-section (*2*) of section 158 of the Hyderabad Land Revenue Act, 1317 Fasli (Hyd. VII of 1317F), or section 41 of the Madhya Pradesh Land Revenue Code, 1954[5] (M. P. Act, II of 1955), 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 [6][one or more Secretaries] for every *panchayat*, or a group of *panchayats* as the [7][Chief Executive Officer] may (having regard to the extent and population of the village and income of the *panchayat*), by a general or special order, determine :

[8][Provided that, the Secretary shall also function as Secretary to the *GramSabha* of the respective *Panchayat*.]

[9][(*2*) The Chief Executive Officer shall appoint a Secretary (who may bear such other designations as *ZillaParishad* 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.]

[10][* * * * * *]

[11][*Explanation*.— In this section the expressions "District Fund" and "District Service (Class III)" shall have the meanings respectively assigned to them in the Maharashtra *ZillaParishads* and *PanchayatSamitis* Act, 1961 (Mah. V of 1962).]

1 Sub-section (*2*) was inserted by Mah. 46 of 1997, s. 5.

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

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

4 The words "or that section of the said code as applied to the Sourashtra and Kutch areas of the State Bombay" were omitted by the Maharashtra Addition of Laws (State and Concurred Subjects) Order, 1960.

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

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

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

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

9 Sub-section (*2*) was substituted by Mah. 5 of 1962, s. 286, Tenth Schedule.

10 Sub-sections (*3*) and (*4*) were deleted by Mah. 5 of 1962, s. 286, Tenth Schedule.

11 This *Explanation* was added by Mah. 5 of 1962, s. 286, Tenth Schedule.

[1][**60A. Certain duties of Secretary.—** (*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 *GramSabha* 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 fails to prepare the report of the expenditure incurred on the development activities to be placed before the *GramSabha* 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*) or rule 4 of the Maharashtra Zilla Parishads District Services (Discipline and Appeal) Rules, 1964.]

61. Appointment of servants.—[2][(*1*)] A *panchayat* may appoint such servants as may be necessary for the proper discharge of its duties under this Act and pay their salaries from the village fund. A *Sarpanch* may also, in cases of emergency, engage such temporary servants as he may deem necessary. A *panchayat* may, from time to time, by written order, fine, suspend or dismiss any servant appointed by it; but an appeal shall lie against any such order passed by the *panchayat* to the [3][Block Development Officer], within one month from the date of the communication of the order to the servant. [4][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.]

[5][(*2*) Without prejudice to the power of a *panchayat* under sub-section (*1*), the State Government may [6][make rules to regulate recruitment and] the terms and conditions of service of servants appointed under sub-section (*1*).]

[7]**[61A. Provisions for development of *panchayats* as growth centres.—** (*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.—[8][(*1*) The *Sarpanch* shall determine annually on or before the 28th February of every year, in such form as may be prescribed, a statement of,—

1 Section 60A was inserted by Mah. 38 of 2006, s. 10.

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

3 These words were substituted for the words "*PanchayatMandal*" by Mah. 35 of 1963, s. 80, Schedule. 4 This portion was added by Mah. 35 of 1963, s. 80, Schedule.

5 Sub-section (*2*) was inserted by Mah. 36 of 1965, s. 33.

6 These words were substituted for the words "makes rules regulating" by Mah. 34 of 1970, s. 12. 7 Section 61A was inserted by Mah. 16 of 2012, s. 5.

8 These sub-sections was substituted for sub-sections (*1*), (*1A*) and (*1AA*) by Mah. 2 of 2020, s. 9(*1*).

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

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

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

(*d*) the statement made under clause (*a*), (*b*) or (*c*), as the case may be, shall be placed by the *Sarpanch* before the *panchayat.*

(*1A*) The *panchayat* shall in respect of the said statement, finalise its recommendations on or before the 7th of March of the same year.

(*1B*) The statement along with the recommendation of the *panchayat* under sub-section (*1A*), shall be placed before the *GramSabha*, which may ratify it on or before the 15th of March of the same year and the decision of the *GramSabha* shall be submitted to the *PanchayatSamiti*.

(*1C*) If, on or before the date specified in,—

(*a*) sub-section (*1*), the *Sarpanch* fails to submit the statement ; or

(*b*) sub-section (*1A*), the *panchayat* fails to make recommendation in respect of the statement; or

(*c*) sub-section (*1B*), the *GramSabha* fails to take decision in respect of ratification on the

recommendations,

the Secretary shall prepare the statement, regarding the mandatory and office expenditure to be carried out, and submit it to the *PanchayatSamiti* in the form prescribed under the said sub-section.]

(*2*) [1][The *PanchayatSamiti* shall either approve the statement or direct that the proposed expenditure on any of the duties falling under section 45 shall be increased or decreased on or before the 31st March of the every year. Expenditure shall be carried out as per the statement till the date budgetary process outlined in sub-section (*1*), (*1A*) and (*1B*) is completed :]

Provided that the [2][*PanchayatSamiti*], shall not have power [3][either to disapprove the statement or] to direct that the total proposed expenditure shall exceed the estimated income of the *panchayat* for the following [4][financial year] and the opening balance in the fund :

[5][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 [6][on or before the 31st March of every year and in case of the revised and supplementary statement], within two months from the date of receipt of such statement, the statement shall be deemed to have been duly approved by the *PanchayatSamiti*.]

(*3*) A *panchayat* shall contribute every [7][financial year] to the [8][District Village Development Fund] constituted under section 133 such percentage of its income from all sources (including contributions from the State Government) [9][but not including any sums received from the State Government, *ZillaParishad* or *PanchayatSamiti* by way of grant or loans for any specific work] not exceeding 10 per cent. thereof as may be prescribed.

1 This portion was substituted for the portion beginning with the words "*The Panchayat Samiti*" and ending with the words "increased or decreased:" by Mah. 2 of 2020, s. 9(*2*)(*a*).
2 These words were substituted for the words "*PanchayatMandal*" by Mah. 5 of 1962, s. 286, Tenth Schedule.
3 These words were inserted by Mah. 34 of 1970, s. 13(*a*).
4 These words were substituted for the word "year" by Mah. 36 of 1965, s. 34(*1*).
5 This proviso was added by Mah. 34 of 1970, s. 13(*b*).
6 These words, figures and letters were inserted by Mah. 2 of 2020, s. 9(*2*)(*b*).
7 These words were substituted for the word, "year" by Mah. 36 of 1965, s. 34(*1*).
8 These words were substituted for the words "District Village, Development Fund" by Mah. 38 of 1973, s. 5.
9 These words were inserted by Mah. 36 of 1965, s. 34(*4*).

(*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 [1][*ZillaParishad*] on or before such date and in such form as may be prescribed.

[2]**[62A. Revised or supplementary budget.—** A *Sarpanch* may at anytime during the financial year for which any such statement has been approved, cause a revised or supplementary statement to be prepared. Every such revised or supplementary statement shall be considered and approve by the *PanchayaSamiti* in the same manner as if it were on original statement and the provisions of section 62 shall apply in relation to such revise or supplementary statement.]

CHAPTERS VI, VII and VIII

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

CHAPTER IX

TAXATION AND RECOVERY OF CLAIMS

124. Levy of taxes and fees by *panchayats*.— (*1*) [4][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 [5][clauses (*i*), (*i-a*) and (*i-aa*)] of this sub-section and [6][where the *panchayat* has taken ov under sub-section (*1*) of section 45, it

shall also levy taxes referred to 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.]

(*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 ;

[7][(*i-a*) a betterment charges or the lands benefitted from schemes or projects under-taken by a *panchayat* from the village fund;]

[8][(*i-aa*) the Local Panchayat Tax;]

(*ii*) [9][* * * * * *]

(*iii*) a pilgrims tax ;

1 These words were substituted for the words "District Local Board" by Mah. 5 of 1962, s. 286, Tenth Schedule. 2 Section 62A was substituted by Mah. 2 of 2020, s. 10.

3 On the deletion of these chapters,—

(*a*) all *NyayaPanchayats* 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 *NyayaPanchayats* immediately before such commencement shall stand transferred to the Civil or Criminal Court competent to try the same; and such Civil or Criminal Court may proceed to hear and dispose of such suit or case from the stage it reached before its transfer to it, or may commence the proceeding *de novo* by itself ;

(*c*) all other pending proceedings and applications for the execution of decrees or orders in suits and for the recovery of fines and compensation in cases, shall stand transferred to the Civil or Criminal Court, as the case may be, who would have been competent to try the suit or case if the *NyayaPanchayat* had not been constituted, and such Civil or 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 *NyayaPanchayats* shall vest in the State Government. (*vide* section 38 of Mah. 13 of 1975).

4 This portion was substituted for the portion beginning with "it shall be competent" and ending with "prescribed, namely:—" by Mah. 13 of 1975, s. 18(*1*)(*a*).

5 These words, brackets and letters were substituted for the words, brackets and letters "clauses (*i*) and (*i-a*)" by Mah. 22 of 2012, s. 3(*i*), however this amendment yet to be brought into force.

6 These words, brackets and figures were inserted by Mah. 56 of 1981, s. 8.

7 Clause (*i-a*) was inserted by Mah. 13 of 1975, s. 18(*1*)(*b*).

8 Clause (*i-aa*) was inserted by Mah. 22 of 2012, s. 3(*ii*), however this amendment yet to be brought into force. 9 This clause was deleted by Mah. 6 of 2000, s. 3.

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

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

(*vi*) subject to the provisions of article 276 of the Constitution, a tax on the following professions, trades, 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 brokers in cattle markets ;

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

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

[1][(*viii-a*) a lighting tax ;]

(*ix*) any other tax [2][(not being a tax or toll on motor vehicles save as provided in section 2 of the [3]Bombay Motor Vehicles Tax Act, 1958 (Bom. LVX of 1958))] which the State Legislature has, under the Constitution, power to impose in the State and which has been sanctioned by the State Government ;

(*x*) a fee on markets and weekly bazars ;

(*xi*) a fee on 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* ;

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

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

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

1 This clause was inserted by Mah. 36 of 1965, s. 48(*1*)(*b*).

2 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 Subjects) Order, 1960. 3 This short title was amended as "the Maharashtra Motor Vehicles Tax, Act" by Mah. 24 of 2012, sections 2 and 3, Schedule entry 68, *w.e.f.* 1-5-1960.

4 This clause was added by Mah. 36 of 1965, s. 48(*1*)(*c*).

lands or on any class of building or lands situated in an area predominantly populated by members of Schedule Castes or Scheduled Tribes.

1[(*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.]

2[* * * *]

(*5*) Any person aggrieved by assessment, levy or imposition of any tax or fee may appeal to the 3[*PanchayatSamiti*]. 4[A further appeal against the order of the *PanchayatSamiti* shall lie to the Standing Committee, whose decision shall be final.] 5[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 *PanchayatSamiti* decides the appeal.]

6[(*6*) If at any time it appears to the State Government on complaint made or otherwise, that any tax or fee leviable by a *panchayat* is unfair in its incidence, or that the levy thereof, or any part thereof is obnoxious to the 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.]

[7][* * * *]

[8][* * * *]

126. Framing 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 fulfilment of the condition of the lease.

[9]**[127. Levy and collection of** [10]**[**] cess on every rupee of land revenue.—** (*1*) The State Government shall levy a cess at the rate of [11][one hundred *paise*] 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 *PanchayatSamitis* Act, 1961 (Mah. V of 1962)) levy and collect such cess in such area.]

[12][* * * * *]

(*5*) For the purpose of levying and collecting the cess referred to in sub-section (*1*), in the Bombay area the provisions of sections 144 (including the Forth Schedule), 145, [13][147] and 149, in the Vidarbha area, the provisions of section 151, and in the Hyderabad area, the provisions of section

1 Sub-section (*3A*) was inserted by Mah. 13 of 1975, s. 18(*2*).

2 Sub-section (*4*) was deleted by Mah. 16 of 1975, s. 28, Schedule 11.

3 These words were substituted for the words "*PanchayatMandal*" by Mah. 5 of 1962. s. 286, Tenth Schedule. 4 These words were substituted for the words "The decision of the *PanchayatMandal* thereon shall be final" by Mah. 5 of 1962. s. 286, Tenth Schedule.

5 This portion was added by Mah. 36 of 1965, s. 48(*2*).

6 This sub-section was substituted for the original by Mah. 36 of 1965, s. 48(*3*).

7 Section 124A was deleted by Mah. 42 of 2017, s. 48.

8 Section 125 was deleted by Mah. 11 of 2018, s. 2.

9 Section 127 was substituted for the original by Mah. 5 of 1962, s. 286, Tenth Schedule.

10 The words "twenty *nayepaise*" were deleted by Mah. 10 of 1962, s. 4(*3*).

11 These words were substituted for the portion beginning with the words "twenty *nayepaise*" and ending with the words "by the State Government under this section" by Mah. 10 of 1962, s. 4(*1*).

12 Sub-sections (*2*), (*3*) and (*4*) were deleted by Mah. 10 of 1992, s. 4(*2*).

13 This figure was substituted for the figures "148" by Mah. 36 of 1965, s. 49(*2*).

152 of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 (Mah. V of 1962), 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.]

[1]**[127A. Suspension or remission of cesses.—** 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 [2][*Panchayat Samiti*] to increase taxation on panchayat.— (*1*) If in the opinion of the [3][*Panchayat Samiti*] the income of the *panchayat* falls below what is necessary for the proper discharge of the duties specified in sub-section (*2*) of section 45, the [4][*Panchayat Samiti*] may require the *panchayat* to take steps within six months, to increase its income to such extent as the [5][*Panchayat Samiti*] considers necessary. If the *panchayat* fails to take adequate steps to increase its income to the required extent, the [6][*Panchayat Samiti*] may require it to levy any of the taxes or fees specified in section 124 or increase the rate at which any of such taxes and fees is levied :

Provided that, the [7][*Panchayat Samiti*] shall not compel the *panchayat* to levy any tax or fee or increase the rate thereof beyond the maximum rate prescribed in this behalf.

(*2*) A *panchayat* may appeal to the [8][Standing Committee] against an order made under sub-section (*1*) and the [9][Standing Committee] may stay the execution of such order until [10][it] 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 from 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—

1 This section was inserted by Mah. 36 of 1965, s. 50.

2 These words were substituted for the words "*Panchayat Mandal*" by Mah. 5 of 1962, s. 286, Tenth Schedule. 3 These words were substituted for the words "*Panchayat Mandal*" by Mah. 5 of 1962, s. 286, Tenth Schedule. 4 These words were substituted for the words "*Panchayat Mandal*" by Mah. 5 of 1962, s. 286, Tenth Schedule. 5 These words were substituted for the words "*Panchayat Mandal*" by Mah. 5 of 1962, s. 286, Tenth Schedule. 6 These words were substituted for the words "*Panchayat Mandal*" by Mah. 5 of 1962, s. 286, Tenth Schedule. 7 These words were substituted for the words "*Panchayat Mandal*" by Mah. 5 of 1962, s. 286, Tenth Schedule. 8 These words were substituted for the words "Commissioner" by Mah. 36 of 1965, s. 51.

9 These words were substituted for the words "Commissioner" by Mah. 36 of 1965, s. 51.

10 This word was substituted for the word "he" by Mah. 36 of 1965, s. 51.

(*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 chargable at such rates as may be prescribed.

(*6*) Notwithstanding anything contained in the forgoing 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 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.

2[* * * *]

3[(*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.

4[* *]

5[* * * * * * *]

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 enquiry as he thinks fit 6[and after ascertaining that three years from t ecome recoverable have not elapsed],

proceed to recover the sum as an arrear of land revenue unless such sum is, under section 130 directed to be written off.

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

(*a*) [7][* * * *]

[8][any sum recoverable by him on an application by the *Panchayat Samiti*] under sub-section (*8*) of section 129 ;

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

[9][(*bb*) any sum forming part of the village fund which has been stolen or misappropriated and any person prosecuted in that behalf has been duly acquitted ;]

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

Provided that, no sum exceeding rupees five hundred shall be written off under [10][clause (*bb*) or clause (*c*)], except with the previous sanction of the Commissioner.

[11][* * * * * * *]

1 The words "through the village officers" were deleted by Mah. 34 of 1970, s. 18(*1*).

2 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 Mah. 34 of 1970, s. 18(*2*).

3 Sub-section (*8*) was substituted for the original by Mah. 26 of 1963, s. 3, Second Schedule.

4 The word "or" and clause (*b*) were deleted by Mah. 13 of 1975, s. 19.

5 The word "or" and clause (*b*) were deleted by Mah. 13 of 1975, s. 19.

6 These words were inserted by Mah. 36 of 1965, s. 52.

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

8 These words were substituted for the words "any sum certified by a *panchayat* and recoverable by him" by Mah. 26 of 1963, s. 3, Second Schedule.

9 This clause was inserted by Mah. 34 of 1970, s. 19(*1*).

10 These words were substituted for the words "clause (*c*)" by Mah. 34 of 1970, s. 19(*2*).

11 The second proviso was deleted by Mah. 36 of 1965, s. 53.

CHAPTER X

FINANCIAL ASSISTANCE TO *PANCHAYATS*

[1]**[131. [2]Grant of sum equal to average of amounts of land revenue realised during each quinquennium commencing on 1st April 1964].—** 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 [3][commencing on the 1st day of April 1972] a grant from the State Government of a sum equal to [4][* *] the average of the amounts of the ordinary land revenue (including non-agricultural assessment) realised during each quinquennium commencing on the 1st day of April 1964 from lands within the limits of the Village Panchayats.

[5][(*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.]

[6][* * * * * * *]].

132. Loans by [7][*Zilla Parishads*].— Notwithstanding anything contained in [8][the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 (Mah. V of 1962), the *Zilla Parishad*] may, subject to rules, grant a loan to a *panchayat* within the district for the purposes of this Act.

[9]**[132A. Equalisation grant.—** 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 the village, then that *panchayat* shall be entitled to an equalisation grant equal to the difference between the amount arrived at on *per capita* basis and the amount payble to the *panchayat* under sub-section (*1*) of section 131 ; and such grant shall be made by the State Government.]

[10][* * * * * *]

[11]**[132B. Village Water Supply Fund.—** (*1*) There shall be in each village, a separate Fund, which shall be called the "Village Water Supply Fund".

(*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 (Mah. V of 1997) ;

(*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 ;

1 Section 131 was substituted for the original by Mah. 34 of 1970, s. 20.

2 This marginal note was substituted by Mah. 38 of 1973, s. 6(*3*).

3 These words, figures and letters were inserted by Mah. 13 of 1975, s. 21(*a*).

4 The words "thirty per cent. of" were deleted by Mah. 38 of 1973, s. 20.

5 Sub-section (*2*) was deemed to have been substituted from 1st April 1972 for sub-sections (*2*) to (*6*), by Mah. 38 of 1973, s. 6(*2*).

6 The *Explanation* was deleted by Mah. 13 of 1975, s. 21(*b*).

7 These words were substituted for the words "District Local Boards" by Mah. 43 of 1962, s. 26, Schedule.

8 These words and figures were substituted for the words and figures "the Bombay Local Boards Act, 1923, or any corresponding law in force in the State of Maharashtra" by Mah. 43 of 1962, s. 26, Schedule.

9 Section 132A was substituted by Mah. 34 of 1970, s. 21.

10 The *Explanation* was deleted by Mah. 13 of 1975, s. 22.

11 Section 132B was substituted by Mah. 5 of 1997, s. 5.

(*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 utilised 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 expended.]

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 [1][(including any officer or authority of the *Zilla Parishad* or of *Panchayat Samiti* concerned)] and shall be invested in such manner as may be prescribed. The fund shall be utilised for the purpose of granting loans to *panchayats* and the payment of interest on contributions made by *panchayats*[2][and with the sanction of the Commissioner, for meeting expenditure on staff engaged for operating the fund and on all charges incidental thereto, such as printing, stationery, stamps and the like]. The State Government shall make rules prescribing from time to time the purposes for which such loans may be granted, the terms and conditions (including the rate of interest) on which such loans may be made, the period therefor, the manner of repayment, and all matters incidental to the grant of such loans.

CHAPTER XI

CONTROL

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

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

135.Duties of [3]**[*Zilla Parishads* and *Panchayat Samitis*].—** Subject to the provisions of this Act and the rules made thereunder it shall be the duty of the [4][*Zilla Parishad* and the *Panchayat Samiti*] to,—

(*a*) encourage the establishment and foster the development of *panchayats* in the [5][area for which they are established] ;

(*b*) supervise and control the administration of *panchayat* in the [6][area for which they are established] ;

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

[7]**[136. Appointment of District Village *Panchayat* Officers.—** 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 [8][*Zilla Parishad or Panchayat Samiti*] shall have power—

(*a*) to call for any proceedings of a *panchayat* or an extract therefrom, any book or document in the possession or under the control of a *panchayat*, and any return, statement,

1 These brackets and words were inserted by Mah. 43 of 1962, s. 26, Schedule.
2 These words were inserted by Mah. 34 of 1970, s. 22.
3 These words were substituted for the words "*Panchayat Mandal*" by Mah. 36 of 1965, s. 56.
4 These words were substituted for the words "*Panchayat Mandal*" by Mah. 5 of 1962, s. 286, Tenth Schedule. 5 These words were substituted for the word "district" by Mah. 5 of 1962, s. 286, Tenth Schedule.
6 These words were substituted for the word "district" by Mah. 5 of 1962, s. 286, Tenth Schedule.
7 Section 136 was substituted for the original by Mah. 43 of 1962, s. 26, Schedule.
8 These words were substituted for the words "The *Panchayat Mandal*" by Mah. 5 of 1962, s. 286, Tenth Schedule.

account or report which the [1][*Zilla Parishad or Panchayat Samiti*] thinks fit to require such *panchayat* to furnish ; and

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

(*i*) any objection which appears to the [2][*Zilla ParishadorPanchayat Samiti*] to exist to the doing of anything which is about to be done, or is being done by such *panchayat* ; or

(*ii*) any information which the [3][*Zilla Parishad or Panchayat Samiti*] is able to furnish and which appears to the [4][*Zilla Parishad or Panchayat Samiti*] to necessitate the doing of a certain thing by the *panchayat*, and to make a written reply to the [5][*Zilla Parishad or Panchayat Samiti*] within a reasonable time stating its reasons for not desisting from doing or for not doing such things.

[6][(*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*.]

138. Delegation of duties, etc.— (*1*) [7][The *Zilla Parishad* or the *Panchayat Samiti* may delegate to any of its presiding authorities or any officer], 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 [8][*Zilla Parishad* or *Panchayat Samiti*] to accept and utilise in an honorary capacity, in the performance of any of the duties which may be delegated under sub-section (*1*), the services of any person who in the opinion of [9][such *Zilla Parishad* or as the case may be, *Panchayat Samiti*] is specially fitted to assist it in this behalf.

139. Power of entry.— The [10][*Zilla Parishad* may authorise its President or Chief Executive Officer or the *Panchayat Samiti* may authorise its Chairman], [11][or Block Development Officer] 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.

[12]**[139A.Power of authorised officer or person to inspect and give technical guidance, etc.—**If for the purpose of efficient and economical execution or maintenance of any works or development schemes undertaken by a *panchayat*, an officer or person authorised by general or special order of the *Zilla Parishad* considers it necessary for that purpose to give technical guidance or assistance to the *panchayat* then the officer or person so authorised may periodically inspect such works or development scheme, 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.]

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

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

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

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

5 These words were substituted for the words "The *Panchayat Mandal*" by Mah. 5 of 1962, s. 286, Tenth Schedule. 6 Sub-section (*2*) was substituted by Mah. 5 of 1962, s. 286, Tenth Schedule.

7 These words were substituted for the words "The *Panchayat* Mandal may delegate to the Chairman, Vice-Chairman or the District Village Panchayat Officer" by Mah. 5 of 1962, s. 286, Tenth Schedule.

8 These words were substituted for the words "*Panchayat Mandal*" by Mah. 5 of 1962, s. 286, Tenth Schedule. 9 These words were substituted for the words "such *Mandal*" by Mah. 5 of 1962, s. 286, Tenth Schedule.

10 These words were substituted for the words "*Panchayat Mandal* may authorise its Chairman, Vice-Chairman or Secretary" by Mah. 5 of 1962, s. 286, Tenth Schedule.

11 These words were inserted by Mah. 36 of 1965, s. 57.

12 These sections were inserted by Mah. 36 of 1965, s. 58.

140. Audit of account of *panchayats*.— (*1*) The audit of the accounts of a *panchayat* shall be carried out [1][by such authority and] in such manner as may be prescribed and a copy of the audit note shall be forwarded [2][to [3][the Chief Executive Officer], the *Panchayat Samiti* and the *panchayat*] within [4][two months] 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 [5][*PanchayatSamiti*] within three months and intimation of its having done so or shall, within the said period, supply to the [6][*PanchayatSamiti*] 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 [7][*PanchayatSamiti*] 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 [8][Chief Executive Officer] to [9][drop] the objection,

(*b*) [10][suggest] that the matter be reinvestigated at the next audit or at any earlier date, or

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

(*4*) The [11][*PanchayatSamiti*] shall send a report of its decision to the [12][Chief Executive Officer] within one month of the date of receipt by it of the intimation or explanation referred to in sub-section (*2*), or in the event of the *panchayat* failing to give such intimation or explanation on the expiry of the

period of three months referred to in the said sub-section (*2*), [13][and shall forward a copy of such report to the auditor and the *panchayat*]. If the [14][*Panchayat Samiti*] holds that any defects or irregularities have not been removed or remedied, the [15][*Panchayat Samiti*] shall state in the report whether in its opinion the defects or irregularities can be regularised and if so, by what method and if they do not admit of being regularised, whether they can be condoned and if so, by what authority. The [16][*Panchayat Samiti*] shall also state whether the amounts to which the defects or irregularities relate should in its opinion be [17][surcharged or charged] as hereafter provided.

[18][(*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

1 These words were substituted for the words "by the State Government" by Mah. 13 of 1975, s. 23(*a*)(*i*).
2 These words were substituted for the words "to the *panchayat* and the *ZillaParishad* and *PanchayatSamiti*" by Mah. 36 of 1965, s. 59(*1*).
3 These words were substituted for the words "the Collector, the *ZillaParishad*" by Mah. 13 of 1975, s. 23(*a*)(*ii*).
4 These words were substituted for the words "one month" by Mah. 34 of 1970, s. 23.
5 These words were substituted for the words "*PanchayatMandal*" by Mah. 5 of 1962, s. 286, Tenth Schedule.
6 These words were substituted for the words "*PanchayatMandal*" by Mah. 5 of 1962, s. 286, Tenth Schedule.
7 These words were substituted for the words "*PanchayatMandal*" by Mah. 5 of 1962, s. 286, Tenth Schedule.
8 These words were substituted for the word "Collector" by Mah. 13 of 1975, s. 23(*b*).
9 This word was substituted for the word "withdraw" by Mah. 36 of 1965, s. 59(*2*)(*a*).
10 This word was substituted for the word "direct" by Mah. 36 of 1965, s. 59(*2*)(*b*).
11 These words were substituted for the words "*PanchayatMandal*" by Mah. 5 of 1962, s. 286, Tenth Schedule.
12 These words were substituted for the word "Collector" by Mah. 13 of 1975, s. 23(*b*).
13 These words were substituted for the words "and shall forward a copy of such report to the *panchayat*" by Mah. 36 of 1965, s. 59(*3*)(*a*).
14 These words were substituted for the words "*Panchayat Mandal*" by Mah. 5 of 1962, s. 286, Tenth Schedule.
15 These words were substituted for the words "*Panchayat Mandal*" by Mah. 5 of 1962, s. 286, Tenth Schedule.
16 These words were substituted for the words "*Panchayat Mandal*" by Mah. 5 of 1962, s. 286, Tenth Schedule.
17 These words were substituted for the word "surcharged" by Mah. 36 of 1965, s. 59(*3*)(*b*).
18 Sub-section (*5*) was substituted by Mah. 13 of 1975, s. 23(*c*).

recover it as an arrear of land revenue and credit it to the village fund, and thereupon the Collector shall be bound to do so].

(*6*) Any person aggrieved by any order of [1][surcharge or charge or interest thereon] made by the [2][Chief Executive Officer] under this section, may, within one month from the receipt by him of the decision of [3][Chief Executive Officer], apply to the District Court to modify or set aside such order, and that Court after taking such evidence as it thinks necessary, may confirm, modify or remit such [4][surcharge or charge or interest thereon] and make such order as to costs as it thinks proper in the circumstances.

[5][* * * * * *]

141. Reduction of establishment.— (*1*) if, in the opinion of the [6][Standing Committee] the number of persons maintained by a *panchayat* as officers or servants, or the remuneration given or proposed to be given by the *panchayat* to such persons, is excessive, the *panchayat* shall, on being required by the [7][Standing Committee] reduce such number or remuneration.

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

142. Suspension of execution of order.— (*1*) If, in the opinion of the [8][Standing Committee] 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 [9][is, in the public interest, unlawful] [10][it] may by order in writing suspend the execution or prohibit the doing thereof.

(*2*) When the [11][Standing Committee] makes an order under sub-section (*1*), [12][it] shall forthwith send to the *panchayat* affected thereby a copy of the order, with a statement of the reasons therefor.

(*3*) The [13][Standing Committee] shall [14][forthwith forward] to the Commissioner a report of every case occurring under this section, and the Commissioner may revise or modify any order made therein and make in respect thereof any other order which the [15][Standing Committee] could have made.

143. Execution of work in case of emergency.— (*1*) In case of emergency the [16][Standing Committee] may provide for the execution of any work or the doing of any act which a *panchayat* is empowered to execute or do, and the immediate execution or doing whereof is in [17][its] opinion necessary for the health or safety of the public and may direct that the expense of executing the work or doing the act shall be forthwith paid by the *panchayat*.

(*2*) If the expense is not so paid, the [18][Standing Committee] may direct the [19][person in whose custody the village fund is kept] to pay such expense or so much thereof as is possible, from the balance of such fund in his hands [20][and such person] shall comply with such directions.

1 These words were substituted for the words “surcharge or charge” by Mah. 13 of 1975, s. 23(*d*).
2 These words were substituted for the word “Collector” by Mah. 13 of 1975, s. 23(*b*).
3 These words were substituted for the word “Collector” by Mah. 13 of 1975, s. 23(*b*).
4 These words were substituted for the words “surcharge or charge” by Mah. 13 of 1975, s. 23(*d*).
5 Sub-section (*7*) was deleted by Mah. 5 of 1962, s. 286, Tenth Schedule.
6 These words were substituted for the word “Collector” by Mah. 5 of 1963, s. 286, Tenth Schedule.
7 These words were substituted for the word “Collector” by Mah. 5 of 1963, s. 286, Tenth Schedule.
8 These words were substituted for the word “Collector” by Mah. 5 of 1963, s. 286, Tenth Schedule.
9 These words were substituted for the words “is unlawful” by Mah. 36 of 1965, s. 60.
10 This word was substituted for the word “he” by Mah. 5 of 1962, s. 286, Tenth Schedule.
11 These words were substituted for the word “Collector” by Mah. 5 of 1962, s. 286, Tenth Schedule.
12 This word was substituted for the word “he” by Mah. 5 of 1962, s. 286, Tenth Schedule
13 These words were substituted for the word “Collector” by Mah. 5 of 1962, s. 286, Tenth Schedule.
14 These words were substituted for the words “forthwith submit” by Mah. 5 of 1962, s. 286, Tenth Schedule.
15 These words were substituted for the word “Collector” by Mah. 5 of 1962, s. 286, Tenth Schedule.
16 These words were substituted for the word “Collector” by Mah. 5 of 1962, s. 286, Tenth Schedule.
17 This word was substituted for the word “his” by Mah. 5 of 1962, s. 286, Tenth Schedule.
18 These words were substituted for the word “Collector” by Mah. 5 of 1962, s. 286, Tenth Schedule.
19 These words were substituted for the words “officer-in-charge of the treasury in which the village fund is kept” by Mah. 36 of 1965, s. 61.
20 These words were substituted for the words “and the officer-in-charge of the treasury” by Mah. 36 of 1965, s. 61.

(*3*) The [1][Standing Committee] shall forthwith report to the Commissioner every case in which [2][it] exercises [3][its] powers under sub-section (*1*).

144. Default in performance of duty.— (*1*) If at any time, it appears to the [4][Standing Committee] that a *panchayat* has made default in the performance of [5][any duty under section 45], it may order the duty to be performed within a specified period, and if the duty is not performed within the period specified, the [6][Standing Committee] 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 [7][Standing Committee] may fix.

(*2*) If the expenses is not so paid, the [8][Standing Committee] may direct the person in custody of the village fund to pay such expenses, or so much thereof as is possible, from the balance of such fund in his hands and such person shall pay such expense or part thereof accordingly.

[9][(*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 sub-section (*3*) of section 62 or has

committed default in payment of any instalment towards repayment of the loan taken by the *panchayat* from the District Village Development Fund, in accordance with the rules made for the purpose in pursuance of the provisions of section 133, the [10][Standing Committee] may, by an order in writing direct the person in custody of the village fund to pay to the credit of the District Village Development Fund such sums as may be due to it as such intervals and in such instalments as it may, regard being had to the finances of the *panchayat*, direct and the *panchayat* shall comply with such directions.]

(*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 [11][any duty under section 45] [12][or in the payment of any amount to the credit of the District Village Development Fund under sub-section (*2A*)] and that the [13][Standing Committee] has failed or neglected to take action under sub-section (*1*) [14][or under sub-section (*2A*)], the State Government or the officer authorised, as the case may be, may take such action as could have been taken by the [15][Standing Committee] [16][under sub-sections (*1*), (*2*) and (*2A*)].

(*4*) The [17][Standing Committee] or the officer authorised, as the case may be, shall forthwith report to the Commissioner every case occuring under this section and the Commissioner may revise or modify any order made therein, and make in respect thereof, any other order which [18][Standing Committee] could have made.

[19]**[144A.Power to take action where default is made by *panchayat* in taking over or maintaining rural drinking water supply schemes.—** (*1*) Where a *panchayat* makes a default in taking over any rural drinking water schemes within the specified period, which 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

1 These words were substituted for the word "Collector" by Mah. 5 of 1962, s. 286, Tenth Schedule.
2 This word was substituted for the words "he" and "his" respectively by Mah. 5 of 1962, s. 286, Tenth Schedule.
3 This word was substituted for the words "he" and "his" respectively by Mah. 5 of 1962, s. 286, Tenth Schedule.
4 These words were substituted for the word "Collector" by Mah. 5 of 1962, s. 286, Tenth Schedule.
5 These words and figures were substituted for the words, figures and brackets "any duty specified in sub-section (*1*) of section 45" by Mah. 36 of 1965, s. 62.
6 These words were substituted for the word "Collector" by Mah. 5 of 1962, s. 286, Tenth Schedule.
7 These words were substituted for the word "Collector" by Mah. 5 of 1962, s. 286, Tenth Schedule.
8 These words were substituted for the word "Collector" by Mah. 5 of 1962, s. 286, Tenth Schedule.
9 Sub-section (*2A*) was inserted by Mah. 38 of 1973, s. 8(*1*).
10 These words were substituted for the word "Collector" by Mah. 5 of 1962, s. 286, Tenth Schedule.
11 These words and figures were substituted for the words, brackets and figures "any duty specified in sub-section (*1*) of section 45" by Mah. 36 of 1965, s. 62.
12 These words were inserted by Mah. 38 of 1973, s. 8(*2*)(*a*).
13 These words were substituted for the word "Collector" by Mah. 5 of 1962, s. 286, Tenth Schedule.
14 This portion was inserted by Mah. 38 of 1973, s. 8(*2*)(*b*).
15 These words were substituted for the word "Collector" by Mah. 5 of 1962, s. 286, Tenth Schedule.
16 This was substituted for the words, brackets and figures "under sub-sections (*1*) and (*2*)" by Mah. 38 of 1973, s. 8(*2*)(*c*).
17 These words were substituted for the word "Collector" by Mah. 5 of 1962, s. 286, Tenth Schedule.
18 These words were substituted for the word "Collector" by Mah. 5 of 1962, s. 286, Tenth Schedule.
19 Section 144A was inserted by Mah. 56 of 1981, s. 9.

ZillaParishad. It shall then be competent for the *ZillaParishad* 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 (Mah. V of 1962) shall *mutatis mutandis*, apply to the levy and collection of such taxes.

(*2*) It shall also be competent for the State Government or the *ZillaParishad* 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 [1][* *] of *panchayat*[2][* * * *].— (*1*) If in the opinion of the State Government, a *panchayat* exceeds or abuses its power rm, 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, [3][or has failed to levy taxes referred to in clauses (*i*) and (*i-a*) of sub-section (*1*) of section 124] [4][or has failed to levy taxes referred to in clauses (*viii*) and (*xii*) of sub-section (*1*) of section 124] when it was compulsory to levy such taxes under sub-section (*1*) of section 124 or fails to obey an order made by the [5][*Panchayat Samiti*] under section 128 or persistently disobeys any of the orders of the [6][Standing Committee] or Commissioner under section 142 [7][or wilfully disregards any instructions given by the *Zilla Parishad* or *Panchayat Samiti* under section 152 or by any competent authority arising out of audit of accounts under this Act or inspection of the office and work of the *panchayat* or instructions given or directions issued by the State Government under section 153A] the State Government may, after consultation with the [8][*Zilla Parishad*] and after giving the *panchayat* an opportunity of tendering an explanation, by order in the *Official Gazette*—

(*i*) Dissolve such *panchayat*, [9][* *]

[10][* * * * * *]

[11][(*1A*) If more than half the total number of seats in a *panchayat* have become vacant, the State Government may, by an order published in the *Official Gazette*, dissolve such *panchayat* :

Provided that, the provisions of this sub-section shall not apply in respect of *panchayat* where the *Sarpanch* is directly elected under section 30A-1A.]

[12][(*2*) When a *panchayat*[13][is dissolved [14][* *] as provided in the preceding sub-sections], the following consequences shall ensue, that is to say—

(*a*) all members of the *panchayat* shall, in the case of dissolution, as from the date specified in the order of dissolution, [15][* *] vacate their office as such members ;

(*b*) all powers and duties of the *panchayat* shall, during the period of dissolution [16][* * *] 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 [17][* *] vest in State Government.]

1 The words "or supersession" were deleted by Mah. 21 of 1994, s. 24(*4*).
2 The words "for default" were deleted by Mah. 13 of 1975, s. 24(*d*).
3 These words, brackets, figures, and letter were inserted by Mah. 13 of 1975, s. 24(*a*).
4 These words, brackets and figures were inserted by Mah. 56 of 1981, s. 10.
5 These words were substituted for the words "*Panchayat Mandal*" by Mah. 5 of 1962, s. 286, Tenth Schedule. 6 These words were substituted for the word "Collector" by Mah. 5 of 1962, s. 286, Tenth Schedule.
7 This portion was inserted by Mah. 36 of 1965, s. 63(*1*).
8 These words were substituted for the words "*Panchayat Mandal*" by Mah. 5 of 1962, s. 286, Tenth Schedule. 9 The word "or" was deleted by Mah. 21 of 1994, s. 23(*1*)(*a*).
10 Clause (*ii*) was deleted by Mah. 21 of 1994, s. 23(*1*)(*b*).
11 Sub-section (*1A*) was inserted by Mah. 2 of 2020, s. 11.
12 Sub-section (*2*) was substituted by Mah. 36 of 1965, s. 63(*2*).
13 These words were substituted the words "is so dissolved or superseded" by Mah. 13 of 1975, s. 24(*c*).
14 The words "or superseded" were deleted by Mah. 21 of 1994, s. 23(*2*)(*a*).
15 The words "and in the case of supersession, as from the date of order of the supersession," were deleted by Mah. 21 of 1994, s. 23(*2*)(*b*).
16 The words "or supersession" were deleted, by Mah. 21 of 1994, s. 23(*2*)(*c*).
17 The words "or supersession" were deleted by Mah. 21 of 1994, s. 23(*d*).

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

[1][* * * * *]

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 *yat* has been dissolved ; or

(*ii*) to be established for a village which has been newly [2][specified by notification issued under clause (*g*) of article 243 of the Constitution of India].

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

(*2*) The *panchayat* reconstituted or established under the provisions of sub-section (*1*) shall consist of [3][the elected members and the appointed members, if any].

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

[4][* * * * * *]

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 of contracts, agreements and other matters or things arising in or relating to any part of the area subject to the authority of the reconstituted or established *panchayat* shall vest in such *panchayat*.

(*3*) Any notice, tax, order, licence, permission, rule or by-law issued, imposed, granted or made in respect 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 [5][* *] under section 4 any local area forming part of a village is excluded from such village, and such area is not included in or declared to be a village, so much of the village fund and other property vesting in the *panchayat* of the village of which such area formed part, as the Commissioner may by order in writing direct, shall vest in the Collector to be utilized for the benefit of the area as the Collector may think fit.

149. Effect of area ceasing to be a village.— On any area ceasing to be a village [6][* *] under section 4,—

(*a*) the *panchayat* shall be dissolved and all members of the *panchayat* shall vacate office as from the date [7][on which such area has ceased to be a village] ;

(*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.

1 Sub-section (*4*) was deleted by Mah. 21 of 1994, s. 23(*3*).

2 These words were substituted for the word "declared" by Mah. 21 of 1994, s. 24(*1*).

3 These words were substituted for the portion beginning with the words "such members" and ending with the words "in writing direct" by Mah. 21 of 1994, s. 24(*2*).

4 Sub-sections (*3*) and (*4*) were deleted by Mah. 21 of 1994, s. 24(*3*).

5 The words "by a notification" were deleted by Mah. 21 of 1994, s. 25.

6 The words "by virtue of any notification" were deleted by Mah. 21 of 1994, s. 26(*2*).

7 These words were substituted for the words "of the notification" by Mah. 21 of 1994, s. 26(*2*).

[1][* * * * *]

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

151. Powers and duties of *panchayat*[2][* *] not validly constituted to be performed by person appointed by Government [3][* * *].— (*1*) (*a*) Notwithstanding anything contained in this Act or the rules or bye-laws made thereunder, if at any Government that a *panchayat* has not

been validly constituted under this Act, the State Government may, by notification in the *Official Gazette*, [4][dissolve such *panchayat* and by the same notification or like notification cause all] or any of the powers and duties performed by such person or persons, in such manner and for such period and subject to such conditions as it may think fit :

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

[5][Provided further that, if due to natural calamity or emergency or war of financial emergency or administrative difficulties or epidemic disease, the *panchayat* elections could not be held by the State Election Commission as per the Schedule, then, the State Government may, by notification in the *Official Gazette*, appoint a suitable person as the administrator on such *panchayat.*]

[6][* * * * * *]

(*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 [7][* *] in the manner provided in this Act.

(*3*) All the powers and duties of the *panchayat*[8][* *] exercised and performed *bona fide* till the date of the notification referred to in sub-section (*1*) by the persons who constituted such *panchayat* [9][* * *] 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*[10][* * * *] and the said person shall be deemed to have been indemnified and discharged from liability in respect of such acts.

[11]**[152.*Panchayat* to conform to instructions given by *Parishad* and *Samiti*.—** A *panchayat* shall conform to any instructions that may, from time to time, be given to it by the *ZillaParishad* or the *PanchayatSamiti* or both, in the execution by the *panchayat* of its duties and functions under this Act.]

153. Inquiry by officers of [12][State Government].—[13][(*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.]

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

1 Clause (*c*) was deleted by Mah. 13 of 1975, s. 25.

2 These words "or *Nyaya Panchayats*" and "or by Courts as the case may be" were deleted by Mah. 13 of 1975, s. 27. 3 These words "or *Nyaya Panchayats*" and "or by Courts as the case may be" were deleted by Mah. 13 of 1975, s. 27. 4 These words were substituted for the words "cause all" by Mah. 21 of 1994, s. 27(*1*).

5 This proviso was added by Mah. 25 of 2020, s. 2.

6 Clause (*b*) was deleted by Mah. 13 of 1975, s. 27(*a*).

7 The words "before the expiry of the period specified in such notification "were deleted by Mah. 21 of 1994, s. 27(*2*). 8 The words "or *Nyaya Panchayat*" were deleted by Mah. 13 of 1975, s. 27(*b*).

9 The words "or *Nyaya Panchayat* as the case may be" were deleted by Mah. 13 of 1975, s. 27(*b*).

10 The words "or *Nyaya Panchayat*" were deleted by Mah. 13 of 1975, s. 27(*b*).

11 Section 152 was inserted by Mah. 36 of 1965, s. 66.

12 These words were substituted for the words "*PanchayatMandal*" by Mah. 36 of 1965, s. 67.

13 Sub-section (*1*) was substituted for the original by Mah. 5 of 1962, s. 286, Tenth Schedule.

(*3*) The State Government may make orders so to the cost of inquires 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.

[1]**[153A. Powers of State Government to give instructions and issue of directions to *panchayats*.—** The State Government may give to any *panchayat* general instructions as to matters of policy to be followed by the *panchayat* nctions, and in particular, it may issue

directions in the interest of the national or State development plans in respect of the execution and maintenance of works and development schemes. Upon the issue of such instructions and directions it shall be the duty of the *panchayat* to give effect to such instructions and directions.]

[2]**[153B. Power of State Government to give instructions and issue directions to *Gram Sabha* or *panchayat* in Scheduled Areas.—** 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* (Extention to the Scheduled Area) Act, 1996 (40 of 1996). Upon the issue of such instructions or 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. [3]**[Authority of State Government, Commissioners and Collectors].—**[4][(*1*)] In all matters connected with this Act, the State Government, and the Commissioners and Collectors shall have and exercise the same authority and control over the Commissioners, the Collectors and their subordinates, respectively as they have and exercise over them in the general and revenue administration.

[5][(*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 (Mah. V of 1962).]

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

CHAPTER XII

PROVISIONS FOR CONVERSION OF A MUNICIPALITY INTO A *PANCHAYAT* AND FOR AMALGAMATION AND DIVISION 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 (Bom. III of 1901), [8][* * * *]

or under section 57 of the Central Provinces and Berar Municipalities Act, 1922 (C. P. and Berar Act II of 1922), or of a Town Municipality under section 254 of the Hyderabad District Municipalities Act, 1956 (Hyd. Act XVIII of 1956) (the aforesaid Acts being hereafter in this Chapter referred to as "the municipal laws") ;

1 This section was inserted by Mah. 36 of 1965, s. 68.

2 This section was added by Mah. 46 of 1997, s. 7.

3 This was substituted for the original marginal note by Mah. 36 of 1965, s. 69(*ii*).

4 Section 154 was renumbered as sub-section (*1*) and sub-section (*2*) was inserted by Mah. 36 of 1965, s. 69(*i*).

5 Section 154 was renumbered as sub-section (*1*) and sub-section (*2*) was inserted by Mah. 36 of 1965, s. 69(*i*).

6 These words were substituted for the words "*Panchayat Mandal*" by Mah. 5 of 1962, s. 286, Tenth Schedule. 7 The brackets and words "(except any proceedings of the District or the Sessions Court in judicial proceedings in revision or reference from the proceedings of a *Nyaya Panchayat*)" were deleted by Mah. 13 of 1975, s. 28.

8 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.

(*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 [1][specified] to be a village under section 4 with effect from the date on which such local area is so [2][specified] to be a village (in this section referred to as "the said date"), the following consequences shall notwithstanding anything in the relevant is to say—

(*a*) the municipality of such local area shall cease to exist ;

(*b*) there shall notwithstanding anything contained in any law for the time being in force, be constituted for the village an interim *panchayat* consisting of persons vacating office as Councillors of the municipality or members of the Committee or members of a Town Committee of such municipality and the President and Vice-President of the Municipality or as the case may be of a Committee or Town Committee shall, respectively, be deemed to be the *Sarpanch* and *Up-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, valuations or measurements made or authenticated under any of the municipal laws immediately before the said date in respect of such local area shall be deemed to have been made or authenticated under this Act ;

(*f*) all debts and obligations incurred and all contracts made by or on behalf of the municipality immediately before the said date and subsisting on the said date shall be deemed to have been incurred and made by the interim *panchayat* in exercise of the powers conferred on it by or under this Act ;

(*g*) all officers and servants in the employ of the municipality immediately before the said date shall be officers and servants of the interim *panchayat* under this Act and shall, until other provision is made in accordance with the provisions of this Act, receive salaries and allowances and be subject to the conditions of service to which they were entitled or subject on such date :

Provided that, it shall be competent to the interim *panchayat* subject however, to the previous sanction of the State Government to discontinue the 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 or receive on being invalided out of service as if the municipality in the employ of which he was, had not ceased to exist ;

(*h*) all proceedings pending at the said date before the municipality shall be deemed to be transferred to and continued by, the interim *panchayat* ;

(*i*) all appeals pending at the said date before the municipality shall, so far as may be practicable, be disposed of as if such local area had been included in the village when they were filed ;

1 The word substituted for the word “declared” by Mah. 21 of 1994, s. 28. 2 The word substituted for the word “declared” by Mah. 21 of 1994, s. 28.

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

158.Term of office of members of interim *panchayat* and their powers.— (*1*) The [1][State Election Commission] 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 *panchayats*.

(*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 [2][Standing Committee].

[3][* * * * *]

(*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 interm *panchayat* and its members.

[4][* * * * * *]

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 [5][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] (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 [6][shall be deemed to have been dissolved and shall cease] 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 on the said date shall continue in force and be deemed to have been made, issued, imposed or granted in respect of the amalgamated village, until it is superseded or modified by any

1 These words were substituted for the word "Collector" by Mah. 21 of 1994, s. 29(*1*).

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

3 Sub-section (*4*) was deleted by Mah. 13 of 1975, s. 29.

4 Sub-section (*7*) was deleted by Mah. 21 of 1994, s. 29(*2*).

5 These words were substituted for the portion beginning with the word "declared" and ending with the word "issued" by Mah. 21 of 1994, s. 30(*1*)(*a*).

6 These words were substituted for the words "shall cease" by Mah. 21 of 1994, s. 30(*1*)(*b*).

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 *panchayat*, as the case may be ;

(*j*) all appeals pending before such *panchayats* at the said date shall, so far as may be practicable, be disposed of by the administrator or administrators or the amalgamated *panchayat*, as the case may be ;

(*k*) all prosecutions instituted by or on behalf of such *panchayats* and all suits or other legal proceedings instituted by or against such *panchayats* or any officer of such *panchayat* pending at the said date shall be continued by or against the amalgamated *panchayat*.

(*2*) [1][Before the expiration of a period of six months from] 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 [2][specified as constituting two or more villages under section 4 with effect from the date on which they are so specified] (hereinafter in this section referred to as "the said date"), the following consequences shall ensue, that is to say,—

(*a*) the *panchayat* constituted in respect of such local area [3][shall be deemed to have been dissolved and shall cease] to exist and all the members of the *panchayat* shall vacate office :

[4][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,

1 These words were substituted for the words "within one year of" by Mah. 21 of 1994, s. 30(*2*).

2 These words were substituted for the portion beginning with the word "declared" and ending with the word "issued" by Mah. 21 of 1994, s. 31(*1*)(*a*).

3 These words were substituted for the words "shall cease" by Mah. 21 of 1994, s. 31(*1*)(*b*).

4 This proviso was added by Mah. 23 of 2003, s. 4.

and all the members of the *panchayat* shall continue to be the members of such *panchayat* for the remainder of their term ;]

(*b*) until *panchayats* are constituted for the new villages, the State Government shall appoint an administrator or administrators to exercise the powers and perform the functions of the *panchayat* for each of the new villages ;

(*c*) the unexpended balance of the village fund and all the property (including arrears of rates, taxes and fees) belonging to such *panchayat* shall vest in the new *panchayat* in such proportion and in such manner as the State Government may direct ;

(*d*) the officers and servants of such *panchayat* shall be allocated by the State Government to the *panchayats* in such manner as the State Government may direct ;

(*e*) subject to clauses (*a*) to (*d*) the provisions of section 159 shall *mutatis mutandis* apply to the administrator or administrators of the new *panchayats* and their members ;

1[* * * * * *]

(*2*) 2[Before expiration of a period of six months from] the said date the *panchayats* for the new village shall be constituted in accordance with the provisions of this Act.

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 (1 of 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 the 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 4[Block Development Officer]. 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 stray 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—

1 Clause (*f*) was deleted by Mah. 13 of 1975, s. 30.

2 These words were substituted for the words "Within one year of" by Mah. 21 of 1994, s. 31(*2*). 3 Sub-section (*3*) was deleted by Mah. 21 of 1994, s. 31(*3*).

4 These words were substituted for the words "District Magistrate" by Mah. 10 of 1992, s. 5.

(*i*) for the first offence, 1[with fine which may extend to one thousand five hundred rupees] ;

(*ii*) for a second or subsequent offence, 2[with fine which may extend to five thousand rupees].

(*2*) The Magistrate trying the offence under sub-section (*1*) may order,—

(*a*) that the accused shall pay such compensation, not exceeding two hundred and fifty rupees as the Magistrate considers reasonable, to any person for any damage proved to have been caused to his property or to the produce of land, by the cattle under the control of the accused, trespassing on his land ; and also,

(*b*) that the cattle in respect of which an offence has been committed shall be forfeited to the State Government.

(*3*) Any compensation awarded under sub-section (*2*) may be recovered as if it were a fine imposed under this section.

(*4*) An offence under this section shall be 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 lawful for any other person, to seize and take to any such public pound for confinement therein, any cattle found straying in any street or trespassing upon any private or public property within the limits of the village.

(*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 after 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 :

3[Provided that, when a complaint is made under section 168, no auction shall be held until the complaint is examined and disposed of as provided by that section.]

(*2*) No Police Officer, or officer, member or servant of the *panchayat* including the pound-keeper shall, directly or indirectly, purchase any cattle at a sale under sub-section (*1*).

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 for each kind of cattle.

(*2*) The expenses chargeable shall be at such rates for each day during any part of which any cattle is impounded, as shall from time to time be fixed by the *panchayat* with the previous approval of the 4[*Panchayat Samiti*].

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

1 These words were substituted for the words "with imprisonment for a term which may extend to one month or with fine which may extend to three hundred rupees or with both" by Mah. 15 of 2023, s. 2(*a*).

2 These words were substituted for the words "with imprisonment for a term which may extend to six months or with fine which may extend to five thousand rupees, or with both" by Mah. 15 of 2023, s. 2(*b*).

3 This proviso was added by Mah. 36 of 1965, s. 70.

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

any time within ten days from the date of the seizure, make a complaint to the Magistrate of the First Class.

(*2*) The complaint shall be made by the complainant in person, or by an agent personally acquainted with the circumstances. If the Magistrate on examining the complaint or his agent sees reason to believe the complaint to be well founded, he shall summon the person complained against, and make an enquiry into the case.

(*3*) If the seizure or detention be adjudged illegal, the Magistrate shall award to the complainant for the loss caused by the seizure or detention reasonable compensation not exceeding one hundred rupees to be paid by the person who made the seizure or detained the cattle, together with all fees paid and expenses incurred by the complainant in procuring the release of the cattle, and, if the cattle have not been released the Magistrate shall, besides awarding such compensation order their release, and direct that the fees and expenses leviable under this Act shall be paid by the person who made the seizure or detained the cattle.

(*4*) The compensation, fees, and expenses mentioned in this section may be recovered as if they were fines imposed by the Magistrate.

1**[168A. Security in respect of impounded cattle.—** (*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 or grass standing on any agricultural land or grazing land set apart for the use of cattle of one or more villages within the jurisdiction of a *panchayat* are likely to be damaged by cattle belonging to any persons (whether or not residents of such village or villages) who own more than twenty head of cattle, he may, by special or general order, direct the owner of such cattle to remove or cause to be removed, within a period specified in the order, all or any of the cattle to such place or places within the State as may be specified in the order.

(*2*) If the owner of the cattle fails to remove the cattle as directed under sub-section (*1*), the Mamlatdar, Tahsildar, Naib-Tahsildar or Mahalkari, as the case may be, may direct a police officer not below the rank of a head constable to remove or cause to be removed such cattle to the place or places specified in the order.

(*3*) If the Mamlatdar, Tahsildar, Naib-Tahsildar or Mahalkari is satisfied that the order issued by him under sub-section (*1*) is contravened by any owner or keeper of cattle, he may impose a fine not exceeding five hundred rupees. Any fine so imposed, may, on failure of such owner or keeper to pay the same within

the specified time, be recovered by sale of all or any of the cattle ordered to be removed under sub-section (*1*).]

1 Sections 168A and 168B were inserted by Mah. 36 of 1965, s. 71.

CHAPTER XIV

[*Deleted by Mah. 13 of 1975, s. 31*]

CHAPTER XV

RULES AND BYE-LAWS

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—

1[* * * * * *]

(*ii*) under sub-section (*1*) of section 7, prescribing the date, 2[place, time and manner of convening] meetings of the *Gram Sabha* ;

3[(*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;]

(*iii*) under sub-section (*2*) of section 10, 4[the manner in which the 5[State Election Commission] shall determine the number of seats to be reserved] for the Scheduled Castes and

Scheduled Tribes [6][and Backward Class of Citizens and Women] [7][and prescribing the manner and rotation of] [8][such reservation of seats] in each *panchayat* and under sub-section (*3*) of the said section, prescribing the manner of [9][publication of the names of members falling under clause (*a*) of sub-section (*1*)] ;

(*iv*) under section 11, prescribing the manner in which the election of members shall be held;

[10][(*iv-a*) under section 32A, prescribing the travelling and daily allowances to be paid to the members of the *panchayat* including its *Sarpanch* and *Upa-Sarpanch* ;]

[11][(*iv-aa*) under sub-section (*1*) of section 29, prescribing the manner in which the resignation shall be delivered ;]

[12][(*iv-aaa*) under section 30, prescribing the number of offices 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 ;]

(*v*) under sub-section (*2*) of section 33, prescribing the powers of, and the procedure to be followed by, the [13][* * *] officer presiding ;

[14][(*v-a*) under sub-section (*3*) of section 34, prescribing the manner in which the notice of resignation shall be delivered ;]

[15][(*v-aa*) under section 33A, prescribing the manner in which the sumptuary allowance shall be placed at the disposal of the *Sarpanch* ;]

(*vi*) prescribing the form of notice under sub-section (*1*) of section 35 ;

1 Clause (*i*) was deleted by Mah. 21 of 1994, s. 32(*1*).

2 These words were substituted for the words "place and time for" by Mah. 21 of 2000, s. 3.

3 This Clause was inserted by Mah. 36 of 1965, s. 73(*1*).

4 These words were substituted for the words "prescribing the number of seats to be reserved" by Mah. 13 of 1975, s. 32(*a*)(*i*).

5 These words were substituted for the word "Collector" by Mah. 21 of 1994, s. 32(*2*)(*a*).

6 These words were inserted by Mah. 21 of 1994, s. 32(*2*)(*b*).

7 These words were inserted with effect from the 1st day of July 1980 by Mah.10 of 1990, s. 9.

8 These words were substituted for the words "reservation of seats for women" by Mah. 21 of 1994, s. 32(*2*)(*c*).

9 These words were substituted for the words "publication of elected and appointed members of a *Panchayat*" by Mah. 36 of 2001, s. 3.

10 This Clause was inserted by Mah. 36 of 1965, s. 73(*2*).

11 Clause (*iv-aa*) was inserted by Mah. 13 of 1975, s. 32(*a*)(*ii*).

12 Clause (*iv-aaa*) was inserted by Mah. 21 of 1994, s. 32(*3*).

13 The words "Collector or other" were deleted by Mah. 5 of 1962, s. 286, Tenth Schedule.

14 This Clause was inserted by Mah. 36 of 1965, s. 73(*3*).

15 Clause (*v-aa*) was inserted by Mah. 10 of 1992, s. 6.

(*vii*) under section 36, prescribing the time and place of sitting and the procedure at a meeting of the *panchayat* ;

(*viii*) under sub-section (*1*) of section 38, prescribing the rules for the performance and exercising of powers and duties of *Sarpanch* by *Upa-Sarpanch* in the absence of *Sarpanch* ;

[1][* * * * * *]

(*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*) [2][under entry 44 of Schedule I] prescribing the principles for the extension of village sites and regulation of buildings ;

[3][(*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 ;]

[4][(*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 ;]

(*xi*) [5][under entry 50 of Schedule I], 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 ;

[6][(*xii-1a*) under sub-sections (*1*) and (*1A*) of section 52, prescribing the manner in which permission to erect or re-erect or commence to erect or re-erect any building shall be obtained; and under sub-section (*2B*) thereof, prescribing the form of appeal and the court-fees to be paid alongwith the appeal ;]

[7][(*xii-a*) under sub-section (*1*) of section 56, for the purposes of vesting property of the *Zilla Parishad* or *Panchayat Samiti* in a *panchayat*; and under sub-section (*3*) of the said section, for the purpose of visiting work in a *panchayat* ;]

(*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 ;

[8][* * * * * *]

[9][(*xv-a*) under section 61, prescribing the rules regulating the terms and conditions of service of servants referred to therein ;]

(*xvi*) under section 62, prescribing the date and form of the statement, the percentage of the total income from all sources to be contributed to the District Village Development Fund and the

form in which account shall be kept ;

[10][* * * * * *]

[11][* * * * * *]

(*xxvi*) under section 124, laying down the maximum and the minimum rates and the manner in which and the exemptions subject to which taxes and fees specified in the section shall be leviable ;

1 Clause (*viii-a*) was deleted by Mah. 4 of 1981, s. 4.

2 This was substituted for the words, figures and letter "under section 45(*1*) II(*p*)" by Mah. 36 of 1965, s. 73(*5*). 3 Clause (*x-a*) was inserted by Mah. 13 of 1975, s. 32(*a*)(*iii*).

4 This Clause was inserted by Mah. 23 of 2003, s. 5.

5 This was substituted for the words, figures and letters "under section 45(*1*) IV(*a*)" by Mah. 36 of 1965, s. 73(*d*). 6 This Clause was inserted by Mah. 43 of 2014, s. 4.

7 This Clause was inserted by Mah. 36 of 1965, s. 73(*7*).

8 Clause (*xv*) was deleted by Mah. 11 of 1976, s. 3, Second Schedule.

9 This Clause was inserted by Mah. 36 of 1965, s. 73(*8*).

10 Clauses (*xvii*), (*xviii*), (*xix*), (*xx*), (*xxi*), (*xxii*), (*xxiii*), (*xxiv*) and (*xxiv-a*) were deleted by Mah. 13 of 1975, s. 32(*iv*). 11 Clause (*xxv*) was deleted by Mah. 36 of 1965, s. 73(*11*).

[1][* * * * * *]

(*xxviii*) under sub-section (*1*) of section 128 prescribing the maximum rate of tax ;

(*xxix*) under sub-section (*2*) of section 129 prescribing the form of the writ to be presented to the defaulter ;

(*xxx*) under sub-section (*4*) of section 129 prescribing the manner of distraint and sale of the moveable property of the defaulter ;

(*xxxi*) under sub-section (*5*) of section 129 prescribing the rates of fees for writ of demand, distress and costs of maintaining any live-stock seized ;

[2][(*xxxii*) under sub-section (*6*) of section 129 prescribing the manner or recovery of any tax or fees payable on demand ;]

[3][* * * * * *]

(*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 ;

[4][(*xxxiv-a*) under sub-section (*3*) of section 132B, prescribing for all matters connected with the [5][Village Water Supply Fund ;]]

[6][* * * * * *]

(*xxxvi*) under section 133 prescribing the officer or authority in whom the District Village Development Fund shall vest, the manner of the investment of the fund, the rate of interest to be paid on the contributions made to the fund by *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 ;

[7][* * * * * *]

[8][* * * * * *]

(*xxxix*) under section 135 prescribing the other functions which may be performed by a [9][*Zilla Parishad* and *Panchayat Samiti* ;]

(*xl*) under section 136 prescribing the functions of the District Village Panchayat Officer ;

(*xli*) under section 140 prescribing [10][the authority by which and] 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 ;

[11][(*xliii-a*) under section 168A prescribing the form of, and the procedure relating to the declaration, and the scales of deposits to be made ;]

(*xliv*) under sub-section (*2*) of section 179 prescribing the form of the warrant ;

[12][* * * * * *]

1 Clause (*xxvii*) was deleted by Mah. 11 of 2018, s. 3.
2 Clause (*xxxii*) was inserted by Mah. 43 of 1962, s. 26, Schedule.
3 Clause (*xxxiii*) was deleted by Mah. 34 of 1970, s. 25.
4 Clause (*xxxiv-a*) was inserted by Mah. 35 of 1972, s. 6.
5 These words were substituted for the words "Village Employment Fund" by Mah. 5 of 1997, s. 6.
6 Clauses (*xxxv*) and (*xxxvii*) were deleted by Mah. 5 of 1962, s. 286, Tenth Schedule.
7 Clauses (*xxxv*) and (*xxxvii*) were deleted by Mah. 5 of 1962, s. 286, Tenth Schedule.
8 Clause (*xxxviii*) was deleted by Mah. 43 of 1962, s. 26, Schedule.
9 These words were substituted for the words "*Zilla Parishad*" by Mah. 36 of 1965, s. 73(*12*).
10 These words were inserted by Mah. 13 of 1975, s. 32(*a*)(*v*).
11 This Clause was inserted by Mah. 36 of 1965, s. 73(*13*).
12 Clause (*xlv*) was deleted by Mah. 13 of 1975, s. 32(*a*)(*vi*).

(*xlvi*) authorising the payment of contributions, at such rates and subject to such conditions as may be prescribed in such rules, to any provident fund which may be established by a *panchyat*, 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 a 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:

[1][* * * * * *]

[2][(*5*) Every rule [3][* * * *] 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.

[4][* * * *]]]

177.By-laws.— (*1*) The [5][*Zilla Parishad*] may, with the previous sanction of the Commissioner, make by-laws generally for the carrying out of the purposes of this Act.

(*2*) Without prejudice to the generality of the foregoing provision, the [6][*Zilla Parishad*] may make bye-laws—

(*a*) under section 45—

(*i*) for the purification and protection from pollution of all sources of water used for drinking purposes ;

(*ii*) for the prohibition or the removal or use for drinking purposes of any water from any stream, tank, well or other source, where such removal or use causes, or is likely to cause, disease or injury to health, 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 ;

1 This Proviso was deleted by Mah. 52 of 1994, s. 5.

2 Sub-sections (*5*) and (*6*) were substituted for the original by Mah. 13 of 1975, s. 32(*b*).

3 These brackets, words, letters and figure were deleted by Mah. 43 of 2025, s. 2(*a*), *w.e.f.* 15th August 1975.

4 Sub-section (*6*) was deleted by Mah. 43 of 2025, s. 2(*b*), *w.e.f.* 15th August 1975.

5 These words were substituted for the words "*Panchayat Mandal*" by Mah. 5 of 1962, s. 286, Tenth Schedule. 6 These words were substituted for the words "District Village *Panchayat Mandal*" by Mah. 5 of 1962, s. 286, Tenth Schedule.

(*ix*) for the prevention of the erection of buildings without adequate provisions for ventilation, or the laying out and location of streets ;

(*x*) for the control of fairs and bazars, and the regulations of markets, slaughter-houses and cart stands ;

(*xi*) for the inspection and destruction of unfit food and drink exposed for sale ; and

(*xii*) for the general regulation of sanitation and conservancy and the disposal of carcasses of dead animals ;

(*b*) under section 53 of the temporary erection on, or projections over, or temporary occupation of, any public street or place.

(*3*) Any by-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 a continuing contravention with a fine, which may extend to five rupees per day after conviction for the first contravention during the period within which such contravention continues.

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*[1][or otherwise] the Collector is of the opinion that any person, who in his capacity [2][as a *Sarpanch*, *Upa-Sarpanch*, member,] officer, servant or secretary of a *panchayat* had in his custody any record or money belonging to the *panchayat* is [3][on his vacating or ceasing to hold, his office for any reason whatsoever,] or suspension from office, as the case may be, not likely to deliver such record or pay such money, the Collector may by written order require that the record or money so detained be delivered or paid to the *panchayat* forthwith.

(*2*) If any such person as aforesaid shall not deliver the record or pay the money as directed, the Collector may cause him to be apprehended and may send him with a warrant in such form as may be prescribed, to be confined in a civil jail till he delivers up the record or pays the money :

Provided that, no such person shall be so detained in confinement for a period longer than one calendar month.

1 These words were inserted by Mah. 43 of 1962, s. 26, Schedule.

2 These words were substituted for the words "as a member" by Mah. 43 of 1962, s. 26, Schedule.

3 These words were substituted for the words "on the expiry of his term of office or, after his removal" by Mah. 36 of 1965, s. 75.

(*3*) It shall be lawful for the Collector—

(*a*) for recovering any such money to direct that such money be recovered as an arrear of land revenue and on such direction being given, such money shall be recoverable as an arrear of land revenue from such person ;

(*b*) for recovering any such record to issue a search warrant and to exercise all such powers with respect thereto as may lawfully be exercised by a magistrate under the provisions of Chapter VII of the [1]Code of Criminal Procedure, 1898 (V of 1898).

(*4*) No action under sub-sections (*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*[2][* * * *] acting under its direction, in respect of anything in good faith done under this Act or any rule or by-law.

(*2*) No action shall be brought against any *panchayat*[3][* * * *] or any member, officer, servant, or agent of such *panchayat*[4][* * * *] acting under its direction for anything done or purporting to have done by or under this Act, until the expiration of three months next after notice in writing has been left or delivered at the office of the *panchayat*[5][* *] and also at the residence of the member, officer, servant or agent thereof against whom the action is intended to be brought. The notice shall state the cause of action, the nature of the relief sought, the amount of compensation claimed and the name and place of abode of the person who intends to bring the action.

(*3*) Every such action shall be commenced within six months after the accrual of the cause of action, and not afterwards.

(*4*) If any *panchayat*[6][* * * *] or person to whom a notice under sub-section (*2*) is given shall, before an action is brought, tender sufficient amends to the plaintiff and pay into court, the amount so tendered, the plaintiff shall not recover more than the amount so tendered. The plaintiff shall also pay all costs incurred by the defendant after such tender.

181.Bar of action against [7][*Zilla Parishad*, Standing Committee or *Panchayat Samiti*] etc. and previous notice before institution.— (*1*) No suit shall be commenced against any [8][*Zilla Parishad*, Standing Committee or *Panchayat Samiti*] or against any officer or servant of a [9][*Zilla Parishad*, Standing Committee or *Panchayat Samiti*] of any person, acting under the orders of a [10][*Zilla Parishad*, Standing

Committee or *Panchayat Samiti*] for any thing done or purporting to have been done, in pursuance of this Act, without giving to such [11][*Zilla Parishad*, Standing Committee or *Panchayat Samiti*] officer, servant or persons, one month's previous notice in writing of the intended suit and of the cause thereof, nor after three months from the date of the act complained of.

(*2*) In the case of any such suit for damages, if tender of sufficient amounts shall have been made before the action was brought, the plaintiff shall not recover more than the amount so tendered, and shall pay all 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 [12][* * * *] any of the powers which may be exercised by the State Government under this Act [13][* *].

1 *See* now the Code of Criminal Procedure, 1973 (2 of 1974).

2 The words "or *Nyaya Panchayat*" were deleted by Mah. 13 of 1975, s. 33.

3 The words "or *Nyaya Panchayat*" were deleted by Mah. 13 of 1975, s. 33.

4 The words "or *Nyaya Panchayat*" were deleted by Mah. 13 of 1975, s. 33.

5 The words "or *Nyaya Panchayat*" were deleted by Mah. 13 of 1975, s. 33.

6 The words "or *Nyaya Panchayat*" were deleted by Mah. 13 of 1975, s. 33.

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

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

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

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

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

12 The words "in respect of *panchayats*" were deemed always to have been deleted by Mah. 34 of 1970, s. 26 (*1*). 13 The words "except the powers in respect of *Nyaya Panchayat* under Chapter VI" were deleted by Mah. 13 of 1975, s. 34 (*a*).

[1][* * * * * *]

(*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.

[2][(*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.]

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 a previous local investigation be made by a *panchayat* under section 202 of the Code of Criminal Procedure, 1898[3] (V of 1898), 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[4] (V of 1898), may require from the *panchayat* in whose village either the wife or child for whose maintenance the application is made or the husband or parent respectively of such wife or child resides, report as to the amount of maintenance which, having regard to the circumstances of the parties, should be payable and such report shall be evidence in such enquiry :

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 *panchayats*[5][* *] to be public servants.— Every member of a [6][* * * *] *panchayat*[7][* * * *] and every officer and servant maintained by or employed under a [8][* * * *] *panchayat*[9][* * * *] shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal code (XLV of 1860).

[10][184A. *Panchayat Samiti* to exercise duties in respect of *panchayats* within its area.— (*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 of a village for which a *panchayat* has been established, shall exercise the powers and perform the functions under this Act in respect of such *panchayat*.]

[11][184B.Powers of Police Officers.— It shall be the duty of every police officer to give immediate information to the *panchayat*[12][* * * *] of any offence committed against this Act or the rules or bye-laws made thereunder, and to assist the *panchayat*[13][* * * *] in the exercise of its lawful authority.]

1 Sub-sections (*2*) and (*3*) were deleted by Mah. 13 of 1975, s. 34(*b*).
2 Sub-section (*5*) was inserted by Mah. 43 of 1962, s. 26, Schedule.
3 See now the Code of Criminal Procedure, 1973 (2 of 1974).
4 See now the Code of Criminal Procedure, 1973 (2 of 1974).
5 The words "or *Nyaya Panchayat*" were deleted by Mah. 13 of 1975, s. 35(*b*).
6 The words "*Panchayat Mandal* or" were deleted by Mah. 5 of 1962, s. 286, Tenth Schedule.
7 The words "or *Nyaya Panchayat*" were deleted by Mah. 13 of 1975, s. 35(*a*).
8 The words "*Panchayat Mandal* or" were deleted by Mah. 5 of 1962, s. 286, Tenth Schedule.
9 The words "or *Nyaya Panchayat*" were deleted by Mah. 13 of 1975, s. 35(*a*).
10 Section 184A was inserted by Mah. 5 of 1962, s. 286, Tenth Schedule.
11 Section 184B was inserted by Mah. 36 of 1965, s. 75.
12 The words "or *Nyaya Panchayat*" were deleted by Mah. 13 of 1975, s. 36.
13 The words "or *Nyaya Panchayat*" were deleted by Mah. 13 of 1975, s. 36.

[1][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 (Bom VI of 1933), or that Act in its application to the Kutch area of the [2]State of Bombay, the Saurashtra *Gram Panchayat* Ordinance, 1949 (Sau. Ordi. No. 57 of 1949), the Hyderabad Gram Panchayat Act, 1956 (Hyd. Act XVII of 1956) and the Central Provinces and Berar *Panchayats* Act, 1946 (C. P. and Berar Act I of 1947) are hereby repealed.

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 or *panchas* elected or appointed for the old *panchayats* and holding office immediately before the said date shall respectively be deemed to be the *Sarpanch*, the *Upa-Sarpanch* and the members of the new *panchayats* ;

(*4*) the said *Sarpanch*, the *Upa-Sarpanch* and the members shall hold office as such *Sarpanch*, the *Upa-Sarpanch* and the members for the period for which they would have held office under the said Act, subject however to the provision relating to disqualifications, resignation, removal and vacancy provided in this Act ;

[3][* * * * * *]

(*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 ;

[4][* * * * * *]

(*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, by-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, by-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 ;

1 Section 184C was inserted by Mah. 10 of 1968, s. 2. This section shall remain in force for a period of three years and then expire, except as respect things done or omitted to be done [*see* Mah. 10 of 1968, s. 1(*2*)].

2 The words "State of Bombay" shall stand unmodified *vide* Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

3 Clauses (*5*) and (*6A*) were deleted by Mah. 13 of 1975, s. 37(*a*).

4 Clauses (*5*) and (*6A*) were deleted by Mah. 13 of 1975, s. 37(*a*).

(*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*[1][* * *] shall be deemed to have been instituted and to be pending before the new *panchayats*, [2][* * *] and shall be heard and disposed of by the said *panchayats*[3][* * *] 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 *GramPanchayats Madhyastha Mandal* constituted under section 45 of the Saurashtra *GramPanchayats* Ordinance, 1949 (Sau. Ord. 57 of 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 Madyastha 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 [4]Bombay Village Panchayats Act, 1958 (Bom. III of 1959), 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 difficult

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.

1 The words "and *Nyaya Panchayats* of the old *Panchayats*" were deleted by Mah. 13 of 1975, s. 37(*b*).

2 The words "and *Nyaya Panchayats* of the New *Panchayats*, as the case may be" were deleted by Mah. 13 of 1975. 3 The words "or *Nyaya Panchayats*, as the case may be" were deleted by Mah. 13 of 1975.

4 The short title of the Act was amended as "the Maharashtra Village Panchayats Act (III of 1959)" by Mah. 24 of 2012, s. 2 and 3, Schedule, entry 74, with effect from the 1st May 1960.

1[SCHEDULE I]

(VILLAGE LIST)

(*See* section 45)

Subjects of Activities (*including Development Activities*)

Agriculture.

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

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

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

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 livestock.

Forests.

13. Raising, preservation, improvement and regulation of the use of village forests and grazing lands including lands assigned under section 28 of the Indian Forest Act, 1927. Social Welfare. 14. Relief of the crippled, destitute and the sick.

15. Promotion of social and moral welfare of the village including promotion of prohibition, the removal of untouchability, amelioration of the condition of backward classes, eradication of corruption and the discouragement of gambling and useless litigation.

16. Women's and Childrens' organisations and welfare. Education.

17. Spread of education.

18. Other educational and cultural objects.

2[18-A. Maintenance and Repairs of Primary School Buildings 3[vesting for the time being in the *Zilla Parishad*]].

19. Provision of equipment and playgrounds for schools.

1 Schedule I was inserted by Mah. 36 of 1965, s. 77.

2 Entry 18-A was inserted by G. N. R. D. D., No. VPA. 1075/1949/XXIII, dated the 20th September 1971.

3 These words were substituted for the words "which may be vesting in the *Zilla Parishad* or *Panchayat Samiti*" by G.N.R.D.D., No. VPA. 1075/1949/XXIII, dated the 26th September 1977.

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 improvement of sanitary conditions.

32. Construction and maintenance of public latrines.

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

34. 1[* * * *]

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

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

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

Buildings and Communications.

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

39. Removal of obstruction and projections in public streets or places and in sites, not being private property, which are open to the public whether such sites are vested in the *panchayat* or belong to Government 2[removal of unauthorised cultivation of any crop on any grazing land or any other land not being private property].

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

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

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

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

1 Entry 34 was deleted by Mah. 5 of 1997, s. 7.

2 These words were added by Mah. 34 of 1970, s. 27.

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.

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 [1][when entrusted by the State Government under] section 169.

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

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

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

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

62. Establishment, control and management of cattle pounds.

63. Destruction of stray and ownerless dogs and pigs.

64. Disposal of unclaimed cattle.

65. Construction and maintenance of houses for the conservancy staff of the *panchayat*.

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

1 These words were substituted for the words "to the extent provided under" by Mah. 50 of 1965, s. 3(*c*).

67. Making Surveys.

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

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

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

71. Control of fairs, bazars, tanga stands and car stands.

72. Establishment and maintenance of ware-houses.

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

[1][73-A. Provision of employment to needy local persons seeking manual work under any scheme for employment guarantee undertaken or adopted by, or transferred to, the *panchayat*.]

74. Preparation of statistics of unemployment.

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

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

77. Opening fair price shops.

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

[2][79. Securing [3][or continuing] postal facilities of experimental post offices in the village by providing for payment of non-refundable contribution to the Posts and Telegraphs Department, wherever necessary.]

1 Entry 73-A was added by G.N., R.D.D., No. VPA. 1070/20354-E, dated 25th July 1970.

2 Entry 79 was added by G.N., R.D.D., No. VPS. 1266/1737-E, dated 20th February 1969. 3 These words were inserted by G.N., R.D.D., No. VPS. 1266/1737-E, dated 24th November 1970.

SCHEDULE II

(*See* section 188.)

	Number and year of enactment (1)	Subject of title (2)	Extent of repeal or amendment (3)
1.	Bombay Act VIIof 1867.	The Bombay District Police Act, 1867.	Sections 33 and 34 shall be repealed.
2.	C. P. and Berar Act XXXVIII of 1948.	The Central Provinces and Berar LocalGovernment 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, subsection (*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 (Sau. Ord. 57 of 1949)" the words and letters "the Bombay Village Panchayats Act, 1958 (Bom. III of 1959)" shall respectively be substituted; and the proviso shall be repealed. (*2*) Sections 30 and 83 shall be repealed.