THE MAHARASHTRA ZILLA PARISHADS AND PANCHAYAT SAMITIS ACT, 1961

[*Text as on 15th April 2026*]

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NINTH SCHEDULE [*Deleted*]

TENTH SCHEDULE [*Deleted*]

ELEVENTH SCHEDULE

LIST OF AMENDMENT ACTS

1. Amended by Mah. 22 of 1962[1]
2. Amended by Mah. 43 of 1962
3. Amended by Mah. 69 of 1948 read with Mah. 7 of 1963
4. Amended by Mah. 23 of 1963
5. Amended by Mah. 35 of 1963
6. Amended by Mah. 16 of 1964
7. Amended by Mah. 43 of 1964[2]
8. Amended by Mah. 23 of 1965
9. Amended by Mah. 50 of 1965[3]
10. Amended by Mah. 8 of 1966
11. Amended by Mah. 25 of 1966[4]
12. Amended by Mah. 34 of 1966
13. Amended by Mah. 37 of 1966
14. Amended by Mah. 7 of 1967[5]
15. Amended by Mah. 13 of 1967
16. Amended by Mah. 43 of 1967
17. Amended by Mah. 13 of 1968
18. Amended by Mah. 21of 1968[6]
19. Amended by Mah. 15 of 1969[7]
20. Amended by Mah. 34 of 1969[8]
21. Amended by Mah. 46 of 1969

1 Section 15 of Mah. 22 of 1962 reads as under :—

"**15. Amendment to take effect from date of passing of principal Act.—** The amendments made to the principal Act by the provisions aforesaid (except section 13) shall be deemed to have been made in the principal Act on the date on which that Act was passed and shall be deemed to have come into force on the date on which the principal Act, came into force.".

2 Maharashtra Ordinance No. V of 1964 was repealed by Mah. 43 of 1964, s. 26.

3 Maharashtra Ordinance No. V of 1965 was repealed by Mah. 50 of 1965, s. 5.

4 Maharashtra Ordinance No. III of 1966 was repealed by Mah. 25 of 1966, s. 3.

5 Maharashtra Ordinance No. III of 1967 was repealed by Mah. 7 of 1967, s. 12.

6 Maharashtra Ordinance No. II of 1968 was repealed by Mah. 21 of 1968, s. 18.

7 Maharashtra Ordinance No. II of 1969 was repealed by Mah. 15 of 1969, s. 14.

8 Maharashtra Ordinance No. VIII of 1969 was repealed by Mah. 34 of 1969, s. 2.

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

22. Amended by Mah. 22 of 1970
23. Amended by Mah. 34 of 1970
24. Amended by Mah. 5 of 1971
25. Amended by Mah. 22 of 1971
26. Amended by Mah. 9 of 1972 (30-4-1972)
27. Amended by Mah. 12 of 1972[1]
28. Amended by Mah. 36 of 1972
29. Amended by Mah. 21 of 1973 (15-11-1976)
30. Amended by Mah. 24 of 1973 (1-6-1973)
31. Amended by Mah. 27 of 1973[2] (3-5-1973)

32. Amended by Mah. 28 of 1973[3] (13-7-1974)
33. Amended by Mah. 15 of 1974 (1-4-1974)
34. Amended by Mah. 16 of 1974 (26-4-1974)
35. Amended by Mah. 34 of 1974[4] (29-4-1974)
36. Amended by Mah. 6 of 1975[5]
37. Amended by Mah. 16 of 1975 (1-4-1975)
38. Amended by Mah. 11 of 1976 (14-4-1976)
39. Amended by Mah. 27 of 1976[6] (19-4-1976)
40. Amended by Mah. 23 of 1977
41. Amended by Mah. 61 of 1977 (1-1-1978)
42. Amended by Mah. 12 of 1978[7] (29-4-1978)
43. Amended by Mah. 27 of 1978[8] (10-8-1978)

1 Maharashtra Ordinance No. V of 1972 was repealed by Mah. 12 of 1972, s. 5.
2 Maharashtra Ordinance No. IV of 1973 was repealed by Mah. 27 of 1973, s. 5.
3 Maharashtra Ordinance No. XI of 1973 was repealed by Mah. 28 of 1973, s. 4.
4 Maharashtra Ordinance No. III of 1974 was repealed by Mah. 34 of 1974, s. 4.
5 Came into force on 1-5-75 (except ss. 7, 12, 20 and 36 thereof) (*vide* G.N., R.D.D., No. ZPA. 1075/9201-N, dated 23rd April 1975); s. 7 of Mah. 6 of 1975 came into force on 1-9-1975 *vide* G.N., R.D.D., No. ZPA., 1075, dated 1-8-1975.
6 Maharashtra Ordinance No. V of 1976 was repealed by Mah. 27 of 1976, s. 4.
7 Maharashtra Ordinance No. III of 1978 was repealed by Mah. 12 of 1978, s. 4.
8 Maharashtra Ordinance No. VI of 1978 was repealed by Mah. 27 of 1978, s. 3.

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

44. Amended by Mah. 10 of 1979[1] (11-1-1979)
45. Amended by Mah. 14 of 1979 (1-6-1979)
46. Amended by Mah. 13 of 1980[2] (29-4-1980)
47. Amended by Mah. 17 of 1981
48. Amended by Mah. 40 of 1981 (20-6-1981)
49. Amended by Mah. 46 of 1981 (15-9-1981)
50. Amended by Mah. 56 of 1981
51. Amended by Mah. 11 of 1982 (18-4-1982)
52. Amended by Mah. 17 of 1982 (19-2-1982)
53. Amended by Mah. 26 of 1982[3] (14-8-1982)
54. Amended by Mah. 27 of 1982[4] (18-6-1982)
55. Amended by Mah. 19 of 1983[5] (12-10-1982)
56. Amended by Mah. 25 of 1983 (22-4-1983)

1 Maharashtra Ordinance No. I of 1979 was repealed by Mah. 10 of 1979, s. 14.
2 Maharashtra Ordinance No. IV of 1980 was repealed by Mah. 13 of 1980, s. 4.
3 Maharashtra Ordinance No. X of 1982 was repealed by Mah. 26 of 1982, s. 3.
4 Maharashtra Ordinance No. VI of 1982 was repealed by Mah. 27 of 1982, s. 6(*1*).
5 Maharashtra Ordinance No. II of 1983 was repealed by Mah. 19 of 1983, s. 4.

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

57. Amended by Mah. 34 of 1983[1] (18-6-1983)
58. Amended by Mah. 10 of 1985 (17-10-1984)

59. Amended by Mah. 11 of 1985 (3-3-1986)

60. Amended by Mah. 12 of 1985[2] (10-5-1985)

61. Amended by Mah. 6 of 1986[3] (6-12-1985)

62. Amended by Mah. 42 of 1986 (11-12-1986)

63. Amended by Mah. 43 of 1986 (11-12-1986)

64. Amended by Mah. 4 of 1987(18-2-1988)

65. Amended by Mah. 20 of 1987 (1-11-1987)

66. Amended by Mah. 37 of 1987 (4-12-1987)

67. Amended by Mah. 4 of 1988[4] (29-2-1988)

68. Amended by Mah. 11 of 1989[5] (27-2-1989)

69. Amended by Mah. 13 of 1990 (2-2-1990)

1 Maharashtra Ordinance No. XIV of 1982 was repealed by Mah. 34 of 1983, s. 6.

Sections 4 and 5 of Mah. 34 of 1983, provides as follows :—

"**4. Validation of certain appointments to Subordinate Service.—** Notwithstanding anything contained in the Maharashtra Public Services (Subordinate) Selection Boards Act, 1973 (Mah. XXI of 1973), every person who has been appointed to any post in the Subordinate service on or before the day immediately preceding the date of commencement of this Act, and who is still in service on the date of commencement of this Act, shall be deemed to have been validily appointed to that post, notwithstanding that such person was not nominated or recommended by a Selection Board, or as the case may be, a Special Selection Board, under the said Act, or the Maharashtra Public Services (Subordinate) Selection Board Rules, 1976, or any other rules or orders for the time being in force or that no revised rules for selection of candidate by a Selection Board or a Special Selection Board were framed; and no such appointment shall be called in question in any Court or before any authority merely on the ground that he was not duly selected or appointed;

Provided that :— (*a*) in the case of such appointment under the State Government, the initial appointment of the person is made—

(*i*) in conformity with the age limit and minimum qualification prescribed in the recruitment rules for the post in force at the time of such appointment;

(*ii*) from amongst candidates recommended by the Employment Exchange or Social Welfare Officer or Backward Class Organisation authorised by Government to sponsor candidates for appointment to Government service or the Collector from the list of candidates employed during the 1977-78 strike period;

(*iii*) in conformity with the orders issued by Government, from time to time, in respect of reservation of posts for persons belonging to backward classes, economically weaker sections, ex-servicemen, physically handicapped persons, or any other category;

(*b*) in the case of such appointment under the *Zilla Parishads*, the Municipal Councils, the Municipal School Board constituted under the Bombay Primary Education Act, 1947 (Bom. LXI of 1947), the Maharashtra State Electricity Board constituted under the Electricity (Supply) Act, 1948 (LIV of 1948), and the Maharashtra State Road Transport Corporation constituted under the Road Transport Corporations Act, 1950 (LXIV of 1950), the initial appointment of the person is made in conformity with the relevant rules or regulations or orders made by the authority concerned for the post, or any orders issued in that behalf by Government, and in force at the time of such appointment.

Explanation.— For the purpose of determining the initial appointment referred to in the proviso to this section, any technical break in service effected, and any subsequent formal order of appointment, made in repect of any person continued in any post in the subordinate service, in order to comply with the requirements of any rules or orders made or issued in respect of recruitment to the subordinate service, shall be ignored.

5. Savings.— Save as otherwise provided in this Act, the provisions of section 7 of the Bombay General Clauses Act, 1904 (Bom. I of 1904), with regard to effect of repeal, shall apply.".

2 Maharashtra Ordinance No. IV of 1985 was repealed by Mah. 12 of 1985, s. 8.

3 Maharashtra Ordinance No. XII of 1985 was repealed by Mah. 6 of 1986, s. 6.

4 Maharashtra Ordinance No. III of 1988 was repealed by Mah. 4 of 1988, s. 5.

5 Maharashtra Ordinance No. III of 1989 was repealed by Mah. 11 of 1989, s. 5.

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

70. Amended by Mah. 10 of 1990[1] (11-4-1990)

71. Amended by Mah. 14 of 1990[2,3] (12-2-1990)

72. Amended by Mah. 19 of 1990[4] (19-5-1990)
73. Amended by Mah. 35 of 1990[5] (14-11-1990)
74. Amended by Mah. 14 of 1991[6] (28-2-1991)
75. Amended by Mah. 4 of 1992[7] (23-1-1992)
76. Amended by Mah. 1 of 1993[8] (1-4-1993)
77. Amended by Mah. 29 of 1993[9] (16-6-1993)
78. Amended by Mah. 9 of 1994[10] (1-9-1993)
79. Amended by Mah. 11 of 1994[11] (2-11-1993)

1 Section 10 of Mah. 10 of 1990 reads as under :—

"**10. Sitting women Councillors and members to continue to hold office.—** For the removal of doubt it is hereby declared that every woman Councillor co-opted on any *Zilla Parishad* or a woman member co-opted on any *PanchayatSamiti*, as the case may be, established under the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 (Mah. V of 1962), or a woman member elected on a village *panchayat* on a reserved seat and holding office as such Councillor or member on the date of commencement of the Maharashtra *Zilla Parishads* and *Panchayat Samitis* and Bombay Village *Panchayats* (Amendment) Act, 1990 (Mah. X of 1990) shall, unless she resigns, or is disqualified to hold, such office of Councillor or member before the expiry of her term, continue to be such Councillor or member, as the case may be, till the expiry of her term, as if the amendment made to the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 (Mah. V of 1962) and the Bombay Village *Panchayats* Act, 1958 (Bom. III of 1959) by the Maharashtra Zilla Parishads and Panchayat Samitis and Bombay Village Panchayats (Amendment) Act, 1990 (Mah. X of 1990) had never been made.".

2 Maharashtra Ordinance No IV of 1990 was repealed by Mah. 14 of 1990.

3 Section 7 of Mah. 14 of 1990 reads as under :—

"**7. Validiation and re-enactment of certain rules made under Mah. V of 1962.—** For the removal of doubt it is hereby declared that notwithstanding anything contained in any judgement, decree or order of any Court, the *Zilla Parishads* (Electoral Divisions and Reservation of Seats) Rules, 1985 and the District *Panchayat Samitis* (Electoral Colleges and Reservation of Seats) Rules, 1985 made under clause (*ii*) and clause (*xiii*) respectively, of sub-section (*2*) of section 274 of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 (Mah. V of 1962) for each district in the State together with any amendments made in any of these rules under the provisions aforesaid, shall be deemed to be duly and validly re-enacted in the same form and shall be deemed never to have ceased to have effect, and shall continue to be in force from the date on which each of those rules or amendments thereto were made as if such rules and amendments have been re-enacted and made under the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 (Mah. V of 1962) as amended by this Act, and any action taken or anything done under these rules shall be as valid and operative as if they had been taken or done in accordance with law; and no such rules or any action taken or anything done thereunder shall be called in question in any Court on the grounds merely that districtwise or villagewise figures of population of Scheduled Castes and Scheduled Tribes were not determined and notified under section 5 of the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 1976 (108 of 1976) or that the State Govemment had no power to make or amend those rules.".

4 Maharashtra Ordinance No. VIII of 1990 was repealed by Mah. 19 of 1990. 5 Maharashtra Ordinance No. XII of 1990 was repealed by Mah. 35 of 1990, s. 5. 6 Maharashtra Ordinance No. VII of 1991 was repealed by Mah. 14 of 1991, s. 5.
7 Maharashtra Ordinance No. IV of 1992 was repealed by Mah. 4 of 1992, s. 6. 8 Section 11 of Mah. 1 of 1993 is not yet brought into force.
9 Maharashtra Ordinance No. VII of 1992 was repealed by Mah. 29 of 1993, s. 4.
10 Maharashtra Ordinance No. XI of 1993 was repealed by Mah. 9 of 1994, s. 5. 11 Maharashtra Ordinance No. XV of 1993 was repealed by Mah. 11 of 1994, s. 7.

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

80. Amended by Mah. 12 of 1994[1] (25-11-1993)
81. Amended by Mah. 21 of 1994 (23-4-1994)
82. Amended by Mah. 46 of 1994[2] (17-9-1994)
83. Amended by Mah. 12 of 1996[3] (30-10-1995)
84. Amended by Mah. 13 of 1997[4] (14-11-1996)
85. Amended by Mah. 20 of 1997[5] (3-1-1997)
86. Amended by Mah. 34 of 1997[6] (18-2-1997)
87. Amended by Mah. 46 of 1997 (29-12-1997)
88. Amended by Mah. 4 of 1999[7] (13-11-1998)

89. Amended by Mah. 34 of 1999 (15-5-1999)
90. Amended by Mah. 27 of 2000[8] (2-3-2000)
91. Amended by Mah. 34 of 2000 (5-8-2000)
92. Amended by Mah. 44 of 2000 (13-9-2000)
93. Amended by Mah. 53 of 2000[9] (9-10-2000)
94. Amended by Mah. 16 of 2001[10] (10-2-2001)
95. Amended by Mah. 3 of 2002 (4-1-2002)
96. Amended by Mah. 4 of 2002[11] (31-10-2001 and 12-11-2001)[12]
97. Amended by Mah. 27 of 2003 (8-8-2003)
98. Amended by Mah. 28 of 2003 (8-8-2003)
99. Amended by Mah. 29 of 2003 (11-8-2003)

1 Maharashtra Ordinance No. XVIII of 1993 was repealed by Mah. 12 of 1993, s. 5.

2 Maharashtra Ordinance No. XII of 1994 was repealed by Mah. 46 of 1994, s. 7.
3 Maharashtra Ordinance No. XV of 1995 was repealed by Mah. 12 of 1996, s. 6.
4 Maharashtra Ordinance No. XIX of 1996 was repealed by Mah. 13 of 1997, s. 4.
5 Maharashtra Ordinance No. I of 1997 was repealed by Mah. 20 of 1997, s. 9.
6 Maharashtra Ordinance No. VII of 1997 was repealed by Mah. 34 of 1997, s. 19.
7 Maharashtra Ordinance No. XIII of 1998 was repealed by Mah. 4 of 1999, s. 5.
8 Maharashtra Ordinance No. III of 2000 was repealed by Mah. 27 of 2000, s. 10.
9 Maharashtra Ordinance No. XIX of 2000 was repealed by Mah. 53 of 2000, s. 4.
10 Maharashtra Ordinance No. VI of 2001 was repealed by Mah. 16 of 2001, s. 7.
11 Maharashtra Ordinance No. XXXIII of 2001 and Mah. Ord. XXXVI of 2001 were repealed by Mah. 4 of 2002, s. 13.
12 Sections 2, 3, 4, 5, 6, 7 and 10 came into from the 31-10-2001 and sections 8, 9 and 11 came into force from the dated 12-11-2001.

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

100. Amended by Mah. 2 of 2005[1] (21-8-2004)
101. Amended by Mah. 3 of 2005[2] (23-8-2004)
102. Amended by Mah. 20 of 2005 (4-5-2005)
103. Amended by Mah. 37 of 2006 (21-12-2006)
104. Amended by Mah. 21 of 2007[3] (12-6-2007)
105. Amended by Mah. 5 of 2009[4] (1-8-2009)[5]
106. Amended by Mah. 16 of 2010 (6-5-2010)
107. Amended by Mah. 24 of 2010 (21-8-2010)
108. Amended by Mah. 33 of 2010 (10-1-2011)[6]
109. Amended by Mah. 19 of 2011 (21-4-2011)[7]
110. Amended by Mah. 39 of 2011[8] (5-10-2011)[9]

1 Maharashtra Ordinance No. XXV of 2004 was repealed by Mah. 2 of 2005, s. 3.

2 Maharashtra Ordinance No. XXVIII of 2004 was repealed by Mah. 3 of 2005, s. 4.
3 Maharashtra Ordinance IV of 2007 was repealed by Mah. 21 of 2007, s. 4.
4 Section 8 of Mah. 5 of 2009 reads as follows :—

"**8. Removal of doubt.—** For the removal of doubt, it is hereby declared that, the election to a reserved seat to the Village *Panchayats* or *Panchayat Samitis* or *Zilla Parishads*, before the date of coming into force of sections 2, 3, 4, 5, 6 and 8 of this Act, shall be regulated by the relevant provisions of the Bombay Village Panchayats Act, 1958 (Bom. III of 1959) or the Maharashtra *Zilla Parishads* and *Panchayat Samitis* Act, 1961 (Mah. V of 1962), as they existed immediately before such date of commencement.".

5 *Vide* G.N., R.D. & W.C.D., No. MISC. 2007 /C.R. 157 /PR-2, dated 2-3-2009.
6 *Vide* G.N., R.D. & W.C.D., No. SANKIRNA. 2010 /C.R-122/PR-2, dated 10-1-2011.
7 Section 8 of Mah. 19 of 2011 reads as follows :—

"**8. Power to remove difficulties.—** (*1*) If any difficulty arises in giving effect to the provisions of the Bombay Village Panchayats Act, 1958 (Bom. III of 1959) and the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 (Mah. V of 1962), as amended by this Act or by reason of anything contained therein, or in giving effect to any of these

Acts in respect of the matters contained in this Act, the State Government may, as occasion arises, by order, do anything which appears to it to be necessary for the purpose of removing the difficulty :

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

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

8 Mah. Ord. No. XIX of 2011 was repealed by Mah. 39 of 2011, s. 5.

9 Section 4 of Mah. 39 of 2011 reads as follows :—

"**4. Removal of difficulties.—** (*1*) If any difficulty arises in giving effect to the provisions of this Act by reason of anything contained therein, or in giving effect to the provisions of the Bombay Village Panchayats Act, 1958 (Bom. III of 1959) or, the Maharashtra *Zilla Parishads* and *Panchayat Samitis* Act, 1961 (Mah. V of 1962), as the case may be, in respect of any matter contained in this Act, the State Government may, as occasion arises, by order published in the *Official Gazette*, do anything which appears to it to be necessary for the purpose of removing the difficulty :

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

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

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

111. Amended by Mah. 18 of 2012[1] (7-6-2012)[2]

112. Amended by Mah. 9 of 2013 (6-5-2013)

113. Amended by Mah. 21 of 2016 (7-5-2016)

114. Amended by Mah. 25 of 2016[3] (1-6-2016)

115. Amended by Mah. 28 of 2017[4] (31-1-2017)

116. Amended by Mah. 30 of 2018

117. Amended by Mah. 47 of 2018[5] (7-10-2017)

118. Amended by Mah. 66 of 2018[6] (11-10-2018)[7]

119. Amended by Mah. 79 of 2018

120. Amended by Mah. 32 of 2019[8] (23-08-2019)

121. Amended by Mah. 4 of 2020

1 Mah. Ord. No. V of 2012 was repealed by Mah. 18 of 2012, s. 4.

2 Section 3 of Mah. 18 of 2012 reads as follows :—

"**3. Power to remove difficulties.—** (*1*) If any difficulty arises in giving effect to the provisions of the principal Act, as amended by this Act, the State Government may, as occasion arises, by an order published in the *Official* for the purposes 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 Mah. Ord. X of 2016 was repealed by Mah. 25 of 2016, s. 4.

4 Mah. Ord. V of 2017 was repealed by Mah. 28 of 2017, s. 4.

5 Mah. Ord. XXI of 2017 was repealed by Mah. 47 of 2018, s. 3

6 Mah. Ord. XXI of 2018 was repealed by Mah. 66 of 2018, s. 10.

7 Section 7, 8 and 9 by Mah. 66 of 2018 reads as follows:—

7. Saving as to certain elections.— (*1*) Nothing in this Act shall affect the eletctions 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 Panchayats 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 disqulifications.— 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 to apply where the State Election Commission has already prior

to the date of commencement of this Act held elections to fill the vacancy of such person or declared the programme for holding of such elections.

9. Power to remove difficulty.— (*1*) If any difficulty arises in giving effect to the provisons of the Maharashtra Village Panchayts Act (III of 1959) or, as the case may be, the Maharashtra Zilla Parishads and Panchayat Samitis Act, provisions of the said Acts as amended by this Act, as may appear to it to be becessary 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 Stae Legislature:

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

8 Mah. Ord. XXI of 2019 was repealed by Mah. 32 of 2019, s. 4.

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

122. Amended by Mah. 4 of 2022[1] (6-12-2021)

123. Amended by Mah. 18 of 2022

124. Amended by Mah. 19 of 2022[2] (23-9-2021)

125. Amended by Mah. 22 of 2022

126. Amended by Mah. 46 of 2022[3] (14-7-2022)[4]

127. Amended by Mah. 47 of 2022[5] (4-8-2022)[6]

128. Amended by Mah. 7 of 2023[7] (12-9-2022)

128. Amended by Mah. 30 of 2023[8] (12-9-2022)

129. Amended by Mah. 48 of 2025[9] (3-11-2025)

130. Amended by Mah. 5 of 2026[10] (26-12-2025)

1 Mah. Ord. XIV of 2021 was repealed by Mah. 4 of 2022, s. 7.

2 Mah. Ord. III of 2021 was repealed by Mah. 19 of 2022, s. 8.

3 Mah. Ord. III of 2022 was repealed by Mah. 46 of 2022, s. 4.

4 Section 3 of Mah. 46 of 2022 reads as follows:—

3. Power 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, as occasion arises, by an order published in the *Official Gazette*, do anything not inconsistent with the provisions of the principal Act, as amended by this Act, which appears to it to be necessary or expedient for the purposes of removing the difficulty :

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

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

5 Mah. Ord. VIII of 2022 was repeled by Mah. 47 of 2022, s. 5.

6 Section 3 and 4 of Mah. 47 of 2022 reads as follows:—

3. Annulment of process.— Notwithstanding anything contained in the principal Act and the rules, notifications or orders made thereunder, where the process,—

(*i*) to divide a district into electoral divisions and to determine the number of Councillors to be elected from District, or

(*ii*) to divide an electoral division into electoral colleges, or

(*iii*) of reservation of seats of Councillors in the *Zilla Parishads* and *Panchayat Samitis*,

is started or completed by the State Election Commissioner, or the State Government, as the case may be, before the date of commencement of the Maharashtra Zilla Parishads and Panchayat Samitis (Second Amendment) Act, 2022 (Mah. XLVII of 2022), shall be deemed to be annulled and such process shall be done afresh according to the provisions of the principal Act as amended by this Act.

4. Power to remove difficulties.— (*1*) If any difficulty arises in giving effect to the provisions of the remove 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 purposes 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 this section shall be laid, as soon as may be, after it is made, before each House of the State Legislature.

7 Mah. Ord. IX of 2022 was repealed by Mah. 7 of 2023, s. 4.

8 Mah. Ord. I of 2023 was repealed by Mah. 30 of 2023, s. 7.

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

10 Maharashtra Ordinance No. XIV of 2025 was repealed by Mah. 5 of 2026, s. 3. Note.-
The date mentioned in the bracket indicates the date of commencement of the Act.

131. Amended by Mah. 17 of 2026 (15-04-2026)1

1 Section 9 of Mah. 17of 2026 reads as follows:—

9. Power to remove difficulties.— (*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 order, published in the *Official Gazette*, give such direction, not inconsistent with the provisions of the principal Act, as may appear to it to be necessary or expedient for the purpose of removing the difficulty:

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

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

MAHARASHTRA ACT No. V of 19621

[THE MAHARASHTRA ZILLA PARISHADS AND PANCHAYAT SAMITIS ACT, 1961.]

[This Act received the assent of the President on 5th March 1962; assent was first published in the *Maharashtra Government Gazette*, Part IV, on the 13th March 1962.]

An Act to provide for the establishment in rural areas of *Zilla Parishads* and *Panchayat Samitis*; to assign to them local government functions, and to entrust the execution of certain works and development schemes of the State Five-Years Plans to such bodies, and to provide for the decentralisation of powers and functions under certain enactments to those local bodies for the purpose of promoting the development of democratic institutions and securing a greater measure of participation by the people in the said Plans and in local and governmental affairs.

WHEREAS it is expedient to provide for the establishment in rural areas of *Zilla Parishads* and *Panchayat Samitis*; to assign to them local government functions, and to entrust the execution of certain works and development schemes of the State Five-Year Plans to such bodies, and to provide for the decentralisation of powers and functions under certain enactments to those local bodies for the purpose of promoting the development of democratic institutions and securing a greater measure of participation by the people in the said Plans and in local and governmental affairs and for purposes connected with the matters aforesaid; It is hereby enacted in the Twelfth Year of the Republic of India as follows :—

CHAPTER I

PRELIMINARY

1. Short title, extent and commencement.— (*1*) This Act may be called the Maharashtra *Zilla Parishads* and *Panchayat Samitis* Act, 1961.

(*2*) It extents to the whole of the State of Maharashtra, except Greater Bombay.

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

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

3* * * * * *

4[(*2*) "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*;]

5[(*2A*) "Ballot box" or" ballot paper" includes an electronic voting machine used at an election for giving or recording of votes;]

(*3*) "Block" means such local area in a District as the State Government may constitute to be a Block under section 5;

(*4*) "block grant" means a grant given by the State Government to a *Panchayat Samiti* under section 188 [6][and includes any sum paid as grant under [7][sections 100 and 155]]; [8][or any sum paid as block grant under any law for the time being in force];

1 For Statement of Objects and Reasons, *see Maharashtra Government Gazette*, 1961, Part V, pages 603-619; for Report of the Joint Committee, *seeibid*, Part V, pages 773-963.

2 1st May 1962, *vide* G.N., C & R.D.D., No. D.C.D. 6162, dated the 26th March 1962. 3 Clause (*1*) was deleted by Mah. 21 of 1994, s. 33(*1*).

4 Clause (*2*) was substituted by Mah. 21 of 1994, s. 33(*2*).

5 Clause (*2A*) was inserted by Mah. 20 of 2005, s. 4.

6 These words and figures were added by Mah. 35 of 1963, s. 2.

7 These words and figures were substituted for "section 155" by Mah. 21 of 1968, s. 2(*a*). 8 These words were added by Mah. 34 of 1970, s. 28.

(*5*) "Block Development Officer" means an officer appointed by that designation under section 97;

(*6*) "bye-laws" means bye-laws made under section 276;

(*7*) "Chief Executive Officer" means the Chief Executive Officer of a *Zilla Parishad* appointed under section 94;

[1]* * * * * *

(*9*) "Councillor" means a member of a *Zilla Parishad* constituted under this Act;

(*10*) "development scheme" includes a work, scheme, project, function, development activity or plan of works, schemes, projects, functions and development activities;

(*11*) "District" means a District as constituted under section 4;

(*12*) "District List" means the list of subjects enumerated in the First Schedule as amended from time to time in respect of which a *Zilla Parishad* is empowered to make provision under section 100;

[2]* * * * * *

(*15*) "election" means an election to a *Zilla Parishad* or *Panchayat Samiti*, as the case may be, and includes a by-election;

[3][(*15A*) "Executive Officer" means the Executive Officer appointed under section 96A;]

[4][(*15B*) "Finance Commission" means the Finance Commission constituted in accordance with the provisions of article 243-I of the Constitution of India;]

(*16*) "financial year" means the year beginning on the 1st day of April or on such other date as the State Government may, by notification in the *Official Gazette*, appoint;

[5][(*16A*) "Irrigation Development Corporation" means the Maharashtra Krishna Valley Development Corporation established under the Maharashtra Krishna Valley Development Corporation Act, 1996 (Mah. XV of 1996), or the Vidarbha Irrigation Development Corporation established under the Vidarbha Irrigation Development Corporation Act, 1997 (Mah. XXVI of 1997), or the Konkan Irrigation Development Corporation established under the Konkan Irrigation Development Corporation Act, 1997 (Mah. III of 1998), or the Maharashtra Tapi Irrigation Development Corporation established under the Maharashtra Tapi Irrigation Development Corporation Act, 1997 (Mah. IV of 1998), or the Maharashtra Godawari Marathwada Irrigation Development Corporation established under the Maharashtra Godawari Marathwada Irrigation Development Corporation Act, 1998 (Mah. XXIII of 1998);]

(*17*) "list of voters" means list of voters provided for, and maintained, under section 13;

(*18*) "member" means a member of any *Panchayat Samiti* or Committee constituted under this Act;

(*19*) "*panchayat*" means a village *panchayat* established or deemed to be established under the [6]Bombay Village Panchayats Act, 1958 (Bom. III of 1959);

(*20*) "*Panchayat Samiti*" or "*Samiti*" means a *Panchayat Samiti* constituted for every Block under section 57;

1 Clause (*8*) was deleted by Mah. 21 of 1994, s. 33(*3*).

2 Clauses (*13*) and (*14*) were deleted by Mah. 4 of 1987, s. 3.

3 Clause (*15A*) was inserted by Mah. 12 of 1994, s. 2.

4 Clause (*15B*) was inserted by Mah. 21 of 1994, s. 33(*4*).

5 Clause (*16A*) was inserted by Mah. 3 of 2002, s. 2.

6 Short title of the Act has been amended as the "Maharashtra Village Panchayats Act" (III of 1959) by Mah. 24 of 2014, s. 2 and 3, Schedule, entry 74, *w.e.f.* 1st May 1960.

[1][(*20A*) "population" means the population as ascertained at [2][the latest preceding census of which the relevant figures have provisionally or finally been published;]

[3][*Explanation*.— Having regard to the information furnished by the census authority that districtwise and villagewise figures of population of Scheduled Castes or Scheduled Tribes have not been determined and notified under section 5 of the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 1976 (108 of 1976) and such figures of population are not available, the population of the Scheduled Castes and Scheduled Tribes for the reservation of seats for Scheduled Castes and Scheduled Tribes on the *Zilla Parishads* and *Panchayat Samitis* or for election of the Chairman and Deputy Chairman of a *Panchayat Samiti*, the percentage of the population of Scheduled Tribes in the Tribal Development Block, shall for the purposes of sections 12, 58 and 64, be the population of Scheduled Castes and Scheduled Tribes as originally ascertained in the 1971 census only;]

(*21*) "prescribed" means prescribed by rules made under this Act;

(*22*) "President" means the President of a *Zilla Parishad*;

(*23*) "presiding authority" means the President or the Chairman of a *Panchayat Samiti* or Standing Committee or Subjects Committee or any other Committee appointed by the *Zilla Parishad* and includes a Vice-President, and a Deputy Chairman of a *Panchayat Samiti* and any person chosen to preside at the meeting of a *Zilla Parishad*, *Panchayat Samiti*, or as the case may be, a Standing Committee or Subjects Committee;

(*24*) "regulations" means regulations made under section 275;

(*25*) "relevant Code" [4][means as respects any period before the 15th day of August 1967, in relation to]—

(*a*) the Bombay area of the State, the Bombay Land Revenue Code, 1879 (Bom. V of 1879),

(*b*) the Vidarbha Region of the State, the Madhya Pradesh Land Revenue Code, 1954 (M. P. II of 1955), and

(*c*) the Hyderabad area of the State, the Hyderabad Land Revenue Act (Hyd. VIII of 1317 F);

[5][and as respect any period thereafter, the Maharashtra Land Revenue Code, 1966 (Mah. XLI of 1966);]

(*26*) "relevant District Boards Act" means—

(*a*) in relation to the Bombay area of the State, the Bombay Local Boards Act, 1923 (Bom. VI of 1923),

(*b*) in relation to the Vidarbha Region of the State, the Central Provinces and Berar Local Government Act, 1948 (Bom. VI of 1923), and

(*c*) in relation to the Hyderabad area of the State, the Hyderabad District Boards Act, 1955 (Hyd. I of 1956);

6[(*26A*) "Scheduled Areas" means the Scheduled Areas referred to in clause (*1*) of article 244 of the Constitution of India;]

1 Clause (*20A*) was substituted for the original by Mah. 21 of 1994, s. 33(*5*).

2 These words were substituted for the words "the last preceding census of which the relevant figures have been published" by Mah. 4 of 2002, s. 2, *w.e.f.* 31-10-2001.

3 This *Explanation* was deemed to have been added on 10th May 1965 by Mah. 14 of 1990, s. 2.

4 These words were substituted for the words "means in relation to" by Mah. 21 of 1968, s. 2(*b*).

5 These words were added by Mah. 21 of 1968, s. 2(*b*).

6 Clause (*26A*) was inserted by Mah. 20 of 1997, s. 2.

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

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

(*31*) "Standing Committee" means a Standing Committee constituted under section 79;

3[(*31A*) "State Election Commission" means the State Election Commission consisting of State Election Commissioner appointed in accordance with the provisions of clause (*1*) of article 243K of the Constitution of India;]

(*32*) "subjects allotted" means subjects allotted to a Standing Committee or Subjects Committee by a *Zilla Parishad* under regulations;

(*33*) "Subjects Committee" means a Subjects Committee constituted under section 80;

(*34*) "Vice-President" means the Vice-President of a *Zilla Parishad*;

(*35*) "*Zilla Parishad*" or "*Parishad*" means a *Zilla Parishad* constituted under section 9;

(*36*) words or expressions used in this Act but not defined, shall have the meanings, respectively, assigned to them in the relevant Code.

ADMINISTRATIVE AREAS

3. Division into administrative areas.— For the purposes of this Act, the State of Maharashtra shall be divided into Districts, and Districts shall be divided into Blocks.

4. Constitution of Districts.— (*1*) Subject to any alteration of boundaries which may be made in pursuance of the provisions of Chapter XV, every local area formed or constituted into a district under the relevant Code (but excluding therefrom the limits of a municipal corporation, municipality, a cantonment or a notified area committee, constituted or established by or under any law for the time being in force) shall be a District for the purposes of this Act.

(*2*) Where any District comprises only a part of the district constituted under any relevant Code, or two or more districts so constituted, or parts of the two or more such districts, the State Government may, by a notification in the *Official Gazette*, declare which officers shall be the Collector and Commissioner, and which other officers referred to in this Act shall be such officers, in respect of that District for the purposes of this Act.

5. Constitution of Blocks.— Subject to any alteration of boundaries which may be made in pursuance of the provisions of Chapter XV, the State Government may, by notification in the *Official Gazette*, constitute in every District such number of Blocks, each consisting of such local area, as may be specified in the notification.

CHAPTER II

CONSTITUTION OF ZILLA PARISHADS

6. Establishment of *Zilla Parishads*.— (*1*) For every District, thare shall be established a *Zilla Parishad* consisting of a President and Councillors; and the *Zilla Parishad* shall have all such powers and discharge all such functions as are vested in it by or under this Act, or otherwise.

1 Clause (*27*) was deleted by Mah. 21 of 1994, s. 33(*6*).

2 Clause (*28*) was deleted by Mah. 7 of 1967, s. 2.

3 Clause (*31A*) was inserted by Mah. 21 of 1994, s. 33(*7*).

(*2*) A *Zilla Parishad* shall have authority for the purposes of this Act over the area for which it is established; and also over such additional area and for such purpose or purposes as the State Government may, by notification in the *Official Gazette*, specify in this behalf.

7. *Parishad* authorities and organisation thereof.— (*1*) The authorities charged with carrying out the provisions of this Act for each District are—

(*a*) the *Zilla Parishad*,

(*b*) *Panchayat Samitis*,

(*c*) the Standing Committee,

(*d*) Subjects Committees,

(*e*) Presiding Authorities,

(*f*) the Chief Executive Officer, 1**

2[(*f-a*) the Executive Officer, and]

(*g*) Block Development Officers.

(*2*) The *Zilla Parishad* shall be assisted in its functions by such number of Departments as the State Government may direct, and each Department shall be in charge of an officer of the grade of Class I or Class II of the State Services (hereinafter referred to as the Head of the Department of the *Zilla Parishad*).

8. Incorporation of *Zilla Parishads*.— Every *Zilla Parishad* shall be a body corporate by the name of "The ..... *Zilla Parishad*", and shall have perpetual succession and a common seal, and shall be competent to contract, acquire and hold property, both moveable and immovable, whether within or without the limits of the area over which it has authority, and may in its corporate name sue and be sued.

9. Constitution of *Zilla Parishads*.— (*1*) The *Zilla Parishad* shall consist of—

(*a*) Councillors chosen by direct electroal divisions in the District being 3[not more than seventy-five and not less than fifty in number] as may, by notification in the *Official Gazette*, be determined by the 4[State Election Commission, so however that, ratio between the population of the territorial area of a *Zilla Parishad* and the number of seats in such *Zilla Parishad* to be filled by election shall, so far as practicable, be the same throughout the State];

5[(*b*) the Chairman of all *Panchayat Samitis* in the District;]

6[(*c*) ten per cent. of the total number of elected Councillor or minimum five persons, whichever is higher, having special knowledge or experience in respect of the administration of *Zilla Parishads* to be nominated by the Collector as nominated Councillors:

Provided that, the nominated Councillors referred to in clause (*c*) shall have no right to,—

(*i*) vote at any meeting of the *Zilla Parishad* and committees of the *Zilla Parishad*; and

(*ii*) get elected as a President or Vice-President of a *Zilla Parishad* or Chairperson of any of the committees of the *Zilla Parishad*.]

1 The word "and" was deleted by Mah. 12 of 1994, s. 3(*a*).

2 Clause (*f-a*) was inserted by Mah. 12 of 1994, s. 3(*b*).

3 These words were substituted for the words "not more than eighty-five and not less than fifty-five in number" by Mah. 18 of 2022, s. 2.

4 This portion was substituted for the portion beginning with the words "State Government" and ending with the word "population" by Mah. 21 of 1994, s. 34(*1*).

5 Clause (*b*) was inserted by Mah. 12 of 1994, s. 34.

6 Clause (*c*) was added by Mah. 17 of 2026, s. 2.

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3[(*2*) (*a*) 4[In a general election, on the election of two-thirds or more of the number of Councillors falling under clause (*a*) of sub-section (*1*), the names of those Councillors together with their permanent addresses shall be published by the 5[Sate Election Commission] at such time, and in such manner, as may be prescribed by the State Government; and upon such publication, the *Zilla Parishad* shall be deemed to be duly constituted. In determining two-thirds of the number of Councillors a fraction shall be ignored] :

Provided that, such publication shall not be deemed—

(*i*) to preclude the completion of the election in any electoral division 6[and the publication likewise by the 7[State Election Commission] of the name and permanent addresses of the elected Councillors, as and when they are available; or]

(*ii*) to affect the term of office of the Councillors under the Act;

(*b*) The names of Councillors falling under 8[clause (*b*)] of sub-section (*1*) (together with their permanent addresses) may also thereafter be likewise published by the 9[State Election Commission].

10[(*2A*) If in the general election, less than two-thirds of the total number of Councillors are elected then, the State Election Commission shall not publish the names and permanent addresses of such elected Councillors :

Provided that, before coming into force of the Maharashtra Zilla Parishads and Panchayat Samitis (Second Amendment) Act, 2016 (Mah. XXV of 2016), where less than fifty per cent. of the total number of Councillors are elected and if the State Election Commission has published the names of such elected candidates, then such candidates shall have no right to claim and continue as Councillors :

Provided further that, in such case, the State Election Commission shall hold the fresh election of such *Zilla Parishad*.]

(*3*) The Deputy Chief Executive Officer 11[and where more than one Deputy Chief Executive Officer have been appointed, such one of them as may be nominated by the Chief Executive Officer,] shall be the Secretary, *ex-officio*, of the *Zilla Parishad*.

12**[9A. 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 *Zilla Parishads* and *Panchayat Samitis* shall vest in the State Election Commission.

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

1 Clauses (*c*), (*d*), (*dd*) and (*e*) were deleted by Mah. 21 of 1994, s. 34(*1*)(*c*).

2 This *Explanation* was deleted by Mah. 6 of 1975, s. 3.

3 This sub-section was substituted for the original by Mah. 22 of 1962, s. 2.

4 This portion was substituted for the portion beginning with the words "The names of Councillors" and ending with the words "deemed to be duly constituted" by Mah. 9 of 1972, s. 2(*d*).

5 These words were substituted for the word "Collector" by Mah. 21 of 1994, s. 34(*2*)(*a*)(*i*).

6 This portion was substituted for the word "or" by Mah. 9 of 1972, s. 2(*d*).

7 These words were substituted for the word "Collector" by Mah. 21 of 1994, s. 34 (*2*)(*a*)(*ii*).

8 These word, brackets and letter were substituted for the words, brackets and letter "clauses (*c*), (*d*) and (*e*)" by Mah. 21 of 1994, s. 34(*2*)(*b*)(*i*).

9 These words were substituted for the word "Collector" by Mah. 12 of 1994, s. 3(*2*)(*b*)(*ii*).

10 Sub-section (*2A*) was inserted by Mah. 25 of 2016, s. 2.

11 This portion was inserted by Mah. 6 of 1975, s. 3(*2*).

12 Section 9A was inserted by Mah. 13 of 1997, s. 2.

(*3*) All the officers and members of the staff appointed or deployed for preparation of electoral rolls, electoral divisions, electoral colleges and conduct of elections of *Zilla Parishads* and *Panchayat Samitis* under this Act or the rules shall function under the superintendence, direction and control of the State Election Commission.

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

ELECTION OF COUNCILLORS

10. Election and term of office of Councillors, etc.— (*1*) The Councillors shall be elected in the manner provided by or under this Act.

(*2*) The term of office of Councillors shall, except as otherwise provided in this Act be 1[five years] :

Provided that, persons who are Councillors by virtue of their being Chairman of a *Panchayat Samiti*2[* * *] shall hold office so long only as they continue to hold the office of such Chairman.

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4[(*3*) The Councillors of a *Zilla Parishad* constituted upon its dissolution before the expiration of its duration under sub-section (*2*) shall continue only for the remainder of the period for which the Councillors of the dissolved *Zilla Parishad* would have continued under sub-section (*2*) had it not been so dissolved.]

5[(*4*) The term of the office of the nominated Councillor shall be co-terminus with the duration of the *Zilla Parishad*.]

6**[10-1A. Nomination of Councillors.—** (*1*) After election of President, the Collector shall call a special meeting for the purpose of nominating Councillors.

(*2*) The nomination of the Councillors under clause (*c*) of sub-section (*1*) of section 9 shall be made in the prescribed manner.

(*3*) The meeting called under sub-section (*1*) shall be presided over by the Collector or such officer as the Collector may by order in writing appoint in this behalf. The Collector or such officer when presiding over such meeting shall have the same powers as the President of the *Zilla Parishad* when presiding over a meeting of the *Zilla Parishad* has, but shall have no right to vote :

Provided that, notwithstanding anything contained in this Act, for regulating the procedure at meetings (including the quorum required thereat), the Collector or the officer presiding over such meeting may, for reasons which in his opinion are sufficient, refuse to adjourn such meeting.

(*4*) While nominating the Councillors, the Collector shall take into account the relative strength of recognized parties or registered parties or groups and nominate Councillors, as nearly as may be, in proportion to the strength of such parties or groups in the *Zilla Parishad* after consulting the leader of each such party or group:

1 These words were substitued for the words "six years" by Mah. 4 of 1992, s. 2.

2 The words "or of a Co-operative Society" were deleted by Mah. 21 of 1994, s. 35(*1*)(*a*).

3 The second, third and fourth provisos were deleted by Mah. 21 of 1994, s. 35(*1*)(*b*). 4 This sub-section was substituted for sub-sections (*3*) to (*7*), by Mah. 21 of 1994, s. 35(*2*). 5 Sub-section (*4*) was added by Mah. 17 of 2026 , s. 3.

6 Section 10-1A was inserted by Mah. 17 of 2026, s. 4.

Provided that, for the purpose of deciding the relative strength of the recognized parties or registered parties or groups under this sub-section, the recognized parties or registered parties or groups, or elected Councillor not belonging to any such party or group, may, notwithstanding anything contained in the Maharashtra Local Authority Members Disqualification Act, 1986 (Mah. XX of 1987), within a period of not more than three months from the date of notification of election results, form the *aghadi* or front, and, on its registration, the provisions of the said Act shall apply to the members of such *aghadi* or front, as it is a pre-poll *aghadi* or front.

(*5*) The names of the nominated Councillors shall also be published by the State Election Commission in the *Official Gazette*.]

1**[10A. Manner of voting.—** The voting at an election of the Councillors shall be by ballot or by electronic voting machine and no votes shall be received by proxy.]

11. Commencement of term of office of Councillors.— (*1*) The term of office of Councillors elected at a general election shall be deemed to commence on the date of the first meeting of the *Zilla Parishad*.

(*2*) The first meeting of a *Zilla Parishad* shall be held 2[by the Collector, as soon as may be after the publication of the names of the elected members under sub-section (*2*) of section 9; and such date shall not—

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

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

3* * * *

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12. Division of District into electrol divisions.— (*1*) 5[The State Election Commission shall, for the purposes of election of Councillors divide every District] into electoral divisions (the territorial extent of any such division not being out side the limits of the same Block), each returning one Councillor, and there shall be a separate election for each electoral division :

6[Provided that, such electoral division shall be divided in such a manner that the ratio between the population of each electoral division and the total number of Councillors to be elected for the *Zilla Parishad* shall, so far as practicable, be the same through out the *Zilla Parishad* area:]

7[Provided further that, while distributing such electoral divisions among the *Panchayat Samitis*, not less than two electoral divisions shall be allotted to each *Panchayat Samiti*.]

8[(*2*)(*a*) In the seats to be filled in by election in a *Zilla Parishad* there shall be seats reserved for persons belonging to the Scheduled Castes, 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 *Zilla Parishad* shall bear, as nearly as may be, the same proportion to the

1 Section 10A was inserted by Mah. 20 of 2005, s. 5.

2 This portion was substituted for the portion beginning with the words “on such date” and ending with the word and figure “section 9” by Mah. 21 of 1994, s. 36(*1*)(*a*).

3 The proviso was deleted by Mah. 21 of 1994, s. 36(*1*)(*b*).

4 Sub-section (*3*) was deleted by Mah. 21 of 1994, s. 36(*2*).

5 This portion was substituted for the portion beginning with the words “For the” and ending with the word “divided” by Mah. 21 of 1994, s. 37(*1*)(*a*).

6 This proviso was added by Mah. 21 of 1994, s. 37(*1*)(*b*).

7 This proviso was added by Mah. 4 of 2002, s. 3, *w.e.f*. 31-10-2001.

8 These sub-sections were substituted for sub-sections (*2*), (*2A*), (*3*) and (*4*) by Mah. 21 of 1994, s. 37(*2*).

total number of seats to be filled in by direct election in that *Zilla Parishad* as the population of the Scheduled Castes or as the case may be the Scheduled Tribes in that *Zilla Parsishad* area bears to the total population of that area and such seats shall be allotted by rotation to different electoral division in a *Zilla Parishad*:]

1[Provided that, in a *Zilla Parishad* 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 *Zilla Parishad*:

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

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

(*c*) the seats to be reserved for persons belonging to the category of Backward Class of citizens shall be 27 per cent. of the total number of seats to be filled in by election in a *Zilla Parishad* and such seats shall be allotted by rotation to different electoral divisions in a *Zilla Parishad* :

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

Provided further that, the reservation for the persons belonging to the Backward Class of citizens in a *Zilla Parishad* falling only partially in the Scheduled Areas shall be in accordance with the provisions of clause (*c*)] :

5[Provided also that] 6[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*) 7[one-half] (including the number of seats reserved for women belonging to the Scheduled Castes, Scheduled Tribes and the category of Backward Class of citizens) of the total number of seats to be filled in by direct election in a *Zilla Parishad* shall be reserved for women and such seats shall be allotted by rotation to different electoral divisions in a *Zilla Parishad*.

(*3*) 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 lndia.

8**[12A. Person contesting election for reserved seat to submit Caste Certificate and Validity Certificate.—** Every person desirous of contesting election to a seat reserved for Schedule Castes, Schedule Tribes or, as the case may be, Backward Class of citizens, shall be required to submit, alongwith the nomination papers. 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)].

9[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

1 These provisos were inserted by Mah. 20 of 1997, s. 3(*a*)(*i*).

2 These words were substituted for the words "Provided that" by Mah. 20 of 1997, s. 3(*a*)(*ii*).

3 These words were substituted for the words "one-third of the total number of seats" by Mah. 19 of 2011, s. 4(*a*). 4 These provisos were inserted by Mah. 20 of 1997, s. 3(*b*)(*i*).

5 These provisos were inserted by Mah. 20 of 1997, s. 3(*b*)(*i*).

6 These words were substituted for the words "one-third of the total number of seats" by Mah. 19 of 2011, s. 4(*b*). 7 These words were substituted for the words "one-third" by Mah. 19 of 2011, s. 4(*c*).

8 Section 12A was inserted by Mah. 37 of 2006, s. 5.

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

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 Councillor.]

13. List of Voters.— (*1*) The electroral roll of the Maharashtra Leigislative Asseembly 1[(excluding the last part thereof as is referred to in sub-rule (*2*) of rule 5 of the Registration of Electors Rules, 1960 made under the Representation of the People Act, 1950 (XLIII of 1950))] prepared under the provisions of the Representation of the People Act, 1950 (XLIII of 1950), and in force on such day as the 2[State Election Commission] may by general or special order notify in this behalf for such part of the constituency of the Assembly as is included in an electoral division, shall be the list of voters, for such electroal division.

3[(*1A*) Notwithstanding anything in this Act, or in any other law for the time being in force, in respect of a presiding authority who by reason of his office is provided with residential accommodation or house-rent in lieu thereof by or under the provisions of this Act and who ceases to be ordinarily resident during his term of office in any electoral division in the Disirict by reason of his absence therefrom in connection with his duties as such authority, but is ordinarily resident in any place outside the District of the *Zilla Parishad* in respect of which he is such authority and in consequence whereof his name is not in the list of voters for any electoral division in the District, then, in such case, the 4[State Election Commission] shall amend the list of voters so as to enable such presiding authority to be registered in the electrol division which but for holding such office he would have been ordinarily resident. The manner in which the list of voters shall be amended for the purposes aforesaid, and all matters supplementary, consequential and incidental thereto shall be as are provided by rules made in this behalf.]

(*2*) The office designated by the 5[State Election Commissioner] in this behalf shall maintain a list of voters for each electoral division.

14. Date of election.—6[(*1*) An election to constitute a *Zilla Parishad* shall be completed—

(*a*) before the expiry of its duration specified in sub-section (*2*) of section 10, on such date or dates as the State Election Commission may appoint in his behalf;

(*b*) in the case of dissolved *Zilla Parishad*, before the expiration of a period of six months from the date of dissolution :

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

(*c*) in the case of fresh election, if required to be held, under sub-section (*2*) of section 27, on such date, as soon as may be practicable, as may be fixed by the State Election Commission.]

1 This portion was inserted by Mah. 22 of 1962, s. 3.

2 These words were substituted for the words "State Government" by Mah. 21 of 1944, s. 38(*1*). 3 Sub-section (*1A*) was inserted by Mah. 34 of 1966, s. 2.

4 These words were substituted for the word "Collector" by Mah. 21 of 1994, s. 38(*2*).

5 These words were substituted for the word "Collector" by Mah. 21 of 1994, s. 38(*3*). 6 Sub-section (*1*) was substituted by Mah. 21 of 1994, s. 39.

[1][(*2*) The State Government shall make rules for the conduct of such elections and the election shall be conducted in accordance with those rules.

(*3*) The decision of a Returning Officer accepting or rejecting the nomination papers shall be final and it shall not be called in question in any Court.]

15. Persons qualified to be elected.— Every person [2][who is not less than twenty-one years of age on the last date fixed for making nominations for every general election or by-election and] whose name is in the list of voters of any electoral division in a District, shall, unless disqualified under this Act or under any other law for the time being in force, be qualified to be elected, and every person [3][who is not of twenty-one years of age as aforesaid and] whose name is not in such list shall not be qualified to be elected from any electoral divisions of that District.

[4][**15A. Vacation of seats.—** If a person is elected to more than one seat in a *Zilla Parishad*, then, unless within the prescribed time he resigns all but one of the seats by writing under his hand addressed to the [5][State Election Commission] or any officer authorised by him in this behalf, all the seats shall become vacant.]

[6][**15B. 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 Councillor or for contesting an election for being a Councillor 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.]

16. Disqualifications.— (*1*) Subject to the provisions of sub-section (*2*), a person shall be disqualified for being chosen as, and for being, a Councillor—

(*a*) if, whether before or after the commencement of this Act, he has been convicted or has, in proceeding for questioning the validity or regularity of an election, been found to have been guilty, of—

(*i*) any corrupt practice under section 27 or section 28 entailing disqualification for membership of a *Zilla Parishad* or a *Panchayat Samiti*, unless such period as is mentioned in the decision of the Judge under section 27 or as provided by section 28 has elapsed;

[7]* * * * *

(*iii*) any corrupt practice entailing disqualification for membership of any local authority constituted or established, by or under any law for the time being in force, unless the period of disqualification has elapsed or the disqualification is removed under such law;

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

1 These sub-sections were substituted by Mah. 5 of 2026, s. 2.

2 These words were inserted by Mah. 14 of 1990, s. 3(*a*).

3 These words were inserted by Mah. 14 of 1990, s. 3(*b*).

4 Section 15A was inserted by Mah. 35 of 1963, s. 5.

5 These words were substituted for the word "Collector" by Mah. 21 of 1 994, s. 40. 6 This section was inserted by Mah. 16 of 2010, s. 4.

7 Sub-clause (*ii*) was deleted by Mah. 21 of 1994, s. 41(*1*).

8 Clause (*a-1*) was inserted by Mah. 21 of 1994, s. 41(*2*).

Provided that, no person shall be disqualified on the ground that he is less than 25 years of age, if he has attained the age of 21 years;]

(*b*) if, whether before or after the commencement of this Act, he has been convicted by a court in India of any offence and sentenced to imprisonment for not less than one year, unless a period of five years, or such lesser period as the State Government may allow in any particular case, has elapsed since his release; or

(*c*) if, having held any office under any Government or local authority, he 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*) if he has been removed from office under section 39 and a period of five years, or such lesser period as the State Government may notify in any particular case, has not elapsed from the date of such removal; or

(*e*) if he is of unsound mind and stands so declared by a competent court; or

(*f*) if he is an undischarged insolvent; or

(*g*) if he is deaf-mute; or

(*h*) if he holds any office of profit under a *panchayat* or *Zilla Parishad* or under or in the gift of the Government; or

(*i*) if he has directly or indirectly by himself or by his partner any share or interest in any work done by order of the *Zilla Parishad* or in any contract with, by or on behalf of, the *Zilla Parishad*; or

(*j*) if he has directly or indirectly by himself or by his partner any share or interest in any transaction of loan of money advanced to, or borrowed from, the *Zilla Parishad*; or

(*k*) if he has failed to pay any tax or fee due to any *Panchayat* in the District or to the *Zilla Parishad* within six 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;

(*l*) if he is not a citizen of India, or has voluntarily acquired the citizenship of a foreign State, or is under any acknowledgement of allegiance or adherence to a foreign State;

[1][(*m*) if he is a member of the State Legislature or of Parliament or of any Municipal Council or Cantonment Board constituted or established by or under any law for the time being in force;

[2]* * * * * *]

[3][(*n*) If he has more than two children;]

[4][(*o*) If he has been disqualified by the State Election Commission under section 15B;]

[5][(*p*) he has failed to submit a certificate of the concerned *panchayat*, alongwith a resolution of the *Gram Sabha*[6][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 :

1 Clause (*m*) was inserted by Mah. 6 of 1975, s. 5.

2 Proviso to clause (*m*) was deleted by Mah. 21 of 1994, s. 41(*3*). 3 Clause (*n*) was added by Mah. 44 of 2000, s. 3(*a*).

4 This clause was inserted by Mah. 16 of 2010, s. 5.

5 This clause was inserted by Mah. 33 of 2010, s. 3.

6 This word were inserted by Mah. 28 of 2017, s. 3.

[1][Provided that, no Councillor shall be disqualified under this clause, if he submits such certificate to the Chief Executive Officer within a period of one year from the 10th January 2011, being the date of commencement of the Bombay Village Panchayats and Maharashtra Zilla Parishads and Panchayat Samitis (SecondAmendment)Act, 2010 (Mah. XXXIII of 2010)] :

[2][Provided further that, nothing contained in this clause shall affect the Councillor holding office on the 10th January 2011, who has not submitted the certificate within a period of ninety days from the said date, as required under the provisions of this Act, as amended by the Bombay Village *Panchayats* and Maharashtra Zilla Parishads and Panchayat Samitis (Second Amendment) Act, 2010 (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.]

[3][*Explanation*.— For the purpose of clause (*k*) of this sub-section, failure to pay any tax or fee due to any *Panchayat* in the District or to the *Zilla Parishad* 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 the members of such undivided Hindu family, or, as the case may be, all the members of such group of unit.]

[4][(*1A*) A person who at any time during the term of his office is disqualified under the Maharashtra Local Authority Members' Disqualification Act, 1986 (Mah. XX of 1987), for being a councillor shall cease to hold office as such councillor.].

(*2*) Notwithstanding anything contained in sub-section (*1*)—

(*a*) a disqualification under clause (*a*) or clause (*b*) of that sub-section shall not, in the case of a person who becomes so disqualified by virtue of a declaration or conviction and sentence and is at the date of the disqualification a Councillor, take effect until three months have elapsed from the date of such disqualification, or if within these three months an appeal or petition for revision is brought in respect of the conviction or sentence, until that appeal or petition is disposed of; [5]* *

[6][(*aa*) a person shall not be disqualified under clause (*h*) of that sub-section by reason only of such person holding the office of Chairman or member of the committee of any co-operative society (which is registered or deemed to be registered under any law for the time being in force relating to the registration of co-operative society) to which appointment is made by the State Government, or the office of liquidator or joint liquidator to which appointment is made by the Registrar of Co-operative Societies, or the office of nominee of the Registrar whether appointed individually or to a board of nominees;]

(*b*) a person shall not be disqualified under clause (*i*) of that sub-section by reason only of such person—

(*i*) having share in any joint stock company or a share or interest in any co-operative society which may contract with or be employed by or on behalf of the *Zilla Parishad*; or

(*ii*) having a share or interest in any newspaper in which any advertisement relating to the affairs of the *Zilla Parishad* may be inserted; or

(*iii*) holding a debenture or being otherwise concerned in any loan raised by or on behalf of the *Zilla Parishad*; or

(*iv*) being professionally engaged on behalf of the *Zilla Parishad* as a legal practitioner; or

1 This proviso was substituted by Mah. 39 of 2011, s. 3(*a*).

2 This proviso was added by Mah. 39 of 2011, s. 3(*b*).

3 This *Explanation* was added by Mah. 43 of 1962, s. 4(*a*).

4 Sub-section (*1A*) was inserted by Mah. 10 of 1987, s. 11, Schedule.

5 The word "and" was deemed always to have been deleted by Mah. 23 of 1963, s. 5(*1*).

6 Clause (*aa*) was deemed always to have been inserted by Mah. 23 of 1963, s. 5(*2*).

[1][(*v*) having any share or interest in any lease for a period not exceeding fifty years, of any immovable property or in any agreement for the same; and before such lease or agreement is executed, the Collector certifies that no other suitable premises were available to the *Zilla Parishad* on lease; or

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

(*vii*) having a share or interest in the occasional letting out on hire to the *Zilla Parishad* or in the hiring from the *Zilla Parishad* of any article for an amount not exceeding in any financial year fifty rupees or such higher amount not exceeding five hundred rupees as the *Zilla Parishad* with the sanction of the State Government may fix in this behalf];

(*c*) a person shall not be disqualified under clause (*i*) or (*j*) of that sub-section by reason only of such person having a share or interest in any transaction of loan given, or grant made, by or on behalf of the *Zilla Parishad* (such share or interest being acquired, while he holds the office of a Councillor, in accordance with the rules prescribed by the State Government);

(*d*) a person shall not be disqualified under clause (*k*) of sub-section (*1*) for being chosen as a Councillor if on the date of filing of his nomination paper, on a demand being made in that behalf he is not in arrears of any tax or fee due to any *panchayat* in the District or to the *Zilla Parishad*;

[2][(*e*) a person shall not be disqualified under clause (*n*) of sub-section (*1*) for being chosen as, or for being, a Councillor, if he is 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 2000) (hereinafter in this clause referred to as "the date of such commencement"), so long as the number of children he had on the date of such commencement does not increase :

Provided 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 clause (*n*) of sub-section (*1*).

Explanation.— For the purposes of clause (*n*) of sub-section (*1*) and clause (*e*) of this sub-section,—

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

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

(*3*) For the purposes of sub-section (*1*), a person shall not be deemed to hold office of profit under any Government or local authority, by reason only that he receives compensatory allowance.

Explanation.— In sub-section (*3*), compensatory allowance shall mean such sum of money payable to the holder of an office of a Councillor by way of travelling allowance, daily allowance and such other allowance for the purpose of enabling him to recoup any expenditure incurred by him in performing the functions of that office.

[3]* * * *

17. Right to vote.— (*1*) No person who is not, and except as expressly provided by this Act, every person who is, for the time being entered in the list of voters of any electoral division shall be entitled to vote in that electoral division.

1 Sub-clauses (*v*) to (*vii*) were inserted by Mah. 35 of 1963, s. 6. 2 Clause (*e*) was added by Mah. 44 of 2000, s. 3(*b*).

3 Sub-sections (*4*) and (*5*) were deleted by Mah. 37 of 2006, s. 6.

(*2*) No person shall vote at an election in any electoral division, if he is subject to any disqualification referred to in clauses (*e*) and (*l*) of sub-section (*1*) of section 16.

(*3*) No person shall vote at any election in more than one electoral division, and if a person does so vote, his votes in all such electoral divisions shall be void.

(*4*) No person shall at any election vote in the same electoral division more than once, notwithstanding that his name may have been entered in the list of voters for that electoral division more than once; and if he does so vote, all his votes in that electoral division shall be void.

(*5*) No person shall vote at any election, if he is confined in a prison whether under a sentence of imprisonment or otherwise or is in the lawful custody of the police:

Provided that, nothing in this sub-section shall apply to a person subjected to preventive detention under any law for the time being in force.

18. List of voters to be conclusive evidence for determining right to vote or to be elected.— Subject to any disqualification incurred by a person, the list of voters, shall be conclusive evidence for the purpose of determining under sections 15 and 17 whether any person is qualified or is not qualified to vote, or as the case a may be, is qualified or is not qualified to be elected, at any election.

ELECTIONS AND ELECTION DISPUTES

19. Requisitioning of premises, vehicles, etc., for election purposes.— (*1*) If it appears to an officer authorised by the [1][State Election Commission] for conduct of elections under this Act (hereinafter referred to as "the requisitioning authority") that in connection with an election under this Act—

(*a*) any premises are needed or are likely to be needed for the purpose of being used as a polling station, or for the storage of ballot boxes after a poll has been taken, or

(*b*) any vehicle, vessel or animal is needed or is likely to be needed for the purpose of transport of ballot boxes to or from any polling station or transport of members of the police force for maintaining order during conduct of such election, or transport of any officer or other person for performance of any duties in connection with such election, the requisitioning authority may by order in writing requisition such premises,or as the case may be, such vehicle, vessel or animal and may make such further orders as may appear to it to be necessary or expedient in connection with the requisitioning:

Provided that, no vehicle, vessel or animal which is being lawfully used by a candidate or his agent for any purpose connected with the election of such candidate shall be requisitioned under this sub-section, until the completion of the poll at such election.

(*2*) The requisitioning shll be effected by an order in writing addressed to the person deemed by the requisitioning authority to be the owner or person in possession of the property, and such order shall be served in the manner prescribed by rules made by the State Government on the person to whom it is addressed.

(*3*) Whenever any property is requisitioned under sub-section (*1*), the period of such requisitioning shall not extend beyond the period for which such property is required for any of the purposes mentioned in that sub-section.

(*4*) In this section—

(*a*) "premises" means any land, building or part of a building and includes a hut, shed or other structure or any part thereof;

(*b*) "vehicle" means any vehicle used or capable of being used for the purpose of road transport, whether propelled by mechanical power or otherwise.

1 These words were substituted for the words "the State Government" by Mah. 12 of 1997, s. 3.

20. Payment of compensation.— (*1*) Whenever in pursuance of section 19 the requisitioning authority requisitions any premises, [1][the requisitioning authority shall pay] to the person interested compensation the amount of which shall be determined by the requisitioning authority by taking into consideration the following factors, that is to say—

(*i*) the rent payable in respect of the premises, or if no rent is so payable, the rent payable for similar premises in the locality;

(*ii*) if in consequence of the requisitioning of premises, the person interested is compelled to change his residence or place of business, the reasonable expenses (if any) incidental to such change :

Provided that, where any person interested being aggrieved by the amount of compensation so determined makes an application to the requisitioning authority within the time prescribed by rules made by the State Government for referring the matter to an arbitrator, the amount of compensation to be paid shall be such as the arbitrator appointed in this behalf by the requisitioning authority may determine:

Provided further that, where there is any dispute as to the title to receive the compensation or as to the apportionment of the amount of compensation, it shall be referred by the requisitioning authority to an arbitrator appointed in this behalf by the requisitioning authority for determination, and shall be determined in accordance with the decision of such arbitrator.

Explanation— In this sub-section, the expression 'person interested' means the person who was in actual possession of the premises requisitioned under section 19 immediately before the requisitioning or where no person was in such actual possession, the owner of such premises.

(*2*) Whenever in pursuance of section 19, the requisitioning authority requisitions any vehicle, vessel or animal, [2][the requisitioning authority shall pay] to the owner thereof compensation the amount of which shall be determined by the requisitioning authority on the basis of fares or rates prevailing in the locality for the hire of such vehicle, vessel or animal :

Provided that, where the owner of such vehicle, vessel or animal being aggrieved by the amount of compensation so determined makes an application within the time prescribed by rules made by the State Government to the requisitioning authority for referring the matter to an arbitrator, the amount of compensation to be paid shall be such as the arbitrator appointed in this behalf by the requisitioning authority may determine:

Provided further that, where immediately before the requisitioning, the vehicle or vessel was by virtue of a hire-purchase agreement in the possession of a person other than the owner, the amount determined under this sub-section as the total compensation payable in respect of the requisition shall be apportioned between that person and the owner in such manner as they may agree upon, and in default of agreement, in such manner as an arbitrator appointed by the requisitioning authority in this behalf may decide.

21. Power to obtain information.— The requisitioning authority may, with a view to requisitioning any property under section 19 or determining the compensation payable under section 20 by order, require any person to furnish to such authority as may be specified in the order such information in his possession relating to such property as may be so specified.

22. Power to entry into and inspection of premises, etc.— (*1*) Any person authorised in this behalf by the requisitioning authority may enter into any premises and inspect such premises and any vehicle, vessel or animal therein for the purpose of determining whether, and if so, in what manner, an order under section 19 should be made in relation to such premises, vehicle, vessel or animal, or with a view to securing compliance with any order made under that section.

1 These words were substituted for the words "the *Zilla Parishad* shall pay" by Mah. 10 of 1997, s. 8(*a*). 2 These words were substituted for the words "the *Zilla Parishad* shall pay" by Mah. 10 of 1997, s. 8(*a*).

(*2*) In this section the expressions 'premises' and 'vehicle' have the same meaning as in section 19.

23. Eviction from requisitioned premises.— (1) Any person remaining in possession of any requisitioned premises in contravention of any order made under section 19 may be summarily evicted from the premises by any officer empowered by the requisitioning authority in this behalf.

(*2*) Any officer so empowered may, after giving to any woman not appearing in public reasonable warning and facility to withdraw, remove or open any lock or bolt or break open any door of any building or do any other act necessary for effecting such eviction.

24. Release of premises from requisitioning.— (*1*) When any premises requisitioned under section 19 are to be released from requisitioning the possession thereof shall be delivered to the person from whom possession was taken at the time when the premises were requisitioned, or if there were no such person, to the person deemed by the requisitioning authority to be the owner of such premises and such delivery of possession shall be a full discharge of the requisitioning authority from all liabilities in respect of such delivery, but shall not prejudice any rights in respect of the premises which any other person may be entitled by due process of law to enforce against the person to whom possession of the premises is so delivered.

(*2*) Where the person to whom possession of any premises requisitioned under section 19 is to be given under sub-section (*1*) cannot be found or is not readily ascertainable or has no agent or any other person empowered to accept delivery on his behalf, the requisitioning authority shall cause a notice declaring that such premises are released from requisitioning to be affixed on some conspicuous part of such premises and on the notice board of the office of the *Mamlatdar*, *Mahalkari*, *Tahsildar*, or as the case may be, the *Naib Tahsildar.*

(*3*) When a notice is affixed on the notice board as provided in sub-section (*2*) the premises specified in such notice shall cease to be subject to requisitioning on and from the date of such affixing of the notice and be deemed to have been delivered to the person entitled to possession thereof; and the requisitioning authority or the *Zilla Parishad* shall not be liable for any compensation or other claim in respect of such premises for any period after the said date.

25. Penalty for contravention of any order regarding requisition.— If any person contravenes any order made under section 19 or section 21, he shall, on conviction, be punished with imprisonment for a term which may extend to one year or with fine, or with both.

26. Power to declare persons elected in certain contingencies.— If at any election after the counting of votes is completed, an equality of votes is found to exist between any candidates, and the addition of one vote will entitle any of those candidates to be declared elected, such officer as the [1][State Election Commission] may empower in this behalf shall forthwith decide between those candidates by lot, and proceed as if the candidate on whom the lot falls had received an additional vote.

27. Determination of validity of elections; enquiry by Judge: Procedure.— (*1*) If the validity of any election of a Councillor or the legality of any order made or proceedings held under section 26 is brought in question [2][by any candidate at such election or by] any person qualified to vote at the election to which such question refers [3][such candidate or person] may, at any time within fifteen days after the date of the declaration of the result of the election or the date of the order or proceeding, apply to the District Judge of the district within which the election has been held, for the determination of such question.

(*2*) An enquiry shall thereupon be held by a Judge, not below the rank of an Assistant Judge, appointed by the State Government either specially for the case, or for such cases generally; and such Judge may, after such enquiry as he deems necessary, pass an order confirming or amending the declared result of the election or the order of [4][the officer empowered by the [5][State Election

1 These words were substituted for the word "Collector" by Mah. 21 of 1994, s. 42.

2 These words were inserted by Mah. 35 of 1963, s. 7(*1*)(*a*).

3 These words were substituted for the words "such persons" by Mah. 35 of 1963, s. 7(*1*)(*b*).

4 These words were substituted for the words "the Collector or any officer empowered by him" by Mah. 43 of 1962, s. 5. 5 These words were substituted for the word "Collector" by Mah. 21 of 1994, s. 43.

Commission]], in that behalf under section 26, or setting the election aside. For the purposes of the said enquiry, the Judge may exercise any of the powers of a civil court, and his decision shall be conclusive. If the election is set aside, a date for holding a fresh election shall forthwith be fixed under section 14.

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

(*a*) in which the validity of the election of Councillors to represent the same electoral division is in question, shall be heard by the same Judge; and

(*b*) in which the validity of the election of the same Councillor elected to represent the same electoral division 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 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 election, committed a corrupt practice within the meaning of sub-section (*6*) 1[or submitted a false claim or a false caste certificate], he shall declare the candidate disqualified for the purpose of that election and of such fresh election as may be held under sub-section (*2*) and shall set aside the election of such candidate if he has been elected.

(*b*) If in any case to which clause (*a*) does not apply, the validity of an election is in dispute between two or more candidates, the Judge, after a scrutiny and computation of the votes recorded in favour of each candidate, is of opinion that in fact any candidate in whose favour the declaration is sought has received the highest number of the valid votes, the Judge shall after declaring the election of the returned candidate to be void declare the candidate in whose favour the declaration is sought, 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 unkown, in giving or obtaining it :

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

(*6*) Any of the corrupt practices specified in section 123 of the Representation of the People Act, 1951 (43 of 1951) shall be deemed to be corrupt practices for the purpose of this section subject to the following modification in the said section 123, that is to say,—

(*a*) in clause (*1*), in sub-clause (*B*), in the *Explanation*, the words and figures "and duly entered in the account of election expenses referred to in section 78" shall be deleted;

(*b*) in clause (*5*), for the words, figures and brackets "provided under section 25 or a place fixed under sub-section (*1*) of section 29 for the poll" the words "or any place fixed for poll in accordance with the provisions of rules made by the State Government in that behalf" shall be substituted;

(*c*) clause (*6*) shall be deleted;

1 These words were inserted by Mah. 34 of 2000, s. 5.

(*d*) [1][in clause (*7*), for the words "any person in the service of the Government" the words, brackets, letter and figures "any person in any District Service referred to in clause (*b*) of section 239 of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 (V of 1962) or from any person in the service of the Government" shall be substituted, and in item (*g*),] for the word "prescribed" the words "prescribed by rules made by the State Government in this behalf" shall be substituted.

(*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 sub-section (*2*) of section 12 or of section 14, or of an irregularity or informality not corruptly caused, the Judge shall not set aside the election.

(*8*) If the Judge sets aside an election under clause (*a*) of sub-section (*5*) he may, if he thinks fit, declare any person by whom any corrupt practice has been committed within the meaning of this section to be disqualified from being a member of any *Zilla Parishad* for a term of years not exceeding five and the decision of the Judge shall be conclusive :

Provided that, no such declaration shall be made unless such person has been given a reasonable opportunity to be heard.

[2]**[27-A. Bar to interference by Courts in electoral matters.—** No election to any *Zilla Parishad* shall be called in question except in accordance with the provisions of section 27; and no court other than the Judge referred to in that section shall entertain any dispute in respect of such election.]

28. Disqualification arising out of conviction and corrupt practices.— If any person—

(*a*) is convicted of an offence punishable with imprisonment under [3][section 153A, or section 171-E or section 171-F 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 [4][section 28A or section 35 or clause (*a*) of sub-section (*2*) of section 36] of this Act, or

(*b*) is, upon the trial of an election petition under section 27, found guilty of any corrupt practice,

he shall, for a period of [5][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 27, be disqualified from being elected, or from voting, at any election to a *Zilla Parishad* or *Panchayat Samiti*.

[6]**[28A. Promoting enmity between different classes in connection with election.—** Any person who in connection with an election under this Act promotes or attempts to promote on grounds of religion, race, caste, community or language feelings of enmity or hatred between different classes of citizens of India shall, on conviction, be punished with imprisonment for a term which may extend to three years, or with fine, or with both.

28B. Prohibition of public meetings on day before or on day of election.— (*1*) No person shall convene, hold or attend any public meeting within any electoral division within twenty-four hours before the date of commencement of the poll or on the date or dates on which a poll is taken for an election in that electoral division.

(*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 This portion was substituted for "in clause (*7*), in item (*g*)" by Mah. 35 of 1963, s. 7(*2*).

2 Section 27-A was inserted by Mah. 21 of 1994, s. 44.

3 This portion was substituted for "section 171-E or section 171-F of the Indian Penal Code" by Mah. 9 of 1972, s. 4(*a*). 4 This portion was substituted for the word and figures "section 35" by Mah. 35 of 1963, s. 8.

5 These words were substituted for the words "five years" by Mah. 9 of 1972, s. 4(*b*).

6 Sections 28-A to 28-D were inserted by Mah. 35 of 1963, s. 9.

28C. Disturbances at election meetings.— (*1*) Any person who at a public meeting to which this section applies acts, or incites others to act, in a disorderly manner for the purpose of preventing the

transaction of the business for which the meeting was called together, shall, on conviction, be punished with fine which may extend to two hundred and fifty rupees.

(*2*) This section applies to any public meeting of a political character held in any electoral division between the date of the issue of a notification under this Act calling upon the electoral division to elect a Councillor or Councillors and the date on which such election is held.

(*3*) If any police officer reasonably suspects any person of committing an offence under sub-section (*1*), he may, if requested to do so by the chairman of the meeting, require that person to declare to him immediately his name and address, or if that person refuses or fails so to declare his name and address, or if the police officer reasonably suspects him of giving a false name or address, the police officer may arrest him without warrant.

28D. Restriction on printing of pamphlets, posters, etc.— (*1*) No person shall print or publish, or cause to be printed or published, any election pamphlet or poster which does not bear on its face the names and addresses of the printer and the publisher thereof.

(*2*) No person shall print or cause to be printed any election pamphlet or poster—

(*a*) unless a declaration as to the identity of the publisher thereof, signed by him and attested by two persons to whom he is personally known, is delivered by him to the printer in duplicate; and

(*b*) unless, within a reasonable time after the printing of the document, one copy of the declaration is sent by the printer, together with one copy of the document,—

(*i*) where it is printed in Greater Bombay, to the Commissioner of Police, Greater Bombay; and

(*ii*) in any other case, to the District Magistrate of the district in which it is printed.

(*3*) For the purposes of this section,—

(*a*) any process for multiplying copies of a document, other than copying it by hand, shall be deemed to be printing and the expression "printer" shall be construed accordingly; and

(*b*) 'election pamphlet or poster' means any printed pamphlet, hand-bill or the other document distributed for the purpose of promoting or prejudicing the election of a candidate or group of candidates or any placard or poster having reference to an election, but does not include any hand-bill, placard or poster merely announcing the date, time, place and other particulars of an election meeting or routine instructions to election agents or workers.

(*4*) Any person who contravenes any of the provisions of sub-section (*1*) or sub-section (*2*) shall, on conviction, be punished with fine which may extend to five hundred rupees.]

29. Prohibition of canvassing in or near polling stations.— (*1*) No person shall, on the date or dates on which a poll is taken at 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 hundered yards of the polling station, namely :—

(*a*) canvassing for votes; or

(*b*) soliciting the vote of any voter; or

(*c*) persuading any voter not to vote for any particular candidate; or

(*d*) persuading any voter not to vote at the election; or

(*e*) exhibiting any notice or sign (other than an official notice) relating to the election.

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

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

30. Penalty for disorderly conduct in or near polling stations.— (*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 loudspeaker; or

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

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

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

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

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

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

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

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

32. Maintenance of secrecy of voting.— (*1*) 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 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.

33. Officers, etc., at elections not to act for candidates or influence voting.— (*1*) No person who is a returning officer or a presiding or polling officer at an election or an officer or 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.

[1][**33A. Penalty for illegal hiring or procuring of conveyances at elections.—** If any person is guilty of any corrupt practice which is deemed to be a corrupt practice under sub-section (*6*) of section 27 and specified in sub-section (*5*) of section 123 of the Representation of the People Act, 1951 (XLII of 1951), at or in connection with an election, he shall be punished with fine which may extend to two hundred and fifty rupees.]

34. 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 other persons appointed to perform any duty in connection with the maintenance of list of voters, the receipt of nominations or withdrawal of candidatures, or the recording or counting of votes at an election and the expression 'official duty' shall, for the purposes of this section, be construed accordingly, but shall not include duties imposed otherwise than by or under this Act.

35. Removal of ballot papers from polling station 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 a police officer by the presiding officer, or when the search is made by a police officer, shall be kept by such officer in safe custody.

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

36. Other offences and penalities 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

1 Section 33A was inserted by Mah. 35 of 1963, s. 10.

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

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

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

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

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

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

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

37. Prosecution regarding certain offences.— (*1*) If the [1][State Election Commission] has reason to believe that any offence punishable under section 33 or under section 34 or under clause (*a*) of sub-section (*2*) of section 36 has been committed in reference to any election to a *Zilla Parishad* within the Distict, it will be the duty of the [2][State Election Commission] to cause such inquiries to be made, and such prosecutions to be instituted, as the circumstances of the case may appear to him to require.

(*2*) No court shall take cognizance of any offence punishable under any of the aforesaid provisions unless there is a complaint made by order of, or under authority from, the [3][State Election Commission].

RESIGNATION,REMOVAL,CASUAL VACANCIES OF COUNCILLORS, ETC.

38. Resignation of Councillors.— Any Councillor who is elected [4]* * may resign his office by writing under his hand addressed to the President, and the President may resign his office of Councillor by giving similar [5][notice to the Commissioner; and the office of the Councillor shall thereupon become vacant.] [6][The notice shall be delivered in the manner prescribed.]

39. Removal of Councillors for misconduct, etc.— The State Government may, if it thinks fit, on the recommendation of the *Zilla Parishad* supported by [7][not less than two-third of the number of Councillors] present and voting, remove any Councillor if he has been guilty of misconduct in the discharge of his duties, or of any disgraceful conduct, or has become incapable of performing his duties as a Councillor :

Provided that, no such Councillor shall be removed from office unless he has been given reasonable opportunity to furnish his explanation.

1 These words were substituted for the word "Collector" by Mah. 21 of 1994, s. 45.

2 These words were substituted for the word "Collector" by Mah. 21 of 1994, s. 45.

3 These words were substituted for the word "Collector" by Mah. 21 of 1994, s. 45.

4 The words "or co-opted" were deleted by Mah. 21 of 1994, s. 46.

5 This portion was substituted for the portion beginning with the words "notice to the Commissioner" and ending with the words "State Government" by Mah. 35 of 1963, s. 11.

6 These words were substituted for the portion beginning with the words "The notice shall" and ending with the words "in that behalf" by Mah. 43 of 1964, s. 2.

7 These words were substituted for the words "two-thirds of the number of Councillors" by Mah. 43 of 1962, s. 6.

40. Disqualification of Councillors during term of office.— (*1*) Subject to the provisions of sub-section (*2*) of section 62, if any Councillor during the term of his office—

(*a*) becomes disqualified under sub-section (*1*) [1][or (*4*)] of section 16, or

(*b*) is, for a period of six consecutive months (excluding in the case of the presiding authority the period of leave duly sanctioned) without the permission of the *Zilla Parishad*, absent from meetings thereof [2][or is absent from such meeting for a period of twelve consecutive months], the office of such Councillor shall, notwithstanding anything contained in clause (*c*) [3]* * * * * of sub-section (*1*) of section 9, become vacant.

[4]* * * * * *

[5][(*2*) If any question whether a vacancy has occurred under this section is raised either by the Commissioner *suo motu* or on an application made to him by any person in that behalf, the Commissioner shall decide the question [6][as far as possible] within ninety days from the date of receipt of such application; and his decision thereon shall be final. Until the Commissioner decides that the vacancy has occurred, the Councillor shall not be disabled from continuing to be a Councillor:

Provided that, no decision shall be given against any Councillor without giving him reasonable opportunity of being heard.]

41. Casual vacancies how to be filled up.— In the event of a vacancy occurring on account of death, resignation, disqualification, or removal of a Councillor or through a Councillor becoming incapable of acting previous to the expiry of his term of office or otherwise, [7][the Deputy Chief Executive Officer] shall forthwith communicate the occurrence to the [8][State Election Commission] and the vacancy shall be filled as soon as conveniently may be, by the election,[9]* * * * of a person, thereto, who shall hold office so long only as the Councillor in whose place he is elected [10]* * would have held it, if the vacancy had not occurred :

Provided that, notwithstanding anything contained in section 9, if the vacancy occurs within six months preceding the date on which the term of office of the Councillor expires, the vacancy shall not be filled.

[11]* * * * * * *

PRESIDENT AND VICE-PRESIDENT

[12][42. Election of President and Vice-President.— (*1*) Every *Zilla Parishad* shall be presided over by a President, who shall, subject to the provisions of sub-section (*2*), [13][and (*3*)] be elected [14][by, and from amongst, the elected Councillors of the *Zilla Parishad*.] The *Zilla Parishad* shall also likewise elect one of its elected Councillor to be the Vice-President.

1 The word, brackets and figure were inserted by Mah. 34 of 2000, s. 6.
2 These words were added by Mah. 21 of 1968, s. 3(*a*).
3 The words, brackets and letters "or clause (*d*)" were deleted by Mah. 21 of 1994, s. 3(*b*).
4 The proviso was deleted by Mah. 6 of 1975, s. 6.
5 Sub-section (*2*) was substituted by Mah. 35 of 1964, s. 12.
6 These words were inserted by Mah. 43 of 1964, s. 3.
7 These words were substituted for the words "the President" by Mah. 21 of 1968, s. 4.
8 These words were substituted for the word "Collector" by Mah. 21 of 1994, s. 47(*1*).
9 The words "or as the case may be, co-option" were deleted by Mah. 21 of 1994, s. 47(*2*).
10 The words "or co-opted" were deleted by Mah. 21 of 1994, s. 47(*3*).
11 The second and third provisos were deleted by Mah. 21 of 1994, s. 47(*4*).
12 Section 42 was substituted by Mah. 1 of 1993, s. 2.
13 This word, brackets and figure were substituted for the brackets, figures and word "(*3*) and (*4*)" by Mah. 21 of 1994, s. 48(*1*)(*a*).
14 These words were substituted for the words "by the *Parishad* from amongst its elected, Councilors" by Mah. 21 of 1994, s. 48(*1*)(*b*).

(*2*) No Councillor [1]*** shall be or shall continue to be, President or Vice-President if he has held any such office of the President or Vice-President of any *Zilla Parishad* for a period of more than ten years in the aggregate.

(*3*) If a Councillor,—

(*a*) is a Chairman of any specified Co-operative society or of any labour contract Co-operative society and is elected as President or Vice-President; or

(*b*) is a President or Vice-President and is elected as Chairman of any such Co-operative society as aforesaid;

then such Councillor shall intimate in writing his option within seven days of his election as such President or Vice-President or, as the case may be, Chairman of such Co-operative society, to the Collector as to which of the offices he wishes to continue or accept; and thereupon the office which he does not wish to serve shall, notwithstanding anything contained in this Act or in the Maharashtra Co-operative Societies Act, 1960 (Mah. XXIV of 1961), or the rules made thereunder or the bye-laws of any society, become vacant. An intimation so given shall be, irrevocable. In default of such intimiation within the aforesaid period, the office to which he is so elected shall become vacant.

[2][(*4*) There shall be reservation in the office of the President in the *Zilla Parishad* for the members belonging to the Scheduled Castes, the Scheduled Tribes, the category of Backward Class of citizens and women as follows :—

(*a*) the number of offices of Presidents to be reserved for the Scheduled Castes and the Scheduled Tribes in the *Zilla Parishads* shall bear as nearly as may be, the same proportion to the total number of such offices in the *Zilla Parishads* as the population of the Scheduled Castes in the State or of the Scheduled Tribes in the State [3][excluding the population of the Scheduled Tribes in a *Zilla Parishad* comprising entirely the Scheduled Areas] bears to the total population of the State:

[4][Provided that, the office of the President of a *Zilla Parishad* comprising entirely the Scheduled Areas shall be reserved only for the persons belonging to the Scheduled Tribes:

Provided further that, the office of the President of a *Zilla Parishad* 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*):]

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

[7][Provided also that, in a *Zilla Parishad* 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 President shall be reserved only for the persons belonging to the Scheduled Tribes.]

[8][(*b*) the offices of Presidents 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 such offices in the *Zilla Parishads* and the total reservation shall not be more than 50 per cent. of the total seats in State:

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

1 The portion beginnig with the word "including" and ending with the figures "1992" was deleted by Mah. 21 of 1994, s. 48(*2*).

2 These sub-sections were substituted for sub-section (*4*) by Mah. 21 of 1994, s. 48(*3*).

3 These words were inserted by Mah. 20 of 1997, s. 4(*a*).

4 These provisos were added by Mah. 20 of 1997, s. 4(*b*).

5 These words were substituted for the words "Provided that" by Mah. 20 of 1997, s. 4(*c*).

6 These words were substituted for the words "one third of the total number of offices" by Mah. 19 of 2011, s. 5(*1*)(*a*).

7 This proviso was added by Mah. 27 of 2003, s. 5.

8 This clause was substituted by Mah. 19 of 2022, s. 5.

(*c*) [1][one-half] of total number of offices of Presidents (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 *Zilla Parishads* shall be reserved for women.

[2]* * * * * *

(*6*) The number of offices reserved as aforesaid shall be allotted by rotation to different *Zilla Parishads* in the prescribed manner.

[3][(*6A*) Every person desrious of contesting election to the office of the President reserved for the Scheduled Castes, Scheduled Tribes or, as the case may be, Backward Class of citizens, shall be required to submit alongwith the nomination paper, Caste Certificate issued by the Competent Authority and the Validity Certificate issued by the Scrutiny Committee in accordance with 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 President.]

(*7*) The reservation of offices of Presidents (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.]

[5]**[43. Term of office of President and Vice-President.—** (*1*) The term of office of the President and Vice-President shall be two and a half years.

[6][Provided that, the term of office of the President or Vice-President in office, on the date of commencement of the Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Act, 2022 (Mah. XLVI of 2022), may be extended upto three months by the State Government by an order published in the *Official Gazette* :

Provided further that, notwithstanding anything contained in the above proviso, the term of office of the President or Vice-President shall be co-terminus with the terms of offices of elected Councillors as provided in section 10.]

(*2*) Notwithstanding anything contained in sub-section (*1*), the term of office of the President and Vice-President in office on the 2nd March 2000, shall be as provided hereunder :—

(*a*) in case of the *Zilla Parishads* which have not completed one year since the first meeting after the general elections, the term of the Presidents and Vice-Presidents of such *Zilla Parishads* shall be two and a half years, each;

1 These words were substituted for the words “one third” by Mah. 19 of 2011, s. 5(*1*)(*c*). 2 Sub-section (*5*) was deleted by Mah. 19 of 2011, s. 5(*2*).

3 This sub-section was inserted by Mah. 5 of 2009, s. 5. 4 These provisos were substituted by Mah. 48 of 2025, s. 5.

5 Section 43 was substituted by Mah. 27 of 2000, s. 3.

6 These provisos were added by Mah. 46 of 2022, s. 2.

(*b*) in case of the *Zilla Parishads* which have completed the first year of their term but have not yet completed two years since their first meeting after the general elections, the term of the Presidents of such *Zilla Parishads* shall be two years, each; and

(*c*) in all other cases, the term of the Presidents who are in office on the said date shall be extended to, and co-terminus with, the term of office of the elected Councillors, as provided in section 10.]

[1]* * *

45. Procedure for election of President and Vice-President.— (*1*) On the constitution of a *Zilla Parishad* after a general election or otherwise, a meeting shall be called for the election of the President and Vice-President on the date fixed by the Collector under sub-section (*2*) of section 11.

(*2*) The meeting called under sub-section (*1*) shall be presided over by the Collector or such officer not below the rank of a Deputy Collector as the Collector may by order in writing appoint in this behalf. The Collector or such officer shall, when presiding over such meeting, have the same powers as the President when presiding over a meeting of the *Zilla Parishad* has, but shall not have the right to vote :

Provided that, notwithstanding anything contained in [2][sub-section (*2*) or (*10*) of section 111, the Collector or the officer presiding over such meeting may, for reasons recorded in writing which in his opinion are sufficient, refuse to adjourn such meeting, or as the case may be, adjourn such meeting.]

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

(*4*) In the event of a dispute arising as to the validity of the election of a President or Vice-President, [3][the Collector or the officer presiding over such meeting or any Councillor [4]* * * may within thirty days from the date of the election] refer the dispute to the Commissioner for decision. [5][An appeal against the decision of the Commissioner may, within thirty days from the date of such decision, be filed before the State Government.]

(*5*) After the election of the President and Vice-President, the *Zilla Parishad* may continue its meeting over which the President shall preside [6]* * * for transacting such other urgent business as the President may allow.

[7]* * * * *

46. Honorarium and other facilities to President.— (*1*) Subject to the provisions of sub-section (*2*) of section 47, there shall be paid to the President an honorarium of [8][five thousand rupees] per month.

(*2*) [9][The President may be provided without payment of rent the use of furnished residential accommodation or subject to such rules as the State Government may make in this behalf, such house rent allowance in lieu thereof as may be deemed suitable by the *Zill Parishad*] and shall be given such travelling and other allowances as may be prescribed by the State Government.

1 Section 44 was deleted by Mah. 21 of 1994, s. 49.

2 This portion was substituted for the portion beginning with "sub-section (*2*)" and ending with "adjourn such meeting" by Mah. 35 of 1963, s. 14(*1*).

3 These words and brackets were substituted for the words "the Collector shall" by Mah. 35 of 1963, s. 14(*2*). 4 The brackets and words "(not being Associate Councillor)" were deleted by Mah. 21 of 1994, s. 50(*1*).

5 These words were substituted for the portion beginning with the words "The decision of the Commissioner" and ending with the words "any such decision" by Mah. 35 of 1963, s. 14(*2*).

6 The words "for co-opting persons, if necessary, on the *Zilla Parishad* and" were deleted by Mah. 21 of 1994, s. 50(*2*)(*a*).

7 The proviso was deleted by Mah. 21 of 1994, s. 50.

8 These words were substituted for the words "one thousand and five hundred rupees" by Mah. 11 of 1994, s. 2. 9 This portion was deemed always to have been substituted for the portion begining with words "The President" and ending with the words "the *Zilla Parishad*" by Mah. 8 of 1966, s. 2.

(*3*) The President shall devote sufficient time and attention to the duties of his office.

(*4*) The President shall not be disqualified for being chosen as, or for being, a Councillor or a member of any committee by reason only that he is in receipt of an honorarium or of any allowances or amenities under this section.

[1]**[46-A. Sumptuary allowance to President.—** Subject to any rules made by the State Government in this behalf, there shall be placed at the disposal of the President, such sum not exceeding [2][six thousand rupees] per annum as the *Zilla Parishad* may decide, as sumptuary allowance.]

[3]**[46-B. Power to very ceiling on sumptuary allowance.—** Notwithstanding anything contained in section 46A, or any rules made thereunder, the State Government may, by order made in this behalf, from time to time, very the ceiling on sumptuary allowance payable per annum to the President.]

47. Leave of absence to President and consequential provisions.— (*1*) The President may remain absent for a period not exceeding thirty days in a year without permission, and he may be granted leave of absence for a period exceeding thirty days and not exceeding ninety days in a year in the aggregate by the Standing Committee and for any period exceeding ninety days by the State Government; but no leave exceeding one hundred and eighty days in any one year shall be granted.

(*2*) The President shall not be entitled to any honorarium during any period of absence exceeding thirty days in a year under sub-section (*1*).

(*3*) Nothing in sub-section (*2*) shall apply when a President is absent for a period not exceeding ninety days during his term of office on ground of illness duly certified by such medical authority as the State Government may specify in this behalf.

[4]**[47-A. Honorarium, other facilities including leave of absence to Vice-President and consequential provisions.—** (*1*) Subject to the provisions of sub-section (*5*), there shall be paid to VicePresident an honorarium of [5][four thousand rupees] per month.

(*2*) The Vice-President may be provided without payment of rent the use of furnished residential accommodation or subject to such rules as the State Government may make in this behalf, such house rent allowance in lieu thereof as may be deemed suitable by the *Zilla Parishad*, and shall be given such travelling and other allowances as may be prescribed by the State Government.

(*3*) The Vice-President shall not be disqualified for being chosen as, or for being a Councillor or a member of any committee by reason only that he is in receipt of an honorarium or of any allowances or amenities under this section.

(*4*) The Vice-President may remain absent for a period not exceeding thirty days in a year without permission, and he may be granted leave of absence for a period exceeding thirty days and not exceeding ninety days in a year in the aggregate by the Standing Committee and for any period exceeding ninety days by the State Government; but no leave exceeding one hundred and eighty days in any one year shall be granted.

(*5*) The Vice-President shall not be entitled—

(*a*) to any honorarium during any period of absence exceeding thirty days in a year under sub-section (*4*); and

(*b*) to any honorarium, allowances or other facilities including leave of absence, also as the Chairman of any of the Committees.

1 Section 46-A was inserted by Mah. 6 of 1975, s. 9.

2 These words were substituted for the words "two thousand rupees" by Mah. 46 of 1994, s. 2.

3 Section 46-B was inserted by Mah. 46 of 1994, s. 3.

4 Section 47-A was inserted by Mah. 10 of 1985, s. 3.

5 These words were substituted for the words "one thousand and two hundred rupees" by Mah. 11 of 1994, s. 3.

(*6*) Nothing in clause (*a*) of sub-section (*5*) shall apply when a Vice-President is absent for a period not exceeding ninety days during his term of office on ground of illness duly certified by such medical authority as the State Government may specify in this behalf.

Explanation.— For the removal of doubt it is hereby declared that the rules, if any, in force immediately before the 17th day of October 1984 in respect of the matters referred to in sub-section (*2*) as applicable to the Chairman of the Committees shall continue to apply to the Vice-President until fresh rules are made in that behalf.]

48. Resignation of President and Vice-President.— (*1*) The President may resign his office by writing under his hand addressed to the Commissioner, [1][and his office shall thereupon become vacant].

(*2*) The Vice-President may resign his office by writing under his hand addressed to the President, [2][and his office shall thereupon become vacant].

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

[4][49. Motion of no-confidence against President or Vice-President.—[5][(*1*) A President or a Vice-President shall cease to be the President or the Vice-President, as the case may be, if a motion of no-confidence is passed, at a special meeting of the *Zilla Parishad*, by [6][a majority of two-third] of the total number of elected Councillors who are for the time being entitled to sit and vote at any meeting of the *Zilla Parishad*, and the office of such President or a Vice-President, shall thereupon be deemed to be vacant :

[7][Provided that, where the office of the President being reserved for a woman, is held by a woman President, such motion of no-confidence shall be passed only by a majority of not less than three-fourth of the total number of the Councillors who are for the time being entitled to sit and vote at any meeting of the *Zilla Parishad* :]

[8][Provided further that], no such motion of no-confidence shall be brought within a period of six months from the date of the election of the President or the Vice-President, as the case may be.

(*2*) The requisition for such meeting shall be signed by not less than [9][one-third] of the total number of elected Councillors who are for the time being entitled to sit and vote at any meeting of the *Zilla Parishad* and shall be delivered to the Collector. The requisition shall be signed by the requisitionists and shall be made in such form and in such manner as may be prescribed by the State Government.]

(*3*) The Collector shall, within seven days from the date of receipt of the requisition under sub-section (*2*), convene a special meeting of the *Zilla Parishad*. The meeting shall be held on a date not later than thirty days from the date of issue of the notice of the meeting.

(*4*) The meeting shall be presided over by the Collector or such officer not below the rank of a Deputy Collector authorised by him in this behalf. The Collector or such officer shall, when presiding over such meeting have the same powers as the President when presiding over a *Zilla Parishad* meeting has but shall not have the right to vote.

(*5*) The meeting called under this section shall not, for any reason, be adjourned.

1 These words were substituted for the words "and the resignation shall take effect from such date as the Commissioner may specify in this behalf" by Mah. 35 of 1963, s. 15(*1*).

2 These words were substituted for the words "and the resignation shall take effect from such date as the President may specify in his behalf" by Mah. 35 of 1963, s. 15(*2*).

3 This sub-section was inserted by Mah. 43 of 1964, s. 5.

4 Section 49 was substituted for the original by Mah. 6 of 1975, s. 10.

5 Sub-sections (*1*) and (*2*) were substituted by Mah. 12 of 1996, s. 2(*1*).

6 These words were substituted for the words "a majority" by Mah. 27 of 2002, s. 4(*1*).

7 This proviso was inserted by Mah. 28 of 2003, s. 5(*a*).

8 These words were substituted for the words "Provided that" by Mah. 28 of 2003, s. 5(*b*).

9 These words were substituted for the words "one fifth" by Mah. 27 of 2000, s. 4(*2*).

(*6*) The names of the Councillors voting for and against the motion shall be read in the meeting and recorded in the minute book kept under sub-section (*13*) of section 111.

[1][(*7*) If the motion of no-confidence is not moved, or, as the case may be, is rejected, no fresh motion of no-confidence shall be brought before the *Zilla Parishad* within a period of [2][one year] from the date of the special meeting convened under sub-section (*3*).]]

50. Removal of President, or Vice-President.— Without prejudice to the provisions of section 49, a President or Vice-President may be removed from office by the State Government for misconduct in the discharge of his duties or neglect of, or incapacity to perform his duty or for being persistently remiss in the discharge thereof, or guilty of any disgraceful conduct; and the President or Vice-President so removed shall not be eligible for re-election as President or Vice-President during the remainder of the term of office of the Councillors :

Provided that, no such President or Vice-President shall be removed from office unless he has been given a reasonable opportunity to furnish an explanation.

51. Consequence of absence of President without leave.— Subject to rules made by the State Government in this behalf, a President who absents himself from duty for a period exceeding thirty days in the aggregate in a year without leave, shall cease to be the President.

52. Vacancies in office of President and Vice-President to be filled up.— (*1*) In the event of a vacancy in the office of President or Vice-President by reason of death, resignation, removal or otherwise, the vacancy shall, subject to the provisions of sections 42 and 50, be filled as conveniently as may be by election of a new President or VicePresident [3][who shall hold office only so long as the person in whose place he is elected would have held it, had the vacancy not occured]:

Provided that, if for any reason the office of the President and Vice-President become vacant simultaneously [4][or if the President and Vice-President are on leave together], the Chairman of a Subjects Committee chosen by lot drawn by the Chief Executive Officer in such manner as he deems fit shall, pending the election of the President [5][or as the case may be, until either the President or Vice-President resumes duty], exercise the powers and perform the duties of the President.

(*2*) Where on account of any of the reasons aforesaid, the [6][offices of the President and Vice-President or the office of either of them becomes vacant], the provisions of section 45 shall be applicable, so far as may be, to the calling of a meeting and the procedure to be followed at such meeting for the election of the President and Vice-President.

53. Penalty for refusal to hand over charge to new President or Vice-President.— (*1*) On the election of a new President or Vice-President, the outgoing President or Vice-President in whose place the new President or Vice-President has been elected shall forthwith hand over charge of his office to such new President or Vice-President, as the case may be.

(*2*) If the outgoing President or Vice-President fails or refuses to hand over charge of his office as required under sub-section (*1*), the State Government or any authority empowered by the State Government in this behalf may, by order in writing, direct the President or the Vice-President, as the case may be, to forthwith hand over charge of his office and all papers and property of the *Zilla Parishad*, if any, in his possession as such President or Vice-President, to the new President or Vice-President.

1 Sub-section (*7*) was substituted by Mah. 1 of 1993, s. 3(*2*).

2 These words were substituted for the words "six months" by Mah. 16 of 2001, s. 3.

3 These words were inserted by Mah. 34 of 1997, s. 3.

4 These words were inserted by Mah. 8 of 1966, s. 3(*1*)(*a*).

5 These words were inserted by Mah. 8 of 1966, s. 3(*1*)(*b*).

6 These words were substituted for the words "the office of the President becomes vacant, or the offices of the President and Vice-President become vacant simultaneously" by Mah. 6 of 1975, s. 11.

(*3*) If the outgoing President or Vice-President to whom a direction has been issued under sub-section (*2*) does not comply with such direction, the State Government may take steps to recover all papers and property of the *Parishad*, if any, in the possession of such President or Vice-President, and for that purpose the State Government may authorise any officer to issue a search warrant and exercise all such powers with respect thereto as may be lawfully exercised by a Magistrate under the provisions of Chapter

VII of the Code of Criminal Procedure, 1898 (V of 1898)[1]. The papers and property so recovered shall be handed over to the new President or the Vice-President, as the case may be.

(*4*) If the outgoing President or Vice-President to whom a direction has been issued under sub-section (*2*) does not comply with such direction, except for reasons beyond his control, he shall, on conviction, be punished with simple imprisonment for a term which may extend to one month or with fine which may extend to five hundred rupees, or with both.

54. Powers and functions of President.— (*1*) The President shall—

(*a*) convene, preside at, and conduct meetings of the *Zilla Parishad*;

(*b*) have access to the records of the *Zilla Parishad*;

(*c*) discharge all duties imposed, and exercise all the powers conferred, on him by or under this Act;

(*d*) watch over the financial and executive administration of the *Zilla Parishad* and submit to the *Zilla Parishad* all questions connected therewith which shall appear to him to require its orders; and

(*e*) exercise administrative supervision and control over the Chief Executive Officer for securing implementation of resolutions or decisions of the *Zilla Parishad* or of the Standing Committee, or of any Subjects Committee, or of any *Panchayat Samiti*.

(*2*) The President may in cases of emergency direct the execution or suspension or stoppage of any work or the doing of any act which requires the sanction of the *Zilla Parishad* or any authority thereof, and immediate execution or doing of which is, in his opinion, necessary for the service or safety of the public, and may direct that the expense of executing such work or doing such act shall be paid from the district fund.

[2][(*3*) If the execution or maintenance of any work or any development scheme is transferred or entrusted by the State Government to any *Zilla Parishad* by or under this Act, for the execution of which no provision exists in that behalf in the budget estimates of the *Zilla Parishad*, the President may, notwithstanding anything contained in this Act, direct the execution or maintenance of such scheme or work and may also direct that the expense in this behalf shall be paid from the district fund.]

[3][(*4*) The President shall report] forthwith the action taken under this section, and the full reasons therefor, to the *Zilla Parishad*, the Standing Committee and the appropriate Subjects Committee at their next meetings and the *Zilla Parishad*, or the Committee may amend or annul the direction made by the President.

55. Functions of Vice-President.— (*1*) The Vice-President shall—

(*a*) in the absence of the President, preside at the meetings of the *Zilla Parishad*;

(*b*) exercise such of the powers and perform such of the duties of the President as the President from time to time may, subject to the rules made by the State Government in this behalf, delegate to him by an order in writing; and

1 *See* now the Code of Criminal Procedure, 1973 (2 of 1974).

2 Sub-section (*3*) was inserted by Mah. 34 of 1966, s. 3(*1*).

3 This was substituted for the words "Provided that, he shall report" by Mah. 34 of 1966, s. 3(*2*).

(*c*) pendings the election of a President, or during the absence of the President [1][from the District, or by reason of leave for a period exceeding thirty days] exercise the powers and perform the duties of the President.

CHAPTER III

CONSTITUTION OF *PANCHAYAT SAMITIS*

56. Establishment of Panchayat Samitis.— For every Block, there shall be a *Panchayat Samitis*, and the *Panchayat Samiti* shall have all such functions as are vested in it by this Act, or otherwise.

57. Constitution of Panchayat Samitis.— [2][(*1*) Every *Panchayat Samiti* shall consist of,—

(*a*) members elected by direct one each from each electoral college in accordance with the provisions contained in section 58 and the rules in that behalf:

Provided that, the ratio between the population of the territorial area of a *Panchayat Samiti* and the number of seats in such *Panchayat Samiti* to be filled in by election shall, as far as practicable, be the same throughout the State;

(*b*) twenty per cent. of the total number of elected member or minimum one person, whichever is higher, having special knowledge or experience in respect of the administration of *Zilla Parishads* or *Panchayat Samitis* to be nominated by the Collector as nominated members:

Provided that, the nominated members referred to in clause (*b*) shall have no right to,—

(*i*) vote at any meeting of the *Panchayat Samiti* and committees of the *Panchayat Samiti*; and

(*ii*) get elected as a Chairman or Deputy Chairman of a *Panchayat Samiti* or Chairperson of any of the committees of the *Panchayat Samiti*.]

Provided that, the ratio between the population of the territorial area of a *Panchayat Samiti* and the number of seats in such *Panchayat Samiti* to be filled in by election shall, as far as practicable, be the same throughout the State.]

[3]* * * * * *

[4][(*3*)(*a*) [5][In general election, on the election of two-thirds or more of the number of members falling under [6]* * * of sub-section (*1*), the names of these members together with their permanent addresses shall be published by the [7][State Election Commission] at such time and in such manner as may be prescribed by the State Government; and upon such publication the *Panchayat Samiti* shall be deemed to be duly constituted. In determining two-thirds of the number of members, a fraction shall be ignored :]

Provided that, such publication shall not be deemed—

(*i*) to preclude the completion of the election in any Block [8][and the publication likewise by the [9][State Election Commission] of the names and permanent addresses of the elected members as and when they are available; or]

(*ii*) to affect the term of office of the members of the *Panchayat Samiti* under the Act].

[10]* * * * * *

1 These words were inserted by Mah. 35 of 1963, s. 17.

2 Sub-section (*1*) was substituted by Mah. 17 of 2026, s. 5.

3 Sub-sections (*2*) and (*2A*) were deleted by Mah. 4 of 2002, s. 4, *w.e.f.* 31-10-2004.

4 This sub-section was substituted for the original by Mah. 22 of 1962, s. 4.

5 This portion was substituted for the portion beginning with words "The names of members" and ending with the words "deemed to have been constituted" by Mah. 9 of 1972, s. 5(*a*).

6 The words, brackets and letter "clause (*f*) of" were deleted by Mah. 21 of 1994, s. 52(*2*)(*b*).

7 These words were substituted for the word "Collector" by Mah. 21 of 1994, s. 52(*2*)(*a*).

8 This portion was substituted for the word "or" by Mah. 9 of 1972, s. 5(*b*).

9 These words were substituted for the word "Collector" by Mah. 21 of 1994, s. 52(*2*)(*a*).

10 Clause (*b*) was deleted by Mah. 21 of 1994, s. 52(*2*)(*c*).

[1][(*3A*) If in the general election, less than two-thirds of the total number of members are elected then, the State Election Commission shall not publish the names and permanent addresses of such elected members :

Provided that, before coming into force of the Maharashtra Zilla Parishads and Panchayat Samitis (Second Amendment) Act, 2016 (Mah. XXV of 2016), where less than fifty per cent. of the total number

of members are elected and if the State Election Commission has published the names of such elected candidates, then such candidates shall have no right to claim and continue as members :

Provided further that, in such case, the State Election Commission shall hold the fresh election of such *Panchayat Samiti*.]

[2]* * * * * *

(*5*) The Block Development Officer shall be the Secretary, *ex-officio*, of the *Panchayat Samiti*.

58. Provisions regarding [3][electoral colleges,] disqualifications, elections and election disputes.—[4][(*1*) For the purposes of holding elections under [5]* * * sub-section (*1*), of section 57,—

[6][(*a*) each electoral division in the Block shall be divided into two colleges [7][by the State Election Commission, so however, that such colleges shall be divided in such manner that the ratio between the population of each electoral college and the total number of members to be elected for *Panchayat Samiti* shall, as far as practicable, be the same throughout *Panchayat Samiti* area].

[8]* * * * * *]]

[9][(*1A*)] The list of voters for each electoral division referred to in sub-section (*1*) of section 13 and in force on such date as the [10][State Election Commission] may, by general or special order notify in this behalf, for such part of the electoral division as is included in an electoral college, shall be the list of voters for such electoral college. An officer designated by the [11][State Election Commission] shall maintain the list of voters for each electoral college.

[12][(*1B*) (*a*) In the seats to be filled in by election in a *Panchayat Samiti*, there shall be seats reserved for persons belonging to the Scheduled Castes, Schedule Tribes, Backward Class of citizen 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 Samiti* 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 Samiti* as the population of the Scheduled Castes or, as the case may be, the Scheduled Tribes, in that *Panchayat Samiti* area bears to the total population of that area and such seats shall be allotted by rotation to different electoral colleges in a *Panchayat Samiti* :

[13][Provided that, in a *Panchayat Samiti* 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 Samiti*:

1 Sub-section (*3A*) was inserted by Mah. 25 of 2016, s. 3.
2 Sub-section (*4*) was deleted by Mah. 6 of 1975, s. 12(*2*).
3 These words were inserted by Mah. 10 of 1979, s. 10(*b*).
4 Sub-section (*1*) was substituted for the original by Mah. 6 of 1975, s. 13(*1*).
5 The words, brackets and letter "clause (*f*) of" were deleted by Mah. 21 of 1994, s. 53(*1*)(*a*).
6 These clauses were substituted for the original clause (*a*) by Mah. 10 of 1979, s. 10(*a*).
7 This portion was substituted for the portion beginning with the words "in accordance" and ending with the word "population" by Mah. 21 of 1994, s. 53(*1*)(*b*).
8 Clauses (*aa*), (*aa-1*), (*ab*) and (*a-c*) were deleted by Mah. 21 of 1994, s. 53(*1*)(*c*).
9 Clause (*b*) was re-numbered and re-lettered as sub-section (*1A*) by Mah. 21 of 1994, s. 53(*1*).
10 These words were substituted for the words "State Government" by Mah. 21 of 1994, s. 53(*1*)(*d*)(*i*).
11 These words were substituted for the word "Collector" by Mah. 21 of 1994, s. 53(*1*)(*d*)(*ii*).
12 Sub-sections (*1B*), (*1C*) and (*1D*) were inserted by Mah. 21 of 1994, s. 53(*2*).
13 These provisos were inserted by Mah. 20 of 1997, s. 5(*a*)(*i*).

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

[1][Provided also that], [2][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;

[3][(*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 Samiti* and the total reservation shall not be more than 50 per cent. of the total seats in the *Panchayat Samiti* and such seats shall be allotted by rotation to different electoral colleges in a *Panchayat Samiti* :

Provided that, in a *Panchayat Samiti* 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 the Scheduled Castes :

Provided further that, the reservation for the persons belonging to the Backward Class of Citizens in a *Panchayat Samiti* falling only partially in the Scheduled Areas shall be as per the provisons of this clause :

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

(*1C*) The reservation of seats (other than the reservation for women) under sub-section (*1B*) shall cease to have effect on the expiration of the period specified in article 334 of the Constitution of India.

(*1D*) An election to constitute a *Panchayat Samiti* shall be completed—

(*a*) before the expiry of its duration specified in sub-section (*1*) of section 59;

(*b*) in the case of dissolved *Panchayat Samiti* before the expiration of a period of six months from the date of dissolution :

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

(*c*) in the case of fresh election, if required to be held, under sub-section (*2*) of section 27 read with sub-section (*2*) of section 58, on such date, as soon as may be practicable, as may be fixed by the State Election Commission.]

[5][(*1E*)] The provisions of sections 14, 15, 15A, 16, 17 and 18 relating to the date of election, qualifications for being elected and disqualifications and the right to vote in the elections of Councillors of a *Zilla Parishad* shall apply in relation to the members of a *Panchayat Samiti* as they apply in relation to the Councillors of a *Zilla Parishad*, with the modification that—

(*a*) in section 15, for the words "electoral division" the words "electoral college", and for the word "District" the word "Block" shall be substituted;

1 These words were substituted for the words "Provided that" by Mah. 20 of 1997, s. 5(*a*)(*ii*).

2 These words were substituted for the words "one third of the total number of seats" by Mah. 19 of 2011, s. 6(*a*). 3 Clause (*c*) was substituted by Mah. 19 of 2022, s. 6.

4 These words were substituted for the words "one third" by Mah. 19 of 2011, s. 6(*c*).

5 Existing sub-section (*1A*) was re-numbered and re-lettered as sub-section (*1E*) by Mah. 21 of 1994, s. 53(*3*).

(*b*) in section 16, in clause (*d*) of sub-section (*1*), for the figures "39" the figures "61" shall be substituted;

(*c*) in section 17, for the words "electoral division", wherever they occur, the words "electoral college", and in sub-section (*3*) for the words "electoral divisions", the words "electoral colleges" shall be substituted.]

(*2*) The provisions of [1][2][sections 12A, 19 to 27,] 27A and 28] (both inclusive) and [3][28A to 28D (both inclusive), 29 to 33 (both inclusive), 33A and 34 to 37 (both inclusive)] relating to elections and election disputes and any rules made thereunder shall apply *mutatis mutandis*[4][in relation to election of members under [5]* * * sub-section (*1*) of section 57.]

[6]* * * * *

[7]**[58A. Manner of voting.—** The voting at an election of the members shall be by ballot or by electronic voting machine and no votes shall be received by proxy.]

[8]**[59. Term of office of members of *Panchayat Samiti*.—** (*1*) The term of office of members of a *Panchayat Samiti* shall, except as otherwise provided in this Act, be five years commencing on the date of the first meeting of the *Panchayat Samiti*.

[9]* * * * *

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

(*3*) The first meeting of a *Panchayat Samiti* shall be held on such date as may be fixed by the Collector or by an Officer, authorised by the Collector in this behalf by general or special order, as soon as may be, after the publication of the names of the members under sub-section (*3*) of section 57; and such date shall not,—

[10][(*4*) The term of the office of the nominated member shall be co-terminus with the duration of the *Panchayat Samiti*.]

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

(*b*) in the case of election held after the dissolution of the *Panchayat Samiti*, be later than the date of expiry of the period of six months from the date of dissolution of the *Panchayat Samiti*.]

[11]**[59A. Nomination of members. —** (*1*) After election of Chairman, the Collector shall call a special meeting for the purpose of nominating members.

(*2*) The nomination of the members under clause (*b*) of sub-section (*1*) of section 57 shall be made in the prescribed manner.

1 These words and figures were substituted for the words and figures "sections 19 to 28" by Mah. 21 of 1994, s. 53(*4*)(*a*). 2 These words, figures and letter were substituted for the words and figures "sections 19 to 27" by Mah. 37 of 2006, s. 7. 3 This portion was substituted for "27 to 37 (both inclusive)" by Mah. 35 of 1963, s. 19(*b*).

4 This portion was substituted for the words, brackets and figures "in relation to election of *Sarpancha* or Chairman of Executive Committee elected under sub-section (*2*) of section 57" by Mah. 7 of 1967, s. 5.

5 The words, brackets and letter "clause (*f*) of" were deleted by Mah. 21 of 1994, s. 53(*4*)(*b*).

6 Sub-section (*3*) was deleted by Mah. 4 of 2002, s. 5, *w.e.f.* 31-10-2001.

7 Section 58A was inserted by Mah. 20 of 2005, s. 6.

8 Section 59 was substituted by Mah. 21 of 1994, s. 54.

9 The proviso was deleted by Mah. 4 of 2002, s. 6, *w.e.f.* 31-10-2001.

10 Sub-Section (*4*) was added by Mah. 17 of 2026, s. 6.

11 Section 59A was inserted by Mah. 17 of 2026, s. 7.

(*3*) The meeting called under sub-section (*1*) shall be presided over by the Collector or such officer as the Collector may by order in writing appoint in this behalf. The Collector or such officer when presiding over such meeting shall have the same powers as the Chairman of a *Panchayat Samiti* when presiding over a meeting of the *Panchayat Samiti* has, but shall have no right to vote:

Provided that, notwithstanding anything contained in this Act, for regulating the procedure at meetings (including the quorum required thereat), the Collector or the officer presiding over such meeting may, for reasons which in his opinion are sufficient, refuse to adjourn such meeting.

(*4*) While nominating the members, the Collector shall take into account the relative strength of recognized parties or registered parties or groups and nominate members, as nearly as may be, in proportion to the strength of such parties or groups in the *Panchayat Samiti*, after consulting the leader of each such party or group:

Provided that, for the purpose of deciding the relative strength of the recognized parties or registered parties or groups under this sub-section, the recognized parties or registered parties or groups, or elected member not belonging to any such party or group, may, notwithstanding anything contained in the Maharashtra Local Authority Members Disqualification Act, 1986 (Mah. XX of 1987), within a period of not more than three months from the date of notification of election results, form the *aghadi* or front, and, on its registration, the provisions of the said Act shall apply to the members of such *aghadi* or front, as it is a pre-poll *aghadi* or front.

(*5*) The names of the nominated members shall also be published by the State Election Commission in the *Official Gazette*.]

60. Resignation of office as member of *Panchayat Samiti*.— Any member of a *Panchayat Samiti*[1]* * * * may resign his office by writing under his hand addressed to the Chairman, and the Chairman may resign his office as member of the *Panchayat Samiti* by writing under his hand [2][addressed to the President; and the office of the member shall thereupon become vacant].

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

61. Removal of member for misconduct.— The State Government may, if it thinks fit on the recommendation of [4][the *Panchayat Samiti* supported by not less than two-thirds of the number of members] present and voting, remove any member thereof [5]* * * * * if he has been guilty of misconduct in the discharge of his duties or any disgraceful conduct or has become incapable of performing his duties as a member of the *Panchayat Samiti* :

Provided that—

[6]* * * * * *

(*b*) no such member shall be removed from office unless he has been given a reasonable opportunity to furnish his explanation.

62. Disqualification of members of *Panchayat Samiti*.— (*1*) If any member of a *Panchayat Samiti* [7]* * * * during the term of his office—

(*a*) becomes disqualified under section 68; or

1 The brackets, words, letters and figures "(not being members falling under clauses (*a*), (*b*) and (*c*) of sub-section (*1*) of section 57)" were deleted by Mah. 21 of 1994, s. 55.

2 These words were substituted for the portion beginning with the words "addressed to the President" and ending with the words "State Government" by Mah. 35 of 1963, s. 20.

3 These words were added by Mah. 43 of 1964, s. 9.

4 These words were substituted for the words "two-thirds of the members of the *Panchayat Samiti*" by Mah. 43 of 1962, s. 9.

5 The brackets, words, letter and figures "(not being a member falling under clause (*c*) of sub-section (*1*) of section 57)" were deleted by Mah. 21 of 1994, s. 56(*1*).

6 Clause (*a*) was deleted by Mah. 21 of 1994, s. 56(*2*).

7 The brackets and words "(being a member who is not a Councillor)" were deleted by Mah. 21 of 1994, s. 57(*1*).

(*b*) is for a period of three consecutive months (excluding in the case of its Chairman and Deputy Chairman any period of leave duly sanctioned), without the permission of the *Panchayat Samiti* absent from meetings thereof [1][or is absent from such meetings for a period of six consecutive months,]

the office of such member shall become vacant.

[2]* * * * *

[3][(*3*) If any question whether a vacancy has occurred in the office of member under this section is raised either by the Commissioner *suo motu* or on an application made to him by any person, the Commissioner shall decide the question [4][as far as possible] within ninety days from the date of receipt of such application, and his decision thereon shall be final. Until the Commissioner decides the question, the member shall not be disabled from continuing to be a member of the *Panchayat Samiti* :

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

[5]**[62A. 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 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.]

63. Casual vacancies how to be filled up.— In the event of any vacancy occurring on account of death, resignation, disqualification or removal of a member of a *Panchayat Samiti* or through a member becoming incapable of acting previous to the expiry of his term of office or otherwise, [6][the Block Development Officer] shall forthwith communicate the occurrence to [7][the State Election Commission], [8]* * * * * and the vacancy shall be filled in, as soon as conveniently may be, by election of a person, thereto, who shall hold office so long only as the member in whose place he is elected, [9]* * would have held it, if the vacancy had not occurred :

Provided that, notwithstanding anything contained in section 57, if the vacancy occurs within six months preceding the date on which the term of office of members expires, the vacancy shall not be filled.

[10]* * * * * *

64. Election of Chairman and Deputy Chairman of *Panchayat Samitis*.—[11][(*1*) Subject to the provisions of sub-section (*4*), every *Panchayat Samiti* shall be presided over by the Chairman who shall be elected by, and from amongst, the members of the *Panchayat Samiti*.]

1 These words were added by Mah. 21 of 1968, s. 5(*a*).

2 Sub-section (*2*) was deleted by Mah. 21 of 1994, s. 57(*2*).

3 Sub-section (*3*) was substituted by Mah. 35 of 1963, s. 21.

4 These words were inserted by Mah. 43 of 1964, s. 10.

5 This section was inserted by Mah. 16 of 2010, s. 6.

6 These words were substituted for the words "the Chairman" by Mah. 21 of 1968, s. 6.

7 This portion was substituted for the portion beginning with the words "the Collector" and ending with the word "co-option" by Mah. 21 of 1994, s. 58(*1*).

8 The words, brackets and figures "or to the Collector in case of the nominated members appointed under sub-section (*2*) of section 57," were deleted by Mah. 4 of 2002, s. 7, *w.e.f.* 31-10-2001.

9 The words "or co-opted" were deleted by Mah. 21 of 1994, s. 58(*2*).

10 The second and third provisos were deleted by Mah. 21 of 1994, s. 58(*3*).

11 Sub-section (*1*) was substituted by Mah. 21 of 1994, s. 59(*1*).

(*2*) [1][Subject to the provisions of [2][sub-section] (*4*), the *Panchayat Samiti*] shall also elect one of its members [3]* * to be the Deputy Chairman.

[4][[5][* * * * * * *]

(*4*) No member of a *Panchayat Samiti* shall be eligible to be elected as Chairman or Deputy Chairman if he is a Chairman of more than one co-operative society, and if a Chairman or Deputy

Chairman is elected as Chairman of more than one cooperative society, the office of the Chairman, or as the case may be, Deputy Chairman of the *Panchayat Samiti* shall, on the date on which he is so elected, become vacant.

[6]* * * * * * *]

[7][**65. Term of office of Chairman and Deputy Chairman of *Panchayat Samitis*.—** Save as otherwise provided in this Act, the provisions of section 43 shall mutatis mutandis apply in relation to the term of office of the Chairman and Deputy Chairman of a *Panchayat Samiti*.]

[8]* * * * * * *

67. Procedure for election of Chairman of *Panchayat Samiti*.—[9][(*1*) Every *Panchayat Samiti* shall be presided over by a Chairman, who shall be elected by, and from amongst, its elected members, in the first meeting held in accordance with the provisions of sub-section (*3*) of section 59].

(*2*) The Chairman elected under sub-section (*1*) shall be entitled to attend the first meeting of the *Parishad* called under sub-section (*2*) of section 11 as *ex-officio* Councillor, and as soon thereafter as possible take charge of office of Chairman of the *Panchayat Samiti* from the [10][outgoing] Chairman.

(*3*) The meeting [11][referred to in sub-section (*1*)] shall be presided over by the Collector or the officer authorised by him [12][under sub-section (*3*) of section 59]. The Collector or such officer shall, when presiding over such meeting, have the same powers as the Chairman of a *Panchayat Samiti* when presiding over a meeting of the *Panchayat Samiti* has, but shall not have the right to vote :

Provided that, notwithstanding anything contained in section 118, the Collector or such officer [13][may, for reasons recorded in writing which in his opinion are sufficient, refuse to adjourn such meeting, or as the case may be, adjourn such meeting].

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

[14][(*5*) There shall be reservation in the office of the Chairman in the *Panchayat Samitis* for the members belonging to the Scheduled Castes, the Scheduled Tribes, the category of Backward Class of citizens and women as follows :—

1 These words, brackets and figures were substituted for the words "The *Panchayat Samiti*" by Mah. 6 of 1975, s. 15(*2*). 2 These words were substituted for the words, brackets and figures "sub-sections (*3*) and" by Mah. 21 of 1994, s. 59(*2*)(*a*).

3 The brackets and words "(excluding it's associate members)" were deleted by Mah. 21 of 1994, s. 59(*2*)(*b*).

4 Sub-sections (*3*) and (*4*) were added by Mah. 6 of 1975, s. 15(*3*).

5 Sub-section (*3*) was deleted by Mah. 21 of 1994, s. 59(*3*).

6 The *Explanation* was deleted by Mah. 21 of 1994, s. 59(*4*).

7 Section 65 was substituted by Mah. 27 of 2000, s. 5.

8 Section 66 was deleted by Mah. 21 of 1994, s. 60.

9 Sub-section (*1*) was substituted by Mah. 21 of 1994, s. 61(*1*).

10 This word was substituted for the word "retiring" by Mah. 35 of 1963, s. 23(*1*).

11 These words were substituted for the words "called under" by Mah. 21 of 1994, s. 61(*2*)(*a*).

12 These words, brackets and figures were substituted for the words "as aforesaid" by Mah. 21 of 1994, s. 61(*2*)(*b*). 13 These words were substituted for the words "may for reasons, which in his opinion are sufficient, refuse to adjourn such meeting" by Mah. 35 of 1963, s. 23(*2*).

14 Sub-sections (*5*) to (*8*) were inserted by Mah. 21 of 1994, s. 61(*3*).

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

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

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

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

[5][Provided also that, in a *Panchayat Samiti* 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 shall be reserved only for the persons belonging to the Scheduled Tribes;]

[6](*b*) the offices of Chairman 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 such offices in the *Panchayat Samitis* and the total reservation shall not be more then 50 per cent of the total seats in the State :

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

(*c*) [7][one-half] of the total number of offices of Chairman (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 *Panchayat Samitis* shall be reserved for women.

[8]* * * * * * *

(*7*) The number of offices reserved as aforesaid shall be allotted by rotation to different *Panchayat Samitis* in the prescribed manner.

[9][(*7A*) Every person desirous of contesting election to the office of the Chairman 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, Schedule Tribes, Denotified 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).]

[10][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,—

1 These words were inserted by Mah. 20 of 1997, s. 6(*a*).

2 These provisos were inserted by Mah. 20 of 1997, s. 6(*b*).

3 These words were substituted for the words "Provided that" by Mah. 20 of 1997, s. 6(*c*).

4 These words were substituted for the words "one third of the total number of offices" by Mah. 19 of 2011, s. 7(*1*)(*a*). 5 This proviso was added by Mah. 27 of 2003, s. 6.

6 Clause (*b*) was substituted by Mah. 19 of 2022, s. 7.

7 These words were substituted for the words "one third" by Mah. 19 of 2011, s. 7(*1*)(*c*).

8 Sub-section (*6*) was deleted by Mah. 19 of 2011, s. 7(*2*).

9 Sub-section (*7A*) was inserted by Mah. 5 of 2009, s. 6.

10 These provisos were substituted by Mah. 48 of 2025, s. 6.

(*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 Chairman.]

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

[1][**68. Election of Deputy Chairman.—** There shall be a Deputy Chairman in every *Panchayat Samiti* who shall be elected by, and from amongst, the members of the *Panchayat Samiti* immediately after the election of the Chairman in a meeting referred to in sub-section (*1*) of section 67.]

[2][**68A. Power of Commissioner to decide disputes regarding validity of election of Chairman or Deputy Chairman.—** In the event of a dispute arising as to the validity of the election of a Chairman or Deputy Chairman, the Collector or any officer authorised by him or any member [3]* * * * may refer the dispute within thirty days from the date of the election to the Commissioner for decision. An appeal against the decision of the Commissioner may, within thirty days from the date of such decision, be filed before the State Government.]

69. Honoraria and allowance to Chairman and Deputy Chairman of *Panchayat Samiti*.— (*1*) Subject to the provisions of section 70, there shall be paid to the Chairman and the Deputy Chairman of a *Panchayat Samiti* honoraria of [4][three thousand rupees and one thousand and five hundred rupees] per month, respectively.

(*2*) [5][The Chairman may be provided without payment of rent the use of furnished residential accommodation or subject to such rules as the State Government may make in this behalf, such house rent allowance in lieu thereof as may be deemed suitable by the *Zilla Parishad*], and the Chairman and the Deputy Chairman may be given such travelling and other allowances as may be prescribed by the State Government.

(*3*) The Chairman and the Deputy Chairman shall not be disqualified for being chosen as, or for being a Councillor or a member of a *Panchayat Samiti* by reason only that he is in receipt of an honorarium or any allowances or amenities under this section.

(*4*) The Chairman and the Deputy Chairman shall devote sufficient time and attention to the duties of their office.

70. Leave of absence to Chairman and Deputy Chairman of *Panchayat Samiti* and consequential provisions.— (*1*) [6][The Chairman or Deputy Chairman of a *Panchayat Samiti* may remain absent for thirty days in the aggregate in a year without permission, and he may be granted leave of absence for a period exceeding thirty days but not exceeding ninety days in the aggregate in a year by the *Panchayat Samiti* and for any period exceeding ninety days by the Standing Committee] but no leave exceeding one hundred and eighty days in any one year shall be granted.

[7][Provided that, if the Chairman and the Deputy Chairman are on leave together the Chairman of the Subjects Committee chosen by the Chief Executive Officer by drawing lots in such manner as he deemed fit, shall exercise the powers and perform the duties of the Chairman of the *Samiti* until the Chairman or as the case may be, the Deputy Chairman of the *Samiti* resumes duty.]

1 Section 68 was substituted by Mah. 21 of 1994, s. 62.

2 Section 68A was inserted by Mah. 35 of 1963, s. 24.

3 The brackets and words "(other than an associate member)" were deleted by Mah. 21 of 1994, s. 63.

4 These words were substituted for the words "one thousand rupees and eight hundred rupees" by Mah. 11 of 1994, s. 4. 5 This portion was deemed always to have been substituted for the portion beginning with the words "The Chairman" and ending with the words "the *Zilla Parishad*" by Mah. 8 of 1966, s. 4.

6 This portion was substituted for the portion beginning with the words "A *Panchayat Samiti*" and ending with the words "one hundred and eighty days in a year" by Mah. 35 of 1963, s. 25.

7 This proviso was added by Mah. 8 of 1966, s. 5.

(*2*) A Chairman or Deputy Chairman shall not be entitled to any honorarium for any period of absence exceeding thirty days in a year under sub-section (*1*).

(*3*) Nothing in sub-section (*2*) shall apply when the Chairman or Deputy Chairman is absent for a period not exceeding ninety days during the term of his office on ground of illness duly certified by such medical authority as the State Government may specify in this behalf.

71. Resignation of Chairman and Deputy Chairman.— (*1*) The Chairman may resign his office by writing under his hand addressed to the President, [1][and his office shall thereupon become vacant].

(*2*) The Deputy Chairman may resign his office by writing under his hand addressed to the Chairman [2][and his office shall thereupon become vacant].

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

[4]**[72. Motion of no-confidence against Chairman or Deputy Chairman of *Panchayat Samiti*.—** [5][(*1*) A Chairman or Deputy Chairman shall cease to be the Chairman or the Deputy Chairman, as the case may be, if a motion of no-confidence is passed at a special meeting of the *Panchayat Samiti* by [6][a majority of two-third] of the total number of members who are for the time being entitled to sit and vote at any meeting of the *Panchayat Samiti* and the office of such Chairman or Deputy Chairman shall thereupon be deemed to be vacant :

[7][Provided that, where the office of the Chairman being reserved for a woman, is held by a woman Chairman, such motion of no-confidence shall be passed only by a majority of not less than three-fourth of the total number of the members who are for the time being entitled to sit and vote at any meeting of the *Panchayat Samiti* :]

[8][Provided further that], no such motion of no-confidence shall be brought within a period of six months from the date of the election of the Chairman or the Deputy Chairman, as the case may be, of a *Panchayat Samiti*.

(*2*) The requisition for such special meeting shall be signed by not less than [9][one-third] of the total number of members who are for the time being entitled to sit and vote at any meeting of the *Panchayat Samiti* and shall be delivered to the Collector. The requisition shall be signed by the requisitionists and shall be made in such form and in such manner as may be prescribed by the State Government.]

(*3*) The Collector shall within seven days from the date of receipt of the requisition under sub-section (*2*) convene a special meeting of the *Panchayat Samiti*. The meeting shall be held on a date not later than thirty days from the date of issue of the notice of the meeting.

(*4*) The meeting shall be presided over by the Collector or any officer authorised by him in this behalf. The Collector or such officer shall, when presiding over such meeting, have the same powers as the Chairman when presiding over a *Panchayat Samiti* meeting has, but shall not have the right to vote.

(*5*) The meeting called under this section shall not, for any reason, be adjourned.

1 These words were substituted for the portion beginning with the words "but the resignation" and ending with the words "in that behalf" by Mah. 35 of 1963, s. 26.

2 These words were substituted for the portion beginning with the words "but the resignation shall not take effect" and ending with the words "in that behalf" by Mah. 35 of 1963, s. 26.

3 Sub-section (*3*) was inserted by Mah. 43 of 1964, s. 11.

4 Section 72 was substituted for the original by Mah. 6 of 1975, s. 18.

5 Sub-sections (*1*) and (*2*) were substituted by Mah. 12 of 1996, s. 3(*1*).

6 These words were substituted for the words "a majority" by Mah. 27 of 2000, s. 6(*1*).

7 This proviso was inserted by Mah. 28 of 2003, s. 6(*a*).

8 These words were substituted for the words "Provided that" by Mah. 28 of 2003, s. 6(*b*).

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

(*6*) The names of the members voting for and against the motion shall be read in the meeting and recorded in the minute-book kept under section 118 read with sub-section (*13*) of section 111.

[1][(*7*) If the motion of no-confidence is not moved or, as the case may be, is rejected, no fresh motion of no-confidence shall be brought before the *Panchayat Samiti* within a period of [2][one year] from the date of the special meeting convened under sub-section (*3*).]]

73. Removal of Chairman or Deputy Chairman of *Panchayat Samiti* for misconduct, *etc*.— Without prejudice to the provisions of section 72, a Chairman or Deputy Chairman of a *Panchayat Samiti* may be removed from office by the State Government for misconduct in the discharge of his duties, or neglect of, or incapacity to perform his duty or for being persistently remiss in the discharge thereof or guilty of any disgraceful conduct; and the Chairman or Deputy Chairman so removed shall not be eligible for re-election as Chairman or Deputy Chairman during the remainder of the term of office of the members of the *Panchayat Samiti*:

Provided that, no such Chairman or Deputy Chairman shall be removed from office unless he has been given an opportunity to [3][furnish his explanation].

74. Consequence of absence of Chairman or Deputy Chairman without leave.— Subject to rules made by the State Government in this behalf, a Chairman or Deputy Chairman who absents himself from duty for a period exceeding thirty days in the aggregate in a year without leave shall cease to be the Chairman or the Deputy Chairman, as the case may be.

75. Casual vacancies in office of Chairman and Deputy Chairman to be filled up.— (*1*) In the event of a vacancy in the office of the Chairman or Deputy Chairman by reason of death, resignation, removal or otherwise, the vacancy shall, subject to the provisions of sections 64 and 73, be filled as conveniently as may be by election of a new Chairman or Deputy Chairman [4][, who shall hold office only so long as the person in whose place he is elected would have held it, had the vacancy not occurred] :

Provided that, if for any reason the offices of the Chairman and Deputy Chairman become vacant simultaneously, the Chairman of a Subjects Committee chosen by lot drawn by the Chief Executive Officer in such manner as he deemes fit shall, pending the election of the Chairman, exercise the powers and perform the duties of the Chairman :

[5][Provided further that, such Chairman shall not, by virtue of the provisions of the first proviso, be a member of the *Zilla Parishad*.]

[6][(*2*) Where on account of any of the reasons aforesaid, the offices of the Chairman and Deputy Chairman or the office of either of them becomes vacant, the provisions of section 67, or as the case may be, section 68 shall be applicable, so far as may be, to the calling of the meeting and the procedure to be followed at such meeting for the election of the Chairman or the Deputy Chairman or of both.]

[7]**[75A. Penalty for refusal to hand over charge to new Chairman or Deputy Chairman.—** (*1*) On the election of a new Chairman or Deputy Chairman, the outgoing Chairman in whose place the new Chairman is elected shall [8][in cases falling under sub-section (*1*) of section 75, hand over charge forthwith and in any other case, shall] hand over charge of his office to the new Chairman as soon as possible after the first meeting of the *Parishad* referred to in sub-section (*2*) of

1 Sub-section (*7*) was substituted by Mah. 9 of 1994, s. 3(*2*).

2 These words were substituted for the words "six months" by Mah. 16 of 2001, s. 4.

3 These words were substituted for the words "tender an explanation" by Mah. 43 of 1962, s. 11. 4 This portion was inserted by Mah. 34 of 1997, s. 9.

5 This proviso was inserted by Mah. 21 of 1994, s. 65.

6 Sub-section (*2*) was substituted for the original by Mah. 6 of 1975, s. 19.

7 Section 75A was inserted by Mah. 35 of 1963, s. 29.

8 These words, brackets and figures were inserted by Mah. 43 of 1964, s. 13.

section 67 and the Deputy Chairman shall forthwith hand over charge of his office to such new Deputy Chairman.

(*2*) If the outgoing Chairman or Deputy Chairman fails or refuses to hand over charge of his office as required by sub-section (*1*), the State Government or any authority empowered by the State Government in this behalf may, by order in writing, direct the Chairman or the Deputy Chairman, as the case may be,

to forthwith hand over charge of his office and all papers and property of the *Panchayat Samiti*, if any, in his possession as such Chairman or Deputy Chairman, to the new Chairman or Deputy Chairman.

(*3*) If the outgoing Chairman or Deputy Chairman to whom a direction is issued under sub-section (*2*) does not comply with such direction, the State Government may take steps to recover all papers and property of the *Panchayat Samiti*, if any, in the possession of such Chairman or Deputy Chairman and for that purpose the State Government may authorise any officer to issue a search warrant and exercise all such powers with respect thereto as may be lawfully exercised by a Magistrate under the provisions of Chapter VII of the [1]Code of Criminal Procedure, 1898 (V of 1898). The papers and property so recovered shall be handed over to the new Chairman or the Deputy Chairman, as the case may be.

(*4*) If the outgoing Chairman or Deputy Chairman to whom a direction is issued under sub-section (*2*) does not comply with such direction, otherwise than for reasons beyond his control, he shall, on conviction, be punished with simple imprisonment for a term which may extend to one month or with fine which may extend to five hundred rupees, or with both.]

[2][**75B. Power of State Government to authorise officer to exercise powers and perform duties, when offices of all presiding officers are vacant simultaneously.—** Where for any reason, at any time, the offices of the Chairman, Deputy Chairman and Chairman of the Committee of *Sarpanchas* under section 77A become vacant simultaneously, then notwithstanding anything contained in this Act or the rules made thereunder, pending the election of the new Chairman or the Deputy Chairman, the State Government may, by order published in the *Official Gazette*, authorise the Chief Executive Officer or such other officer as may be specified by it in that behalf,—

(*a*) to exercise all the powers and to perform all the duties of the *Panchayat Samiti* and the Committee of *Sarpanchas*, including those of the Chairman, Deputy Chairman and Chairman of the Committee of *Sarpanchas*, to the exclusion of the members; or

(*b*) to exercise all the powers and perform all the duties of the Chairman, Deputy Chairman and Chairman of the Committee of *Sarpanchas*.]

[3]* * * *

76. Powers and functions of Chairman of *Panchayat Samiti*.— Subject to the provisions of this Act and the rules or regulations made thereunder—

(*1*) The Chairman of a *Panchayat Samiti* shall—

(*a*) convene, preside at and conduct meetings of the *Panchayat Samiti*;

(*b*) have access to the records of the *Panchayat Samiti*;

(*c*) exercise supervision and control over the acts of officers and servants of or under the *Zilla Parishad* and working in the Block in matters of execution or administration (including the carrying into effect the resolutions and decisions of the *Panchayat Samiti*) and the accounts and records of the *Panchayat Samiti*;

1 *See* now the Code of Criminal Procedure, 1973 (2 of 1974).

2 Section 75B was inserted by Mah. 5 of 2009, s. 7.

3 The existing provisos were deleted with effect from 12th September 2022, by Mah. 7 of 2023, s. 2.

(*d*) in relation to works and development schemes to be undertaken from block grants, exercise such powers of sanctioning acquisition of property or sale or transfer thereof as may be specified by the State Government.

(*2*) The Chairman of a Panchayat Samiti may—

(*a*) call for any information, return, statement, account or report from any officer or servant working under the *Panchayat Samiti*;

(*b*) enter on and inspect any immovable property in the Block occupied by the *Zilla Parishad*, or any institution in the Block under the control and management of the *Zilla*

Parishad, or the *Panchayat Samiti* or any work or development scheme in progress in the Block undertaken by the *Zilla Parishad* or the *Panchayat Samiti* or under its direction.

77. Powers and functions of Deputy Chairman of *Panchayat* Samitis.— (*1*) The Deputy Chairman of a *Panchayat Samiti* shall—

(*a*) in the absence of the Chairman, preside at the meetings of the *Panchayat Samiti*;

(*b*) exercise such of the powers and perform such of the duties of the Chairman of the *Panchayat Samiti* as the Chairman from time to time may, subject to the rules made by the State Government in that behalf, delegate to him by an order in writing; and

(*c*) pending the election of the Chairman, or during the absence of the Chairman [1][from the District, or by reason of leave, for a period exceeding thirty days] exercise the powers and perform the duties of the Chairman.

(*2*) The Deputy Chairman of a *Panchayat Samiti* may enter on and inspect any immovable property in the Block occupied by the *Zilla Parishad*, or any institution in the Block under the control and management of the *Zilla Parishad* or the *Panchayat Samiti* or any work or development scheme in progress in the Block undertaken by the *Zilla Parishad* or the *Panchayat Samiti* or under its direction and shall send a report of such inspection to the Chairman of the *Panchayat Samiti*.

[2][**77A. Committee of *Sarpanchas*.—** (*1*) Every *Panchayat Samiti* shall in the manner hereinafter provided appoint a Committee consisting of either fifteen *Sarpanchas* or of *Sarpanchas* of one-fifth of the total number of *Panchayats* in the Block whichever is more, to be known as the Committee of *Sarpanchas*.

(*2*) The Deputy Chairman shall be *ex-officio* Chairman of the Committee.

(*3*) The Extension Officer (*Panchayat*) and where more than one Extension Officer (*Panchayats*) have been appointed, such one of them as may be nominated in this behalf, by the Block Development Officer, shall be *ex-officio* Secretary of the Committee.

(*4*) The *Sarpanchas* shall be nominated by the *Panchayat Samitis* by rotation every year. The manner and periodicity of a rotation of such nomination shall be such as may be prescribed by the State Government.

(*5*) The Committee shall be a consultative and advisory body and shall tender its advice to the *Panchayat Samiti* on all matters relating to the discharge of its functions of control and supervision of *Panchayat* in accordance with the provisions of the [3]Bombay Village Panchayats Act, 1958 (Bom. III of 1959). The *Panchayat Samiti* shall give due consideration to the advice tendered by the Committee.

(*6*) The Committee may meet as often as may be necessary; but one month shall not intervene between its last meeting and the day fixed for the next meeting and shall observe such procedure in regard to the transaction of business as the State Government may by order determine, in that behalf.

1 These words were inserted by Mah. 35 of 1963, s. 30.

2 Section 77A was inserted by Mah. 6 of 1975, s. 20.

3 Now, the short the title of the Act has been amended as "the Maharashtra Village Panchayats Act (III of 1959), by Mah. 24 of 2012, s. 2 & 3, Schedule, entry 74, *w.e.f.* 1st May, 1960.

(*7*) During any vacancy in the Committee, the continuing members may act as if no vacancy had occurred.]

CHAPTER IV

COMMITTEES

78. Appointment of Standing Committee, Subjects Committees and other Committees.— (*1*) Every *Zilla Parishad* [1][shall, within one month from the date of its first meeting called under section 45, appoint] in the manner hereinafter provided a Standing Committee and also the following Subjects Committees, that is to say—

(*a*) Finance Committee,

(*b*) Works Committee,

[2][(*c*) Agriculture [3]* * * Committee,

(*d*) Social Welfare Committee,]

[4][(*e*) Education and Sports Committee,]

(*f*) Health Committee,

[5][(*g*) Animal Husbandry and Dairy Committee,]

[6][(*h*) Women and Child Welfare Committee.]

[7][(*1A*)] There shall also be a Water Management and Sanitation Committee constituted in accordance with the provisions of section 79A.]

(*2*) A *Zilla Parishad* may, subject to rules prescribed by the State Government, from time to time, appoint any other committee consisting of such Councillors and other persons as the *Parishad* may decide, refer to such committee for enquiry and report such matters relating to the purposes of this Act as the *Zilla Parishad* may think fit, and direct that the committee shall submit its report to the Standing Committee or a Subjects Committee as the *Zilla Parishad* may specify.

79. Constitution of Standing Committee.— (*1*) Subject to the provisions of section 81, the Standing Committee shall consist of—

(*a*) the President;

(*b*) the Chairman of Subjects Committees;

[8][(*c*) subject to any rules made by the State Government in that behalf, [9][eight Councillors] elected by the *Zilla Parishad* from amongst its Councillors; so however that not more than two seats shall be reserved for Councillors belonging to Scheduled Castes or Scheduled Tribes or] [10]* * * backward classes of citizens.

[11]* * * * * * *

1 These words and figures were substituted for the words "shall appoint" by Mah. 6 of 1975, s. 21(*a*).

2 Entries (*c*) and (*d*) were substituted by Mah. 22 of 1970, s. 2(*1*).
Sub-section (*2*) of section 2 of Mah. 22 of 1970 reads as follows :—
"(*2*) Notwithstanding anything contained in sub-section (*1*), the Agriculture Committee and the Co-operatives Committee in existence at the commencement of the Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Act, 1970 (Mah. XXII of 1970), shall continue to hold office and operate until such time as the first Agriculture and Co-operative Committee is constituted and the first meeting thereof is held.".

3 The words "and Co-operatives" were deleted by Mah. 6 of 1975, s. 21(*b*).

4 Clause (*e*) was substituted by Mah. 24 of 2010, s. 2.

5 Clause (*g*) was inserted by Mah. 6 of 1975, s. 21(*d*).

6 Clause (*h*) was added by Mah. 4 of 1992, s. 3.

7 Sub-section (*1A*) was substituted by Mah. 3 of 2005, s. 2.

8 Clause (*c*) was substituted by Mah. 35 of 1963, s. 31(*i*).

9 These words were substituted for the words "seven Councillors" by Mah. 6 of 1975, s. 22(*a*).

10 The words "socially and educationally" were deleted by Mah. 21 of 1994, s. 66(*1*)(*a*)(*i*).

11 The proviso was deleted by Mah. 21 of 1994, s. 66(*1*)(*a*)(*ii*).

[1]* * * * * * *

(*2*) The President shall be *ex-officio* Chairman of the Standing Committee.

[2]* * * * * * *

(*4*) The Deputy Chief Executive Officer [3][and where more than one Deputy Chief Executive Officer have been appointed, such one of them as may be nominated in this behalf by the Chief Executive Officer,] shall be the Secretary, *ex-officio*, of the Standing Committee.

[4]* * * * * * *

[5][79A. **Constitution of Water Management and Sanitation Committee.—** (*1*) Subject to the provisions of section 81, the Water Management and Sanitation Committee shall consist of,—

(*a*)	the President of the *Zilla Parishad*, ..	*ex-officio* Chairman;
(*b*)	the Chairmen of all Subjects Committees .. constituted under sub-section (*1*) of section 78,	*ex-officio* Members;
[6][(*c*)	six Councillors, out of which not less than three shall be women, to be elected by the *Zilla Parishad* from amongst the Councillors,	.. Members;]
(*d*)	the Chief Executive Officer, ..	*ex-officio* Member;
(*e*)	the Executive Engineer (Rural Water Supply), *Zilla Parishad*; the Executive Engineer (Minor Irrigation), *Zilla Parishad*,	.. *ex-officio* Member;
(*f*)	the Deputy Chief Executive Officer, *Zilla Parishad* looking after sanitation,	.. *ex-officio* Member;
(*g*)	the Deputy Chief Executive Officer (*Panchayat*), .. and	*ex-officio* Member;
(*h*)	the Additional Chief Executive Officer, ..	*ex-officio* Member-Secretary:

Provided that, the Committee may invite not more than two representative of Support Organisations in the district (NGOs, consultants, educational institutions) working in the field and having special knowledge and experience in the subject of water conservation, drinking water supply and sanitation, as special invitees, for the purpose of assisting or advising the Committee in discharge of its duties and functions:

Provided further that, the *ex-officio* Members appointed under clauses (*d*), (*e*), (*f*), (*g*) and (*h*) and the special invitees may take part in the deliberations of the Committee but shall have no right to vote in such meetings.

(*2*) The Water Management and Sanitation Committee shall have and exercise, in relation to the subject of water conservation, preservation, utilisation, drinking water supply and sanitation, all the powers which the Subjects Committee has and exercises in relation to the subjects allocated to it, by or under the provisions of the Act.]

1 Clause (*d*) was deleted by Mah. 21 of 1994, s. 66(*1*)(*b*).

2 Sub-section (*3*) was deleted by Mah. 21 of 1994, s. 66(*2*).

3 This portion was inserted by Mah. 6 of 1975, s. 22(*b*).

4 The words "The Social Welfare Officer of *Zilla Parishad* shall be the Joint Secretary*, ex-officio*, of the Standing Committee" were deleted by Mah. 22 of 1970, s. 3.

5 Section 79A was substituted by Mah. 3 of 2005, s. 3.

6 Clause (*c*) was substituted by Mah. 18 of 2012, s. 2.

80. Constitution of Subjects Committees.— (*1*) Subject to the provisions of [1][sections 81 and 83]—

[2][[3][(*A*)] [4][Agriculture Committee] shall consist of—

(*i*) [5][ten Councillors] [6]* * * * elected by the *Zilla Parishad* from amongst its Councillors;

[7]* * * * * * *

[8]* * * * * * *

[9][(*B*)] the Social Welfare Committee shall consist of—

(*i*) [10][nine Councillors] elected by the *Zilla Parishad* from amongst [11][its Councillors], so however that [12][, subject to availability,] of these,—

(*a*) five shall be reserved for Councillors belonging to the Scheduled Castes and

Schedule Tribes; and of these five at least two shall be reserved for the Schedule Tribes;

(*b*) [13][four] shall be reserved for Councillors belonging to the [14][Backward Class of citizens];

[15]* * * * * * *

(*ii*) two women Councillors elected by the *Zilla Parishad* from amongst [16][its Women Councillors].

[17]* * * * * * *

(*iii*) the Social Welfare Officer of the *Zilla Parishad* shall be the Secretary, *ex-officio*, of the Committee.

Explanation.— For the purposes of this paragraph, a person who belongs to any of the

Scheduled Castes or Scheduled Tribes as defined in clauses (*29*) and (*30*) of section 2, shall be eligible to be elected [18]* * * * on the Social Welfare Committee in any District; whether such person is or is not a resident in the locality in the State in relation to which the caste or tribe to which he belongs is deemed to be a Scheduled Castes or a Scheduled Tribes, as the case may be;]

[19][(*C*)] the [20][Education and Sports Committee] shall consist of—

(*1*) [21][eight Councillors] elected by the *Zilla Parishad* from amongst its Councillors];

1 These words and figures were substituted for the word and figures "section 81" by Mah. 35 of 1963, s. 32(*a*)(*i*).
2 Clause (*a*) was substituted by Mah. 22 of 1970, s. 4.
3 Clause (*a*) was re-numbered as clause (*A*) by Mah. 6 of 1975, s. 23(*1*)(*a*).
4 These words were substituted for the words "Agriculture and Co-operatives Committee" by Mah. 6 of 1975, s. 23 (*1*)(*a*)(*i*).
5 These words were substituted for the words "nine Councillors" by Mah. 6 of 1975, s. 23(*1*)(*a*)(*ii*).
6 The brackets and words "(not being associate Councillors)" were deleted by Mah. 21 of 1994, s. 68(*a*)(*i*).
7 Sub-clause (*ii*) was deleted by Mah. 21 of 1994, s. 68(*a*)(*ii*).
8 Sub-clause (*iii*) was deleted by Mah. 21 of 1994, s. 68(*a*)(*iii*).
9 Clause (*i-a*) was re-numbered as clause (*B*) by Mah. 6 of 1975, s. 23(*b*).
10 These words were substituted for the words "eight Councillors" by Mah. 6 of 1975, s. 23(*b*)(*i*).
11 These words were substituted for the words "the elected Councillors" by Mah. 12 of 1996, s. 4(*1*).
12 These words were inserted by Mah. 21 of 1994, s. 68(*b*)(*i*).
13 This word was substituted for the word "three" by Mah. 6 of 1975, s. 23(*b*)(*ii*).
14 These words were substituted for the words "socially and educationally backward classes" by Mah. 21 of 1994 s. 68(*b*)(*ii*).
15 These provisos were deleted by Mah. 21 of 1994, s. 68(*b*)(*iii*).
16 These words were substituted for the words "the elected Women Councillors" by Mah. 12 of 1996, s. 4(*2*).
17 These provisos were deleted by Mah. 10 of 1990, s. 6(*b*).
18 The words "or co-opted to any of the seats reserved for Scheduled Castes or Scheduled Tribes, as the case may be" were deleted by Mah. 21 of 1994, s. 68(*b*)(*iv*).
19 Clause (*aa*) was re-numbered as clause (*C*) by Mah. 6 of 1975, s. 23(*c*).
20 These words were substituted for the words "Education Committee" by Mah. 24 of 2010, s. 3.
21 These words were substituted for the words "seven Councillors" by Mah. 6 of 1975, s. 23(*c*)(*i*).

[1]* * * * *

[2]* * * * *

[3]* * * * *]

[4][(*D*) the Works Committee shall consist of—

(*i*) eight Councillors elected by the *Zilla Parishad* from amongst its Councillors;

[5]* * * * *

[6]* * * * *]

[7][(*E*)] the other Subjects Committees shall each consist of—

(*i*) [8][eight Councillors] elected by the *Zilla Parishad* from amongst its Councillors; [9]* *

[10][Provided that, on the Women and Child Welfare Committee not less than seventy per cent. of the Councillors shall be from amongst its women Councillors.

Explanation.— For the purpose of computing the number of members at seventy per cent., fraction shall be rounded off to one.]

[11]* * * * *

[12]* * * * *

[13]* * * * *

(*3*) The Head of a Department of a *Zilla Parishad* specified by the *Zilla Parishad* in this behalf shall be the Secretary, *ex-officio* of such Subjects Committee as the *Zilla Parishad* may direct in that behalf.

81. Election to Committees.— (*1*) No Councillors shall be elected on more than [14][one Committee] (including the Standing Committee):

[15][Provided that where the total number of Councillors of any *Zilla Parishad* including the Chairmen of all the *Panchayat Samitis* in the District is less than the number required to fill the number of members of all the Committees, a Councillor may be elected on two Committees, but only to the extent, necessary.]

[16]* * * * *

(*3*) Every election to a Committee (including the Standing Committee) shall be held in accordance with the system of proportional representation by means of the single transferable vote.

[17][(*4*) In the event of a dispute arising as to the validity of the election of any Councillor under section 79 or section 80 (including any question arising out of the acceptance or rejection of a nomination paper on any ground, or whether or not a Councillor is a member of a Scheduled Caste,

1 Sub-clause (*ii*) was deleted by Mah. 21 of 1994, s. 68(*c*)(*i*).
2 Sub-clause (*iii*) was deleted by Mah. 6 of 1975, s. 23(*c*)(*ii*).
3 The proviso was deleted by Mah. 21 of 1994, s. 68(*c*)(*ii*).
4 Clause (*D*) was inserted by Mah. 6 of 1975, s. 23(*d*).
5 Sub-clauses (*ii*) and (*iii*) were deleted by Mah. 21 of 1994, s. 68(*d*)(*i*).
6 The proviso was deleted by Mah. 21 of 1994, s. 68(*d*)(*ii*).
7 Clause (*b*) was re-numbered as clause (*E*) by Mah. 6 of 1975, s. 23(*e*).
8 These words were substituted for the words "seven Councillors" by Mah. 6 of 1975, s. 23(*e*).
9 The word "and" was deleted by Mah. 22 of 1962, s. 6(*b*).
10 The proviso and *Explanation* were inserted by Mah. 4 of 1992, s. 4(*a*).
11 The second proviso was deleted by Mah. 21 of 1994, s. 68(*e*)(*i*).
12 Sub-clause (*ii*) was deleted by Mah. 21 of 1994, s. 68(*e*)(*ii*).
13 Sub-section (*2*) was deleted by Mah. 21 of 1994, s. 68(*f*).
14 These words were substituted for the words "two committees" by Mah. 6 of 1975, s. 24(*1*)(*a*).
15 This proviso was added by Mah. 6 of 1975, s. 24(*1*)(*b*).
16 Sub-sections (*2*) and (*2A*) were deleted by Mah. 6 of 1975, s. 24(*2*).
17 Sub-section (*4*) was inserted by Mah. 35 of 1963, s. 33(*2*).

Scheduled Tribe or any [1]* * * backward class of citizens) any Councillor may refer the dispute to the Commissioner, whose decision thereon shall be final :

Provided that,—

(*a*) the dispute is referred to the Commissioner within a period of ten days from the date of the election of the Councillor;

(*b*) no decision shall be given against any Councillor without giving him a reasonable opportunity of being heard.]

82. Term of office of members of Standing Committee and Subjects Committees.— (*1*) The term of office of members of a Standing Committee and a Subjects Committee of a *Zilla Parishad* shall be co-terminus with the term of office of Councillors of that *Zilla Parishad*.

(*2*) If any member is, for a period of three consecutive months (excluding in the case of the Chairman any period of leave duly sanctioned) without the permission of the Committee, absent from meetings thereof [2][or if any member is absent from such meetings for a period of six consecutive months], his office shall, [3]* * *

[4]* * * * become vacant :

[5]* * * *

Provided further that, nothing in this sub-section shall apply in relation to a member of the Standing Committee falling under clause (*b*) of sub-section (*1*) of section 79, as long as such member continues to be a Chairman of any Subjects Committee.]

[6][(*3*) If any question whether a vacancy has occurred under this section is raised by the Commissioner *suo motu* or on an application made to him by any person in that behalf, the Commissioner shall decide the question [7][as far as possible within ninety days from the date of receipt of such application]; and his decision thereon shall be final. Until the Commissioner decides the question the member shall not be disabled from continuing to be a member of the Standing Committee or a Subjects Committee :

Provided that, no decision shall be given against any member without giving him a reasonable opportunity of being heard.]

[8]**[82A. Resignation of members of Standing or Subjects Committees.—** Any member of the Standing Committee or a Subjects Committee (not being a member falling under clause (*b*) of sub-section (*1*) of section 79 or [9][sub-clause (*ii*) of clause (*A*)] of sub-section (*1*) of section 80) may resign his office by writing under his hand addressed to the Chairman of the Committee; and his office shall thereupon become vacant. [10][The notice of resignation shall be delivered in the manner prescribed.]

82B. Casual vacancies how to be filled up.— In the event of any vacancy occurring on account of the resignation by a member of the Standing or a Subject Committee or otherwise

1 The words "socially or educationally" were deleted by Mah. 21 of 1994, s. 69.

2 These words were inserted by Mah. 21 of 1968, s. 7(*a*).

3 The words, letter and figures "notwithstanding anything contained in clause (*b*) of sub-section (*1*) of section 79" were deleted by Mah. 6 of 1975, s. 25(*1*).

4 The words, brackets, letters and figures "or sub-clause (*II*) of clause (*a*) of sub-section (*1*) of section 80" were deleted by Mah. 21 of 1968, s. 7(*b*).

5 The proviso was deleted by Mah. 21 of 1994, s. 70.

6 Sub-section (*3*) was substituted by Mah. 35 of 1963, s. 34.

7 These words were inserted by Mah. 43 of 1964, s. 14.

8 Sections 82A and 82B were inserted by Mah. 35 of 1963, s. 35.

9 These words, brackets, figures and letter were substituted for the words, brackets, figures and letter "sub-clause (*II*) of clause (*a*)" by Mah. 6 of 1975, s. 26.

10 These words were substituted for the portion beginning with the words "such notice shall" and ending with the words "in that behalf" by Mah. 43 of 1964, s. 15.

[1][the Secretary of the Committee] shall forthwith communicate the occurrence of such vacancy to the *Zilla Parishad* and the vacancy shall, subject to the provisions of section 81, be filled as soon as possible by the election or co-option, as the case may be, of a person thereto who shall hold office so long as the member in whose place he is elected or co-opted would have held it if the vacancy had not occurred.]

[2]**[83. Chairmen of Subjects Committees.—** (*1*) There shall be [3][five] Chairmen of the Subjects Committees of every *Zilla Parishad* of whom the Vice-President shall be one.

[4][(*1-A*) Not later than 15 days from the first meeting of a *Zilla Parishad* convened under section 45, the Collector shall convene another meeting of the *Zilla Parishad* for the election of the Chairmen of Subjects Committees (other than the Vice-President). The meeting shall be presided over by the Collector or such officer not below the rank of a Deputy Collector as the Collector may, by order in writing appoint, in this behalf. The provisions of sub-sections (*2*) and (*3*) of section 45 shall so far as may be applicable, apply to the procedure to be followed at such meeting.]

(*2*) Subject to the provisions of this section, the Councillors shall from amongst the elected Councillors (excluding the President and the Vice-President) elect [5][four] persons to be Chairman of the Subjects Committees, and each such Chairman and the Vice-President shall be placed in charge of such Committee or Committees (but not more than two Committees) as the *Parishad* may determine:

[6][Provided that, the Chairman of the Women and Child Welfare Committee shall be from amongst the elected Women Councillors.]

[7][(*2-A*) If a Councillor is a Chairman of any specified co-operative society or labour contract co-operative society and is elected as a Chairman of a Subjects Committee, and if a Chairman of any Subjects Committee is elected as Chairman of any such co-operative society, then such Councillor shall intimate in

writing, within seven days from the date on which he is so elected, to the Collector his option to continue as Chairman of the Subjects Committee by resigning the office of the Chairman of such co-operative society. Any intimation so given shall be irrevocable. In default of such intimation within the aforesaid period, the office of the Chairman of the Subjects Committee to which he is elected shall become vacant.

Explanation.— For the purposes of this sub-section, the resignation of the office of the Chairman of such co-operative society so tendered shall be effective from the date of such resignation, any provisions to the contrary in the Maharashtra Co-operative Societies Act, 1960 (Mah. XXIV of 1961) or the rules made thereunder or the bye-laws of such society notwithstanding.]

[8][(*3*) The Agriculture Committee and the Animal Husbandary and Dairy Committee shall be placed in charge of one Chairman; and the Social Welfare Committee shall be placed in charge of another Chairman who shall be a person belonging either to a Scheduled Caste or a Scheduled Tribe or a Nomadic Tribe or a *Vimukta Jati*.]

(*4*) (*a*) If the Vice-President is a person belonging to a Scheduled Caste or a Scheduled Tribe and there is no other elected Councillor belonging to such Caste or Tribe, then he shall be the Chairman of the Social Welfare Committee;

(*b*) if amongst the elected Councillors—

(*i*) there is only one Councillor belonging to such Caste or Tribe, he shall (unless he is already elected as President of the *Zilla Parishad*) be the Chairman of the Social Welfare Committee;

1 These words were substituted for the words "the Chairman" by Mah. 21 of 1968, s. 8. 2 Section 83 was substituted by Mah. 5 of 1971, s. 4.

3 This word was substituted for the word "four" by Mah. 4 of 1992, s. 5(*a*). 4 Sub-section (*1-A*) was inserted by Mah. 6 of 1975, s. 27(*1*).

5 This word was substituted for the word "three" by Mah. 4 of 1992, s. 5(*b*). 6 This proviso was inserted by Mah. 4 of 1992, s. 5(*c*).

7 Sub-section (*2-A*) was substituted by Mah. 1 of 1993, s. 4.

8 Sub-section (*3*) was substituted for the original by Mah. 6 of 1975, s. 27(*3*).

[1]* * * * * *

Explanation.— For the purposes of this sub-section, a person who is eligible to be elected [2]* * to any of the seats, reserved for Scheduled Castes or Scheduled Tribes, on the Social Welfare Committee under the *Explanation* to [3][clause (*B*), sub-clause (*i*), paragraph (*a*)] in sub-section (*1*) of section 80, shall also be eligible to be elected [4]* * as Chairman of the said Committee.

(*5*) The remaining four Subjects Committees shall be placed in charge of such of the remaining two Chairmen as the *Zilla Parishad* may determine in this behalf.

[5]* * * * * * *

[6][(*6*) The provisions of section 43 shall *mutatis mutandis* apply in respect of the term of appointment of the Chairman of a Subjects Committee.]]

84. Honorarium to Chairman of Subjects Committees.—[7][(*1*) Subject to the provisions of section 85, each of the Chairman (other than the Vice-President) referred to in section 83 shall get a consolidated honorarium of [8][four thousand rupees] per month.]

(*2*) [9][Each Chairman may be provided without payment of rent the use of furnished residential accommodation or subject to such rules as the State Government may make in this behalf, such house rent allowance in lieu thereof as may be deemed suitable by the *Zilla Parishad*], and shall be entitled to such travelling and other allowances as may be prescribed by the State Government. [10]* * *

(*3*) A Chairman shall not be disqualified for being chosen as, or for being a Councillor or a member of a *Panchayat Samiti* by reason only that he is in receipt of honorarium or any allowances or amenities under this section.

[11][**84A. Power of State Government to vary amount of honorarium by order.—** Notwithstanding anything contained in sections 46, 47A, 69 and 84, the State Government may, by order issued from time to time, vary the amount of monthly honorarium payable to the President, Vice-President, Chairman and Deputy Chairman of a *Panchayat Samiti* or the Chairmen of Subjects Committees.]

85. Leave of absence of Chairman of Subjects Committee and consequential provisions.— (*1*) The Chairman of Subjects Committee may remain absent for a period not exceeding thirty days in a year without permission, and he may be granted leave of absence for a period exceeding thirty days but not exceeding ninety days in a year in the aggregate by the Standing Committee, and for any period exceeding ninety days by the State Government but no leave exceeding one hundred and eighty days in any one year shall be granted.

(*2*) A Chairman of a Subjects Committee shall not be entitled to pay honorarium for any period of absence exceeding thirty days under sub-section (*1*).

1 Sub-clauses (*ii*), (*iii*) and the proviso were deleted by Mah. 21 of 1994, s. 71(*1*)(*a*).
2 The words "or co-opted" were deleted by Mah. 21 of 1994, s. 71(*1*)(*b*)(*i*).
3 These words, brackets, figure and letters were substituted for the word, brackets, figure and letter "clause (*i-a*)" by Mah. 21 of 1994, s. 71(*1*)(*b*)(*ii*).
4 The words "or co-opted" were deleted by Mah. 21 of 1994, s. 71(*1*)(*b*)(*i*).
5 The proviso was deleted by Mah. 21 of 1994, s. 71(*2*).
6 Sub-section (*6*) was substituted by Mah. 27 of 2000, s. 7.
7 Sub-section (*1*) was substituted for the original by Mah. 10 of 1985, s. 5(*a*).
8 These words were substituted for the words "one thousand rupees" by Mah. 11 of 1994, s. 5.
9 This portion was deemed always to have been substituted for the portion beginning with the words "Each Chairman" and ending with the words "by the *Zilla Parishad*" by Mah. 8 of 1966, s. 7.
10 The portion beginning with the words "The Vice-President shall be" and ending with words "elected as Vice-President" was deleted by Mah. 10 of 1985, s. 5(*b*).
11 Section 84A was inserted by Mah. 11 of 1994, s. 6.

(*3*) Nothing in sub-section (*2*) shall apply when the Chairman is absent for a period not exceeding ninety days during his term of office on ground of illness duly certified by such medical authority as the State Government may specify in this behalf.

(*4*) When a Chairman holds the office of any other presiding authority he shall be entitled only to the honorarium attached to such one of the offices as he may choose.

86. Resignation of Chairman of Subjects Committee.— The [1][elected or co-opted] Chairman of a Subjects Committee may resign his office by writing under his hand addressed to the President, [2][and his office shall thereupon become vacant.] [3][The notice of resignation shall be delivered in the manner prescribed.]

87. Motion of no-confidence against Chairman of Subjects Committee.— [4][[5][The [6][Collector]] shall, on requisition of [7][not less than [8][one-third]] of the total number of Councillors [9]* * * [10][who are for the time being entitled to sit and vote on any meeting of the *Zilla Parishad*] call a special meeting [11][of the *Zilla Parishad*] to consider a motion of no-confidence in the Chairman of the Subjects Committee. The requisition shall be signed by the requisitionists and shall be made in such form and in such manner as may be prescribed by the State Government]; and thereupon the provisions of section 49 shall apply in relation to such motion against the Chairman of the Subjects Committee as they apply in relation to the President or Vice-President of the *Parishad*:

[12][Provided that, such motion of no-confidence against the Chairman of the Women and Child Welfare Committee shall be passed only by a majority of not less than three-fourth of the total number of Councillors who are for the time being entitled to sit and vote at any meeting of the *Zilla Parishad*:]

[13][[14][Provided further that,] no such motion of no-confidence shall be brought within a period of [15][six months] from the date of the election of the Chairman of a Subjects Committee :]

16[17[Provided also that,] if the motion of no-confidence is not moved or, as the case may be, is rejected, no fresh motion of no-confidence shall be brought within a period of one year from the date of the special meeting.]

88. Removal of Chairman of Subjects Committee.— Without prejudice to the provisions of section 87, a Chairman of a Subjects Committee may be removed from office by the State Government for misconduct in the discharge of his duties or neglect of, or incapacity to perform his duty or for being persistently remiss in the discharge thereof, or guilty of any disgraceful conduct; and the Chairman so removed shall not be eligible for re-election as Chairman during the remainder of his term of office as Councillor :

1 These words were substituted for the word "elected" by Mah. 5 of 1971, s. 5.
2 These words were substituted for the portion beginning with the words "and the resignation" and ending with the words "in this behalf" by Mah. 35 of 1963, s. 38.
3 These words were added by Mah. 43 of 1964, s. 16.
4 This portion was substituted for the portion beginning with the words "A motion of no-confidence" and ending with the words "the State Government" by Mah. 43 of 1964, s. 17.
5 These words were substituted for the words "The Chairman of Subjects Committee" by Mah. 34 of 1966, s. 4. 6 This word was substituted for the word "President" by Mah. 6 of 1975, s. 28(*a*).
7 These words were substituted for the words "not less than one-third" by Mah. 12 of 1996, s. 5(*1*).
8 These words were substituted for the words "one-fifth" by Mah. 27 of 2000, s. 8.
9 The brackets and words "other than associate Councillors" were deleted by Mah. 21 of 1994, s. 72.
10 These words were inserted by Mah. 6 of 1975, s. 28(*b*).
11 These words were inserted by Mah. 34 of 1966, s. 4.
12 This proviso was inserted by Mah. 28 of 2003, s. 7(*a*).
13 This proviso was added by Mah. 46 of 1994, s. 6.
14 These words were substituted for the words "Provided that" by Mah. 28 of 2003, s. 7(*b*).
15 These words were substituted for the words "one year" by Mah. 12 of 1996, s. 5(*2*).
16 This proviso was added by Mah. 16 of 2001, s. 5.
17 These words were substituted for the words "Provided further that" by Mah. 28 of 2003, s. 7(*c*).

Provided that, no Chairman shall be removed from office unless he has been given an opportunity to furnish his explanation.

89. Consequences of absence on leave of Chairman of Subjects Committee.—1[Subject to rules made by the State Government in this behalf, the Chairman] of a Subjects Committee who for a period exceeding thirty days in the aggregate in a year absents himself from 2[duty] shall cease to be the Chairman of that Subjects Committee unless leave so to absent himself has been granted under section 85.

90. Casual vacancy in office of Chairman of Subjects Committee.— (*1*) If the Chairman of a Subjects Committee,—

(*a*) against whom a motion of no-confidence is carried under section 87, or

(*b*) who is removed from office under section 88, or

(*c*) who ceases to be a Chairman under section 89,—

is also a Vice-President, his office of Vice-President shall be deemed to be vacant with effect from the date on which the office of such Chairman becomes vacant or he is removed from office or he ceases to be such Chairman, as the case may be.

(*2*) The vacancy of the Chairman shall be filled in the manner provided by the provisions of section 83 3[and the new Chairman shall hold office only so long as the person in whose place he is elected would have held it, had the vacancy not occurred.]

(*3*) If a Chairman of a group of Subjects Committee ceases to be Chairman of any one Subjects Committee, he shall be deemed to have ceased to be the Chairman of the other Subjects Committee.

4**[90A. Provisions of section 53 to apply to handing over charge to new Chairman of Subjects Committee.—** The provisions of section 53 relating to the handing over of charge to a new President or

Vice-President shall apply *mutatis mutandis* in relation to the handing over of charge to the new Chairman of the Standing or a Subjects Committee.]

91. Powers and functions of Chairman of Standing Committee and of Subjects Committee.— (*1*) Subject to the provisions of this Act, and the rules made thereunder by the State Government—

(*a*) the Chairman of the Standing Committee or a Subjects Committee shall—

(*i*) convene, preside at and conduct meetings of the Committee; and

(*ii*) have access to the records of the Committee;

(*b*) the Chairman of any such Committee may, in relation to subjects allotted to the Committee—

(*i*) call for any information, return, statement, account, or report from any officer employed by or holding office under the *Zilla Parishad* or any servant thereof; and

(*ii*) enter on and inspect any immovable property occupied by the *Zilla Parishad*, or any institution under the control and management of the *Zilla Parishad* or any work or development scheme in progress undertaken by the *Zilla Parishad* or under its direction:

Provided that, the Chairman of the Standing Committee may, in relation to any subject allotted to any Subjects Committee, also exercise the powers under this clause.

1 These words were substituted for the words "The Chairman" by Mah. 35 of 1963, s. 39(*a*). 2 This word was substituted for the words "the District" by Mah. 35 of 1963, s. 39(*b*). 3 These words were inserted by Mah. 34 of 1997, s. 11.

4 Section 90A was inserted by Mah. 35 of 1963, s. 40.

(*2*) The Chairman of the Standing Committee may grant leave of absence for any period exceeding two months, but not exceeding four months, to any officer of Class I Service (other than the Chief Executive Officer) or Class II Service holding office under the *Zilla Parishad*.

1**[91A. Power of Government to appoint presiding authorities to exercise powers and perform duties during vacancies.—** (*1*) Pending the election of the President or the Vice-President or of both or the Chairman of any Subjects Committee or during the continuous to absence from the District, or by reason of leave, for a period exceeding thirty days, of any of those presiding authorities, the powers and duties of the presiding authority under this Act in relation to the Standing Committee or any Subjects Committee shall be exercised and performed by such one of those authorities 2[or by an officer] as the State Government may, by notification in the *Official Gazette*, specify 3[or, as the case may be, appoint] in that behalf.

(*2*) When the President or Vice-President holds the office of any other presiding authority under this section, he shall be entitled to the honorarium attached to such one of those offices only as he may choose.]

4**[91B. Power of State Government to authorise officer to exercise powers and perform duties, when offices of all presiding officers are vacant simultaneously.—** Where for any reason, at any time, offices of the President, Vice-President and Chairmen of the Subjects Committees become vacant simultaneously, then, notwithstanding anything contained in this Act or the rules made thereunder, pending the election of the new President or the Vice-President, the State Government may, by order published in the *Official Gazette*, authorise the Chief Executive Officer or such other officer as may be specified by it in that behalf,—

(*a*) to exercise all the powers and to perform all the duties of the *Zilla Parishads*, the Standing Committee and the Subjects Committee and other Committees, including those of the President, Vice-President and Chairmen of the Subjects Committees and other Committees, to the exclusion of the Councillors; or

(*b*) to exercise all the powers and to perform all the duties of the President, Vice-President and Chairmen of the Subjects Committees and other Committees.]

[5]* * * *

92. Duties, procedure, etc., of Committees to be prescribed by regulations.—[6][(*1*)] Save as otherwise provided by or under this Act, the powers to be exercised and the duties to be discharged by, and which subjects enumerated in the District List are to be allotted to, the Standing Committee and each of the Subjects Committees, shall be such as may be prescribed by regulations.

[7]* * * * * *

[8][(*2*) Subject to any rules made in this behalf, a Subjects Committee shall, if required by the *Zilla Parishad*, have joint meetings with any other Subjects Committees for the purpose of deliberating on or executing any development scheme; and the procedure to be followed at any such joint meetings (including provision for the Chairman to preside over such joint meeting, the person to act as Secretary to such meeting, provision for requiring the attendance of any officer of the State Government or authority or any Bank) shall be such as may be provided by regulations made by the *Zilla Parishad*.]

[9]* * * * * *

1 Section 91A was inserted by Mah. 35 of 1963, s. 41.
2 These words were inserted by Mah. 21 of 1994, s. 73(*1*).
3 These words were inserted by Mah. 21 of 1994, s. 73(*2*).
4 Section 91B was inserted by Mah. 17 of 1982, s. 2.
5 The exisiting proviso were deleted with effect from 12th September 2022, by Mah. 7 of 2023, s. 3.
6 Section 92 was renumbered as sub-section (*1*) and sub-section (*2*) was added by Mah. 43 of 1962, s. 12.
7 The portion beginning with the words "but all subject" and ending with the words "allotted to the Standing Committee" were deleted by Mah. 22 of 1970, s. 7.
8 Section 92 was renumbered as sub-section (*1*) and sub-section (*2*) was added by Mah. 43 of 1962, s. 12.
9 Section 93 was deleted by Mah. 34 of 1999, s. 3.

CHAPTER V

EXECUTIVE OFFICERS

94. Appointment of Chief Executive Officer and Deputy Chief Executive Officer.— (*1*)There shall be a Chief Executive Officer [1][and one or more Deputy Chief Executive Officers] for every *Zilla Parishad* who shall be appointed by the State Government.

(*2*) Every Chief Executive Officer and Deputy Chief Executive Officer shall be liable to be transferred by the State Government.

(*3*) If at a special meeting of the *Zilla Parishad* not less than two-thirds of the total number of Councillors (other than associate Councillors) [2][who are for the time being entitled to sit and vote at any meeting of the *Zilla Parishad*, vote] in favour of a resolution requiring the State Government to withdraw the Chief Executive Officer from office, the State Government shall withdraw such officer from service under the *Parishad*.

95. Powers and functions of Chief Executive Officer.— (*1*) Save as otherwise expressly provided by or under this Act, the executive power for the purpose of carrying out the provisions of this Act, shall vest in the Chief Executive Officer who shall—

(*a*) exercise all the powers specifically imposed or conferred upon him by or under this Act, or under any other law for the time being in force; [3]***

(*b*) lay down the duties of all officers and servants of or holding office under, the *Zilla Parishad* in accordance with rules made by the State Government;

[4][(*c*) unless prevented by sickness or other reasonable cause, attend every meeting of the *Zilla Parishad*, and may, with the permission of the presiding authority, tender information or clarification in respect of any matter under discussion at such meeting.]

(*2*) Subject to the provisions of this Act and the rules made thereunder, the Chief Executive Officer—

(*a*) shall be entitled to—

[5][(*i*) attend the meetings of any Committee of the *Zilla Parishad* and of any *Panchayat Samiti* in the District;]

(*ii*) call for any information, return, statement, account or report from any officer or servant of, or holding office under, the *Zilla Parishad*;

(*iii*) grant leave of absence, for a period not exceeding two months, to Class I and Class II officers;

[6][(*iiia*) make, during the absence on leave or on transfer of any officer, temporary provision for holding charge and the discharge of the functions of the office;]

(*iv*) call for an explanation from any officer or servant of, or holding office under the *Zilla Parishad*;

[7][[8][(*b*)shall, subject to any general or special orders, which may, from time to time, be made by the State Government in this behalf, appoint officers and servants in the District Technical Service (Class III) and District Service (Class III), constituted under clause (*b*) of

1 These words were substituted for the words "and a Deputy Chief Executive Officer" by Mah. 6 of 1975, s. 29(*a*). 2 These words were substituted for the words "constituting the *Parishad* for the time being vote" by Mah. 6 of 1975, s. 29(*b*).

3 The word "and" was deleted by Mah. 6 of 1975, s. 30(*1*)(*a*).

4 Clause (*c*) was inserted by Mah. 6 of 1975, s. 30(*1*)(*b*).

5 Sub-clause (*i*) was substituted for the original, by Mah. 6 of 1975, s. 30(*2*).

6 Sub-clause (*iiia*) was inserted by Mah. 43 of 1962, s. 13.

7 These clauses were substituted for clause (*b*) by Mah. 61 of 1977, s. 4, Schedule.

8 Clause (*b*) was substituted by Mah. 4 of 1987, s. 4.

section 239, from the list of candidates selected by such agency or organisation, by whatever name called, as the State Government may, by general or special order, specify;]

(*bb*) shall appoint servants of Class IV service in the prescribed manner;]

(*c*) shall supervise and control the execution of all activities of *Zilla Parishad*;

(*d*) shall take necessary measures for the speedy execution of all works and development schemes of the *Zilla Parishad*;

(*e*) shall have custody of all papers and documents connected with the proceedings of meetings of the *Zilla Parishad* and of its Committees (not being a *Panchayat Samiti*);

(*f*) shall asses and give his opinion confidentially every year on the work of the officers of Class I service and Class III service holding office under the *Zilla Parishad*; forward them to such authorities as may be prescribed by the State Goverment and lay down the procedure for writing such reports about the work of officers and servants of Class III service and Class IV service under the *Zilla Parishad*;

(*g*) shall draw and disburse money out of the district fund;

(*h*) shall exercise supervision and control over the acts of officers and servants holding office under the *Zilla Parishad* in matters of executive administration and those relating to accounts and records of the *Zilla Parishad*; and

(*i*) shall exercise such other powers and perform such other functions as may be prescribed by the State Government.

96. Delegation of powers of Chief Executive Officer.— (*1*) Any of the powers conferred or duties or functions imposed upon or vested in the Chief Executive Officer by or under this Act, may also be exercised, performed or discharged under the Chief Executive Officer's control, and subject to such conditions and limitation, if any, as he may think fit to lay down, by any officer or servant holding office

under the *Zilla Parishad* to whom the Chief Executive Officer generally or specially empowers by order in writing.

(*2*) Every such order of the Chief Executive Officer shall be laid before the President, the Standing Committee and the relevant Subjects Committee or Committees for information.

[1][**96A. Appointment of Executive Officer and his powers and functions.—** (*1*) There shall be an Executive Officer appointed by the State Government for every Selected Integrated Tribal Development Project Block as may be identified by the State Government, from time to time.

(*2*) The Executive Officers shall exercise such powers and perform such duties or functions of the Chief Executive Officers, as the State Government may, by any general or special order, confer on, and assign to, them, from time to time, for implementing the Selected Integrated Tribal Development Project].

97. Appointment of Block Development Officer.— There shall be a Block Development Officer for every *Panchayat Samiti* who shall be appointed by the State Government.

98. Powers and functions of Block Development Officer.— (*1*) Subject to the provisions of this Act, and any rules made thereunder, a Block Development Officer may—

(*a*) subject to the general order of the Chief Executive Officer, grant leave of absence to officers or servants of Class III service or of Class IV service of the *Zilla Parishad* working under the *Panachayat Samiti*; and

(*b*) call for any information, return, statement, account, report or explanation from any such officer or servant.

(*2*) A Block Development Officer shall—

1 Section 96A was inserted by Mah. 12 of 1994, s. 4.

(*a*) have the custody of all papers and documents connected with the proceedings of meeting of the *Panachayat Samiti*;

(*b*) save as otherwise provided by or under this Act, exercise executive powers in the Block for the purpose of carrying out the provisions of this Act therein;

(*c*) draw and disburse money out of the grant or grants payable to the *Panchayat Samiti* under [1][sub-section (*6*) of section 155 and section 188];

(*d*) in relation to works and development schemes to be undertaken from block grants, exercise such powers of sanctioning acquisition of property or sale or transfer thereof as may be specified by the State Government.

99. Powers and functions of Head of Department of *Zilla Parishad*.— Subject to the provisions of this Act and the rules made thereunder, every Head of the Department of the *Zilla Parishad*—

(*a*) may, in respect of works and development schemes pertaining to his Department accord techinical sanction thereto;

(*b*) shall assess and give his opinion confidentially every year on the work of officers of Class II service working in his Department and shall forward them to the Chief Executive Officer;

[2][(*c*) shall, unless prevented by sickness or other reasonable cause, attend every meeting of the *Zilla Parishad* and of the Committee of which he is the Secretary; and may, with the permission of the presiding authority, tender information or clarification in respect of any matter under discussion at the meeting.]

CHAPTER VI

POWERS AND DUTIES OF*Zilla Parishad, Panchayat Samiti* AND COMMITTEES

100. Administrative powers and duties of *Zilla Parishad*.— (*1*) (*a*) It shall be the duty of a *Zilla Parishad* so far as the district fund at its disposal will allow, to make reasonable provision within the

District with respect to all or any of the subjects enumerated in the First Schedule as amended from time to time under sub-section (*2*) (in this Act referred to as "the District List") and to execute or maintain works or development schemes in the District relating to any such subjects.

(*b*) Subject to the provisions of this sub-section, the State Government shall, by notification in the *Official Gazette*, transfer to the *Zilla Parishad* all such completed works or development schemes in relation to any subject enumerated in the District List, and may, in like manner, transfer to the *Zilla Parishad* also such like works and development schemes as are in progress.

(*c*) On such transfer, the works and development schemes shall vest in the *Zilla Parishad*, but subject to such terms and conditions [3][which may, with the consent of a *Zilla Parishad,* be modified from time to time] as may be specified in the notification under clause (*b*):

Provided that, on breach of any of the terms and conditions, the property vesting in the *Zilla Parishad* shall revest in the State Government and it shall be lawful for the State Government to resume possession thereof:

[4][Provided further that if, in the opinion of the State Government, it is necessary that any works or development schemes, transferred as aforesaid should be managed, maintained or executed by the State Government itself [5][or any property appertaining to any such works or development schemes

1 These words, brackets and figures were substituted for the words and figures "sections 185 and 188" by Mah. 43 of 1964, s. 18.

2 Clause (*c*) was added by Mah. 6 of 1975, s. 31.

3 These brackets and words were inserted by Mah. 43 of 1964, s. 19(*a*). 4 This proviso was added by Mah. 43 of 1962, s. 14(*a*).

5 These words were inserted by Mah. 43 of 1964, s. 19(*b*)(*i*).

transferred as aforesaid is required by the State Government,] the State Government may, by notification in the *Official Gazette*, direct that the works or development schemes, [1][or, as the case may be, property appertaining to such works or development schemes] specified in the notification shall, with effect from such date and subject to any terms and conditions as may be agreed upon between the State Government and the *Zilla Parishad* and mentioned therein, cease to vest in the *Zilla Parishad* and revest in the State Government :]

[2][Provided also that, if, in the opinion of the State Government, it is necessary that any work or Development scheme transferred as aforesaid should be discontinued, the State Government may, by notification in the *Official Gazette*, direct that the work or development scheme or any property appertaining to any such work or development scheme specified in the notification shall with effect form the date mentioned therein, cease to vest in the *Zilla Parishad* and revest in the State Government.]

[3][(*c-a1*) (*A*) Notwithstanding anything contained in clause (*a*), read with entries 58 and 59 in the First Schedule, a *Zilla Parishad* may, with the assistance of grant-in-aid provided by the State Government, undertake, through the State agencies, execution of piped water supply schemes (including works), with a net capital cost of rupees one lakh or more for each such scheme.

(*B*) When the State Government undertakes a piped water supply scheme, the net capital cost of which is rupees one lakh or more, in pursuance of a resolution passed by a *Zilla Parishad* requesting the State Government to arrange for execution of such scheme and undertaking to take over the scheme within a specified period, it shall be the duty of the *Zilla Parishad* to take over such scheme for operation and maintenance within the specified period. Where any such scheme was completed, but was not taken over by the *Zilla Parishad* before the date of commencement of the Maharashtra Zilla Parishads and Panchayat Samitis and Bombay Village Panchayats (Amendment) Act, 1981 (Mah. LVI of 1981), the *Zilla Parishad* shall take it over within thirty days from the said date, which shall be the period specified for such scheme, and where any scheme is completed after the said date the *Zilla Parishad* shall take it over within such period as may be specified by the State Government.]

[4][(*c-1*) Notwithstanding anything contained in clauses (*b*) and (*c*) of this section, any officer of the State Government authorised under section 127 of this Act may visit the establishment or office of any person who is benefited by any work or development scheme transferred to a *Zilla Parishad* under this section or inspect the record, or audit the accounts, of such person and, if necessary, give appropriate directions for compliance by such persons.]

(*d*) All rights and liabilities which were enforceable by or against the State Government in relation to the works or schemes [5][transferred under clause (*b*)] under any contract or agreement or otherwise shall be enforceable by or against the *Zilla Parishad*[6][and all rights and liabilities which were enforceable by or against the *Zilla Parishad*, in relation to the works or schemes or property appertaining thereto revested in the State Government under the [7][second and third provisos] to clause (*c*), under any contract or agreement or otherwise shall be enforceable by or against the State Government.]

[8][(*e*) Subject to any general or special orders which may be made by the State Government in this behalf, every *Zilla Parishad* may give every year to any *Panchayat Samiti* within its jurisdiction a grant for carrying out or maintaining any works or development schemes, of such

1 These words were inserted by Mah. 43 of 1964, s. 19(*b*)(*ii*).

2 This proviso was added by Mah. 6 of 1975, s. 32(*a*).

3 This clause was inserted by Mah. 56 of 1981, s. 2.

4 Clause (*c-1*) was inserted by Mah. 6 of 1975, s. 32(*b*).

5 These words were substituted "transfered as aforesaid by Mah. 34 of 1966, s. 5(*a*). 6 This portion was added by Mah. 34 of 1966, s. 5(*b*).

7 These words were substituted for the words "second proviso" by Mah. 6 of 1975, s. 32(*c*). 8 Sub-clause (*e*) was added by Mah. 21 of 1968, s. 9.

types as the *Zilla Parishad* may specify in this behalf, regard being had to the subjects enumerated in the Second Schedule.]

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

Provided that,—

(*a*) no such notification omitting any entry from the First Schedule 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 modifications as the State Legislature may make during the session in which it is so laid and publish in the *Official Gazette*.

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

(*4*) The *Zilla Parishad* shall endeavour to promote planned development of the District by utilising to the maximum extent, local resources and for that purpose prepare annual and long-term plans, regard being had to the plans already prepared by the *Panchayat Samitis*.

(*5*) Subject to the rules made by the State Government in this behalf, a *Zilla Parishad* may, by resolution passed at its meeting and supported by [1][not less than two-thirds] of the total number of its Councillors (other than associate Councillors), make provision for any public reception, ceremony of entertainment within the District or may contribute towards a gathering sponsored by the *Zilla Parishad* in the District.

(*6*) A *Zilla Parishad* shall, in relation to measures for the amelioration of the conditions of the Scheduled Castes and Scheduled Tribes and of any socially and educationally backward classes, and in

particular in the removal of untouchability, carry out the directions given or orders issued from time to time by the State Government and the *Zilla Parishad* shall provide adequate sums for the purpose.

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

(*8*) A *Zilla Parishad* may incur expenditure outside the District [2][on any work of development scheme transferred to it under this Act within the revenue district of which the district forms part].

(*9*) It shall be the duty of a *Zilla Parishad* to make adequate provisions for payment to Councillors, members of *Panchayat Samiti* and members of the Standing Committee, Subjects Committees and any other Committee all expenses incurred on travelling for the purpose of business of the *Zilla Parishad* or as the case may be, the *Panchayat Samiti*, in accordance with rules made by the State Government in this behalf.

(*10*) A *Zilla Parishad* may contribute to any fund sponsored by Government to meet any calamity affecting the public in any part of India.

Explanation.— If any doubt arises whether a fund is sponsored by Government or not, the question shall be decided by the Commissioner, and his decision shall be final.

(*11*) Subject to the provisions of this Act, a *Zilla Parishad* shall exercise general supervision and control over the work of the Chief Executive Officer.

[3]* * *

1 These words were substituted for the words "two-third" by Mah. 43 of 1962, s. 14(*b*).

2 These words were substituted for the portion beginning with "on any matter in relation to" and ending with "of the District" by Mah. 35 of 1963, s. 43.

3 Section 100A was deleted by Mah. 27 of 2003, s. 7.

101. *Panchayat Samiti* to be primarily responsible in respect of certain subjects.— (*1*) Notwithstanding anything contained in section 100, it shall be the primary responsibility of a *Panchayat Samiti* so far as the funds at its disposal will allow, to make reasonable provision within the Block with respect to all or any of the subjects enumerated in the Second Schedule as amended form time to time under sub-section (*2*).

(*2*) The State Government may, by notification in the *Official Gazette*, omit any entry from the Second Schedule 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 the Second Schedule 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*.

[1]**[101A. Power of *Panchayat Samiti* to incur expenditure from block grant.—** Expenditure including any grant by a *Panchayat Samiti* out of the block grant shall, save as otherwise provided by this Act, be made within the area subject to its authority only; but may, notwithstanding anything contained in section 101, with the sanction of the Commissioner obtained through the *Zilla Parishad* concerned, be made outside that area for any of the purpose of this Act; but for the purpose of maintaining any property situated outside that area which is given to it by the *Zilla Parishad*, no such sanction shall be necessary.]

[2]* * * * *

102. Power of *Zilla Parishad* to construct other works and manage other institution [3][and to give technical guidance to other local authority].—[4][(*1*)] It shall be lawful for a *Zilla Parishad* to undertake, upon such terms and conditions as may be agreed upon, the construction, maintenance or repair

of any work, or the management of any institution on behalf of the Central or State Government, or any other local authority, or any Court of Wards.

[5][(*2*) A *Zilla Parishad* may give technical guidance or assistance in relation to any work or scheme of any other local authority upon such terms and conditions as may be agreed upon between the *Zilla Parishad* and that local authority, and for that purpose require any of its officers or servants to inspect any such work or scheme.]

103. Power of State Government to transfer works and development schemes.— The State Government, with the consent of a *Zilla Parishad*, may at any time transfer to such *Zilla Parishad* the execution of any works or development schemes promoting directly or indirectly the welfare of the residents of the District, and it shall thereupon be lawful for such *Zilla Parishad* to undertake the execution of the work or development scheme so transferred :

Provided that, in every such case, such funds as may be agreed upon shall be placed at the disposal of the *Zilla Parishad* by the State Government.

104. District fund ordinarily liable for all costs and expenses incurred by *Zilla Parishad*.— Except as is hereinafter otherwise provided, no presiding authority, Councillor, officer holding office under or servant of, a *Zilla Parishad* shall be personally liable in respect of any contract or agreement duly made, or for any expense duly incurred by or on behalf of such *Zilla Parishad*; the district fund at the disposal of each *Zilla Parishad*, and where the liability arises under any contract or agreement

1 Section 101A was inserted by Mah. 43 of 1967, s. 2.

2 Section 101B was deleted by Mah. 27 of 2003, s. 8.

3 These words were added by Mah. 35 of 1963, s. 44(*ii*).

4 Section 102 was re-numbered as sub-section (*1*) and sub-section (*2*) was inserted by Mah. 35 of 1963, s. 44(*ii*). 5 Section 102 was re-numbered as sub-section (*1*) and sub-section (*2*) was inserted by Mah. 35 of 1963, s. 44(*ii*).

in relation to any *Panchayat Samiti*, the block grant at the disposal thereof shall, subject to any order made by the State Government, be liable for and be charged with all costs, in respect of any such contract or agreement and all such expenses.

105. Power to compromise.— (*1*) A *Zilla Parishad* may compromise in respect of any suit instituted by or against it, or in respect of any claim or demand arising out of any contract entered into by or on behalf of it under this Act, for such sum of money or other compensation as it shall deem sufficient :

Provided that, if any sanction in the making of any contract is required by this Act, the like previous sanction shall be obtained for compromising any claim or demand arising out of such contract.

(*2*) A *Zilla Parishad* may pay compensation out of the district fund to any person sustaining any damage by reason of the exercise, in good faith, of any of the powers vested in it, in its Committees or in *Panchayat Samitis* and in the presiding authorities, officers and servants by or under this Act.

106. Powers and functions of *Zilla Parishad*.— Subject to the provisions of this Act and the rules made thereunder by the State Government, a *Zilla Parishad* may—

(*i*) do all things necessary for the proper discharge of the functions and duties imposed on it by or under the Act;

(*ii*) sanction works or development schemes within the District (not being works or development schemes which a *Panchayat Samiti* has been empowered by this Act to sanction within the Block from block grants);

(*iii*) at any time, call for any proceedings of the Standing Committee or any Subjects Committee, or for any return, statement, account or report concerning or connected with any subjects allotted thereto;

(*iv*) require any of its officers or servants to attend any meeting of the *Zilla Parishad* and tender advice on any matter which concerns the department under which such officer or servant is working; and every such officer or servant shall comply with such requisition;

(*v*) exercise powers or perform functions in respect of matters which by or under this Act are not expressly conferred or imposed on the *Panchayat Samiti* or Standing Committee or a Subjects Committee, presiding authority or officer or servant of or under the *Zilla Parishad*;

(*vi*) [1][subject to the instructions or directions if any, given or issued under sub-section (*1*) of section 261, revise or modify] any decision taken by the Standing Committee, a Subjects Committee, presiding authority or officer of or under, or servant of, the *Zilla Parishad*;

(*vii*) exercise administrative control over officers and servants holding office under it; and

(*viii*) supervise generally the execution of all duties and functions under this Act.

107. Duties of Zilla Parishad during [2][scarcity], etc.— Where the State Government during any year has declared any area as [3][a scarcity area] and has granted suspension or remission of land revenue according to the scale prescribed by the State Government in this behalf under the relevant Code or where distress is caused by floods or other natural calamities in any area, it shall be the duty of the *Zilla Parishad* having jurisdiction over the area, if so directed by the State Government, to undertake relief operation in such area either by the grant of gratuitous relief in the form of doles of money or through expenditure on such public works or such preventive or remedial measures as may be specified by the State Government in the direction.

1 This portion was substituted for the words "revise or modify" by Mah. 35 of 1963, s. 45.

2 This word was substituted for the word "famine" by Mah. 11 of 1976, s. 3, Second Schedule.

3 These word were substituted for the words "a famine-stricken area or an area of acute scarcity" by Mah. 35 of 1963, s. 46.

108. Powers and functions of Panchayat Samiti.— (*1*) Subject to the provisions of the Act, and the rules made by the State Government thereunder, every *Panchayat Samiti*—

(*a*) (*i*) shall prepare an overall plan of works and development schemes to be undertaken in the Block for enabling the *Zilla Parishad* to prepare its development plans;

(*ii*) shall prepare a plan of works and development schemes to be undertaken from block grants with a view to utilising local resources in the Block to the maximum possible extent;

(*b*) shall sanction, execute, supervise or administer any works or development schemes from block grants, and for this purpose incur expenditure therefrom;

(*c*) shall exercise powers and perform functions in respect of matters, concerning block grants, which by or under this Act are not expressly conferred on its Chairman, Deputy Chairman or any officer or servant of the *Parishad* working in the Block;

(*d*) shall execute, maintain, supervise and administer the works and development schemes of the *Zilla Parishad*;

(*e*) shall perform such functions of the *Zilla Parishad* within the Block as are delegated to it by or on behalf of the *Zilla Parishad*;

(*f*) may recommend for the consideration of the *Zilla Parishad* any works or development schemes which should be undertaken by the *Zilla Parishad* in the Block, and indicate the extent to which local resources are likely to be obtained in such works or schemes;

(*g*) [1][may, subject to any instructions or directions given or issued under sub-section (*1*) of section 261,] revise, or modify any decision taken by the Chairman or Deputy Chairman, Block Development Officer or any officer or servant working in the Block;

[2]* * * * *

(*i*) shall forward every quarter to the *Zilla Parishad* a summary of the proceedings of its meetings; and

(*j*) shall exercise general supervision and control over the work of the Block Development Officer in connection with the functions and duties vested in it.

(*2*) A *PanchayatSamiti* may propose to the *Zilla Parishad*[3]* * * an increase in a tax or fee levied in the Block and any such increase in the [4]* * * * tax or fee shall be utilised in the Block, for the purpose or purposes indicated in the proposal.

[5][**108A.** ***Panchayat Samiti* to conform to instruction given by *Zilla Parishad*.—** (*1*) A *Panchayat Samiti* shall conform to any instructions that may, from time to time, be given to it by the *Zilla Parishad* in the execution by the *Panchayat Samiti* of its duties and functions under this Act.

(*2*) Nothing in sub-section (*1*) shall be construed as empowering a *Zilla Parishad* to issue instructions in respect of powers to be exercised and functions to be performed by a *Panchayat Samiti* in respect of matters concerning block grants.]

109. Powers and functions of Standing Committee and Subjects Committees.— (*1*) Subject to the provisions of this Act and the rules made thereunder, the Standing Committee or a Subjects Committee in relation to subjects allotted to it,—

(*a*) shall—

(*i*) be in charge of works and development schemes relating thereto,

1 This portion was substituted for the word "may" by Mah. 35 of 1963, s. 47(*1*)(*a*).

2 Clause (*h*) was deleted by Mah. 35 of 1963, s. 47(*1*)(*b*).

3 The words and figures "an increase in the rate of cess on land revenue, levied in the Block not exceeding the limit specified in sections 144, 151 or 152 or" were deleted by Mah. 35 of 1963, s. 47(*2*).

4 The words "local cess or" were deleted by Mah. 35 of 1963, s. 47(*2*).

5 Section 108A was inserted by Mah. 35 of 1963, s. 48.

(*ii*) ensure that the estimates of works and development schemes are prepared and sanctioned and supervise their execution,

(*iii*) supervise the expenditure of provisions made in the budget,

[1][(*iii-a*) review periodically the progress of activities of the *Zilla Parishad* and place reports thereon before the *Zilla Parishad*,]

(*iv*) forward a copy of the proceedings of each meeting of the Committee to the *Zilla Parishad*;

(*b*) may—

(*i*) require any officer to enter on and inspect on its behalf, any immovable property occupied by the *Zilla Parishad*, or any work or development scheme in progress undertaken by the *Zilla Parishad* or under its direction,

(*ii*) call for any information, return, statement, account or report, from its Chairman or from any officer or servant holding office under the *Zilla Parishad*.

[2]* * * * * *

(*2*) The Standing Committee or a Subjects Committee may require any officer holding office under, or servant of, the *Zilla Parishad* to attend any meeting of the Committee and tender advice in respect of any matter which concerns the Department under which such officer or servant is working, and every such officer or servant shall comply with such requisition.

(*3*) (*a*) Subject to the provisions of this Act and the rules made thereunder, in addition to the powers and functions specified in the foregoing provisions, the Standing Committee shall,—

(*i*) supervise and control the imposition and collection of taxes, rates, dues, fees or tolls;

(*ii*) maintain a schedule of rates in connection with the execution of constructional works and development schemes and may revise it periodically so however, that the rates shall not be higher

than the rates laid down by the State Government for similar works or development schemes in the locality;

(*iii*) manage and regulate the investment of the district fund; and

(*iv*) examine and pass monthly accounts of receipts and expenditure of the *Zilla Parishad* [3][(not being monthly accounts in relation to block grants given to a *Panchayat Samiti*)].

(*b*) The Standing Committee in relation to subjects allotted to any Subjects Committee including the subjects allotted to itself—

(*i*) may authorise any officer or servant to enter on, and inspect, any immovable property occupied by the *Zilla Parishad*, or any institution under the control and management of the *Zilla Parishad* or any work or development schemes in progress undertaken by the *Zilla Parishad* or under its direction;

(*ii*) may make any proposal to the *Zilla Parishad* concerning its powers and functions; and

(*iii*) shall review periodically the progress of all activities of the *Zilla Parishad*, and place report thereon before the *Zilla Parishad*.

(*c*) The Standing Committee, may at any time, call for any proceedings of any Subjects Committee or for any return, statement, account, or report, concerning or connected with any subjects allotted to such Subjects Committee.

1 Sub-clause (*iii-a*) was inserted by Mah. 6 of 1975, s. 33(*1*). 2 Sub-clause (*iii*) was deleted by Mah. 6 of 1975, s. 33(*2*).

3 This portion was added by Mah. 21 of 1968, s. 10.

(*d*) The Standing Committee may grant leave of absence not exceeding one month to the Chief Executive Officer and exceeding four months to other Officers of Class I service and Officers of Class II service holding offices under the *Zilla Parishad*.

(*4*) Subject to such conditions, if any, as may be specified by the Standing Committee or a Subjects Committee, it may delegate any its powers, functions and duties under this Act to any *Panchayat Samiti*.

[1]**[109-A. Special powers and functions of Finance Committee.—** (*1*) The Finance Committee, in addition to the powers and functions specified in sub-sections (*1*) and (*2*) of section 109, shall,—

(*i*) scrutinise the annual budget estimates of income and expenditure of the *Zilla Parishad* and of the *Panchayat Samitis* prepared under section 137 in such detail as it may consider necessary and tender advice so as to ensure that the objectives of the *Zilla Parishads* and *Panchayat Samitis* are carried out in the most economical and efficient manner;

(*ii*) scrutinise the revised or supplementary budget estimates of the *Zilla Parishad* and *Panchayat Samitis* prepared under section 138, in a like manner;

(*iii*) examine the statement of accounts of receipt and expenditure of the *Zilla Parishad* and the *Panchayat Samiti* prepared under section 136;

(*iv*) scrutinise the audit report on the accounts of the *Zilla Parishad*, *Panchayat Samitis* and of any institutions or undertakings working under the *Zilla Parishad*.

(*2*) It shall be the duty of the Finance Committee to satisfy itself—

(*i*) that the monies shown in the statement of accounts of receipts and expenditure have been duly provided for in the budget estimates of the *Zilla Parishad*, or as the case may be, the *Panchayat Samiti* and have been applied to the service or purpose for which they have been provided;

(*ii*) that the expenditure confirms to the authority which governs it;

(*iii*) that every re-appropriation of funds has been made by the competent authority and in accordance with the provisions of the Act and the rules made thereunder regulating the re-appropriation of funds;

(*iv*) that the money spent are not in excess of the amount provided for in the budget or justified by the facts or circumstances of the case.

(*3*) The Finance Committee may, if it considers it necessary so to do, invite at its meetings the Chief Auditor, Local Fund Accounts, or his nominee to assist the Committee in its functions under this section.

(*4*) The scrutiny of the annual budget estimates or the revised or supplementary budget estimates by the Finance Committee shall not in any manner affect or postpone their consideration or approval by the *Zilla Parishad*.]

110. Joint Committees of two or more Zilla Parishads.— (*1*) A *Zilla Parishad* may, from time to time, concur with any other *Zilla Parishad* or with any municipal corporation, municipality, cantonment authority or notified area committee—

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

(*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

1 Section 109-A was inserted by Mah. 6 of 1975, s. 34.

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

(*2*) A *Zilla Parishad* may, from time to time, enter into an agreement, with any other *Zilla Parishad* or with a municipal corporation, municipality, cantonment authority or notified area committee or with a combination of any such bodies, for the levy of tax falling under entry 56, in List II in the Seventh Schedule to the Constitution of India whereby the tax, 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 *Zilla Parishad* 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 contonment 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 thereupon 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.

CHAPTER VII

CONDUCT OF BUSINESS

Zilla Parishads.

111. Meetings of *Zilla Parishads*.— (*1*) A *Zilla Parishad* may meet as often as may be necessary, but three months shall not intervene between its last meeting and the date of its next meeting.

1[(*2*) Subject to the provisions of this section, the State Government shall make rules consistent with this Act, with respect to the place, conduct and adjournment of such meetings, and generally with respect to the transaction of business thereat.]

(*3*) The President shall fix the dates for meetings, and may whenever he thinks fit, and shall, upon the written request of not less than 2[two-fifth] of the 3[total number of Councillors 4* * * * who are for the

time being entitled to sit and vote at any meeting of the *Zilla Parishad*] and within seven days from the receipt of such request, issue notice calling a special meeting:

5[Provided that, special meeting shall not be called within sixty days from the date of immediately preceding meeting of *Zilla Parishad* :

Provided further that, if the President receives the request for calling a special meeting within sixty days from the date of preceding meeting of *Zilla Parishad*, then the President may, either call a special meeting within sixty days or reject the request by recording the reasons thereof :

Provided also that, where a special meeting is called the notice of meeting shall state a date at which the meeting is to be held, being a date not later than thirty days from the date of the issue of the notice.]

(*4*) Fifteen clear days' notice of an ordinary meeting, and ten clear days' notice of a special meeting, specifying the time and place at which such meeting is to be held, and the business to be transacted thereat, shall be circulated to the Councillors and posted up at the office of the *Zilla*

1 Sub-section (*2*) was substituted by Mah. 35 of 1963, s. 49(*1*).

2 These word were substituted for the words "one-fifth" *w.e.f.* 7th Ocotober 2017, by Mah. 47 of 2018, s. 2(*a*).

3 These words and brackets were substituted for the word "Councillors" by Mah. 6 of 1975, s. 35(*a*).

4 The brackets and words "(other than associate Councillors)" were deleted by Mah. 21 of 1994, s. 74(*1*). 5 These provisos were substituted *w.e.f.* 7th Ocotober 2017, by Mah. 47 of 2018, s. 2(*b*).

Parishad. Such notice shall, in the case of special meeting, include a motion or proposition, if any, mentioned in the written request made for such meeting:

1[Provided that, where a meeting is called under this Act for the election of President and Vice-President, the notice of the meeting to the persons falling under clause (*c*) of sub-section (*1*) of section 9 may be given as soon as possible after their names are published under sub-section (*2*) of section 9, and such notice shall be deemed to be sufficient notice to those persons for attending that meeting.]

(*5*) Every meeting shall be presided over by the President, or if he be absent, the Vice-President, and if both the President and Vice-President be absent, by such one of the Councillors present as may be chosen by the meeting to be Chairman for the occasion:

2[Provided that, no Councillor contesting an election to fill a vacancy in any office shall preside over the meeting held for filling in the vacancy in that office.]

(*6*) All questions shall be decided by a majority of votes of the Councillors present and voting, the presiding authority having a second or casting vote in all cases of equality of votes.

(*7*) If less than one-third of the total number of Councillors 3[4* * * * who are for the time being entitled to sit, vote or participate in any meeting of the *Zilla Parishad*] be present at a meeting at any time from the beginning to the end thereof, the presiding authority shall adjourn the meeting to such hour on the following or some other future date as he may reasonably fix; a notice of such adjournment shall be put up in the office of the *Zilla Parishad*, and the business which would have been brought before the original meeting, had there been a quorum thereat, shall be brought before the adjourned meeting, and may be disposed of at such meeting or at any subsequent adjournment thereof, whether there be quorum present or not.

(*8*) Except with the permission of the presiding authority (which permission shall not be given in the case of a motion or proposition to modify or cancel any resolution within three months after the passing thereof), no business shall be transacted and no proposition shall be discussed at any ordinary meeting, unless it has been entered in the notice convening such meeting or, in the case of special meeting, in the written request for such meeting.

(*9*) The order in which any business or proposition may be brought before any meeting shall be determined by the presiding authority, who in case it is proposed by any Councillor to give priority to any particular item of such business or to any particular proposition, shall put the proposal to the meeting and be guided by the majority of votes given for or against the proposal.

(*10*) Any ordinary meeting may, with the consent of a majority of Councillors present, be adjourned from time to time, but no business shall be transacted at any adjourned meeting other than that left undisposed of at the meeting from which the adjournment took place.

(*11*) No resolution of a *Zilla Parishad* shall be modified or cancelled within three months after the passing thereof, except by a resolution supported by not less than one-half of 5[the number of Councillors] present and passed at an ordinary meeting, whereof notice as required by sub-section (*4*) has been given and setting forth fully the resolution which it is proposed to modify or cancel at such meeting, and the motion or proposition for the modification or cancellation of such resolution.

(*12*) Every meeting shall be open to the public, unless the presiding authority deems any inquiry or deliberation pending before the *Zilla Parishad* should be held in private, and provided that the said officer may at any time cause any person who interrupts the proceeding to be removed.

(*13*) Records shall be kept of the names of Councillors present and others who attend the meetings of the *Zilla Parishad* under the provisions of this Act and of the proceedings at each meeting

1 This proviso was added by Mah. 22 of 1962, s. 7.

2 This proviso was added by Mah. 43 of 1964, s. 20(*b*).

3 This portion was inserted by Mah. 6 of 1975, s. 35(*b*).

4 The brackets and words "(including associate Councillors)" were deleted by Mah. 21 of 1994, s. 74(*2*). 5 These words were substituted for the words "the whole number of Councillors" by Mah. 43 of 1962, s. 15.

of the *Zilla Parishad* (and if any Councillor present at the meeting so desires, of the names of the Councillor voting, for and against any resolution) in a minute book to be provided for this purpose, 1[the minutes shall be recorded, as soon as practicable after the meeting and shall be placed before the next meeting of the *Zilla Parishad* for confirmation and shall after confirmation in that meeting, be signed by the presiding authority of such meeting. The minutes shall at all times be open to inspection by any Councillor or by any voter of the *Zilla Parishad*:

Provided that, a copy of every resolution passed at the meeting shall be kept in a separate book to be provided for the purpose which shall be read over and confirmed in the same meeting and shall be signed by the presiding authority of such meeting, immediately at the end of the meeting. Every such resolution shall form part of the minute book.]

(*14*) If any Minister desires to discuss with the *Zilla Parishad* any matter relating to the work of the *Parishad* or the development of the District, the Minster may by letter request the President to call a meeting of the *Zilla Parishad* on such date, and at such hour as the Minister may mention therein 2[and notwithstanding anything contained in sub-section (*4*), the President shall,] on receipt of such letter, summon the meeting accordingly at the office of the *Parishad*.

112. Concillor may act during vacancy; acts of *Zilla Parishads* etc., not to be invalideted by informalities.— (*1*) During any vacancy in a *Zilla Parishad*, the continuing Councillors may act as if no vacancy had occurred.

(*2*) The *Zilla Parishad* shall have power to act notwithstanding any vacancy in the Councillorship, or any defect in the constitution, thereof; and such proceeding of the *Parishad* 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[(*3*) No act or proceeding of a *Zilla Parishad* 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 Councillor or for mere informality.]

113. Dignitaries to address meeting.— (*1*) Notwithstanding anything contained in section 111, a President may convene a meeting of the *Zilla Parishad* to enable such dignitaries as the State Government may, by general or special order, specify in this behalf to address the Councillors.

(*2*) The President shall, as far as practicable, inform the Councillors of such meeting and of the time and place thereof at least two days before the meeting.

114. President may require the presence of certain Government officer at meetings of *Zilla Parishad*.— If it shall appear to a *Zilla Parishad* that the attendance of any officer of the State Government having jurisdiction over an area less than a division, and not working under any *Zilla Parishad*, is desirable at a meeting of the *Zilla Parishad*, the President shall by letter addressed to such officer not less than fifteen days before the intended meeting, require his presence thereat; and the officer shall, unless prevented by sickness or other reasonable cause, attend the meeting :

Provided that, the officer on receipt of such letter may, if he for any of the cause aforesaid is unable to be present thereat himself, instruct his deputy or assistant or other competent subordinate officer to represent him at the meeting.

115. President may circulate written propositions.— (*1*) In matters prescribed by regulations made by the *Parishad*, being matters for which in its opinion it is unnecessary to convene a meeting, the President may circulate a written proposition of his own, or of any other Councillor or of any executive officer of the *Zilla Parishad* for the observations and votes of Councillors.

(*2*) The decision on any proposition so circulated, shall be in accordance with the majority of votes recorded thereon.

1 This portion was substituted for the portion beginning with the words "which shall be signed immediately" and ending with the words "any voter of the *Zilla Parishad*" by Mah. 6 of 1975, s. 35(*c*).

2 This portion was substituted for the words "and the President shall" by Mah. 35 of 1963, s. 49(*2*). 3 Sub-section (*3*) was substituted by Mah. 35 of 1963, s. 50.

(*3*) Every decision arrived at by the *Zilla Parishad* under this section shall be recorded in the minute-book kept under sub-section (*13*) of section 111.

1**[116. Mode of execution of contracts**.— (*1*) Subject to the provisions of this Act, the Chief Executive Officer may, on behalf of the *Zilla Parishad* or on its behalf for the purposes of a *Panchayat Samiti*, enter into any contract or agreement in such manner and form as, according to the law for the time being in force, would bind him if such contract or agreement were on his own behalf.

(*2*) Every such contract or agreement shall be in writing, and shall be signed by the Chief Executive Officer, and in the case of a contract or agreement the subject matter of which exceeds five thousand rupees shall also be sealed with the common seal of the *Zilla Parishad*.

(*3*) The powers conferred on the Chief Executive Officer by this section may be exercised subject to his control and subject to the provisions of this Act and such conditions and limitations, if any, as he shall think fit to prescribe, by any head of a Department of the *Zilla Parishad*, or a Block Development Officer, whom the Cheif Executive Officer empowers generally or specially by an order in writing in this behalf. A copy of every such order made shall be sent forthwith by the Chief Executive Officer to the President and the Standing Committee or Subjects Committee or *Panchayat Samiti* concerned, for information.

(*4*) No contract or agreement not executed as in this section provided, shall be binding on a *Zilla Parishad.*]

Panchayat Samitis.

117. Meetings of *Panchayat Samitis*.— A *Panchayat Samiti* may meet, as often as may be necessary, but one month shall not intervene between its last meeting and the date of its next meeting.

118. Sections 111, 112 and 115 to apply to meetings of *Panchayat Samitis*.— The provisions of sections 111 and 112 in relation to meetings of a *Panchayat Samiti* and of section 115 in relation to circulation of written propositions, shall apply as they apply in relation to meetings of a *Zilla Parishad* or in relation to circulation of written propositions with the modification that—

2[(*1a*) sub-section (*1*) of section 111 shall be deleted,];

(*a*) for the words "*Zilla Parishads*" or the word "*Parishad*" the words "*Panchayat Samiti*",

(*b*) for the word "President" the words "Chairman of a *Panchayat Samiti*",

(*c*) for the words "Vice President" [3][wherever they occur except in sub-section (*4*) of section 111,] the words "Deputy Chairman of a *Panchayat Samiti*[4]*****,

(*d*) for the words "Councillor" and "Councillors" the words "member" and "members", respectively,

[5][(*d1*) in sub-section (*4*) of section 111, for the word "fifteen" the word "ten" and for the word "ten" the word "seven",]

shall be substituted,

*[6, 7][(*e*) in section 111, in sub-section (*4*), the proviso shall be deleted.]

Standing and Subjects Committees.

1 Section 116 was substituted by Mah. 16 of 1964, s. 2.
2 Clause (*1a*) was inserted by Mah. 35 of 1963, s. 51(*1*).
3 These words were inserted by Mah. 35 of 1963, s. 51(*2*).
4 The word "and" was deleted by Mah. 22 of 1962, s. 8.
5 Clause (*d1*) was inserted by Mah. 35 of 1963, s. 51(*3*).
6 Amendment made by section 36 of Mah. 6 of 1975 has not been brought into force.
7 This clause was substituted for clauses (*e*) and (*f*) by Mah. 6 of 1975, s. 36.

119. Meetings of Standing Committees and Subjects Committees.—[1][(*1*)] Each Standing Committee and Subjects Committee may meet as often as may be necessary, but one month shall not intervene between its last meeting and the date of its next meeting, and shall observe such procedure in regard to the transaction of business at its meetings [2][as the State Government may by rules prescribe in that behalf.]

[3][(*2*) The provisions of sub-sections (*1*) and (*2*) of section 112 shall apply in relation to the meetings of a Standing or Subjects Committee, as they apply in relation to the meetings of a *Zilla Parishad* with the modification that—

(*a*) for the words "*Zilla Parishad* the words "Standing Committee or Subjects Committee" shall be substituted; and

(*b*) for the words "Councillors" and "Councillor" the words "members" and "member" shall, respectively, be substituted;

(*c*) for the word "Councillorship" the word "membership" shall be substituted;

(*d*) for the words "the *Parishad*" the words "any such Committee" shall be substituted.]

120. Chairman may require attendence of Government officers at meetings of Standing or Subjects Committees, as the case may be.— If it appears to a Standing Committee or Subjects Committee that the attendance of any officer of the State Government having jurisdiction over an area less than a division, and not working under any *Zilla Parishad* is desirable at a meeting of the Standing Committee, or as the case may be, the Subjects Committee, the Chairman of the Standing Committee or, as the case may be, of the Subjects Committee shall by letter addressed to such officer not less than fifteen days before the intended meeting, require his attendance thereat ; and the officer shall, unless prevented by sickness or other reasonable cause, attend the meeting :

Provided that, the officer on receipt of the letter may, if he for any of the causes aforesaid is unable to be present thereat himself, instruct his deputy or assistant or other competent subordinate officer to represent him at the meeting.

121. Chairman of Standing Committee or Subjects Committee may circulate written propositions.— (*1*) Whenever it appears to the Chairman of a Standing Committee or a Subjects Committee unnecessary to convene a meeting he may circulate a written proposition of his own or of any other member of the Committee or of Executive Officer of the *Zilla Parishad* for the observations and votes of members of the Committee.

(*2*) The decision on any proposition so circulated shall be in accordance with the majority of votes recorded thereon.

122. Meeting of Committees to be convened in certain cases.— Where any Minister desires to discuss with the Standing Committee, or any Subjects Committee, any matter in relation to any of the subjects allotted to or dealt with by such Committee, the Minister may by letter addressed to the President request him to arrange a meeting of the Committee on such date and at such hour as the Minister mentions therein, [4][and, notwithstanding anything contained in any rules made under section 119, the President shall], on receipt of such letter, take all steps to summon such meeting accordingly, at the office of the Committee.

CHAPTER VIII

EXECUTION AND MAINTENANCE OF WORKS AND DEVELOPMENT SCHEMES

123. Entrustment of execution of development schemes to *Zilla Parishad*.— (*1*) The State Government may, subject to such conditions and restrictions as may be specified by that Government, by order in the *Official Gazette* entrust to any *Zilla Parishad*, or *Panchayat Samiti* or both, the

1 Section 119 was re-numbered as sub-section (*1*) and sub-section (*2*) was inserted by Mah. 34 of 1966, s. 6.

2 These words were substituted for the words "as the *Zilla Parishad* may from time to time by means of regulations provide" by Mah. 35 of 1963, s. 52.

3 Section 119 was re-numbered as sub-section (*1*) and sub-section (*2*) was inserted by Mah. 34 of 1966, s. 6.

4 This portion was substituted for the words "and the President shall" by Mah. 35 of 1963, s. 53.

execution or maintenance of such works or development schemes (whether within or without the District, and whether or not relating to any subject in the District List), as it may deem fit, and it shall be the duty of the *Zilla Parishad* or *Panchayat Samiti*, or as the case may be, both to execute or maintain works or development schemes accordingly.

(*2*) In the execution or maintenance of works or development schemes under this section, the *Zilla Parishad* or *Panchayat Samiti* or both shall, act as agent or agents of the State Government; and shall be paid by the State Government such sum (including any extra cost of administration incurred in executing works or schemes) as may be determined by the State Government.

(*3*) The *Zilla Parishad* or *Panchayat Samiti* in acting under this section, shall be under the general control of the State Government, and shall comply with such particular directives (if any) as may, from time to time, be given by the State Government in this behalf.

(*4*) Notwithstanding anything contained in sub-section (*1*), the State Government may, by order withdraw the execution or maintenance of any work or development scheme entrusted to *Zilla Parishad* or *Panchayat Samiti* under that sub-section with effect from such date as may be specified in the order.

124. Execution of works and development schemes of *Zilla Parishad* through *Panchayat Samiti*.— (*1*) Notwithstanding anything contained in the foregoing provisions of this Act but subject to rules prescribed by the State Government in this behalf, any works or development schemes which a *Zilla Parishad* decides to execute or maintain, shall be executed or maintained through the agency or a *Panchayat Samiti* within the District.

(*2*) Notwithstanding anything contained in the [1]Bombay Village *Panchayats* Act, 1958 (Bom. III of 1959.) or in this Act, any works or development schemes which a *Zilla Parishad* or *Panchayat Samiti* decides to execute or maintain, may, and those which the State Government prescribes shall, be executed or maintained through the agency of a *Panchayat* within the District.

(*3*) Where any work or development scheme is executed or maintained through the agency of a *Panchayat Samiti* or *panchayat*, as the case may be, there shall be paid by the *Zilla Parishad* to the *Panchayat Samiti* and by the *Panchayat Samiti* to the *panchayat*, such sums (including any extra cost of administration incurred in executing works or schemes) as may be determined by the *Zilla Parishad* or as the case may be, the *Panchayat Samiti*.

[2][125. **Sanction for undertaking works or development schemes.—** (*1*) No works or development schemes, in relation to expenditure which is to be made, either from the district fund or a block grant, shall be executed, except with the previous sanction of such authorities or officers as may be prescribed by rules.

(*2*) The rules made for this purpose shall also prescribe the limits of non-recurring and recurring expenditure upto which each such authority or officer may accord the sanction.

(*3*) The State Government shall be competent to vary the prescribed limits, from time to time, by notification published in the *Official Gazette*, provided that where the limits are so increased, the increased limits shall not be more than twice the limits prescribed by the rules.

126. Contracts for works or development schemes.— (*1*) No tenders or contracts for executing any works or development schemes duly sanctioned, for being undertaken, either from the district fund or a block grant, shall be accepted or made, except with the previous sanction of such authorities or officers as may be prescribed by rules.

(*2*) The rules made for this purpose shall also prescribe the limits of non-recurring expenditure upto which each such authority or officer may accord the sanction.

(*3*) The State Government shall be competent to vary the prescribed limits, from time to time, by notification published in the *Official Gazette*, provided that where the limits are so increased, the increased limits shall not be more than twice the limits prescribed by the rules.]

1 Now, the short title of the act has been amended as "the Maharashtra Village Panchayats Act (III of 1959), by Mah. 24 of 2012, Sections 2 and 3, schedule entry 74, with effect from 1st May 1960.

2 Sections 125 and 126 were substituted for the original by Mah. 11 of 1985, s. 2.

127. Power of State Government or officer to inspect and give technical guidance, etc.— If for the purpose of the efficient or economical execution or maintenance of any works or development schemes undertaken by a *Zilla Parishad* or *Panchayat Samiti*, an officer or person authorised by general or special order of the State Government considers it necessary for that purpose to give technical guidance or assistance to any officer of or under a *Zilla Parishad* or any servant thereof who is charged with the execution or maintenance of any such works or development schemes, then the officer or person so authorised may periodically inspect such works or development schemes, and may give such guidance, assistance or advice as he thinks necessary in relation to such works or development schemes and shall forward to the Chief Executive Officer a report on the inspection made pointing out therein any irregularities noticed, and his suggestions for improvement.

CHAPTER IX

Zilla Parishad, It's Property, Fund and Expenditure

[1][128. **Power of *Zilla Parishad* to acquire and lease, sell or transfer property.—** (*1*) A *Zilla Parishad* may, for the purposes of any of its functions, —

(*a*) acquire and hold property, both movable and immovable, whether within or without the limits of the District ; or

(*b*) lease, sell or otherwise transfer, any movable or immovable property which vests, or may be vested, in, or may be acquired by it :

Provided that, no acquisition, lease, sale or other transfer of any such properties, shall be valid, except with the previous sanction of such authority or officer as may be prescribed by rules.

(*2*) The rules made for this purpose shall also prescribe the limits of the value or consideration upto which and the subjects in relation to which each such authority or officer may accord the sanction.

(*3*) The State Government shall be competent to vary the prescribed limits, from time to time, by notification published in the *Official Gazette*, provided that where the limits are so increased, the increased limits shall not be more than twice the limits prescribed by the rules.]

129. Property of *Zilla Parishad*.— (*1*) Every work constructed by *Zilla Parishad* out of the district fund or by a *Panchayat Samiti* out of the block grant, or with Government assistance or public participation shall vest in the *Zilla Parishad*.

2[(*2*) Subject to the provisions of sub-section (*3*), the State Government may by notification in the *Official Gazette*, transfer to any *Zilla Parishad* such property, movable or immovable, as is specified therein (being property vested in the State Government). If the State Government for any purpose requires the property, it may by order served on the *Zilla Parishad* so decide, and thereupon, the property shall revest in the State Government.

(*3*) On such transfer, the property shall vest in the *Zilla Parishad*, but subject to such terms, conditions and restrictions (which may be modified from time to time) as may be specified in the notification :

Provided that, on breach of any of the terms, conditions and restrictions, or if the property is required by the State Government, the property vesting in the *Zilla Parishad* shall revest in the State Government, and the State Government may resume possession thereof.]

130. District fund, its custody and investment.— (*1*) There shall be in each District a local fund which shall be called the district fund.

(*2*) The following shall be paid into, and form part of, the district fund, that is to say—

(*a*) the balance in the local fund of a district or of a *Janapad* area formed under the relevant District Boards Act ;

1 Section 128 was substituted for the original by Mah. 11 of 1985, s. 3.

2 Sub-sections (*2*) and (*3*) were substituted for sub-section (*2*) by Mah. 34 of 1966, s. 7.

(*b*) the net proceeds (after deducting the expenses of assessment and collection) of any residue of the taxes or cesses payable in the District under the relevant District Boards Act;

(*c*) the proceeds (after such deductions as may be prescribed) of the cesses in the District authorised by sections 144, 146, 151 or 152;

(*d*) the balance of the amount of the tax on professions, trades, callings and employments after deducting such percentage thereof as is to be assigned to a *panchayat* under clause (*b*) of section 163;

1[(*d-1*) the sum representing the share of the *Zilla Parishad* in the net proceeds of the taxes, duties, tolls and fees levied by the State as distributed and allocated as determined by the State Government on the recommendations of the Finance Comminssion;]

(*e*) all rents and profits accruing from property (including ferries) vested in a *Zilla Parishad*;

(*f*) the proceeds of all tolls and leases of tolls on roads and bridges vested in the *Zilla Parishad* which are levied in the District under the Tolls on Roads and Bridges Act, 1875 (Bom. III of 1875), or any corresponding law in force in any part of the State;

(*g*) all sums received by the *Zilla Parishad*2[in the execution] of, or from taxation under this Act;

(*h*) the interest on and the sale proceeds of any securities 3[and the dividends payable in respect of, and the sale-proceeds of, shares, if any,] held by *the Zilla Parishad* ;

(*i*) all sums contributed by private persons;

(*j*) the receipt on account of charities and trusts placed under the management of a *Zilla Parishad*;

(*k*) all grants, loans, assignments and contributions made by the State Government;

(*l*) all grants, loans and contributions meant for *Panchayat Samitis* or any institutions or persons and to be paid through the *Zilla Parishad* by Government;

(*m*) all other sums received [4][including any monies borrowed under the Act] by or on behalf of the *Zilla Parishad* under this Act or any other law for the time being in force;

(*n*) all sums paid by the State Government to the *Zilla Parishad* to meet expenses for the performance of any agency function;

(*o*) all sums realised by way of penalty otherwise than by way of a fine in a criminal case; and

(*p*) all amounts received from persons for supplying or providing services, facilities, benefits or amenities :

Provided that, when a public ferry, road or bridge vested in one or more than one *Zilla Parishad* is partly in one District and partly in another, the Commissioner, if the Districts are in one division, and the State Government if they are in different divisions, may assign to the district fund of each *Zilla Parishad* such proportion of the net proceeds of such ferry or of the toll, or of the lease of the tolls levied on such road or bridge, as he or it may think proper.

[5][(*2A*) (*a*) Notwithstanding anything contained in sub-section (*2*), with effect from the date of commencement of the Maharashtra Zilla Parishads and Panchayat Samities (Fourth Amendment) Act, 1974 (Mah. VI of 1975) all sums representing subscriptions paid by the employees of a *Zilla Parishad* to any provident fund established by it or contributions made by the *Zilla Parishad* on such subscriptions, if any, for the benefit of such employees shall be paid by the Chief Executive Officer into the public account of the State. The manner in which payment into the public account of the State

1 Clause (*d-1*) was inserted by Mah. 21 of 1994, s. 75.

2 These words were substituted for the words "for the execution" by Mah. 43 of 1962, s. 16. 3 These words were inserted by Mah. 6 of 1975, s. 39(*a*).

4 These brackets and words were inserted by Mah. 35 of 1963, s. 54.

5 Sub-section (*2A*) was inserted by Mah. 6 of 1975, s. 39(*b*).

of such sums may be made and the withdrawal of moneys from such public account and all other matters connected with or ancillary to matters aforesaid, shall be regulated by rules made by the State Government.

(*b*) All accumulations in the provident fund held on individual accounts of all the subscribers immediately before such commencement (including any investment thereof), shall likewise be paid into the public account of the State and operated upon before such date as the State Government may direct.]

[1][(*2B*) Notwithstanding anything contained in sub-section (*2*), all sums in respect of the pension contributions payable and credited to the *Zilla Parishad* Pension fund for a period upto and inclusive of the 31st day of March 1974 and representing the balance therein, including investments, if any, thereof in securities or shares, shall be paid by the Chief Executive Officer into the Consolidated Fund of the State. The manner in which payment into the Consolidated Fund of the State of such sums and securities and shares, if any, may be made and all other matters connected with or ancillary to matters aforesaid, shall be regulated by such general or special order as the State Government may, from time to time, make in this behalf.]

(*3*) The district fund shall be kept—

(*a*) in the Government treasury or in the bank to which the business of the Government treasury has been made over ; or

(*b*) subject to such conditions as the State Government may specify in this behalf, in such co-operative society as may be approved by the State Government.

[2]* * * * *

[3][(*4*) The *Zilla Parishad* may, from time to time, with the previous approval of the State Government invest any portion of the district fund—

(*a*) in the securities of the State or Central Government or in such other securities as the State Government may approve in this behalf;

(*b*) in the purchase of shares of co-operative societies, or shares or debentures of any corporation (including a company) owned or controlled by the State, as the State Government may by general or special order approve in this behalf,

and vary such investments for others of the like nature and the income resulting from the securities, shares or debentures and the proceeds of the sale of the same shall be credited to the district fund.]

[4][**130A. Borrowing of money.—** A *Zilla Parishad* may borrow money for the purposes of carrying out its functions under this Act from any bank or co-operative society in which the monies at the credit of the district fund are deposited], [5][or from such body or association, whether incorporated or not as may be approved by the State Government in this behalf.]

131. Creation of special fund.— (*1*) The State Government may, for the purpose of reserving funds for meeting expenditure relating to any specified object, by general or special order, direct a *Zilla Parishad*—

(*a*) that such portion of the district fund as may be specified in the order, or

(*b*) that proceed from such source of income as may be specified therein,

[be credited to a separate head in the accounts of the *Zilla Parishad* for meeting expenditure on the object so specified.

1 Sub-section (*2B*) was inserted by Mah. 42 of 1986, s. 2.
2 Proviso was deleted by Mah. 6 of 1975, s. 39(*c*).
3 Sub-section (*4*) was added by Mah. 6 of 1975, s. 39(*d*).
4 Section 130A was inserted by Mah. 43 of 1962, s. 17.
5 These words were added by Mah. 35 of 1963, s. 55.

(*2*) When a fund is created under sub-section (*1*), such expenditure only which expressly relates to the object specified in the order, shall be debited to such fund.

132. District fund where to be expended.—[1][Expenditure including any grant] by a *Zilla Parishad* out of the district fund shall, save as otherwise provided by this Act, be made within the area subject to its authority only ; but may, with the sanction of the Commissioner, be made outside that area for any of the purposes of this Act, but for the purpose of maintaining its property outside that area [2][or for providing residential accommodation or house rent allowance in lieu thereof to the presiding authorities under sub-section (*2*) of section 46, sub-section (*2*) of section 69, or as the case may be, sub-section (*2*) of section 84] [3][or for holding outside such area] [4][but within the revenue district], conferences, receptions, ceremonies, exhibitions or social and cultural events,] no such sanction shall be necessary.

133. General charges to be defrayed.— Every *Zilla Parishad* shall, from the district fund at its disposal, pay—

(*a*) the monthly honoraria to the presiding authorities provided by sections 46, 69 and 84; [5][and the amount of sumptuary allowance placed at the disposal of the President under section 46-A];

(*b*) the travelling and other allowances of Councillors, Members of any *Panchayat Samiti* or Committee and of the officers holding posts under, and the servants of, the *Zilla Parishad*;

(*c*) the salaries and allowances of the officers and servants of class III service and class IV service working under the *Zilla Parishad*;

(*d*) pensions (including contributions towards pensions) and other retiring allowances, gratuities or compassionate allowances payable to officers and servants and their families as provided by or under this Act;

(*e*) the cost of acquisition of land and establishment of markets; [6]* * *

(*f*) the cost of performance of agency functions entrusted to it;

[7][(*g*) the cost of performance of the duties and functions as are entrusted to the *Zilla Parishad* by or under any other law for the time being in force.]

134. How district fund shall be drawn against.— (*1*) Subject to the provisions of sections 258, 259, 260 and 268 no payment shall be made from the Government treasury or by a bank or co-operative society out of district fund except upon a cheque or letter of credit signed by [8][the Chief Executive Officer] [9][or any officer specifically authorised by him in this behalf].

(*2*) Payment of any sum in excess of [10][one thousand rupees] shall be made by means of a cheque or letter of credit signed as aforesaid, and not in any other way.

135. Accounts to be kept in form prescribed by State Government.— Accounts of receipts and expenditure of every *Zilla Parishad* or *Panchayai Samiti* shall be kept in such form as the State Government may, from time to time, by rules made in this behalf, prescribe; and shall be balanced annually on the last day of every financial or revenue year, as the State Government may prescribe.

1 These words were deemed always to have been substituted for the word "Expenditure" by Mah. 8 of 1966, s. 9. 2 These words were inserted by Mah. 21 of 1968, s. 11.

3 These words were inserted by Mah. 15 of 1969, s. 2.

4 These words were substituted for the words "but within the district" by Mah. 6 of 1975, s. 40.

5 These words, figures and letter were inserted by Mah. 6 of 1975, s. 41(*a*).

6 The word "and" was deleted by Mah. 6 of 1975, s. 41(*b*).

7 Clause (*g*) was added by Mah. 6 of 1975, s. 41(*c*).

8 These words were substituted for the words "any officer holding office under the *Zilla Parishad* duly authorised in that behalf by the *Zilla Parishad*" by Mah. 35 of 1963, s. 56.

9 These words were added by Mah. 21 of 1968, s. 12(*a*).

10 These words were substituted for the words "two hundred rupees" by Mah. 21 of 1968, s. 12(*b*).

[1]**[136. Preparation of statement of accounts and publication of abstracts of accounts.—** (*1*) The Chief Executive Officer shall, every year on or before such date and in such form as the State Government may by rules prescribe, prepare a statement of accounts of receipts and expenditure of the *Zilla Parishad* showing the amounts drawn from the district fund, the charges on establishment, and for all other of expenses, the works and development schemes undertaken, and the balance, if any, in hand, and shall also on or before such other date that may be prescribed in that behalf, prepare a statement of variations of expenditure from the final modified grant with his remarks and explanations on those variations.

(*2*) The Block Development Officer shall, every year on or before such date and in such form as the State Government may prescribe, prepare a statement of accounts of receipts and expenditure of the *Panchayat Samiti* showing the amount drawn from the block grant, the works and development schemes undertaken and the balance, if any, in hand and shall also on or before such other date that may be prescribed in that behalf, prepare a statement of variations of expenditure from the final modified grant with his remarks and explanations on those variations, and forward the statement of accounts together with the statement of variations to the Chief Executive Officer before such date as may be prescribed in this behalf.

(*3*) The Chief Executive Officer shall, on or before the date as may be prescribed in that behalf, place the statements of accounts and the variations prepared under sub-sections (*1*) and (*2*) before the Finance Committee which shall scrutinise the statements as required by section 109-A and prepare its report on or before such date as may be prescribed in that behalf. The Chief Executive Officer shall immediately thereafter cause the report or reports to be placed before the *Zilla Parishad*, or as the case may be, the *Panchayat Samitis*.

(*4*) The *Zilla Parishad* shall, on or after such date as may be prescribed in this behalf, consider the accounts prepared under sub-section (*1*) and the report of the Finance Committee in relation thereto prepared under sub-section (*3*) and approve the same on or before such date as may be prescribed in that behalf.

(*5*) Every *Panchayat Samiti* shall, on or after such date as may be prescribed in that behalf, consider the accounts prepared under sub-section (*2*) and the report of the Finance Committee in relation thereto, prepared under sub-section (*3*) and approve and forward the same to the *Zilla Parishad* on or before such date as may be prescribed in that behalf with such remarks as it thinks fit.

(*6*) If a *Zilla Parishad* fails to approve the accounts on or before the date prescribed in that behalf, the Chief Executive Officer shall forward the accounts prepared under subsection (*1*) together with the report of the Finance Committee thereon under sub-section (*3*) to the State Government, and the Government shall approve the same with or without modifications. The accounts so approved by the State Government shall be deemed to have been duly approved by the *Zilla Parishad*.

(*7*) If a *Panchayat Samiti* fails to approve the accounts and to forward the same to the *Zilla Parishad* before the date prescribed in that behalf under sub-section (*5*), the Block Development Officer shall forward the accounts prepared under sub-section (*2*) together with the report of the Finance Committee thereon under sub-section (*3*) to the *Zilla Parishad* and the *Zilla Parishad* shall approve the same with or without modifications. In the event of the failure of the *Zilla Parishad* to approve the accounts of any *Panchayat Samiti* on or before such date as may be prescribed in that behalf, the Chief Executive Officer shall forward the same to the State Government which shall approve the same with or without modification and the accounts so approved by the State Government shall be deemed to have been duly approved by the *Panchayat Samiti*.

(*8*) The Block Development Officer shall, prepare on or before such date and in such form as may be prescribed, an abstract of the statement of accounts approved by the *Panchayat Samiti* under sub-section (*5*) or deemed to have been approved under sub-section (*7*), and forward the same to the Chief Executive Officer. The accounts so forwarded by each Block Development Officer shall form part of the accounts of the *Zilla Parishad*.

(*9*) The Chief Executive Officer shall, on or before such date and in such form as may be prescribed, prepare an abstract of the statement of the accounts approved by the *Zilla Parishad* under

1 Section 136 was substituted for the original by Mah. 6 of 1975, s. 42.

sub-section (*4*) or deemed to have been approved under sub-section (*6*), and publish the same together with the statement of accounts of all the *Panchayat Samitis* in the District forwarded by the Block Development Officer under sub-section (*8*), before such date, and in such form, and in such manner, as may be prescribed by the State Government].

137. Preparation of annual budget estimates of income and expenditure.— (*1*) Every *Zilla Parishad* shall prepare annually, on or before such date and in such form as the State Government may from time to time by rules made in this behalf prescribe, a budget estimate of the income and expenditure of the *Zilla Parishad* for the next financial year.

(*2*) Every *Panchayat Samiti* shall prepare annually, on or before such date and in such form as the State Government may from time to time by rules made in this behalf prescribe a budget estimate of the income and expenditure of the *Panchayat Samiti* for the next financial year relating to the works and development schemes to be undertaken or continued or executed from block grants.

(*3*) Every *Panchayat Samiti* shall, as soon as may be after the said date, consider the budget estimate so prepared and approve the same with or without modifications and forward it to the *Zilla Parishad* for the inclusion thereof in the budget estimate of the *Zilla Parishad* before such date as the State Government may, by rules made in this behalf, prescribe.

(*4*) The *Zilla Parishad* shall on or after the date prescribed under sub-section (*1*), consider the budget estimate prepared under sub-section (*1*) (excluding budget estimates forwarded by the *Panchayat Samiti*) and approve the same with or without modification 1[on or before such date as may be prescribed by the State Government in this behalf]. The budget estimate forwarded by every *Panchayat Samiti* in the District shall form part of the budget estimate of the *Zilla Parishad*.

(*5*) If a *Zilla Parishad* fails to approve the budget estimate on or before the date prescribed as aforesaid, the Chief Executive Officer shall forward the budget estimate prepared under sub-section (*1*) to the State Government, and that Government shall approve it with or without modification. The budget estimate so approved by the State Government shall be certified by that Government and, thereupon shall be deemed to have been duly approved by the *Zilla Parishad*.

(*6*) If a *Panchayat Samiti* fails to approve the budget estimate and to forward it to the *Zilla Parishad* before the date prescribed in that behalf under sub-section (*3*), the Bolck Development Officer shall forward the budget estimate prepared [2][under sub-section (*2*), to the *Zilla Parishad* ; and the Parishad shall approve it with or without modification]. The budget estimate so approved by the *Zilla Parishad*[3]* * * shall be certified by the Parishad and thereupon shall be deemed to have been duly approved by the *Panchayat Samiti*.

138. Revised or supplementary budget estimates may be made when necessary Reappropriation to be subject to approval like budget estimate.— (*1*) Every *Zilla Parishad* may, at any time during the year for which any such budget estimate has been approved, causes a revised or supplementary budget estimate to be prepared. Every such revised or supplementary estimate shall be considered and approved by the *Zilla Parishad* in the same manner as if it were an original budget estimate.

(*2*) Re-appropriation of funds in a budget estimates may be made from time to time, subject to like approval :

[4][Provided that, the re-appropriation of funds from grants made by the State Government shall be subject to such terms and conditions as may be prescribed.]

(*3*) Notwithstanding anything contained in sub-section (*2*),—

(*a*) re-appropriation of funds between the major heads of account may be approved by the Standing Committee for an amount not exceeding twenty thousand rupees [5][at a time, subject to a limit of rupees one lac in the aggregate, in any financial year] ;

1 These words were inserted by Mah. 35 of 1963, s. 57.

2 This portion was substituted for the words, brackets and figure "under sub-section (*2*) to the *Zilla Parishad*" by Mah. 43 of 1962, s. 19(*a*).

3 These words "with or without modification" were deleted by Mah. 43 of 1962, s. 19(*b*).

4 This proviso was added by Mah. 8 of 1966, s. 10.

5 These words were inserted by Mah. 6 of 1975, s. 43(*a*).

(*b*) re-appropriation of funds between the sub-heads under the same major head of account in respect of the subjects allotted to a Subjects Committee, may be approved by such Committee for an amount not exceeding twenty-five thousand rupees [1][at a time, subject to a limit of rupees one lac and twenty-five thousand in the aggregate, in any financial year] ; and

(*c*) re-appropriation of funds between the sub-heads under the same major head of account in respect of all subjects enumerated in the District List may be approved by the Standing Committee for an amount exceeding twenty-five thousand rupees but not exceeding fifty thousand rupees [2][at a time, subject to a limit of rupees one lac and fifty thousand in the aggregate, in any financial year].

[3][(*4*) The provisions of sub-sections (*1*) and (*2*) relating to the preparation of revised or supplementary budget estimates and re-appropriation of funds therein by *Zilla Parishad* shall apply *mutatis mutandis* in relation to the preparation of revised or supplementary budget estimates and re-appropriation of funds therein by *Panchayat Samitis*.]

139. Budget estimates and reappropriations when to be approved.— No budget estimate of a *Zilla Parishad* and no re-appropriation of a budget item shall be approved as aforesaid, unless provision is therein made for such *Zilla Parishad* having at its credit at the end of the financial year [4][a free revenue balance] of not less than five thousand rupees, or such higher amount as the State Government may by general or special order specify in that behalf.

140. Except on pressing emergency, no sum not provided for in budget estimate to be expended.— Save in case of pressing emergency, [5][or save as otherwise expressly provided in this Act] no sum shall be expended by or on behalf of any *Zilla Parishad*, unless such sum is included in some budget estimate at the time in force which has been approved as aforesaid.

141. Authorities of *Zilla Parishad* to sanction loans or contingent expenditure or to write off dues. Limits of such power.— (*1*) When provision is made in the budget estimate of any *Zilla Parishad* for granting loans for any specified purposes, loans out of such sum may be granted by such authorities of the *Zilla Parishad* to such extent, and in respect of such subjects as may be prescribed by the State Government :

Provided that, notwithstanding anything contained in section 100, no *Zilla Parishad* shall be entitled to grant loans in respect of matters falling in the sphere of "Agriculture" and "Irrigation" and in respect of any other matter as the State Government may by order direct.

(*2*) Such authorities of a *Zilla Parishad* as may be prescribed by the State Government may, out of the amounts provided for in the budget estimates of the *Zilla Parishad* incur expenditure of recurring or non-recurring nature of contingencies in respect of such subjects, and to such extent, as may be prescribed by the State Government.

(*3*) Such authorities of a *Zilla Parishad* as may be prescribed by the State Government may, in respect of such subjects as may be prescribed, direct any arrears of tax or fee or any other sum due to the *Zilla Parishad*, whether under this Act or otherwise [6][(including any prescribed sum which is irrecoverable)], to be written off to such extent, as may be prescribed by the State Government.

[7]**[141A. Recovery of sum due to *Zilla Parishad* as arrears of land revenue.—** (*1*) Any sum payable to a *Zilla Parishad* under any agreement express or implied, may be recovered in the same manner as an arrears of land revenue.

(*2*) If any question arises whether a sum is payable to the *Zilla Parishad* within the meaning of sub-section (*1*), it shall be referred to a Tribunal constituted by the State Government (consisting of one or more persons not connected with the *Zilla Parishad* or any authority subordinate to it or with

1 These words were inserted by Mah. 6 of 1975, s. 43(*b*).
2 These words were added by Mah. 6 of 1975, s. 43(*c*).
3 Sub-section (*4*) was added by Mah. 35 of 1963, s. 58.
4 These words were substituted for the words "a balance" by Mah. 21 of 1968, s. 13. 5 These words were inserted by Mah. 34 of 1966, s. 8.
6 These brackets and words were inserted by Mah. 43 of 1964, s. 21.
7 Section 141A was inserted by Mah. 43 of 1962, s. 20.

the person by whom the sum is alleged to be payable) which shall, after making such inquiry as it may deem fit and after giving to the person by whom the sum is alleged to be payable, an opportunity of being heard, decide the question; and the decision of the Tribunal thereon shall be final and shall not be called in question in any Court or before any other authority [1][except that an application for revision of such decision may be made to the High Court within sixty days from the date of such decision.]

(*3*) The procedure to be followed by the Tribunal in deciding questions referred to it under sub-section (*2*) shall be such as may be prescribed by the State Government.]

142. Administration report.— (*1*) Every *Zilla Parishad* or *Panchayat Samiti* shall, subject to the provisions of this section, prepare its administration report.

(*2*) Every *Panchayat Samiti* shall include the audit notes with the replies thereto in its administration report and shall forward the report of the *Zilla Parishad* for purpose of its inclusion in the administration report of the *Zilla Parishad*.

(*3*) Every *Zilla Parishad* shall include in its administration report the audit notes with the replies thereto, as also the reports of the *Panchayat Samitis* received by it.

(*4*) Every *Zilla Parishad* shall publish the administration report in such form and in such manner as the State Government may prescribe and the report shall be laid before each House of the State Legislature as soon as it is published.

[2][**142A. Power of Accountant General to check accounts of *Parishads* and *Samitis*.—** The accounts of any *Zilla Parishad* or *Panchayat Samiti* may be checked at any time by the Accountant General, Maharashtra State, in accordance with such directions as the State Government may give from time to time in such manner as may be determined by the Accountant General.]

CHAPTER X

TAXATION

143. Application of Chapter.— The provisions of this Chapter apply to those areas of the State to which this Act extends except that—

(*a*) the provisions of sections 144 to 150 (both inclusive) apply only to the Bombay area of the State;

(*b*) the provisions of section 151 [3]* * * * apply only to the Vidarbha area of the State; and

(*c*) the provisions of section 152 [4]* * * * apply only to the Hyderabad area of the State.

144. Levy of [5]* * cess on every rupee of land revenue.— The State Government shall levy, on the conditions and in the manner hereinafter described [6][a cess within a District] at the rate of [7][two hundred *paise*] or at such increased rate not exceeding [8][seven hundred *paise*] as may be [9][determined by the concerned Divisional Commissioner] under section 155, on every rupee of—

(*a*) every sum payable to the State Government as ordinary land revenue, except sums payable on account of any of the charges mentioned in the Forth Schedule, and except sums payable on account of any charge which may be notified by the State Government in this behalf ; and

1 These words were added by Mah. 21 of 1968, s. 14.
2 Section 142A was inserted by Mah. 15 of 1969, s. 3.
3 The words, figures and letter "and section 151 A" were deleted by Mah. 3 of 2002, s. 3(*a*).
4 The words, figures and letter "and section 152A" were deleted by Mah. 3 of 2002, s. 3(*b*).
5 The words "twenty *naye paise*" were deleted by Mah. 1 of 1993, s. 5(*3*).
6 These words were substituted for the words "a cess" by Mah. 15 of 1974, s. 5(*a*).
7 These words were substituted for the words "twenty *naya paise*" by Mah. 1 of 1993, s. 5(*1*).
8 These words were substituted for the words "two hundred *paise*" by Mah. 1 of 1993, s. 5(*2*).
9 These words were substituted for the words "determined by the State Government" by Mah. 29 of 2003, s. 2.

(*b*) every sum which would have been assessable on any land as land revenue had there been no alienation of land revenue :

Provided that, no cess be levied under this section on sums less than twenty-five [1][*paise*].

[2]* * * * * *

145. Rules for assessment.— In the assessment of the said cess on villages alienated as defined in the [3]Bombay Land Revenue Code, 1879 (Bom. V of 1879), —

(*a*) if the village has been surveyed and assessed in the manner laid down in the said Code and the rules made thereunder, the cess shall be fixed on the total amount of assessment of the village as fixed under the said Code or the rules made thereunder;

(*b*) if the village has come under summary settlement under the Exemptions from Land Revenue (No. 1) Act, 1863 (Bom. II of 1863), or the Exemptions from Land Revenue (No. 2) Act, 1863 (Bom. VII of 1863), and clause (*a*) of this section does not apply, the cess shall be fixed on the total annual assessment as settled for the purpose of summary of settlement; and

(*c*) in villages to which neither of clauses (*a*) or (*b*) of this section applies, the cess shall be fixed on the old or *kamal* rate recorded in the books of the Collector; and if no such rate is recorded or if the rate so recorded is objected to by the holder or proprietor of the alienated village, the cess

may be fixed or agreed upon by the Collector in agreement with *Zilla Parishad* which shall pass a special resolution to that effect and such holder or proprietor, or, failing agreement, by a rough survey and assessment to be made by the State Government, the expense of such rough survey being borne half by the *Zilla Parishad* and half by the holder or proprietor of such village.

[4][**146. Levy of cess on water-rate.—** The State Government or the concerned Irrigation Development Corporation from the date of its establishment, may levy a cess not exceeding twenty paise, on every rupee of water-rate leviable under the provisions of the Maharashtra Irrigation Act, 1976 (Mah. XXXVIII of 1976) or the concerned Irrigation Development Corporation Act, on the basis of assessment of authorized use of water.]

147. Manner of levying cess described in section 144.— The cess described in section 144 shall be levied, so far as may be, in the same manner, and under the same provisions of law, as the land revenue:

Provided that, in the case of any land in the possession of a tenant, if such tenant is liable to pay cess in respect of such land under the provisions of the [5]Bombay Tenancy and Agricultural Lands Act, 1948 (Bom. LXVII of 1948) such tenant shall be primarily liable for the payment of cess in respect of such land.

[6][**148. Manner of levying cess described in section 146.—** The cess described in section 146 shall be levied, so far as may be, in the same manner, and under the same provisions of law, as water-rates payable to the State Government or the concerned Irrigation Development Corporation under the Maharashtra Irrigation Act, 1976 (Mah. XXXVIII of 1976) or the concerned Irrigation Development Corporation Act.]

149. Assistance to superior holders.— The provisions of law relating to the assistance to be given to superior holders and owners of water-courses for the recovery of their dues from their tenants and occupants under them, or from persons authorised to use their water courses, shall be applicable to all superior holders, whether of alienated or unalienated land, and to all owners of water-courses in respect of the recovery of the said cesses from their tenants, occupants or persons authorised to use

1 This word was substituted for the words "naye *paise*" by Mah. 15 of 1974, s. 5(*c*).

2 *Explanation* added by Mah. 28 of 1973, s. 2(*1*) was deleted by Mah. 46 of 1981, s. 2; with effect from 13th July 1973. 3 *See* now, the Maharashtra Land Revenue Code, 1966 (Mah. 41 of 1966).

4 Section 146 was substituted by Mah. 3 of 2002, s. 4.

5 The short title of the Act has been changed as the "Maharashtra Tenancy and Agricultural Lands Act" (LXVII of 1948) by Mah. 24 of 2012, Sch., entry 33, *w.e.f.* 1st May 1960.

6 Section 148 was substituted by Mah. 3 of 2002, s. 5.

their water-courses, and shall be applicable also to occupants of land under the [1]Bombay Land Revenue Code 1879 (Bom. V of 1879), for the recovery of the said cesses from their tenants or joint occupants.

150. Collection and credit of local cess on water rate.— (*1*) Subject to the provisions of sub-section (*2*), the local cess leviable on water-rate under section 146 in respect of lands shall be paid by the State Government [2][or any Irrigation Development Corporation, from the date of establishment of the concerned Irrigation Development Corporation] to the *Zilla Parishad* within the jurisdiction of which the lands are situated, after deducting such proportion thereof as cost of the collection, as the Government may prescribe by rules.

(*2*) The local cess leviable on water-rate under section 146 in respect of lands which are included within the area of any Municipal Corporation, Municipality or Cantonment authority shall be paid by the State Government [3][or any Irrigation Development Corporation, from the date of establishment of the concerned Irrigation Development Corporation] to the Municipal Corporation, Municipality or Cantonment authority concerned after deducting the cost mentioned in sub-section (*1*).

(*3*) Any dispute in respect of any matter under this section between a *Zilla Parishad* and any other local authority, shall be decided by the State Government:

Provided that, where one of the local authorities is a Cantonment authority, the decision of the State Government shall be subject to the concurrence of the Central Government.

151. Levy of [4]* * * cess on every rupee of land revenue in Vidarbha area.— (*1*) In the Vidarbha area of the State of Maharashtra, every *malik-makbuza*, *raiyatmalik* and occupant and every *raiyat*, tenant other than a sub-tenant and lessee from the State Government shall be liable in respect of the land held by him in the District to pay a cess for the purposes of this Act at the rate of [5][two hundred *paise*] or, at such increased rate not exceeding [6][seven hundred *paise*] as may be determined [7][by the concerned Divisional Commissioner] under section 155 on every rupee of the land revenue or rent assessed or fixed on such land or the lease-money payable in respect thereof, whether or not such land revenue or rent or lease-money or any portion thereof has been released, compounded for or redeemed.

(*2*) The cess shall be levied and collected, so far as may be, in the same manner and under the same provisions of law as the land revenue.

[8]* * * * * * *

[9]* * * * * * *

152. Levy of [10]* cess on every rupee of land revenue in Hyderabad area.—** (*1*) In the Hyderabad area of the State of Maharashtra, the State Government shall, subject to the provisions of sub-section (*2*), [11][levy a local cess within a District] of [12][two hundred *paise*] or, at such increased rate not exceeding [13][seven hundred *paise*] as may be determined [14][by the concerned Divisional Commissioner] under section 155 on every rupee of land revenue payable to the State Government :

Provided that, in *Ijara* villages, local cess shall be levied on the *Qual* amount during the period of the *Ijara* and on the annual land revenue demand after the expiry of that period :

1 S*ee* now the Maharashtra Land Revenue Code, 1966 (Mah. 41 of 1966).

2 These words were inserted by Mah. 3 of 2002, s. 6(*a*).

3 These words were inserted by Mah. 3 of 2002, s. 6(*b*).

4 The words "twenty *naye paise*" were deleted by Mah. 1 of 1993, s. 6(*3*).

5 These words were substituted for the words "twenty *paise*" by Mah. 1 of 1993, s. 6(*1*).

6 These words were substituted for the words "two hundred *paise*" by Mah. 1 of 1993, s. 6(*2*).

7 These words were substituted for the words "by the State Government" by Mah. 29 of 2003, s. 3.

8 *Explanation* added by Mah. 28 of 1973, s. 2(*1*) shall be deemed to have been deleted with effect from 13th July 1981, by Mah. 46 of 1981, s. 2.

9 Section 151 A was deleted *w.e.f.* 4-1-2002, by Mah. 3 of 2002, s. 7.

10 The words "twenty *naye paise*" were deleted by Mah. 1 of 1993, s. 7(*3*).

11 These words were substituted for the words "levy a local cess" by Mah. 15 of 1974, s. 7(*1*).

12 These words were substituted for the words "twenty *paise*" by Mah. 1 of 1993, s. 7(*1*).

13 These words were substituted for the words "two hundred *paise*" by Mah. 1 of 1993, s. 7(*2*).

14 These words were substituted for the words "by the State Government" by Mah. 29 of 2003, s. 4.

Provided further that, on any *inam* land, the local cess shall be levied on the full land revenue assessment of such land.

(*2*) Local cess shall not be leviable on the following items of revenue, that is to say,—

(*a*) fees for grazing ;

(*b*) sale-proceeds of the usufruct of trees;

(*c*) penalties, fines or any charges imposed under the [1]Hyderabad Land Revenue Act (Hyd. Act No. VIII of 1317 Fasli) as penalty or interest in case of default :

Provided that, in case of fines and penal assessment imposed for unauthorised cultivation, local cess shall be levied on simple assessment.

[2]* * * * * *

[3]* * * * * *

153. Collection and credit of local cess of land revenue.— (*1*) [4][The local cess] leviable in respect of land under section 144, 151 or 152 [5][shall, subject to the provisions of sub-sections (*5*) and (*6*) of section 155, be] [6][paid by the Collector] to the *Zilla Parishad* within the jurisdiction of which lands are situated, after deducting such proportion thereof as cost of collection, as the State Government may prescribe by rules.

[7]* * * * * *

154. Suspension and remission of local cess.— The State Government may, on the application of the *Zilla Parishad* 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 *Zilla Parishad*.

155. *Zilla Parishad's*[8][or *Panchayat Samiti's*] power to propose increase in rate of cess.— (*1*) A *Zilla Parishad* to which the cess on land revenue is payable may pass a resolution at a special meeting called for the purpose, to the effect that in the whole of the District [9][or in a Block or Blocks as is or are specified in the resolution], the rate of such cess leviable therein may be increased by the [10][concerned Divisional Commissioner] and forward that resolution to the [11][concerned Divisional Commissioner] for its consideration.

[12][(*2*) A *Panchayat Samiti* may, at a special meeting called for the purpose, pass a resolution to the effect that in the whole of the Block, the rate of cess on land revenue leviable in respect of lands situated therein may be increased to the extent specified in the resolution; so however that such increase does not exceed the limit specified in section 144,151 or as the case may be, 152 and forward that resolution to the *Zilla Parishad* for its consideration; and the *Zilla Parishad* shall, within three months of the date of its receipt, forward the resolution with its views thereon to the [13][concerned Divisional Commissioner].

(*3*) The resolution under sub-section (*1*) or (*2*) shall state the reasons for which such increase has been proposed, and the special purpose for which the proceeds of the increase in the rate are to be utilised, and the period for which the increase in the rate shall continue.

1 *See* now Maharashtra Land Revenue Code, 1966 (Mah. 41 of 1966).

2 *Explanation* added by Mah. 28 of 1973, s. 2(*1*) shall be deemed to have been deleted on the 13th July 1973, by Mah. 46 of 1981, s. 2.

3 Section 152A was deleted by Mah. 3 of 2002, s. 8, with effect from 1st February 2002.

4 These words were substituted for the words, brackets and figure "Subject to the provisions of sub-section (*2*), the local cess" by Mah. 15 of 1974, s. 8(*1*).

5 These words, brackets and figures were substituted for the words "shall be paid" by Mah. 35 of 1963, s. 59.

6 These words were substituted for the words "paid by the State Government" by Mah. 29 of 2003, s. 5.

7 Sub-sections (*2*) and (*3*) of section 153 were deleted by Mah. 15 of 1974, s. 8(*2*).

8 These words were inserted by Mah. 35 of 1963, s. 60(*3*).

9 These words were inserted by Mah. 1 of 1993, s. 8(*1*).

10 These words were substituted for the words "State Government" by Mah. 29 of 2003, s. 6(*a*).

11 These words were substituted for the words "State Government" by Mah. 29 of 2003, s. 6(*a*).

12 Sub-sections (*2*) to (*6*) were substituted for the original sub-sections (*2*) and (*3)* by Mah. 35 of 1963, s. 60(*2*). 13 These words were substituted for the words "State Government" by Mah. 29 of 2003, s. 6(*b*).

[1][(*3A*) The approval to utilise the cess collected, on works and development schemes in respect of the subjects of activities enumerated in the First and Second Schedules shall be given by the concerned Divisional Commissioner and the approval to utilise the cess collected, on works and development schemes other than those enumerated in the First and Second Schedules, shall be given by the State Government.]

(*4*) On receipt of the resolution forwarded under sub-section (*1*) or the resolution and the views of the *Zilla Parishad* forwarded under sub-section (*2*) the [2][concerned Divisional Commissioner may, notwithstanding anything contained in the relevant Code, by district local publicity media], determine the increase in the rate of cess on land revenue in respect of lands situated in the District or Block, as the case may be; so however, that the rate does not exceed [3][seven hundred *paise*] on every rupee and specify the date on which the increase in the rate shall take effect and the period [4]* * * * * during which it shall continue :

[5][Provided that, every person in a District or a Block who is liable to pay land revenue of an amount not exceeding five rupees, shall be exempted from payment of such increased cess.]

(*5*) The increase in the rate, if any, [6][determined by the concerned Divisional Commissioner] under sub-section (*4*) shall be levied and collected under the provisions of the relevant Code and [7][paid by the Collector to the *Zilla Parishad*] in the manner provided in sub-section (*6*) after deducting such proportion thereof, as cost of collection as the State Government may specify in the order made in this behalf.

[8][(*6*) Where any increase in the rate is collected in pursuance of the resolution referred to in sub-section (*1*), forty per cent. thereof shall be paid to the *Zilla Parishad* and the remaining sixty per cent. shall be paid as grant to all the *Panchayat Samitis* in the District; and where any such increase in the rate is collected in pursuance of the resolution under sub-section (*2*), forty per cent. thereof shall be paid to the *Zilla Parishad* and the remaining sixty per cent. shall be paid to the concerned *Panchayat Samiti*, for being utilised for the purpose specified in the respective resolution.]

[9]* * * * *

157. Taxes which may be imposed by *Zilla Parishad*.— [10][(*1*)] Subject to any general or special orders which may be made by the State Government in this behalf, every *Zilla Parishad* may, after observing the preliminary procedure required by section 159 impose any of the following taxes and fees for the purposes of this Act, that is to say,—

[11]* * * * *

(*b*) a general water tax, if public water taps or stand posts have been installed for the use of the public ;

[12]* * * * *

(*d*) a pilgrim tax;

(*e*) a special tax on lands or buildings;

[13][(*f*) water rates in respect of water supplied to lands or buildings from any irrigation work vesting in a *Parishad*;

1 Sub-section (*3A*) was inserted by Mah. 29 of 2003, s. 6(*c*).

2 These words were substituted for the words "State Government may, notwithstanding anything contained in the relevant Code by notification in the *Official Gazette*" by Mah. 29 of 2003, s. 6(*d*).

3 These words were substituted for the words "two hundred *paise*" by Mah. 1 of 1993, s. 8(*2*).

4 The brackets and words "(not exceeding ten years)" were deleted by Mah. 28 of 1973, s. 3.

5 This proviso was substituted for the original by Mah. 1 of 1993, s. 8(*3*).

6 These words were substituted for the words "determined by the State Government" by Mah. 29 of 2003, s. 6(*e*)(*i*).

7 These words were substituted for the words "paid by the State Government" by Mah. 29 of 2003, s. 6(*e*)(*ii*).

8 Sub-section (*6*) was substituted by Mah. 1 of 1993, s. 8(*4*).

9 Section 156 was deleted by Mah. 9 of 2013, s. 2.

10 Section 157 was renumbered as sub-section (*1*) of the said section by Mah. 56 of 1981, s. 3.

11 Clause (*a*) was deleted by Mah. 16 of 1975, Schedule II.

12 Clause (*c*) was deleted by Mah. 15 of 1974, s. 10(*a*).

13 These clauses were substituted for the original by Mah. 15 of 1974, s. 10(*b*).

(*fa*) a tax on lands benefited by irrigation works or development schemes undertaken by a *Parishad* in pursuance of section 100 or section 123 (including lands within such distance from such works or schemes receiving water by percolation or leakage therefrom as the officer duly authorised by the *Parishad* may determine regard being had to the circumstances of each case) ;]

(*g*) any one or more of the following fees, in any public markets, namely :—

(*i*) a licence fee on brokers, commission agents, weighmen, or measurers practising their calling therein;

(*ii*) a market fee for the right to expose goods for sale in the market or for the use of any building or structure therein;

(*iii*) fees on the registration of animals sold in the market :

[1][Provided that,—

(*i*) no tax imposed as aforesaid other than a special sanitary cess or a water rate shall, without the previous consent of the Government concerned, be leviable in respect of any building or part of any building or other property belonging to Government and used solely for any public purpose and not used or intended to be used for the purpose of profit;

(*ii*) no tax on property shall be imposed in respect of any land on which local cess is being collected.]

[2][(*2*) Notwithstanding anything contained in clause (*b*) of sub-section (*1*), where water is being supplied by a *Zilla Parishad* from a combined or regional piped water supply scheme managed by the *Zilla Parishad*, subject to any general or special orders which may be made by the State Government in this behalf, the *Zilla Parishad* shall, after observing the preliminary procedure required by section 159, in lieu of the tax which may be imposed under clause (*b*) of sub-section (*1*), impose—

(*i*) a general water tax, within the limits of a *panchayat*, where such water is being supplied through public water taps or stand posts installed for the use of the public;

(*ii*) a special water tax, within the limits of *panchayat*, where such water is being supplied through individual house connections :

Provided that, two taxes aforesaid or either of them may be levied as additional taxes on lands or buildings or in such other form and manner as may be prescribed, and the maximum and minimum rates at which the said taxes may be imposed in the *panchayats* and other matters relating to the imposition, collection and exemptions thereof shall be such as may be prescribed.]

158. Stamp duty on certain transfer of immovable property.— (*1*) The stamp duty imposed by the [3]Bombay Stamp Act, 1958 (Bom. LX of 1958) on instruments of sale, gift and usufructuary mortgage, respectively of immovable property, shall, in the case of instruments affecting immovable property situated within the jurisdiction of any *Zilla Parishad* and executed on or after such date as may be specified by the State Government by notification in the *Official Gazette* in that behalf, be increased by [4][one per cent.] on the value of the property so situated and in the case of an usufructuary mortgage, on the amount secured by the instrument, as set forth in the instrument.

[5][Provided that, where the State Government has, by rule or order issued under clause (*a*) of section 9 of the Maharashtra Stamp Act (LX of 1958) decided to reduce or remit the duties leviable under the said Act, such reduction or remission in duties shall also be applicable extra duty leviable under this sub-section, on the instruments of sale, gift and usufructuary mortgage, respectively, of immovable property.]

1 The proviso was substituted for the original by Mah. 15 of 1974, s. 10(*c*).

2 Sub-section (*2*) was added by Mah. 56 of 1981, s. 3.

3 The short title of the Act has been amended as the "Maharashtra Stamp Act" (LX of 1958) by Mah. 24 of 2012, s. 2 and 3, Schedule, entry 67, with effect from the 1st May 1960.

4 These words were substituted for the words "one half per centum" by Mah. 1 of 1993, s. 9.

5 This proviso was added by Mah. 79 of 2018, s. 2(*i*).

(*2*) For the purpose of this section, section 28 of the [1]Bombay Stamp Act, 1958 (Bom. LX of 1958) shall be read as if it specifically required the particulars therein referred to be set forth separately in respect of—

(*a*) property situated in the jurisdiction of any *Zilla Parishad*; and

(*b*) property not situated in the jurisdiction of any *Zilla Parishad*.

[2][(*3*) The Joint District Registrar and the Collector of Stamps of a District shall, pay to the *Zilla Parishad* an amount, equal to the extra duty realised under sub-section (*1*) in respect of the properties situated within the jurisdiction of the *Zilla Parishad*, after deducting such proportion thereof as cost of collection, as the State Government may specify in the order made in this behalf.]

(*4*) Every *Zilla Parishad* shall, out of the amount [3]* * * * received by it under sub-section (*3*), contribute to the village fund of each *panchayat* within its jurisdiction an amount approximately equal to fifty per cent. of the amount received by the *Zilla Parishad* in respect of the properties situated within the jurisdiction of such *panchayat* in accordance with the rules made in this behalf by the State Government :

[4][Provided that, the Pune *Zilla Parishad* shall, in accordance with the rules made by the State Government in this behalf, out of the amounts received by it, within the jurisdiction of the Pune Metropolitan Region Development Authority, under sub-section (*3*),—

(*i*) contribute an amount equal to twenty-five per cent. to the village fund of each Panchayat situated within the jurisdiction of the Pune Metropolitan Region Development Authority, and

(*ii*) transfer an amount equal to twenty-five per cent. to the Pune Metropolitan Region Development Authority.]

[5]* * * * *

(*6*) The State Government may make rules for carrying out the purposes of this section.

159. Procedure of *Zilla Parishad* preliminary to imposing tax.— (*1*) Every *Zilla Parishad* shall, before imposing a tax or fee by resolution passed at a meeting of the *Parishad*,—

(*a*) select a tax or fee which may under section 157 be imposed; and

(*b*) approve rules describing the tax or fee selected; and

(*c*) in such resolution and in such rules, specify—

(*i*) the class or classes of persons or of property, or of both, which the *Zilla Parishad* desires to make liable, and any exemptions which it desires to give (including the circumstances or principles on which exemptions can be given);

(*ii*) the amount for which, or the rate at which, it is desired to make such classes liable; and

(*iii*) all other matters which the State Government may require to be so specified.

(*2*) When such a resolution has been passed, the *Zilla Parishad* shall publish the rules with a notice in the form set out in the Fifth Schedule.

(*3*) Any inhabitant of the District objecting to the imposition of the said tax or fee, or to the amount or rate proposed, or to the class of persons or property to be made liable therefor, or to any exemptions proposed, may, within one month from the publication of the said notice, send his objections in writing to the *Zilla Parishad*; and the *Zilla Parishad* shall take all such objections into consideration, or shall authorize a Committee of its Councillors to consider and report on them.

1 The short title of the Act has been amended as the "Maharashtra Stamp Act" (LX of 1958) by Mah. 24 of 2012, s. 2 and 3, Schedule, entry 67, with effect from the 1st May 1960.

2 Sub-section (*3*) was substituted by Mah. 29 of 2003, s. 8(*a*).

3 These words "of grant-in-aid" were deleted by Mah. 29 of 2003, s. 8(*b*). 4 This proviso was added by Mah. 79 of 2018, s. 2(*ii*).

5 Sub-section (*5*) was deleted by Mah. 29 of 2003, s. 8(*c*).

(*4*) The *Zilla Parishad* shall take the proposals and all objections received thereto or the report of the Committee, if any, into consideration at a meeting and may sanction the rules with or without modification.

160. Procedure for abolishing or varying a tax.— (*1*) A *Zilla Parishad* may, at a special meeting, pass a resolution to propose the abolition of any tax or fee already imposed or a variation in the amount or rate thereof.

(*2*) Any such proposal shall be dealt with according to the procedure laid down in section 159 for the imposition of a new tax or fee; and the notification of the abolition or variation of a tax or fee under this

section in the *Official Gazette* shall be conclusive proof that such abolition or variation has been made in accordance with the provisions of this Act.

(*3*) Nothing in this section shall affect the power of a *Zilla Parishad* to propose an increase in the rate of cess on land revenue under the provisions of section 155.

161. Procedure in cases of non-payment of fee.— (*1*) If any fee imposed under sub-clause (*ii*) of clause (*g*) of section 157 is not paid on demand, any person appointed by the Chief Executive Officer to collect it may seize and detain such portion of the goods exposed or about to be exposed for sale by the person from whom the market fee is leviable, as will, in his opinion, suffice to defray the amount chargeable.

(*2*) If any fee imposed under sub-clause (*iii*) of clause (*g*) of section 157 is not paid on demand, any person appointed by the Chief Executive Officer to collect it may seize and detain the animal in respect of which such fee is leviable.

(*3*) All property seized under sub-section (*1*) or sub-section (*2*) shall be sent within twenty-four hours to such officer as the Chief Executive Officer may authorise in this behalf, and such officer shall forthwith give notice to the owner of the property seized or, if the owner is not known, or is not a resident of the village in which the market is situated, to the person who was in charge of the said property at the time when it was seized or, if such person cannot be found, publish by beat of drum that after the expiration of two days from the date of service or publication of such notice the property will be sold by auction at a place to be specified in the notice :

Provided that, when the property seized is subject to speedy and natural decay, it shall be taken forthwith to the officer referred to above, and such officer shall proceed to sell it forthwith.

(*4*) If at any time before the sale has begun, the amount due, together with all charges incurred in connection with the seizure, detention and publication by beat of drum is tendered to the officer referred to in sub-section (*3*), the property seized shall forthwith be released.

(*5*) If no such tender is made, the property may be sold, and the proceeds of the same applied to the payment of—

(*a*) the amount due on account of the fee, and

(*b*) the charges incurred in connection with the seizure, detention, publication by beat of drum, and sale.

(*6*) For the purposes of this section, any officer or any other person authorised by the Chief Executive Officer shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (XLV of 1860).

162. Publication of sanctioned rules with notice.— All rules sanctioned under section 159 shall be published by the *Zilla Parishad* in the District for which they are made, and the tax as described in the rules so published shall, from the date specified in the notice under that section (such date not being less than one month from the publication of such notice), be imposed accordingly:

Provided that,—

(*a*) a tax leviable by the year—

(*i*) shall not come into force except on one of the following dates, that is to say, the first day of April, the first day of July, the first day of October or the first day of January, in any year, and

(*ii*) if it comes into force on any day other than the first day of April, it shall be leviable by the quarter till the first day of April then next ensuing;

(*b*) on or before the day on which a notice is issued, the *Zilla Parishad* shall publish such further detailed rules as may be required, prescribing the mode of levying and recovering the tax

therein specified, and the dates on which the tax or the instalments (if any), thereof, shall be payable; and

(*c*) if the levy of a tax, or of a special portion of a tax, has been sanctioned for a fixed period only, the levy shall cease at the conclusion of that period, except as regards any unpaid arrears which have become due during the period.

[1][**163. Compulsory general and special water taxes imposed by *Zilla Parishad* to be collected by *panchayats*.—** Where a *Zilla Parishad* imposes a general water tax or a special water tax or both under sub-section (*2*) of section 157, then notwithstanding anything contained in this Act or any other law for the time being in force, in any area within the limits of a *panchayat*, such taxes shall be collected by the *panchayat* concerned from those persons who are liable to pay the taxes under sub-section (*2*) of section 157 and the rules made thereunder, in accordance with the provisions of sections 129 and 130 of the [2]Bombay Village *Panchayats* Act, 1958 (Bom. III of 1959), as if they were taxes imposed by the *panchayat* under the provisions of that Act, and the proceeds thereof, after deducting such percentage as may be prescribed of the gross collection as collection charges, shall be paid by the *panchayat* every year to the *Zilla Parishad*, at such time and in such manner as the *Zilla Parishad* may specify.

164. Default in payment by *panchayat* and recovery from its moneys.— (*1*) If any *panchayat* defaults in the payment of any sum, in respect of a general water tax or a special water tax collected by it under section 163, within the time specified by the *Zilla Parishad*, the *Zilla Parishad* may, notwithstanding any law relating to the funds vesting in such *panchayat* or any other law for the time being in force, by order direct, any bank in which any money of the *panchayat* are deposited or the person in charge of the Government treasury or of any place of security in which the moneys of the *panchayat* are deposited, to pay such sum from such moneys as may be standing to the credit of the *panchayat* in such bank or as may be in the hands of such person or as may, from time to time, be received from or on behalf of the *panchayat* by way of deposit by such bank or person, and such bank or person shall be bound to obey such order.

(*2*) Every payment made pursuant to an order under sub-section (*1*) shall be a sufficient discharge to such bank or person from all liability to the *panchayat* in respect of any sum so paid by it or him out of the moneys of the *panchayat* so deposited with such bank or person.]

165. Powers of State Government to suspend levy of objectionable taxes.— If it at any time appears to the State Government on complaint made or otherwise, that any tax or fee leviable by a *Zilla Parishad* is unfair in its incidence, or that the levy thereof, or of any part thereof, is obnoxious to the interests of the general public or violates any promises made or undertakings given by the State Government or adversely affects the industrial development of the District or any part thereof, the State Government may require the said *Zilla Parishad*, within such period as it fixes in this behalf, to take measures for removing any objection which appears to it to exist to the said tax or fee and if, within the period so fixed, such requirement is not carried into effect to the satisfaction of the State Government, the State Government may, after giving the *Zilla Parishad* an opportunity to give an explanation, by notification in the *Official Gazette*, suspend the levy of such tax or fee, or of such part thereof, until such time as the objection thereto is removed.

1 Sections 163 and 164 were inserted by Mah. 56 of 1981, s. 4.

2 The short title of the Act was changed as "the Maharashtra Village Panchayat Act" (III of 1959) by Mah. 24 of 2012, s. 2 and 3, Schedule, entry 74, with effect from the 1st May 1960.

CHAPTER XI

COLLECTION OF TAXES OR FEES

166. Presentation of bill for amount of tax or fee.— (*1*) When any amount which,—

(*a*) by or under any provision of this Act, is declared to be recoverable in the manner provided by this Chapter, or

(*b*) not being payable on demand on account of a toll, is claimable as an amount or instalment on account of any tax [1][(not being a tax referred to in section 163)], or fee, which is imposed in the District,

has become due, the *Zilla Parishad* shall, with the least practicable delay, cause to be presented to the person liable for the payment thereof, a bill for the sum claimed as due.

(*2*) Every such bill shall specify—

(*a*) the period for which, and

(*b*) the property, occupation or thing in respect of which, the sum is claimed, and shall also give notice of—

(*i*) the liability incurred in default of payment, and

(*ii*) the time within which an appeal may be preferred, as hereinafter provided, against such claim.

(*3*) If the sum for which any bill has been presented as aforesaid is not paid into the *Zilla Parishad* office, or to a person authorised by any rule in that behalf to receive such payments, within fifteen days from the presentation thereof or if no appeal against any claim included in a bill is made under section 175, the *Zilla Parishad* may cause to be served upon the person liable for the payment of the said sum a notice of demand in the form set out in the Sixth Schedule, or to the like effect.

167. Issue of Warrant.— If the person liable for the payment of the said sum (being a sum to which the provisions of section 161 do not apply) does not, within fifteen days from the service of such notice of demand, either—

(*a*) pay the sum demanded in the notice, or

(*b*) show cause to the satisfaction of the *Zilla Parishad* or of such officer as the *Zilla Parishad* by rule may appoint in this behalf, why he should not pay the same,

such sum with all costs of the recovery may be levied under a warrant caused to be issued by the *Zilla Parishad* in the form set out in the Seventh Schedule or to the like effect by distress and sale of the movable property of the defaulter.

168. Warrant by whom to be signed.— Every warrant issued under section 167 shall be signed by the President causing the same to be issued, or by an officer authorised by the *Zilla Parishad* for that purpose.

169. To whom warrant should be addressed.— (*1*) Where the property is in a District, the warrant shall be addressed to an officer of a *Zilla Parishad*.

(*2*) Where the property is in the limits of a municipal corporation, the warrant shall, subject to the provisions of sub-section (*8*), be addressed to the Municipal Commissioner of such corporation.

(*3*) Where the property is in the limits of a municipal borough, the warrant shall be addressed to the Chief Officer of the borough municipality.

(*4*) Where the property is within the limits of a municipality, the warrant shall be addressed to the president of the municipality.

(*5*) Where the property is in the jurisdiction of another *Zilla Parishad*, the warrant shall be addressed to the President of that other *Zilla Parishad*.

1 The brackets, words and figures were inserted by Mah. 35 of 1963, s. 61.

(*7*) Where the property is not within the limits of such corporation or a municipal borough, municipality, cantonment, the warrant shall be addressed to a Government officer specified by the State Government in this behalf.

(*8*) Where the property is in Greater Bombay, the warrant shall be addressed to the Registrar of the Court of Small Causes of Bombay :

Provided that, such Municipal Commissioner, Chief Officer, Executive Officer, President, Government officer or Registrar, may endorse such warrant to a subordinate officer.

170. Power of entry under special order.— Any officer to whom a warrant is addressed by endorsement or otherwise may, if the warrant contains a special order authorising him in this behalf, but not otherwise, break open at any time between sunrise and sunset any outer or inner door or window of a building in order to make the distress directed in the warrant, if he has reasonable grounds for believing that such building contains property which is liable to seizure under the warrant, and if, after notifying his authority and purpose and duly demanding admittance, he cannot otherwise obtain admittance :

Provided that, such officer shall not enter or break open the door of any apartment appropriated for women until he has given three hours' notice of his intention and has given such women an opportunity to remove themselves.

171. Warrant how to be executed.— Such officer may detrain, wherever it may be found, any moveable property of the person named in the warrant as defaulter subject to the following conditions, exceptions and exemptions, namely :—

(*a*) the following property shall not be distrained, that is to say,—

(*i*) the necessary wearing apparel and bedding of the defaulter, his wife and children,

(*ii*) the tools of artisans, and

(*iii*) when the defaulter is an agriculturist, his implements of husbandry, seed-grain and such cattle as may be necessary to enable him to earn his livelihood;

(*b*) the distress shall not be excessive, that is to say, the property distrained shall be as nearly as possible equal in value to the amount recoverable under the warrant, and if any articles have been distrained which, in the opinion of a person, authorised by or under section 168 to sign a warrant should not have been so distrained they shall forthwith be returned; and

(*c*) the officer shall on seizing the property forthwith make an inventory thereof, and shall, before removing the same, give to the person in possession thereof at the time of seizure a written notice in the form set out in the Eighth Schedule that the said property will be sold as shall be specified in such notice :

Provided that, if after the property is distrained and before it has been removed, the sum due by the defaulter together with all costs, incidental to the notice, warrant and distress of the property is paid, the officer shall remove the distress.

172. Sale of goods distrained; application of proceeds of sale and surplus how dealt with.— (*1*) When the property seized is subject to speedy and natural decay, or when the expense of keeping it in custody together with the amount to be levied is likely to exceed its value, the President or officer by whom the warrant was signed shall at once give notice to the person in whose possession the property was when seized to the effect that it will be sold at once, and shall sell it accordingly, unless the amount named in the warrant is paid forthwith.

(*2*) If not sold at once under sub-section (*1*), the property seized or a sufficient portion thereof may, unless the warrant is suspended by the person who signed it, or the sum due by the defaulter together with all costs incidental to the notice, warrant and distress and detention of the property is paid, be, on the expiry of the time specified in the notice served by the officer executing the warrant, sold by public auction under the orders of the *Zilla Parishad* and the proceeds or such part thereof as

shall be requisite, shall be applied in discharge of the sum due and of all such incidental costs as aforesaid.

(*3*) The surplus, if any, shall be forthwith credited to the district fund, notice of such credit being given at the same time to the person from whose possession the property was taken; but if the same be claimed by written application to the *Zilla Parishad* within one year from the date of the notice, a refund thereof may be made to such person. Any sum not claimed within one year from the date of such notice shall be the property of the *Zilla Parishad*.

173. Distraint and sale outside district.— When the warrant is addressed outside the District, the authority issuing the warrant may by endorsement require the Municipal Commissioner, the President or the officer or Registrar to whom the warrant is addressed to sell the property distrained, and in such case, it shall be lawful for such President or officer or Registrar to sell the property and do all things incidental to the sale, and the foregoing provisions shall be modified accordingly. Such President or officer or Registrar shall, after deducting all costs of recovery incurred by him, remit the amount recovered under the warrant to the authority by whom it was issued.

174. Fees and cost chargeable.— Fees for—

(*a*) every notice issued under sub-section (*3*) of section 166,

(*b*) every distress made under section 171, and

(*c*) the costs of maintaining any livestock seized under the said section 171,

shall be chargeable at the rates respectively specified in this behalf in the rules of the *Zilla Parishad* and shall be included in the costs of recovery to be levied under section 167.

175. Appeals to Magistrates.— An appeal against any claim included in a bill presented under sub-section (*1*) of section 166 may be made to any Judicial Magistrate, or Bench of such Magistrates, by whom under the directions of the Sessions Judge such class of cases is to be tried. But no such appeal shall be heard and determined, unless—

(*a*) the appeal is brought within fifteen days next after the presentation of the bill complained of;

(*b*) an application in writing stating the ground on which the claim of the *Zilla Parishad* in the case of a rate on lands or buildings, is disputed, has been made to the Parishad within a time to be notified in the notice given of the assessment or alteration thereof, according to which the bill is prepared; and

(*c*) the amount claimed from the appellant has been deposited by him in the *Zilla Parishad* office.

176. Liability of lands, buildings, etc., for rates.— All sums due on account of any tax imposed in the form of a rate on lands or buildings or on both, shall, subject to prior payment of land-revenue, if any, due thereupon, be a first charge upon the land or building in respect of which such tax is leviable, and upon the movable property, if any, found within or upon such building or land, and belonging to the person liable for such tax :

Provided that, no arrears of any such tax shall be recovered from any occupier who is not the owner, if it has been due for more than one year or for a period during which such occupier was not in occupation.

177. Suspension of power to recover by distress and sale.— The State Government may, at any time by notification in the *Official Gazette*, suspend the operation of sections 167 to 172 both inclusive, in any District; and from such date as is fixed in this behalf in the notification, every amount due on account of any tax theretofore recoverable under the said sections, shall be recoverable on application to a Magistrate in the manner provided in sub-section (*2*) of section 234 for the recovery of such fines as are therein referred to, and not otherwise.

178. Framing of tolls or certain fees.— (*1*) The *Zilla Parishad* may lease the levy of any toll that may be imposed under this Act or fees which may be imposed under sub-clause (*ii*) or (*iii*) of clause (*g*) of section 157 by public auction or private contract :

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

(*2*) When any toll has been leased under this section, any person employed by the lessee to collect the toll shall, subject to the conditions of the lease, have the power to seize any vehicle or animal on which the toll is chargeable or any part of its burden which is of sufficient value to satisfy the demand, and to detain the same :

Provided that, on such seizure and detention he shall give the person in possession of the property seized and detained, a list of the property together with a written notice in the form set out in the Eighth Schedule that the said property will be sold as shall be specified in such notice under the orders of the *Zilla Parishad* :

Provided further that, when any article seized is subject to speedy and natural decay, or when the expense of keeping it together with the amount of the toll chargeable is likely to exceed its value, he shall inform the person in whose possession it was that it will be sold at once, and sell it or cause it to be sold accordingly, unless the amount of toll demanded be forthwith paid.

(*3*) When the collection of any fees has been leased under this section, any person employed by the lessee to collect such fees shall, subject to the conditions of the lease, have the powers referred to in section 161.

(*4*) Any sum due from a lessee of a *Zilla Parishad* in respect of any toll or fees leased under this section may be recovered as an arrear of land revenue.

179. Receipt to be given for all payments.— For all sums paid on account of any tax or fee under this Act, a receipt stating the amount and the tax or fee on account of which it has been paid shall be tendered by the person receiving the same.

CHAPTER XII

FINANCIAL ASSISTANCE TO *ZILLA PARISHADS*

180.[*Payment of a sum equal to 70 per cent. of average land revenue, etc., to each Zilla Parishad*.] *Deleted by Mah. 15 of 1974, s. 11.*

181.[*Equalisation grant.*] *Deleted by Mah. 15 of 1974, s. 11.*

[1]**[181A. Grant of** [2]*** * * forests revenue to Zilla Parishads.—** (*1*) The State Government shall, after the due appropriation made by law in this behalf, make every year a grant to every *Zilla Parishad* of a sum equal to [3][seven per cent.] of the average of the amounts of gross revenue realised from forest during the three financial years immediately preceeding [4][each quinquennium commencing on the 1st day of April 1972, within the limits of the District] :

[5][Provided that, the grant so fixed shall not be altered during that period so as to be disadvantageous to the *Zilla Parishad*.]

Explanation.— The manner of computing the gross revenue from forests in the District for the purpose of this section shall be such as may be determined by the State Government.

(*2*) The grant made under sub-section (*1*) shall be utilised by the *Zilla Parishad* for works and development schemes in the forest areas within the limits of the District in accordance with such directions as the State Government may, from time to time, issue in this behalf.]

1 Section 181A was inserted by Mah. 15 of 1969, s. 8.

2 The words "five per cent. of" were deleted by Mah. 1 of 1993, s. 10(*b*).

3 These words were substituted for the words "five per cent." by Mah. 1 of 1993, s. 10(*a*).

4 These words were substituted for "any State Five-year Plan within the limits of the District" by Mah. 36 of 1972, s. 4(*a*)(*2*).

5 This proviso was substituted by Mah. 36 of 1972, s. 4(*a*)(*3*).

[1][**182. Purposive grants.—** The State Government shall pay every year to a *Zilla Parishad* a grant for works and development schemes transferred to the *Zilla Parishad* under clause (*b*) of sub-section (*1*) of section 100 on the terms and conditions specified in the order made in this behalf by the State Government; [2][and in respect of such works or development schemes vested in a Zilla Parishad under paragraph 2 of the Eleventh Schedule, as may be determined by the State Government; so however that the amount of the grant is equal to the expenditure which may be incurred in respect of such works or schemes.]

Explanation.— For the purpose of this section, the method of calculating the amount of expenditure shall be such as may be determined by the State Government.]

[3][**183. Establishment grant.—** The State Government shall pay to a *Zilla Parishad* every year by way of an establishment grant a sum equal to [4]* * * the average cost on account of the salaries and allowances in respect of—

(*a*) the posts which are rendered surplus to the requirements of the State Government from time to time consequent on the transfer of works and development schemes to the *Zilla Parishad* under section 100, and

(*b*) the posts which are sanctioned, with the approval of the State Government, for the *Zilla Parishad*, from time to time, whether before or after the commencement of the Maharashtra *Zilla Parishads* and *Panchayat Samitis* (Amendment) Act, 1970 (Mah. XXII of 1970), consequent on the transfer of such works and development schemes.

[5][(*c*) the posts determined or laid down by the State Government under sections 243 and 243-A of this Act and not covered by clauses (*a*) and (*b*) of this section :

Provided that, in all cases, the posts must have been created and filled in by the *Zilla Parishads*.]

Explanation.— For the purpose of this section—

(*a*) any such posts do not include posts expenditure in respect of which is debited to the provisions of such works and schemes;

(*b*) salaries and allowances include [6][pensionary and] such other charges incurred by the *Zilla Parishads* in relation to any such posts as the State Government may, from time to time, determine.]

184.[*Deficit Adjustment grant*.] *Deleted by Mah. 15 of 1969, s. 11, with effect from 1st April 1968.*

185. Local cess matching grant.— If in pursuance of the proposal of a *Zilla Parishad* or of a *Panchayat Samiti*, a cess on land revenue at a rate in excess of the minimum rate prescribed by this Act is levied by the State Government in the whole of the District or in a Block, the *Zilla Parishad* [7][or as the case may be, *Panchayat Samiti*] shall be paid every year by the State Government a local cess matching grant which shall be a sum calculated in such proportion as may be prescribed by the State Government. [8]* * * * * [9][Where the grant is to be paid to a *Panchayat Samiti*, it shall be treated as a Block grant and paid to it through the *Zilla Parishad*.]

186. Incentive grants.— (*1*) The State Government may, having regard to the progress of developmental activities of each of the *Zilla Parishads*, give to each *Zilla Parishad* a grant to such

1 Section 182 was substituted by Mah. 15 of 1969, s. 9.

2 This portion was substituted for the portion beginning with the words "so however that" and ending with the words "works or schemes" by Mah. 15 of 1974, s. 12.

3 Section 183 was substituted by Mah. 22 of 1970, s. 8.

4 The words "seventy-five per cent. of" were deleted by Mah. 15 of 1974, s. 13(*a*).

5 Clause (*c*) was substituted for the proviso by Mah. 15 of 1974, s. 13(*b*).

6 These words were inserted by Mah. 15 of 1974, s. 13(*c*).

7 These words were inserted by Mah. 15 of 1974, s. 14(*a*).

8 The words "If the grant to be paid to the *Panchayat Samiti*, it shall be paid through the *Zilla Parishad*" were deleted by Mah. 35 of 1963, s. 63.

9 These words were added by Mah. 15 of 1974, s. 14(*b*).

extent and of such amount determined under sub-section (*2*), as would in its opinion act as an incentive to speedier development.

(*2*) The standards by which the progress of developmental activities of individual Parishad should be assessed and compared with those of others, and the extent and amount of the grant to be given, shall be such as may be prescribed by the State Government.

187. Grants for Plan Schemes.— The State Government shall pay to each *Zilla Parishad* every year in such manner, and to such extent, as it may determine, grants for such works and development schemes relating to any subject enumerated in the District List as are included in the Development Plan of the State.

188. Block grant.— The State Government shall give every year to each *Panchayat Samiti* through the *Zilla Parishad* of the District in which the Block is situate, a grant or grants for carrying out such works and development schemes of such types as the State Government may specify in this behalf, regard being had to the subject enumerated in the Second Schedule.

189.[*Land Revenue Recoupment Fund.*] *Deleted by Mah. 15 of 1969, s. 12.*

CHAPTER XIII

SANITARY AND OTHER POWERS

190. Power to enter and inspect, etc., buildings.— The Chief Executive Officer or any person authorised by him in this behalf, may at any time between sunrise and sunset, on giving reasonable notice, enter into and inspect any buildings and lands, and by written notice direct that all or any part thereof shall be cleansed, cleared, or otherwise put in a proper state for sanitary reasons.

191. Filthy buildings, etc.— Whoever, being the owner or occupier of any building or land, whether tenantable or otherwise, suffers the same to be in a filthy or unwholesome state, or, in the opinion of the Chief Executive Officer, a nuisance to persons residing in the neighbourhood, or over grown with prickly pear, or rank and noisome vegetation, and who does not, within a reasonable time after notice in writing from any person authorised by the Chief Executive Officer in this behalf to cleanse, clear or otherwise put the same in a proper state, comply with the requisition contained in such notice, shall, on conviction before a Magistrate, be liable to a fine not exceeding rupees twenty-five, and if the offence be a continuing one, to a further fine not exceeding rupees five for every day during which the said offence is continued after conviction.

192. Powers and duties with regard to sources of water supply.— The Chief Executive Officer, or any person authorised by him in this behalf, may at any time by written notice require that, the owner of, or any person who has control over, any well, stream, channel, tank, or other source of water supply shall, whether it is private property or not,

(*a*) if the water is used for drinking,

(*i*) keep and maintain any such source of water supply, other than a stream, in good repair, or

(*ii*) within a reasonable time to be specified in the notice, cleanse any such source of water supply from silt, refuse and decaying vegetation, or

(*iii*) in such manner as the Chief Executive Officer directs, protect any such source of water supply from pollution by surface drainage, or

(*iv*) desist from using and permitting others to use for drinking purposes any such source of water supply which not being a stream in its natural flow, is in the opinion of the Chief Executive Officer unfit for drinking, or

(*v*) if notwithstanding any such notice under sub-clause (*iv*), such use continues and cannot in the opinion of the Chief Executive Officer be otherwise prevented, close, either temporarily or permanently, or fill up or enclose or fence in such manner as the Chief Executive Officer considers sufficient to prevent such use, such source of water supply, or

(*vi*) drain off or otherwise remove from any such source of water supply, or from any land or premises or receptacle or reservoir attached or adjacent thereto any stagnant water which the Chief Executive Officer considers to be injurious to health or offensive to the neighbourhood ;

(*b*) within twenty-four hours of such notice, repair, protect or enclose in such manner as the Chief Executive Officer may direct or approve, any such source of water supply, whether used for drinking purposes or not, other than a stream in its natural flow, if for want of sufficient repair, protection or enclosure, such source of water supply is in the opinion of the Chief Executive Officer dangerous to the health or safety of the public or of any persons having occasion to use or to pass or approach the same.

193. Remedy on non-compliance with directions issued.— If the owner or the person having control as aforesaid, fails or neglects to comply with any such requisition within the time required by or under the provisions of section 192 the Chief Executive Officer may, and, if in the opinion of the Chief Executive Officer immediate action is necessary to protect the health or safety of any person, shall at once, proceed to execute the work required by such notice; and all the expenses incurred thereon shall be paid by the owner of, or person having control over, such water supply, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter XI :

Provided that, in the case of any well or private stream or any private channel, tank or other source of water supply, the water of which is used by the public or by any section of the public as of right, the expenses incurred by such owner or person having control may, if the *Zilla Parishad* so directs, be paid from the portion of the district fund at the disposal of such *Zilla Parishad*.

194. Power to set apart public springs, etc., for certain purposes.— (*1*) The Chief Executive Officer may by public notice, which shall be put up at the spring, tank, well or other place concerned and otherwise as required by this Act, set apart public springs, tanks, wells and other places and parts of public water courses for drinking purposes or for bathing or for washing clothes, or animals or any other purpose calculated to promote the health, cleanliness, comfort, convenience of the inhabitants; and with the consent of the owners, may also set aside any private springs, tanks, well or other places for any of the aforesaid purposes.

(*2*) The Chief Executive Officer may, during epidemics, on receipt of a certificate from any medical officer in the employ of the *Zilla Parishad* or of the Government stating that such action is desirable, summarily by notice prohibit the use of water from any source to which the public have access. Such notice shall be served by putting up a copy thereof near the source of water supply or by beat of drum stating the number of days during which such prohibition shall last. The Chief Executive Officer may extend or modify the notice from time to time without the production of a further certificate.

195. Penalty for using places set apart for other purposes.— Whoever—

(*a*) bathes in or defiles the water in any place set apart for drinking purposes by the Chief Executive Officer or in the case of private property, by the owner thereof, or

(*b*) deposits any offensive or deleterious matter in the dry bed of any place set apart as aforesaid for drinking purposes, or

(*c*) washes clothing in any place set apart as aforesaid for drinking or bathing, or

(*d*) washes any animal or any cooking utensils or wool, skins, or other foul or offensive substance, or deposits any offensive or deleterious matter in any place set apart as aforesaid for drinking purposes or bathing or washing clothes, or

(*e*) allows the water from a sink, sewer, drain, engine or boiler, or any other offensive matter belonging to him or flowing from any building or land belonging to or occupied by him, to pass into any place set apart as aforesaid for drinking purposes or for bathing or for washing clothes,

shall, on conviction before a Magistrate, be liable to a fine not exceeding rupees fifty, and if the offence be a continuing one, to a further fine not exceeding rupees ten for every day during which the said offence is continued after conviction.

196. Abatement of nuisance from foul water.— When any pool, ditch, tank, pond, well, hole or any wasted or stagnant water, or any channel or receptacle of foul water or other offensive or injurious matter, whether it be within a private enclosure or otherwise, shall appear to the Chief Executive Officer to be likely to prove injurious to the health of the inhabitants or offensive to the neighbourhood, the Chief Executive Officer may by written notice require the owner of the same to cleanse, fill up, drain off or remove the same, or to take such measures as shall, in his opinion, be necessary to abate or remove the nuisance.

197. Closing of places for disposal of dead.— (*1*) If the *Zilla Parishad* is of opinion that any place in the District which is used for the disposal of the dead is in such a state as to be, or to be likely to become injurious to health, it may communicate its opinion, with the reasons therefor to the Commissioner. The Commissioner may, thereupon, after such further inquiry, if any, as he may deem fit by notification direct that such place shall cease to be so used from such date as may be specified in that behalf in the notification.

(*2*) A copy of the said notification with a translation thereof in Marathi shall be published in the local newspapers, if any, and shall be posted up at the *Zilla Parishad* office and in one or more conspicuous spots on or near the place to which it relates.

(*3*) Any person who buries or otherwise disposes of any corpse in any such place after the date specified in the said notification for closure thereof or buries any corpse in any unoccupied Government land not set aside for the burial of the dead under the provisions of any law for the time being in force or by established usages, shall, on conviction, be liable to a fine not exceeding rupees one hundred.

198. Chief Executive officer, etc., to have power of entry for inspection into buildings, *etc*., where infectious disease exists, disinfections of buildings, etc.— (*1*) The Chief Executive Office or any person authorised by the Chief Executive Officer in this behalf, may enter at any time after reasonable notice, into any building or premises in which any dangerous and infectious disease is reported or suspected to exist for the purpose of inspecting such building or premises.

(*2*) No such inspection shall be made except between sunrise and sunset.

(*3*) If the Chief Executive Officer or any person so authorised is of opinion that the cleansing or disinfecting of a building or premises or of a part thereof, or of any articles therein likely to retain infection, would tend to prevent or check the spread of any dangerous and infectious disease, he may by notice require the owner or occupier to cleanse or disinfect the same within a time to be specified in such notice :

Provided that, if the Chief Executive Officer or the person so authorised considers that immediate action is necessary or that the owner or occupier is, by reason of poverty or otherwise, unable effectually to comply with his requisition, the Chief Executive Officer or the person so authorised may himself cause such building or premises or articles to be cleansed or disinfected, and for this purpose may cause such articles to be removed from such building or premises; and the expenses incurred by him under this sub-section shall be recoverable from the said owner or occupier unless he was, by reason of poverty, unable effectually to comply with its requisition.

199. *Zilla Parishad* to notify places for washing and disinfecting articles, exposed to infection; infected articles may be destroyed; penalty.— (*1*) The *Zilla Parishad* shall, from time to time, notify places at which articles of clothing or bedding or other articles which have been exposed to infection from any dangerous and infectious disease may be washed or disinfected.

(*2*) The Zilla Parishad may direct the destruction of clothing, bedding or other articles likely to retain such infection, and shall, on demand, give compensation for the articles destroyed.

(*3*) Whoever washes such clothing or bedding or other articles at any place other than those set apart for such purposes under sub-section (*1*), shall, on conviction, be liable to a fine not exceeding rupees fifty.

200. Obstructions and encroachments upon public roads, land or building.— (*1*) Whoever on any part of a public road, land or building, after it has vested in, or has become the property of, a *Zilla Parishad* shall build, or set up, any wall or any fence, rail, post, stall, verandah, platform, plinth, step or any projecting structure or thing, or other encroachment or obstruction, or shall deposit, or cause to be placed or deposited, any box, bale, package or merchandise or any other thing on any part of any such road, land or building, or in, or over, or upon, any open drain, gutter, sewer or aqueduct in such road, land or building, shall, on conviction, be punished with fine which may extend to twenty-five rupees.

(*2*) The Zilla Parishad shall have power to remove any such obstruction or encroachment, and the expense of such removal shall be paid by the person who has caused the obstruction or encroachment, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter XI :

Provided that, before proceeding to remove any such obstruction or encroachment, the *Zilla Parishad* shall by written notice call upon the person who has caused such obstruction or encroachment to remove it within a reasonable time to be specified in the notice, or to show cause why the same should not be removed.

(*3*) Nothing contained in this section shall prevent a *Zilla Parishad* from allowing any temporary occupation of or erections on any public road, which vests in it or is its property, on occasions of festivals and ceremonies, or for the piling of fuel on any part of such road for not more than fifteen days and in such manner as not to inconvenience the public or any individual.

forming part of a public road when such land is not, in the opinion of the *Zilla Parishad*, required for a public road or for any other purposes of this Act, for a period not exceeding seven years.

201. Powers of inspections of weights and measures, etc.— The President, Vice-President or any Councillor or officer authorised by the *Zilla Parishad* in this behalf may at all reasonable times enter into any place (other than a place prescribed by rules made under the Bombay Weights and Measures Act, 1932 (Bom. XV of 1932)), or under any law corresponding thereto in force in any part of the State where weights or measures or weighing or measuring instruments are used or kept for the purpose of trade, and inspect such weights or measures or weighing or measuring instruments.

202. Numbering of premises.— (*1*) The Chief Executive Officer may, from time to time by written notice, require the owner of any premises or part thereof either to put up by means of a metal plate 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 Chief Executive Officer.

(*2*) Any person who destroys, pulls down or defaces any such number or sub-number or puts up any number or sub-number different from that put up by order of the Chief Executive Officer 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 Chief Executive Officer 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 :

Provided that, the maximum rate of charge for such work shall be fixed by the Chief Executive Officer.

Explanation.— In this section 'premises' means a house, out-house, stable, shed, hut or other structure whether of masonry, bricks, wood, mud, metal or any other material whatever whether used as a human dwelling or otherwise.

Public Markets.

203. Vesting of market rights.— (*1*) The State Government may, upon a representation made by a *Zilla Parishad* by notification published in the *Official Gazette* and in such other manner as may

be prescribed by rules made by the State Government, declare that any place within the District shall be a public market.

(*2*) Every such notification shall define the limits of the public market so established, and may for the purpose of this Act include within such limits such local areas as the State Government may direct.

(*3*) Whenever the State Government declares under sub-section (*1*) a place to be a public market, no person shall, notwithstanding anything contained in any other law for the time being in force, within the area of such public market or within a distance thereof to be specified by notification in this behalf in each case by the State Government, set up, establish or continue or allow to be continued any other market.

(*4*) Whoever in contravention of this section, sets up, establishes, continues or allows to be continued any market shall, on conviction, be punished with fine which may extend to five hundred rupees, and in case of a continuing breach with fine which may extend to one hundred rupees for each day after the first during which the breach continues.

(*5*) For the purposes of this section, a person shall be deemed to have set up, established, continued or allowed to be continued a market if such market is held on land owned by him ; and the onus of proving that the market was held on such land without his knowledge shall lie on him.

(*6*) Nothing contained in this section shall be deemed to empower the State Government to declare any place as a public market for the purchase or sale of such agricultural produce, the purchase or sale of

which is regulated by or under the [1]Bombay Agricultural Produce Markets Act, 1939 (Bom. XXII of 1939) or under any other law corresponding thereto in force in any part of the State.

Private Markets.

204. Power of State Government to apply these provisions to villages.— (*1*) The State Government may, by notification in the *Official Gazette*, direct that the provisions herein relating to private markets shall apply to the villages specified therein, and thereafter, unless due cause is shown to the contrary to the satisfaction of the State Government, those provisions shall apply to the villages aforesaid, after the expiry of six months from the date of the notification.

(*2*) In any villages to which the provisions apply as aforesaid, the Markets and Fairs Act, 1862 (Bom. IV of 1862), shall cease to apply in relation to such villages except as respects things done or omitted to be done before such cesser of operation of the Markets and Fairs Act, 1862 (Bom. IV of 1862), and the provisions of section 7 of the [2]Bombay General Clauses Act, 1904 (Bom. I of 1904), shall apply to such cesser as if the Markets and Fairs Act, 1862 (Bom. IV of 1862), had then been repealed by a Maharashtra Act.

205. Provision as to licences required for private markets.— (*1*) No person shall establish or maintain private market except under a licence granted by the *Zilla Parishad*.

(*2*) The *Zilla Parishad* as respects markets lawfully in existence in any village on the date on which the provisions herein relating to private markets apply to that village shall, and as respects other markets may, grant a licence under sub-section (*1*), subject to such conditions as to sanitation, drainage, water supply, width of paths and ways, weights and measures to be used, and rents and fees to be charged in such markets, as the *Zilla Parishad* may think fit.

206. Procedure to be followed in claiming right to levy fees.— Any person claiming a right to levy fees of the nature specified in clause (*g*) of section 157 shall first apply to such officer as the *Zilla Parishad* may appoint in this behalf, who may grant him a certificate recognising his right in this behalf and on such certificate being submitted to a *Zilla Parishad* it shall, in granting him licence under sub-section (*2*) of section 205 allow the licencee to levy such fees.

1 Now *see* Maharashtra Agricultural Produce Marketing (Regulation and Development) Act, 1963 (Mah. XX of 1964). 2 The short title of the Act has been amended as "the Maharashtra General Clauses Act" (I of 1904), by Mah. 24 of 2012, Ss. 2 and 3, Schedule, entry 11, with effect from the 1st May 1960.

207. Grounds of decision on claim to levy fees.— In deciding whether to grant a certificate or not, the officer authorised under section 206 shall take into consideration any representations which may be made to him in writing or otherwise, against such right and also the following circumstances, that is to say—

(*a*) whether the applicant is entitled by long usage to levy such fees;

(*b*) whether he is entitled to levy them under the special sanction of the State Government or in accordance with the provisions of any law in force in the village to which these provisions apply.

208. Suit for establishing right to levy fees.—Any person aggrieved by an order refusing to grant a certificate under section 206 may, within six months from the date of such order, institute a suit to establish the right which he claims, and subject to the result of such suit, such order shall be final.

209. Fee for licence.— When a licence granted under sub-section (*2*) of section 205 does not permit the levy of any fees, it shall be granted free of charge, but when such permission is given, a fee not exceeding such amount as may be fixed by bye-laws in that behalf may be charged for such licence.

210. Suspension or cancellation of licence.— A licence under section 205 shall, unless it otherwise directs, remain in force for the financial year during which it has been granted, but it may at any time be suspended or cancelled by the *Zilla Parishad* for breach of any of its conditions or levy of any unauthorised fees.

211. Appeal against orders of *Zilla Parishad*.— Any person aggrieved by an order made by a Zilla Parishad under the powers vested in it by sections 205, 206, 209 or 210 may appeal, within thirty days from the date thereof, to the Commissioner, whose decision shall be final.

212. Failure to grant a licence and applications against such order.— If the *Zilla Parishad* fails to grant a licence under sub-section (*2*) of section 205 for a period of two months from the date of the receipt of an application for such licence, any person aggrieved by such failure may apply to the Commissioner, who may reject the application or may direct the *Zilla Parishad* to grant licence or grant it himself, and his decision shall be final.

213. Penalty for unlicensed markets.— Any person—

(*a*) establishing or maintaining a market for which a licence has not been granted under sub-section (*2*) of section 205; or

(*b*) opening or keeping open a market for which the licence has been cancelled under section 210; or

(*c*) opening or keeping open a market during the period of suspension under section 210 ; shall be punishable with fine which may extend to one hundred rupees, and, if the breach is continuing one, with further fine which may extend to ten rupees for every day after the first during which the breach is proved to have been persisted in.

Fairs.

214. Provision regarding public markets applicable to fairs, etc.— Subject to any rules made by the State Government as to fairs under any law for the time being in force, the provisions relating to public markets contained in clause (*g*) of section 157 shall apply to fairs, agricultural shows or industrial exhibitions, not being fairs, agricultural shows or industrial exhibitions held by the State Government.

Public Cart Stands.

215. Power of State Government to apply these provisions to local areas.— (*1*) The State Government may, by notification in the *Official Gazette*, direct that the provisions herein relating to public cart stands shall apply to such local areas as may be specified therein; and thereafter, unless due cause is shown to the contrary to the satisfaction of the State Government the provisions aforesaid shall from a date specified in the notification apply to such local areas accordingly.

(*2*) In any local area to which the provisions aforesaid apply, the provisions of the [1]Bombay Public Conveyances Act, 1920 (Bom. VII of 1920) in relation to public cart stands shall cease to apply to such local area; except as respects things done or omitted to be done before such cesser of operation of the [2]Bombay Public Conveyances Act, 1920 (Bom. VII of 1920), and, the provisions of section 7 of the [3]Bombay General Clauses Act, 1904 (Bom. 1 of 1904) shall apply upon such cesser as if the [4]Bombay Public Conveyances Act, 1920 (Bom. VII of 1920), had then been repealed by a Maharashtra Act.

216. Provisions of public stands.— (*1*) A *Zilla Parishad* may construct or provide and maintain halting places and cart stands, and may levy rents and fees for the use of the same.

(*2*) A statement in Marathi language of any rents and fees prescribed by bye-laws made by the *Zilla Parished* for the use of any such place shall be put in a conspicuous part thereof.

217. Prohibition of use of public place, or side of public roads as cart stand, etc.— Where a *Zilla Parishad* has provided a halting place or cart stand, the Chief Executive Officer may, with the approval of the *Zilla Parishad*, prohibit the use of any other public place or the sides of any public road for the same purpose by any person within such distance thereof, as may be fixed by the Chief Executive Officer by a general or special order.

218. Licence to be obtained for private cart stand in existence at commencement of these provisions.— (*1*) No person shall continue to keep open in any local area a private cart stand lawfully

established at the commencement of the provisions aforesaid in that local area or open a new cart stand unless he annually obtains from the Chief Executive Officer a licence to do so.

(*2*) The Chief Executive Officer shall grant a licence, subject to such regulations as to supervision and inspection and to such conditions as to conservancy as may be prescribed by bye-laws made by the *Zilla Parishad* in this behalf.

(*3*) The Chief Executive Officer may also levy on every licence granted under this section a fee not exceeding one hundred rupees per annum.

Special provisions for Town Planning in the Hyderabad area of the State.

219-226A. [*Repealed by the Maharashtra Regional and Town Planning Act, 1966 (Mah. 37 of 1966), s. 165(1).*]

Provisions regarding notices etc.

227. Service of notices, etc., addressed to individual.— The service of every notice and presentation of every bill under this Act on any person or to any person to whom it is by name addressed shall, in all cases not otherwise specially provided for in this Act, be effected by a *Zilla Parishad* or by an officer or servant or other person authorised by the *Zilla Parishad* in this behalf, or on such terms as may be agreed upon, by any officer or servant of the Government—

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

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

1 The short title of the Act has been amended as "the Maharashtra Public Conveyances Act" (VII of 1920), by Mah. 24 of 2012, Ss. 2 and 3, Schedule, entry 14, with effect from the 1st May, 1960.

2 The short title of the Act has been amended as "the Maharashtra Public Conveyances Act" (VII of 1920), by Mah. 24 of 2012, Ss. 2 and 3, Schedule, entry 14, with effect from the 1st May, 1960.

3 The short title of the Act has been amended as "the Maharashtra General Clauses Act" (I of 1904), by Mah. 24 of 2012, Ss. 2 and 3, Schedule, entry 11, with effect from the 1st May, 1960.

4 The short title of the Act has been amended as "the Maharashtra Public Conveyances Act" (VII of 1920), by Mah. 24 of 2012, Ss. 2 and 3, Schedule, entry 14, with effect from the 1st May, 1960.

(*c*) if such person does not reside within the District, and his address elsewhere is known to the President or other person directing the issue of the notice or bill, then by forwarding the notice or bill 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 notice to be affixed on some conspicuous part of the building or land, if any, to which the bill or notice relates.

228. Service of notices on owners or occupiers of lands and buildings.— When any notice under this Act is required or permitted by or under this Act, to be served upon an owner or occupier of any land or building it shall not be necessary to name the owner or occupier therein, and the service thereof, in cases not otherwise specially provided for in this Act, shall be effected either—

(*a*) by giving or tendering the notice to the owner or occupier, or if there be more owners or occupiers than one, to any one of them; or

(*b*) if no such owner or occupier be found, then by giving or tendering the notice to some adult male member or servant of the family of any such owner or occupier as aforesaid; or

(*c*) if none of the means aforesaid be available, then by causing the notice to be fixed on some conspicuous part of the land or building to which the same relates.

229. Public and general notices how to be published.— Every notice which this Act requires or empowers a *Zilla Parishad* or the Chief Executive Officer to give or to serve either as a public notice, or generally, or by provisions which do not expressly require notice to be given to individuals therein specified, shall be deemed to have sufficiently given or served if a copy thereof is put up in such

conspicuous part of the *Zilla Parishad* office during such period and in such other public buildings and places or is published in such local papers or in such other manner as the *Zilla Parishad* in bye-laws in this behalf directs.

230. Defective form not to invalidate notice or bill.— (*1*) No notice or bill shall be invalid for defects of form.

(*2*) When any notice under this Chapter requires any act to be done and for which no time is fixed by this Act, the notice shall fix a reasonable time for doing the same.

(*3*) In the event of non-compliance with the terms of notice, the *Zilla Parishad* or the Chief Executive Officer may take such action or such steps as may be necessary for the doing of the act thereby required to be done, all the expenses thereby incurred by the *Zilla Parishad* or the Chief Executive Officer shall be paid by the person or persons upon whom the notice was served, and shall be recoverable in the manner provided in section 233.

231. Punishment for disobedience of orders and notices not punishable under any other section.— Whoever disobeys or fails to comply with any lawful direction given by any written notice issued by or on behalf of a *Zilla Parishad* under any power conferred by this Chapter, or fails to comply with the conditions subject to which any permission was given to him by or on behalf of a *Zilla Parishad* or the Chief Executive Officer under any power so conferred, shall, on conviction, before a Magistrate if the disobedience or failure is not an offence punishable under any other section, be punished with fine which may extend to fifty rupees and to a further fine which may extend to five rupees for every day during which the said disobedience or failure continues after the date of the first conviction :

Provided that, when the notice fixes a time within which a certain act is to be done, and no time is specified in this Act, it shall rest with the Magistrate to determine whether the time so fixed was a reasonable time within the meaning of this Act.

232. *Zilla Parishad* in default of owner or occupier may execute works and recover expenses.— (*1*) Whenever, under the provisions of this Act, any work is required to be executed by the owner or occupier of any buildings or land, and default is made in the execution of such work, the *Zilla Parishad* or the Chief Executive Officer, whether any penalty is or is not provided for such default, may cause such work to be executed; and the expenses thereby incurred shall, unless otherwise expressly provided in this Act, be paid to it by the person by whom such work ought to

have been executed and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter XI either in one sum or by instalments as to the *Zilla Parishad* may seem fit.

(*2*) If the defaulter be the owner of the building or land, the *Zilla Parishad* or Chief Executive Officer may, by way of additional remedy, whether a suit or proceeding has been brought or taken against such owner or not, require, subject to the provisions of sub-section (*3*), the payment of all or any part of the expenses payable by the owner for the time being, from the person who then, or any time thereafter, occupies the building or land under such owner; and in default of payment thereof by such occupier on demand, the same may be levied from such occupier; and every amount so leviable shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter XI; every such occupier shall be entitled to deduct from the rent payable by him to his landlord so much as has been so paid by or recovered from such occupier in respect of any such expenses.

(*3*) No occupier of any building or land shall be liable to pay more money in respect of any expenses charged by this Act on the owner thereof, than the amount of rent which is due from such occupier for the building or land in respect of which such expenses are payable at the time of the demand made upon him, or which at any time after such demand and notice not to pay the same to his landlord, has accrued and become payable by such occupier, unless he neglects or refuses, upon application made to him for that purpose by the *Zilla Parishad* or Chief Executive Officer truly to disclose the amount of his rent, and the name and address of the person to whom such rent is payable; but the burden of proof that the sum

demanded of any such occupier is greater than the rent which was due by him at the time of such demand, or which has since accrued, shall be upon such occupier :

Provided that, nothing herein contained shall be taken to affect any special contract made between any such occupier and the owner respecting the payment of the expenses of any such works as aforesaid.

233. Expenses of costs how determined and recovered.— If a dispute arises with respect to any expenses or costs which are by this Act, directed to be paid, the amount, and if necessary the apportionment of the same, shall, save where it is otherwise expressly provided in this Act, be ascertained and determined by the *Zilla Parishad* and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter XI.

234. Power of Chief Executive Officer to prosecute.— (*1*) The Chief Executive Officer may direct any prosecution for any public nuisance whatever, and may order proceedings to be taken for the recovery of any penalties, and for the punishment of any persons offending against the provisions of this Act, or of any byelaw thereunder, and may order the expenses of such prosecutions or other proceedings to be paid out of the district fund :

Provided that, no prosecution for an offence under this Act or of any bye-law thereunder shall be instituted except within six months next after the commission of such offence.

(*2*) Any prosecution under this Act or under any bye-law thereunder may, save as therein otherwise provided, be instituted before any Magistrate; and every fine or penalty imposed under or by virtue of this Act or any bye-law thereunder, and also all claims to compensation or other expenses for the recovery of which no special provision is otherwise made in this Act, may be recovered on application to such Magistrate, by the distress and sale of any moveable property within the limits of his jurisdiction belonging to the person from whom the money is claimed.

235. Damage to any *Zilla Parishad* property how made good.— If through any act, neglect or default, on account whereof any person shall have incurred any penalty imposed by or under this Act, any damage to the property of any *Zilla Parishad* shall have been caused by such person, he shall be liable to make good such damage as well as to pay such penalty, and the value of the damage shall, in case of dispute, be determined by the Magistrate by whom the person incurring such penalty is convicted, and on non-payment of such value on demand the same shall be levied by distress, and such Magistrate shall issue his warrant accordingly.

236. Alternative procedure by suit.— In lieu of any process of recovery allowed by or under this Act or in case of failure to realise by such process the whole or any part of any amount

recoverable under the provisions of Chapter XI or of any compensation, expenses, charges or damages awarded under this Act, the *Zilla Parishad* may sue in any Court of competent jurisdiction the person liable to pay the same, as also any other person who may have in any way caused any injury to any property, rights or privileges of the *Zilla Parishad*.

237. Powers of police officers.— (*1*) Any police officer may arrest any person committing in his view any offence against any of the provisions of this Act or of any bye-law thereunder, if the name and address of such person be unknown to him, and if he declines to give his name and address, or if the police officer has reason to doubt the accuracy of such name and address if given, any such person may be detained at the station-house until his name and address shall be correctly ascertained :

Provided that, no person arrested shall be detained without the order of a Magistrate, longer than shall be necessary for bringing him before a Magistrate or than twenty-four hours at the utmost.

(*2*) It shall also be the duty of all police officers to give immediate information to the President or an officer of the *Zilla Parishad* of the commission of any offence against the provisions of this Act or of any bye-law thereunder, and to assist all *Zilla Parishad* officers and servants working under the *Zilla Parishad* in the exercise of their lawful authority.

CHAPTER XIV

PROVISIONS AS TO SERVICES

238. Interpretation.— In this Chapter, unless the context requires otherwise—

(*a*) "appointed day" means the day on which this Act comes into force;

(*b*) "existing board" means a district local board established under the Bombay Local Boards Act, 1923 (Bom. VI of 1923), a district board constituted under the Hyderabad District Boards Act, 1955 (Hyd. I of 1956), a Janapad Sabha constituted under the Central Provinces and Berar Local Government Act, 1948 (C. P. & Berar XXXVIII of 1948), a District School Board constituted under the Bombay Primary Education Act, 1947 (Bom. LXI of 1947), and such other body as the State Government may by general or special order specify in this behalf.

239. Posting of State officers [1]**[Maharashtra *Jeevan* Authority Engineers] and constitution of services.—** For the purposes of enabling a *Zilla Parishad* to discharge the duties and functions imposed on it by or under this Act,—

(*a*) the State Government shall post from time to time to work under every *Zilla Parishad* such number of officers of the Class I and Class II Services of the State and of the General State Service (including any officers appointed to such services from amongst persons employed by the existing board), and [2]* * * * * officers of the All India Services allocated to serve under the State Government as the Government consider necessary; and

(*b*) there shall be constituted by the State Government as from the appointed day the following services for each *Zilla Parishad*, that is to say,—

(*i*) a District Technical Service (Class III),

(*ii*) a District Service (Calss III),

(*iii*) a District Service (Calss IV).

The cadres to be formed for each of such Services will be determined initially by the State Government.

[3][(*c*) (*i*) It shall be lawful for a *Zilla Parishad* to appoint, having due regard to the exigencies of services in the *Zilla Parishad*, on its establishment such number of Deputy Engineers (Grade-II) or Executive Engineers (Grade-I) from the cadre of Engineers of the Maharashtra *Jeevan* Authority (hereinafter referred to be "the Authority"), for such period and

1 These words were inserted by Mah. 4 of 1999, s. 2(*2*).

2 The brackets and words "(with the concurrence of the Central Government)" were deleted by Mah. 22 of 1962, s. 10. 3 Clause (*c*) was added by Mah. 4 of 1999, s. 2(*1*).

on such terms and conditions as may be decided by the Authority and the concerned *Zilla Parishad* :

Provided that, the terms and conditions of service of such persons shall not be less advantageous than those applicable to them immediately before such posting;

(*ii*) The salaries and allowances of such Engineers posted under sub-clause (*i*) in the *Zilla Parishad* shall be paid out of the District fund].

240. Certain officers of existing boards to become officers of State Government.— Subject to rules prescribed in this behalf, the State Government shall, as from the appointed day, appoint such of the persons employed by an existing board immediately before that day as were holding posts and scales of pay generally corresponding to those in Class I and Class II Services of the State and the General State Service to appropriate cadres of Class I and Class II Services of the State and, the General State Service and their terms and conditions of service as respects pay, allowances, leave, transfer, retirement, pension, provident fund and other service conditions shall be regulated by the rules and orders which regulate the conditions of service of the members of the appropriate cadres of the State Services :

Provided that, the terms and conditions of employment applicable immediately before the appointed day to any classes or categories of persons appointed to the State Service shall not be varied to their disadvantage except with the approval of the State Government :

Provided further that, any service rendered under the existing board by any such person shall be deemed to be service under the State Government.

241. Transfer of certain persons in employ of existing boards to *Zilla Parishad*.— Subject to the provisions of this Chapter, every person employed by an existing board immediately before the appointed day shall, as from that day, be appointed a member of the District Technical Service (Class III), the District Service (Class III) or as the case may be, of the District Service (Class IV) and shall become an officer or servant of, and hold office under, a *Zilla Parishad* :

Provided that, the terms and conditions of service applicable immediately before the appointed day to the case of any person appointed as member of any of the services aforesaid shall not be varied to his disadvantage except with the previous approval of the State Government :

Provided further that, any service rendered under the existing board by any such person shall be deemed to be service under the *Zilla Parishad*.

[1][**242. Power of State Government to allot Government servants to *Zilla Parishads* finally.—** Where on the transfer or entrustment, from time to time, of powers and functions of the State Government to *Zilla Parishads* or *Panchayat Samitis* by or under this Act, all posts in a cadre of

Class III or Class IV service of the State Government have been rendered surplus to the requirements of the State Government and are, therefore, required to be abolished, the State Government or any Head of Department of the State Government duly authorised by it in that behalf (hereinafter in this Chapter referred to as the "authorised officer") may, subject to the provisions of this Chapter, by general or special order, finally allot such persons who hold posts in that cadre (and who have no lien on any permanent post outside that cadre under the State Government), to the District Technical Service (Class III), the District Service (Class III) or, as the case may be, the District Service (Class IV). The allotment shall take effect from such date as may be specified in the order [2][to be made at least six months in advance] (hereinafter referred to as the "allotment date") on the terms and conditions as may be prescribed by the State Government in this behalf, which terms and conditions shall not, as far as may be, be less advantageous than those applicable to them immediately before such allotment. On allotment, the persons so allotted shall be taken over by the *Zilla Parishads* :

1 Section 242 was substituted for the sections 242 and 242A, by Mah. 13 of 1967, s. 3. 2 These words were inserted by Mah. 22 of 1970, s. 9.

Provided that, no persons shall be allotted after the expiry of [1][twelve years] commencing from the appointed day :

Provided further that, the terms and conditions of service applicable on such allotment of any person to any of the District Services aforesaid, shall not be varied to his disadvantage, except with the previous approval of the State Government :

Provided also that, any service rendered by any person under the State Government shall be deemed to be service under the *Zilla Parishad*.

Explanation.— For the purposes of this section the Head of Department means the Head of Department within the meaning of the Bombay Civil Services Rules, 1959.].

[2][**242A. Transfer of certain *Zilla Parishad* servants to services of State Government.—**Where, consequent upon the revesting of any works or development schemes in relation to any subjects enumerated in the District List under sub-section (*1*) of section 100 in the State Government or the withdrawal of the execution or maintenance of any work or development scheme under sub-section (*4*) of section 123 by the State Government, any posts in cadre of District Technical Service (Class III) or the District Service (Class III) or District Service (Class IV) of any *Zilla Parishad* have been rendered surplus

to the requirements of the *Zilla Parishad* and are, therefore, required to be abolished, the State Government shall, in consultation with the *Zilla Parishad*, by order in writing, direct that such persons holding posts in that cadre not exceeding the number of surplus posts (being as far as possible persons who are assigned duties for the time being in connection with the execution, management or maintenance of any such work, or development scheme) be transferred to the appropriate cadre in the services of the State Government. The transfer of service shall take effect from such date as may be specified in the order and on such terms and conditions as the State Government may by general or special order direct. Such terms and conditions shall not, as far as may be, be less advantageous than those applicable to them immediately before such transfer. On such transfer the persons so transferred shall be released by the *Zilla Parishad* from its service and taken over by the State Government :

Provided that, the terms and conditions of service applicable on such transfer of any person from any of the District Services shall not be varied to his disadvantage except with the previous approval of the State Government :

Provided further that, any service rendered by any such person under the *Zilla Parishad* shall be deemed to be service under the State Government.]

[3][**242B. Appointment of certain *Zilla Parishad* employees in Class I or Class II and General State Services.—** (*1*) Where under the recruitment rules for any Class I or Class II Service of the State or for the General State Service any class or classes of the *Zilla Parishad* employees specified therein are made eligible for appointment in any such State Service, the State Government, or any officer authorised by it in that behalf, may, in consultation with the *Zilla Parishad* and the employee concerned, and having due regard to exigencies of service in the *Zilla Parishad* and also in the State Service, by order in writing appoint, from time to time, any such employee or employees to any such State Service.

(*2*) The State Government may make rules or orders for regulating the appointment and the terms and conditions of service of any *Zilla Parishad* employees appointed in any State Service under sub-section (*1*) :

Provided that, the terms and conditions of service applicable on such appointment of any *Zilla Parishad* employee to any State Service shall not be varied to his disadvantage, except with the previous approval of the State Government :

Provided further that, any service rendered by any such employee under the Zilla Parishad shall be deemed to be service rendered under the State Government.]

1 These words were substituted for the words “ten years” by Mah. 22 of 1971, s. 2.

2 Section 242A was inserted by Mah. 6 of 1975, s. 44.

3 Section 242B was deemed to have been inserted on 1st March 1971 by Mah. 14 of 1979, s. 2.

[1][**242BB. Eligibility for appointment of certain employees of District Technical Services (Class-Ill) in Maharashtra *Jeevan* Authority.—** (*1*) Where the employees of the District Technical Service (Class-III) are made eligible under the recruitment regulations for Engineers (Grade-III), of the Maharashtra *Jeevan* Authority, for appointment in the said Engineer (Grade-II) Service, the *Zilla Parishads* may allow, having due regard to its exigencies of services and in consultation with the State Government and the employees concerned, by order in writing, the appointment of such employee on the establishment of the Authority from the select list prepared of the employees of the District Technical Services (Class-Ill), not earlier than one year from the date of such appointment, by the State Government :

Provided that any service rendered by any such employee under the concerned *Zilla Parishad* shall be deemed to be the service rendered under the Authority.

(*2*) It shall be the duty of the Authority and the *Zilla Parishad* to comply with the direction issued by the State Government in this behalf.]

[2][**242C. Transfer of certain employees to *Zilla Parishads*.—** (*1*) On and after the commencement of the Maharashtra *Zilla Parishads* and *Panchayat Samitis* (Amendment) Act, 1992 (Mah. 1 of 1993),

where on the transfer or entrustment, from time to time, of powers and functions of the State Government, the Maharashtra Water Supply and Sewrage Board (hereinafter, in this section, referred to as "the Board") or, as the case may be, District Rural Development Agency (hereinafter in this section referred to as "the Development Agency"), to *Zilla Parishad* or *Panchyat Samitis* by or under this Act, the State Government may, notwithstanding anything contained in any of the provisions of this Act, or in any other law for the time being in force, direct, from time to time, that the services of such of the existing officers and servants of the State Government, the Board or, as the case may be, the Development Agency, who in its opinion, are rendered surplus to the requirements of the State Government, the Board or the Development Agency, shall stand terminated and their posts shall stand abolished, from such date as may be specified prospectively or retrospectively by the State Government (hereinafter in this section referred to as "the specified date") and shall on that date (which may be different for different officers and servants) become the officers or servants of the *Zilla Parishad*.

(*2*) Every permanent or temporary employee of the State Government, or the Board or the Development Agency in respect of whom a direction is issued under sub-section (*1*) shall, from the specified date, be a permanent or temporary employee of the *Zilla Parishad*, as the case may be, against a permanent or temporary post, which shall stand created in the establishment of the *Zilla Parishad* with effect from the specified date.

(*3*) Any officer or servant so transferred shall hold his office under the *Zilla Parishad* by the same tenure, at the same remuneration and upon the same other conditions of service and with the same rights and privileges as to pension, gratuity, provident fund and other matter as he would have held on the specified date if this section had not come into force. Any service rendered by him under the State Government, the Board or, as the case may be, the Development Agency shall be deemed to be service rendered under the *Zilla parishad*. He shall continue to serve under the *Zilla Parishad* until his employment under the *Zilla Parishad* is duly terminated or his remuneration or other conditions of service are duly revised or altered by the *Zilla Parishad* in pursuance of the law which for the time being governs his conditions of service :

Provided that, the conditions of service applicable immediately before the specified date to the case of any such officer or servant shall not be varied to his disadvantage, except with the previous approval of the State Government.

(*4*) The sums standing to the credit of the employees referred to in sub-section (*1*) in any pension, provident fund, gratuity or other like funds constituted for them shall be transferred by the State Government or the Board or the Development Agency, as the case may be, to the *Zilla Parishad* along with any accumulated interest due till the specified date and with the accounts relating to such funds. On and after the specified date the *Zilla Parishad* shall, to the exclusion of the State Government, the Board or, as the case may be, the Development Agency be liable for payment of

1 Section 242BB was inserted by Mah. 4 of 1999, s. 3.

2 Section 242C was inserted by Mah. 1 of 1993, s. 11.

pension, provident fund, gratuity or other like sums as may be payable to such employees at the appropriate time in accordance with the conditions of their service.

(*5*) Notwithstanding anything contained in the Industrial Disputes Act, 1947 (XIV of 1947) or in any other law for the time being in force, the transfer of services of any employee to the *Zilla Parishad* under sub-section (*1*) shall not entitle any such employee to any compensation under that Act or such other law and no such claim shall be entertained by any court, tribunal or authority.

(*6*) Nothing contained in sub-section (*1*) shall apply to any employee who by notice in writing given to the State Government, the Board or, as the case may be, the Development Agency, within two months from the specified date or such extended time as the State Government may, by general or special order, specify, intimates his intention of not becoming or continuing as an employee of the *Zilla Parishad*. Where such notice is received from any employee—

(*a*) in case of permanent employee, he shall be allowed to retire giving him the benefit of pension, gratuity, provident fund and other benefits accrued to him had he retired from the Government service or from the service of the Board or, as the case may be, the Development Agency on the specified date;

(*b*) in case of a temporary employee, his services shall stand terminated after giving him notice or remuneration in lieu of notice as per the existing service rules of the State Government, the Board or, as the case may be, the Development Agency.

(*7*) Notwithstanding anything contained in the foregoing sub-sections if the service of any employee of the State Government, the Board or the Development Agency stand transferred under sub-section (*1*) to the *Zilla Parishad*, the *Zilla Parishad* shall be competent after such transfer to take such disciplinary or other action as it thinks fit against or in respect of such employee having regard to any act or omission or conduct or record of such employee while he was in service of the State Government, the Board or, as the case may be, the Development Agency.]

[1][**242D. Transfer of certain employees of District Rural Development Agency to *Zilla Parishad*.—** (*1*) On and after the commencement of the Bombay Village Panchayats and Maharashtra *Zilla Parishads* and *Panchayat Samitis* (Second Amendment) Act, 2000 (Mah. 34 of 2000), the State Government may notwithstanding anything contained in any provisions of this Act or in any other law for the time being in force, direct, from time to time, that the services of the Class III and Class IV employees of the District Rural Development Agency (hereinafter in this section referred to as "the Development Agency"), who have been recruited directly by the Development Agency, shall stand transferred to the concerned *Zilla Parishad* against the existing posts in the appropriate cadres on the establishment of that *Zilla Parishad* from such date as may be specified by the State Government (hereinafter in this section referred to as "the specified date") and these employees shall on that date (which may be different for different employees), become the employees of the concerned *Zilla Parishad*.

(*2*) Every employee of the Development Agency in respect of whom the direction is issued under sub-section (*1*) shall, from the specified date, become an employee of the concerned *Zilla Parishad*, against the existing post in the appropriate cadres on the establishment of that *Zilla Parishad* with effect from the specified date and the terms and conditions of service in respect of pay, allowances, leave, transfer, retirement, pension, provident fund and other service conditions of such employees shall be regulated by the rules and orders which regulate the conditions of service of the members of the appropriate cadres of the *Zilla Parishad* services.

(*3*) Any employee so transferred to a *Zilla Parishad* shall be treated as the junior most in the appropriate cadre of that *Zilla Parishad* service, from the specified date.

(*4*) Any employee so transferred shall hold his office under the concerned *Zilla Parishad* by the same tenure, at the same remuneration and upon the same other conditions of service and with the same rights and privileges as he would have held on the specified date if this section had not come into force. Any service rendered by him under the Development Agency shall be deemed to be service rendered under the concerned *Zilla Parishad* for the purposes of pension and gratuity only and not for the purpose of seniority in the appropriate cadre of the *Zilla Parishad*. He shall continue to serve

1 Section 242D was inserted by Mah. 34 of 2000, s. 7.

under the concerned *Zilla Parishad* until his employment under that *Zilla Parishad* is duly terminated or his remuneration or other conditions of service are duly revised or altered by the *Zilla Parishad* in pursuance of law which for the time being governs his conditions of service :

Provided that, the conditions of service applicable immediately before the specified date to the case of any such employee shall not be varied to his disadvantage, except with the previous approval of the State Government.

(*5*) The sums standing to the credit of the employees referred to in sub-section (*1*) in any provident fund or other like fund constituted for them shall be transferred by the Development Agency to the

concerned *Zilla Parishad* alongwith any accumulated interest due till the specified date and with the accounts relating to such fund. On and after the specified date the concerned *Zilla Parishad* shall, to the exclusion of the Development Agency be liable for payment of pension, provident fund, gratuity or other like sums as may be payable to such employees at the appropriate time in accordance with the conditions of their service.

(*6*) Notwithstanding anything contained in the foregoing sub-sections, if the service of any employee of the Development Agency stands transferred under sub-section (*1*) to a *Zilla Parishad*, the *Zilla Parishad* shall be competent, after such transfer, to take such disciplinary or other action as it thinks fit against or in respect of such employee having regard to any act or omission or conduct or record of such employee while he was in service of the Development Agency.]

243. Determination of initial strength and composition of each service.— The initial strength and composition of officers posted under a *Zilla Parishad* and of officers and servants in each class of service referred to in section 239 (including their designations, categories or grades) shall be such as the State Government [1][may by order issued from time to time (but not later than six months from the commencement of this Act) determine].

[2]* * * * *

[3]**[243A. Power of State Government to lay down staffing pattern, etc.—** After the commencement of the Maharashtra *Zilla Parishads* and Panchayat Samitis (Third Amendment) Act, 1967 (Mah XLIII of 1967), the State Government may, for ensuring the proper utilisation of the establishment grant given to *Zilla Parishads* under section 183, by order, lay down a staffing pattern indicating the strength and composition of the officers and the servants in each class of service referred to in clause (*b*) of section 239 (including their designations, categories or grades) [4]* * * * * :

Provided that, thereafter a *Zilla Parishad* may alter under section 252 the strength and composition of the officers and servants in each class of such service so however as not to affect adversely, without the previous approval of the State Government, any officer or servant in that class of Service [5]* * * *.

[6]**[244. Initial appointment of officers and servants.—** Persons becoming officers or servants of the *Zilla Parishad* under section 241, or allotted thereto under section 242 [7][or section 253C], shall be initially appointed to the District Services by the Chief Executive Officer.]

245. [8][Salaries] and allowances of Government Servants posted under *Zilla Parishad* to be drawn from Consolidated Fund of State [9]* * *.— Officer referred to in clause (*a*) of section 239

1 These words and brackets were substituted for the words "may by order determine" by Mah. 22 of 1962, s. 11. 2 Two provisos were deleted by Mah. 43 of 1967, s. 10.

3 Section 243A was inserted by Mah. 43 of 1967, s. 11.

4 The portion beginning with the words "and may also by order" and ending with the words "from time to time" were deleted by Mah. 15 of 1974, s. 15(*b*).

5 In the proviso, the portion begnning with the words "or may alter" and ending with the words "fixed as aforesaid" was deleted by Mah. 15 of 1974, s. 15(*b*).

6 Section 244 was substituted by Mah. 13 of 1967, s. 4.

7 These words, figures and letter were inserted by Mah. 46 of 1969, s. 2.

8 This words was substituted for the word "Pay" by Mah. 13 of 1967 s. 5(*2*).

9 The words "and district fund" were deleted by Mah. 15 of 1974, s. 16(*c*).

and posted to work under a *Zilla Parishad* shall draw their [1][salaries] and allowances [2][(including travelling allowance)] from the Consolidated Fund of the State [3]* * * *.

246. Power of officers and servants to exercise option to become officers and servants of *Zilla Parishad*.— Nothing in the foregoing provisions shall apply to any officer or servant of the State Government or a person employed by an existing board, being an officer or servant or person taken over or allotted or proposed to be taken over or allotted who by notice in writing given to the State Government before the appointed day,[4][or, as the case may be, [5][three months before the allotment date]], or such later date as may be prescribed by the State Government, intimates his option of not desiring to become or continue as an officer or servant of a *Zilla Parishad*, or as the case may be, an officer of the State

Government, and thereupon he shall be permitted to retire from Government service or his employment under the existing board [6][or the *Zilla Parishad*] and shall be entitled to such terminal benefits as compensation, pension, or gratuity, or the like, as may be prescribed by the State Government, which terminal benefits shall not be less favourable than the benefit he would have been entitled to [7][had his service ceased under the Government [8][or the *Zilla Parishad*] on the allotment date, or under the existing board on the appointed day.]

247. No compensation payable for transfer of service.— Where services of any workman employed by the State Government or by an existing board is transferred to or any such workman is re-employed by a *Zilla Parishad*, then notwithstanding anything contained in section 25F of the Industrial Disputes Act, 1947(XIV of 1947) such transfer or re-employment shall not entitle him to any compensation under that section :

Provided that, the terms and conditions applicable to the workman after such transfer or re-employment are not less favourable to the workman, than those applicable to him before the transfer or re-employment.

248. Recruitment and conditions of service of persons serving *Zilla Parishad*.— Subject to the provisions of this Chapter, the State Government may make rules regulating—

(*a*) the recruitment (including reservation for Scheduled Castes and Scheduled Tribes and backward classes), functions, and terms and conditions of service (including payment of dearness allowance and all conduct and disciplinary matters) of persons appointed to the District Technical Service (Class III), District Service (Class III) and District Service (Class IV), and

(*b*) the payment to be made by the *Zilla Parishad* towards pension, gratuity and other benefits as respects officers and servants who have been serving any existing board and who become servants of the State Government, or the payment to be made to the State Government towards such matters in respect of State Government servants who have become members of the services under *Zilla Parishad* :

[9][Provided that, if the State Government considers it expedient so to do, it may also regulate the conditions of service as respects pay-scales, dearness and other allowances, leave, pension, provident fund or any other matter in relation to conditions of service, by a general or special order.]

[10]**[249. Validation of certain appointments**.— Notwithstanding anything contained in this Act or the rules made thereunder all officers and servants in the District Technical Service (Class III), District Service (Class III) and District Service (Class IV) appointed by the Chief Executive Officer of

1 This word was substituted for the word "pay" by Mah. 13 of 1967, s. 5(*1*).

2 These brackets and words were inserted by Mah. 15 of 1974, s. 16(*a*).

3 The words and brackets "except travelling allowance (other than travelling allowance on transfer) or for work of the State Government which shall be drawn from the district fund," were deleted by Mah. 15 of 1974, s. 16(*b*).

4 This portion was inserted by Mah. 43 of 1962, s. 23.

5 These words were substituted for the words "on or before the allotment date" by Mah. 22 of 1970, s. 10(*a*).

6 These words were inserted by Mah. 22 of 1970, s. 10(*b*).

7 These words were substituted for the words "had his service under Government or under the existing board ceased on the appointed day" by Mah. 13 of 1967, s. 6(*2*).

8 These words were inserted by Mah. 22 of 1970, s. 10(*c*).

9 This proviso was added by Mah. 15 of 1974, s. 17.

10 Section 249 was inserted by Mah. 3 of 1990, s. 2.

the *Zilla Parishads* during the period commencing on the 18th June 1983 and ending on 17th February 1988 and who have been in continuous service whether with or without breaks on the commencement of the Maharashtra *Zilla Parishads* and *Panchayat Samitis* (Amendment) Act, 1990 (Mah. III of 1990) shall, for all intents and purposes, be deemed to have been validly and regularly appointed, and no such appointment shall be called in question in any court of law merely on the ground that the appointments were made otherwise than in accordance with the procedure laid down by or under this Act or any other

law for the time being in force, or on the ground that the District Selection Board or the Divisional Selection Board or any other Selection Boards were not duly constituted or were not functioning :

Provided that, each such appointment is made according to the Maharashtra *Zilla Parishads* District Services (Recruitment) Rules, 1967 and any orders issued in that behalf by the State Government from time to time and in force at the time of such appointment:

Provided further that, the payment of arrears of salary, allowances and bonus shall be subject to orders, if any, which may be issued in this behalf by the State Government:

Provided also that, the validation of appointments as aforesaid shall not put any such officers or servants, as are appointed during the said period in accordance with the procedure laid down by or under this Act or any other law for the time being in force, to any disadvantage in any manner whatsoever.]

250. [Constitution of Divisional and District Selection Boards.] *Deleted by Mah. 4 of 1987, s. 5*.

251. [Functions of Selection Boards.] *Deleted by Mah. 4 of 1987, s. 5***.**

252. Schedule of Establishment tok be prepared and sanctioned by *Zilla Parishad*.— (*1*) Save as otherwise provided in section 243 every *Zilla Parishad* shall from time to time prepare and sanction in such manner as may be prescribed by the State Government, a schedule of posts of [1][District Technical Service] (Class III), District Service (Class III), and District Service (Class IV) to be maintained on its staff for the efficient discharge of its duties and functions by or under this Act, including the staff under the *Panchayat Samitis* setting forth the designations and grades of different officers and servants to be maintained by it, and which of the said officers and servants are to be maintained permanently, and which temporarily.

(*2*) The schedule of posts sanctioned under sub-section (*1*) shall be communicated to the Commissioner.

253. Power of *Zilla Parishad* to appoint persons on contract.— The *Zilla Parishad* may appoint any person not being the member of any service under a contract for special purpose, in accordance with rules prescribed by the State Government in this behalf. Such persons shall be paid their salaries, allowances and other emoluments from a district fund.

[2][*Transitional Provisions as to Services.*

253A. Power of State Government to allot Government servants, etc., for a limited period.— (*1*) Notwithstanding anything to the contrary contained in this Act, or any other law for the time being in force, at any time from the appointed day but not later than one year from the commencement of the Maharashtra *Zilla Parishads* and *Panchayat Samitis* (Amendment) Ordinance, 1964 (Mah. Ord. IV of 1964) (for such extended [3][period or periods not exceeding a further two years] as the State Government may by notification in the *Official Gazette*, (from time to time) specify in this behalf), it shall be (and shall be deemed always to have been) lawful—

(*a*) for the State Government or any officer authorised or to be authorised in this behalf, by order temporarily to allot members of the service of the State Government to such posts as may be provisionally sanctioned by the State Government or by *Zilla Parishads* and as have been or are specified in that order; and such members of the service of the State Government as have

1 These words were substituted for the words "Divisional Technical Service" by Mah. 22 of 1962, s. 12. 2 This heading and section 253A were inserted by Mah. 43 of 1964, s. 23.

3 These words were substituted for the words "period not exceeding a further one year" by Mah. 25 of 1966, s. 2(*a*).

been, or are, so allotted, shall be and shall be deemed always to have been taken over by the *Zilla Parishads* during the period aforesaid or until they are duly finally allotted under the foregoing provisions of this Chapter, whichever is sooner;

(*b*) for the State Government to allow promotions provisionally to posts determined under section 243;

(*c*) for the State Government to make provision by order for the terms and conditions of service of members who have been, or are, so allotted :

Provided that, such terms and conditions of service shall not be less advantageous than those applicable to the Government servants immediately before such allotment.

(*2*) No member of the services of the State Government who has been or is allotted shall, notwithstanding anything in any other law, have or be deemed to have had any right to revert to service under the State Government during the aforesaid transitional period, without the approval of the State Government; which approval shall be given or withheld, regard being had to the exigencies of service in the *Zilla Parishads* and also in the State Government.

(*3*) All members of the services of the State Government as have been provisionally allotted before the commencement of the Maharashtra *Zilla Parishads* and *Panchayat Samitis* (Amendment) Ordinance, 1964 (Mah. Ord. IV of 1964), to posts under *Zilla Parishads* in pursuance of any orders issued or purported to be issued under section 289 or howsoever otherwise, or who have been so allotted and have continued to work under the *Zilla Parishads* at such commencement or who have been provisionally promoted, shall be deemed always to have been validly allotted to the provisional posts, and to have been properly continued, and to have been validly promoted and the terms and conditions of service of allotment of such members to such posts determined or purported to be determined from time to time shall be deemed to have been validly determined, as if the provisions of sub-section (*1*) of this section had been then in force.

(*4*) The salaries and allowances of all members of the service of the State Government who have been allotted, or are allotted or are deemed to be allotted to posts under *Zilla Parishads* under this section or who have been provisionally promoted, shall be paid out of the district fund.

(*5*) A notification issued by the State Government extending the transitional period under sub-section (*1*) shall be laid before each House of the State Legislature as soon as possible after it is issued.]

[1][**253B. Power of State Government to depute Government servants to District Services.**—(*1*) Where on the transfer or entrustment of powers and functions of the State Government to *Zilla Parishads* or *Panchayat Samitis* by or under this Act, any post in a cadre of Class III or Class IV service of the State Government (being posts not falling under section 242) have been or are rendered surplus to the requirements of the State Government, the State Government or the authorised officer may, regard being had to the exigencies of the service in the *Zilla Parishads* and also in the State Government, depute from time to time persons holding posts in Class III or Class IV service of the State Government in such cadres, to the *Zilla Parishads*; and the *Zilla Parishads* shall take them on deputation :

Provided that,—

(*a*) the period of deputation (including any period of temporary allotment, already put in, if any, under this Act) shall not (unless any person elects to remain on deputation longer) exceed [2][eleven years] in the aggregate, and shall not in any case extend beyond [3][twenty-one years] from the appointed day; and such persons shall, on the expiry of the relevant period, stand repatriated to service under the State Government;

(*b*) no person so deputed shall be entitled to any deputation allowance or to be repatriated to service under the State Government during his deputation;

1 Section 253B was inserted by Mah. 13 of 1967, s. 7.

2 These words were substituted for the words "nine years" by Mah. 22 of 1971, s. 3. 3 These words were substituted for the words "twenty years" by Mah. 11 of 1982, s. 2.

(*c*) save as aforesaid, the terms and conditions of service shall not be less advantageous than those applicable to such persons immediately before such deputation.

(*2*) A person holding a post in Class III or Class IV service of the State Government falling under section 242 may, pending his final allotment to a *Zilla Parishad* be deputed by the State Government or the authorised officer to any *Zilla Parishad* and the *Zilla Parishad* shall take him on deputation :

Provided that—

(*a*) such person shall not be entitled to any deputation allowance or to revert to service under the State Government;

(*b*) save as in clause (*a*), the terms and conditions of service shall not be less advantageous than those applicable to such person immediately before such deputation.

(*3*) The persons holding posts in Class III and Class IV services of the State Government as have been or deemed to have been validly allotted and properly continued, or to have been validly promoted to any posts under *Zilla Parishads* in pursuance of the provisions of this Act immediately before the commencement of the Maharashtra *Zilla Parishads* and *Panchayat Samitis* (Second Amendment) Act, 1967 (Mah. XIII of 1967) shall be deemed to have been duly deputed to *Zilla Parishads*, until such persons are repatriated to service under the State Government or as the case may be, finally allotted to the District Services of the *Zilla Parishads*, and the provisions of sub-section (*1*) or, as the case may be, sub-section (*2*) shall apply in respect of the persons so deputed.

(*4*) The salaries and allowances of persons deputed or deemed to be deputed to *Zilla Parishads* under this section shall be paid out of the district fund.]

[1][**253BB. Power of State Government to depute Government employees to District Services to give effect to the mandate of article 243-G of Constitution.—** (*1*) Where on the transfer or entrustment of powers and functions of the State Government to the *Zilla Parishads* or *Panchayat Samitis* by or under this Act with a view to give effect to article 243-G read with the Eleventh Schedule of the Constitution of India, any posts in a cadre of Class III or Class IV service of the State Government have been or are rendered surplus to the requirements of the State Government, the State Government or the authorised officer may, depute from time to time, persons holding posts in the Class III or Class IV service of the State Government in such cadres, to the *Zilla Parishads* initially for the period of three years from the date of order of deputation, which may be extended by Government if necessary, and the *Zilla Parishads* shall take them on deputation :

Provided that—

(*a*) no person so deputed shall be entitled to any deputation allowance or to be repatriated to service under the State Government during his deputation;

(*b*) save as aforesaid, the terms and conditions of service shall not be less advantageous than those applicable to such persons immediately before such deputation.

(*2*) The Cadres of such Class III and Class IV Government employees deputed along with the transfer of the Schemes to the *Zilla Parishads*, shall be maintained independently.

(*3*) In the event of any vacancy on account of resignation, death, retirement, etc., in such Class III and Class IV employees, such vacancy shall be filled up by the *Zilla Parishads* concerned only from the feeder cadre of the Government employees on deputation :

Provided that, if no such Government employee is available from the feeder cadre for promotion or filling of the vacancy, the concerned *Zilla Parishad* may fill up such vacancy from amongst its employees.]

[2][**253BBB. Power of State Government to depute employees of Maharashtra *Jeevan* Authority to District Services.—** (*1*) Where on transfer or entrustment of powers and functions, entrusted to the Maharashtra *Jeevan* Authority by the State Government, to the *Zilla Parishads* or

1 Section 253BB was inserted by Mah. 53 of 2000, s. 2.

2 Section 253BBB was inserted by Mah. 4 of 2002, s. 8, *w.e.f.* 12-11-2001.

Panchayat Samitis by or under this Act, with a view to give effect to article 243-G read with the Eleventh Schedule of the Constitution of India, any posts in a cadre of Class III or Class IV service of the Maharashtra *Jeevan* Authority have been or are rendered surplus to the requirements of the Maharashtra *Jeevan* Authority, the State Government may, direct the Maharashtra *Jeevan* Authority or the authorised officer thereof, to depute from time to time, persons holding posts in the Class III or Class IV service of the Maharashtra *Jeevan* Authority in such cadres, to the *Zilla Parishads* initially for a period of three years from the date of the order of deputation, which may be extended by the Maharashtra *Jeevan* Authority on the direction of the Government, if necessary; and the *Zilla Parishads* shall take them on deputation :

Provided that—

(*a*) no person so deputed shall be entitled to any deputation allowance or to be repatriated to service under the Maharashtra *Jeevan* Authority during his deputation;

(*b*) save as aforesaid, the terms and conditions of service shall not be less advantageous than those applicable to such persons immediately before such deputation.

(*2*) The cadres of such Class III and Class IV employees of the Maharashtra *Jeevan* Authority so deputed along with the transfer of the functions or activities of Water Supply Schemes to the *Zilla Parishads*, shall be maintained independently.

(*3*) In the event of any vacancy on account of resignation, death, retirement, etc., in such Class III and Class IV employees, such vacancy shall be filled up by the *Zilla Parishads* concerned, only from the feeder cadre of the Maharashtra *Jeevan* Authority employees on deputation :

Provided that, if no such Maharashtra *Jeevan* Authority employee is available from the feeder cadre for promotion or filling of the vacancy, the concerned *Zilla Parishad* may fill up such vacancy from amongst its employees.]

[1][**253C. Provision for voluntary allotment or premature retirement of Government servants falling under section 253B(*1*).—** (*1*) If any posts in a cadre of Class III or Class IV service of the State Government falling under sub-section (*1*) of section 253B have been or are rendered surplus to the requirements of the State Government and are, therefore, required to be abolished, then the State Government or the authorised officer may, subject to the provisions in this Chapter, and with due regard to the exigencies of service in *Zilla Parishads* and also in the State Government, by general or special order, finally allot such persons holding posts in that cadre as elect to be allotted to *Zilla Parishads* to District Technical Service (Class III), District Service (Class III), or as the case may be, District Service (Class IV), or permit them to retire prematurely from the service of the State Government from such date as may be specified in the order (not being a date later than [2][twenty-three years] from the appointed day). The election shall be conveyed to the State Government or the authorised officer within such time and in such manner as the State Government may, by an order in the *Official Gazette*, specify in this behalf. Each of the *Zilla Parishads* to which such persons are alloted shall take them over from the said date; but such persons who are taken over shall not be entitled to benefits under the provisions of section 246 or to revert to service under the State Government; and thereupon, the provisions of section 242 shall apply in relation to persons so taken over, as they apply in relation to persons finally allotted under that section :

Provided that, the number of persons finally allotted from a cadre to one or more *Zilla Parishads* and the number of persons permitted to retire prematurely shall not exceed the number of posts rendered surplus to that cadre on the transfer or entrustment of the powers and functions of the State Government to the *Zilla Parishad* or *Parishads*.

(*2*) Where a person is permitted to retire under sub-section (*1*), he shall be entitled to such terminal benefits as pension or gratuity, or the like (but not compensation) which terminal benefits shall not be less favourable than the benefits he would have been entitled to had his service ceased under the Government on the date specified in the order made under sub-section (*1*).

1 Section 253C was inserted by Mah. 46 of 1969, s. 4.

2 These words were substituted for the words “twenty-one years” by Mah. 25 of 1983, s. 3(*1*), Previous allotment or retirement not affected [*See* s. 3(*2*) of Mah. 25 of 1983].

(*3*) A person whose final allotment or premature retirement under sub-section (*1*), is duly approved may, notwithstanding anything contained in section 253B, be continued in service under the State Government or on deputation to the *Zilla Parishad*, pending such final allotment or retirement.]

[1][**253CC. Provision for voluntary allotment or premature retirement of employees falling under section 253BBB.—** (*1*) If any posts in a cadre of Class III or Class IV service of the Maharashtra *Jeevan* Authority falling under section 253BBB have been or are rendered surplus to the requirements of the Maharashtra *Jeevan* Authority and are, therefore, required to be abolished, then the Maharashtra *Jeevan* Authority in consultation with the State Government may, and with due regard to the exigencies of the services in the *Zilla Parishads* and also in the Maharashtra *Jeevan* Authority, by general or special order, finally allot such persons holding posts in that cadre who elect or opt to be allotted to the *Zilla Parishads*, District Technical Services (Class III), District Services (Class III) or as the case may be, District Services (Class IV), or permit them to retire prematurely from the service of the Maharashtra *Jeevan* Authority, from such date as may be specified in the order. The election or option shall be conveyed by the concerned employees who, make such election or option, to the Maharashtra *Jeevan* Authority within such time and in such manner as the State Government may, by an order in the *Official Gazette*, specify in this behalf. Each of the *Zilla Parishads* to which such persons are allotted shall take them over from said date; but such persons who .are taken over shall not be entitled to the terminal benefits such as compensation, pension or the gratuity or the like, as may be prescribed by the State Government or to revert to the service of the Maharashtra *Jeevan* Authority :

Provided that, the number of persons finally allotted from a cadre to one or more *Zilla Parishads* and the number of persons permitted to retire prematurely shall not exceed the number of posts rendered surplus to that cadre on the transfer or entrustment of the powers and functions of the Maharashtra *Jeevan* Authority to the *Zilla Parishads*.

(*2*) Where a person is permitted to retire under sub-section (*1*), he shall be entitled to such terminal benefits as pension or gratuity, or the like, as applicable to him (but not compensation), which terminal benefits shall not be less favourable than the benefits he would have been entitled to, had his service ceased under the Maharashtra *Jeevan* Authority on the date specified in the order made under sub-section (*1*).

(*3*) A person whose final allotment or premature retirement under sub-section(*1*), is duly approved may, notwithstanding anything contained in section 253BBB, be continued in service under the Maharashtra *Jeevan* Authority or on deputation to the *Zilla Parishad*, pending such final allotment or retirement.]

CHAPTER XV

ALTERATION OF BOUNDARIES OF DISTRICTS AND BLOCKS

254. Power of State Government to alter boundaries of District.— (*1*) The State Government may, on the recommendation of any *Zilla Parishad* or *suo motu* by notification in the *Official Gazette*, at any time,—

(*a*) include within, or exclude from, any District, any local area [2][or amalgamate two or more Districts into one District or divide any District or Districts into two or more Districts] or otherwise alter the limits of any District; or

(*b*) declare that any local area which is a District shall cease to be a District; and thereupon, the local area shall be so included or excluded [3][or the Districts shall be so amalgamated or divided] or the limits of the District so altered, or as the case may be, the local area shall cease to be a District.

(*2*) A notification issued by the State Government as aforesaid shall be laid before each House of the State Legislature as soon as possible after it is issued.

1 Section 253CC was inserted by Mah. 4 of 2002, s. 9, *w. e. f.* 12-11-2001. 2 These words were inserted by Mah. 7 of 1967, s. 7(*a*).
3 These words were inserted by Mah. 7 of 1967, s. 7(*b*).

1**[255. Power of State Government to make suitable provision by order when a District is altered.—** (*1*) In this section, unless the context otherwise requires,—

(*a*) "existing local authority", in relation to any local area, means the Municipal Council or, where there is no Municipal Council, the *Zilla Parishad* having jurisdiction over such area immediately before the specified day ;

(*b*) "Municipal Council" means a Municipal Council constituted or deemed to be constituted under the 2Maharashtra Municipalities Act, 1965 (Mah. XL of 1965) ;

(*c*) "specified day" means the day from which the boundaries of a District are altered under section 254 ;

(*d*) "successor local authority", in relation to any local area, means the Municipal Council or where there is no Municipal Council, the *Zilla Parishad* having jurisdiction over such area from the specified day.

(*2*) Where during the term of office of the Councillors of any *Zilla Parishad*,—

(*a*) any local area is included within a District ;

(*b*) any local area is excluded from a District ;

(*c*) two or more Districts are amalgamated into one District ; or

(*d*) a District is split up into two or more Districts;

the State Government may, notwithstanding anything contained in this Act or any other law for the time being in force, by an order published in the *Official Gazette*, provide for all or any of the following matters, namely :—

(*i*) in a case falling under clause (*a*), the interim increase in the number of Councillors, by appointment of additional Councillors by the State Government until the normal term of the existing Councillors expires ;

(*ii*) in a case falling under clause (*b*), the removal of the Councillors, who in the opinion of the State Government, represent the area excluded from the District and the continuance of the remaining Councillors until the normal term of such Councillors expires ;

(*iii*) in a case falling under clause (*c*), the constitution of an interim *Zilla Parishad* consisting of such number of Councillors appointed by the State Government as the State Government may determine, until the successor *Zilla Parishad* is in due course constituted under this Act ;

3[(*iv*) in a case falling under clause (*i*), the appointment of Administrators to exercise the powers, and to perform the duties and the functions of the successor *Zilla Parishads* including those of the *Panchayat Samitis*, the Standing Committees or Subjects Committees or other Committees appointed, if any, until the *Zilla Parishads* are in due course constituted under this Act ;]

(*v*) the term for which the Councillors appointed under clause (*iii*) or the administrators appointed under clause (*iv*) shall hold office, and the manner of holding elections and filling casual vacancies ;

(*vi*) the transfer, in whole or in part, of the assets, rights and liabilities of an existing local authority (including the rights and liabilities under any agreement or contract made by it) to any successor local authorities or the State Government, and the terms and conditions for such transfer ;

(*vii*) the substitution of any such transferee for an existing local authority or the addition of any such transferee as a party to any legal proceeding to which an existing local authority is a party; and the transfer of any proceedings pending before the existing local

1 Sections 255 and 255A were substituted for section 255 by Mah. 46 of 1969, s. 5.

2 Now *see* the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965. 3 Clause (*iv*) was substituted for the original by Mah. 6 of 1986, s. 3.

authority or any authority or officer subordinate to it to any such transferee or any authority or officer subordinate to it ;

1* * * *

(*ix*) the continuance within the area of an existing local authority of all or any appointments, notifications, notices, taxes, orders, schemes, licences, permissions, rules, bye-laws, regulations or forms made, issued, imposed, or granted by, or in respect of, such existing local authority and in force within its area immediately before the specified day, until superseded or modified under this Act ;

(*x*) the extension and commencement of all or any appointments, notifications, notices, taxes, orders, schemes, licences, permissions, rules, bye-laws, regulations or forms made, issued, imposed or granted under this Act by, or in respect of, any existing *Zilla Parishad* and in force within its area immediately before the specified day, to and in, all or any of the other areas of the successor *Zilla Parishad* in supersession of corresponding appointments, notifications, notices, taxes, orders, schemes, licences, permissions, rules, bye-laws, regulations or forms (if any) in force in such other areas immediately before the specified day, until the matters so extended and brought into force are further superseded or modified under this Act ;

(*xi*) the continuance within the area of an existing local authority of all or any budget estimates, assessment, assessment list, valuations, measurements or divisions made or authenticated by, or in respect of such existing local authority and in force within its area immediately before the specified day, until superseded or modified under the relevant law ;

(*xii*) the removal of any difficulty which may arise on account of any change referred to in clauses (*a*) to (*d*).

2[(*2A*) (*a*) When an order is made under this section, the State Government may, by general or special order, published in such manner as it deems fit, provide for the transfer or re-employment of any employees of an existing local authority to, or by, any such transferee or the termination of services of any employees of an existing local authority and the terms and conditions applicable to such employees after such transfer or re-employment or termination.

(*b*) The State Government may, on an application or *suo motu*, amend, or add to, or rescind any order made in this behalf under this section or any part of such order, whether made before or after the commencement of the Maharashtra Zilla Parishads and Panchayat Samitis (Third Amendment) Act, 1982 (Mah. XXVI of 1982) if in its opinion, it is necessary to do so on the ground that the order made is causing or is likely to cause, undue hardship or greater hardship to any such employee or employees or on the overriding ground of administrative convenience.

(*c*) Where an order made in this behalf under this section is amended, added to or rescinded by the State Government at any time before the commencement of the said Act, the said amendment, addition or recession, as the case may be, shall, notwithstanding anything contained in this section, be deemed to have been validly made and shall not be called in question in any Court or before any other authority.]

(*3*) Where an order is made under this section transferring the assets, rights and liabilities of an existing local authority, then, by virtue of that order, such assests, rights and liabilities of the existing local authority shall vest in and be the assets, rights and liabilities of, the transferee.

(*4*) (*a*) Where an order is made under this section, the State Government shall before the expiry of the term of the Councillors or Administrator appointed under paragraph (*iii*) or (*iv*), of sub-section (*2*), take steps in accordance with section 9 of this Act for the purpose of determining the number of Councillors of, and for holding election for, the new *Zilla Parishad* or *Parishads*, as the case may be ;

(*b*) the Councillors of the interim *Zilla Parishad* or of the *Zilla Parishad* in whose case there is an interim increase or reduction in their number or the administrator or administrators appointed under such order, as the case may be, shall, notwithstanding the expiry of the term for which they may

1 Clause (*viii*) was deleted by Mah. 26 of 1982, s. 2(*a*). 2 This sub-section was inserted by Mah. 26 of 1982, s. 2(*b*).

have been appointed, continue in office for the area concerned, until immediately before the first meeting of the new *Zilla Parishad* or *Parishads*, as the case may be ;

(*c*) save as otherwise provided by or under this section, the provisions of this Act shall *mutatis mutandis* apply to any such *Parishad*, its Councillors or administrator.

255A. Abolition of Districts.— When the whole of the local area comprising a District ceases to be a District with effect from the day on which such local areas ceases to be a District—

(*i*) the *Zilla Parishad* constituted for such District shall cease to exist or function ;

(*ii*) the Councillors of the *Zilla Parishads*, shall vacate office ;

(*iii*) the State Government may, notwithstanding anything contained in this Act or any other law for the time being in force, by an order published in the *Official Gazette*, provide in respect of such area for all or any of the matters specified in paragraphs (*vi*) to (*xii*) (both inclusive) of sub-section (*2*) of section 255 and the provisions of sub-section (*3*) of that section shall apply to such order.]

256. Power of State Government to alter boundary of Block.— (*1*) The State Government may, by notification in the *Official Gazette*,—

(*a*) include in any Block, any area in the vicinity thereof ; or

(*b*) exclude from any Block, any local area comprised therein ; or

(*c*) amalgamate two or more Blocks, and constitute one Block in their place ; or

(*d*) divide a Block or Blocks, and constitute two or more Blocks in its or their place ; or

(*e*) otherwise alter or revise the limits of a Block.

(*2*) Every such notification shall define the limits of the local area which is intended to be included in, or excluded from, a Block, or of the areas of the Blocks intended to be amalgamated into one, or of the area of each of the Blocks intended to be constituted after splitting up an existing Block, as the case may be.

1[(*3*) A notification issued by the State Government as aforesaid shall be laid before each House of the State Legislature as soon as possible after it is issued.]

2**[257. Power of State Government to make suitable provision by order when Block is altered.—** Where during the term of office of members of any *Panchayat Samiti*, a notification under sub-section (*1*) of section 256 is issued altering in any manner the boundaries of any Block, the State Government shall, by order published in the *Official Gazette*, provide for all or any of the following matters, that is to say—

(*i*) in a case where any area is included within any Block, the interim increase in the number of members by appointment of additional members by the State Government until the normal term of the existing members expires ;

(*ii*) in a case where any area is excluded from any Block, the removal of members, who in the opinion of the State Government represent the area excluded from the Block ;

(*iii*)in a case where two or more Blocks are amalgamated into one Block, the constitution of an interim *Panchayat Samiti* consisting of such number of members appointed by the State Government as the State Government may determine, until the successor *Panchayat Samiti* is in due course constituted under this Act ;

(*iv*) in a case where any Block or Blocks are divided into two or more Blocks, the appointment of an administrator or administrators to exercise powers and to perform the duties and the functions of the successor *Panchayat Samitis* until such *Panchayat Samitis* are in due course constituted under the Act ;

1 Sub-section (*3*) was substituted for the original by Mah. 7 of 1967, s. 9. 2 Section 257 was substituted by Mah. 46 of 1969, s. 6.

(*v*) the area in respect of which the reconstituted *Panchayat Samiti* shall function and operate ;

(*vi*) the transfer in whole or in part of the rights and liabilities of the existing *Panchayat Samiti* to any successor *Panchayat Samitis* or the State Government and the terms and conditions of such transfer ;

(*vii*) such incidental, consequential and supplementary matters as may be necessary to give effect to any notification issued under section 256.]

1**[257A. Division of Block or Blocks and its consequences**.— (*1*) Where during the term of office of the members of any existing *Panchayat Samiti*, a notification is issued by the State Government under clause (*d*) of sub-section (*1*) of section 256 read with section 5, dividing a Block or Blocks and constituting two or more Blocks in its or their place, and consequent upon constitution of such new Block or Blocks, as the case may be, as provided under clause (*ii*) of section 257, the members of the existing *Panchayat Samiti* or *Samitis* representing the excluded area or areas are required to be removed, and a new *Panchayat Samiti* or *Samitis*, as the case may be, as provided under section 56 are required to be constituted, in such a case, notwithstanding anything contained in section 257 or any other provisions of this Act,—

(*a*) the area or areas so excluded by notification under clause (*d*) of sub-section (*1*) of section 256, from the existing Block or Blocks, as the case may be, and notified as constituting a new Block or Blocks, shall be deemed to have been constituted as a new *Panchayat Samiti* or *Samitis*, for such Block or Blocks, under section 56 ;

(*b*) the members so removed under clause (*ii*) of section 257 representing the area or areas excluded from the existing Block or Blocks shall be deemed to be the elected members of such newly constituted *Panchayat Samiti* or *Samitis*, as the case may be, and such members shall, from amongst themselves elect its Chairman and Deputy Chairman as provided under sections 67 and 68, respectively, of this Act ;

(*c*) on constitution of the new *Panchayat Samiti* or *Samitis* under clause (*a*), the State Government shall, by order published in the *Official Gazette*, provide for the transfer, in whole or in part, of the rights and liabilities of the existing *Panchayat Samiti* or *Samitis* to the newly constituted successor *Panchayat Samiti* or *Samitis,* as the case may be, and the terms and conditions of such transfer; and such other incidental, consequential and supplementary matters as may be necessary to give effect to the notification issued under section 256 ; and

(*d*) all the relevant provisions of this Act in respect of the *Panchayat Samitis* shall apply to such newly constituted *Panchayat Samiti* or *Samitis*.

(*2*) The term of the newly constituted *Panchayat Samiti* and its members shall be co-terminus with that of the existing *Panchayat Samiti* by the division of which the new *Panchayat Samiti* has been constituted.]

CHAPTER XVI

CONTROL

258. Inquiry into affairs of *Zilla Parishad*.—(*1*) The State Government may at any time cause an inquiry to be made by any of its officers not below the rank of Commissioner in regard to any *Zilla Parishad* on matters concerning it, 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.

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

1 Section 257A was inserted by Mah. 2 of 2005, s. 2.

259. Power of State Government to provide for performance of duties in default of *Zilla Parishad*.— (*1*) When the State Government is informed, on complaint made or otherwise, that a *Zilla Parishad* has made default in performing any duty imposed on it by or under this Act, or by or under any enactment for the time being in force, the State Government, if satisfied after due enquiry that the *Zilla Parishad* has failed in the performance of duty, may fix a period for the performance of that duty :

Provided that, no such period shall be fixed unless the *Zilla Parishad* has been given an opportunity to show cause why such order shall not be made.

1[*Explanation*.— For the purposes of this sub-section, a *Zilla Parishad* includes a *Panchayat Samiti* or any Committee of the *Parishad*.]

(*2*) If that duty is not performed within the period so fixed, the State Government may appoint a person to perform it, and may direct that the expense of performing it, with a reasonable remuneration to the person appointed to perform it, shall be forthwith paid by the *Zilla Parishad*.

260. Power of State Government to dissolve 2** ***Zilla Parishad*** **and consequential provisions.—** (*1*) If, in the opinion of the State Government, a *Zilla Parishad* exceeds or abuses its powers, or is not competent to perform, or makes persistent default in the performance of, the duties imposed on it by or under this Act or under any other law for the time being in force, or 3[willfully disregards any instructions given or directions issued by the State Government under sub-section (*1*) of section 261 or] any instructions issued by competent authorities arising 4[out of audit of accounts under the Bombay Local Fund Audit Act, 1930 (Bom. XXV of 1930)] or inspection of the office and work thereof, the State Government may, after giving the *Zilla Parishad* an apportunity of rendering an explanation, by order published, with the reasons therefor, in the *Official Gazette*—

(*i*) dissolve such *Zilla Parishad*5* *

6* * * * *

(*2*) When a *Zilla Parishad* is so dessolved 7* *, the following consequences shall ensue, that is to say—

(*a*) all Councillors and members of *Panchayat Samitis*, the Standing Committee, Subjects Committees or other Committees, if any, shall, in case of dissolution, as from the date specified in the order of dissolution, 8* * vacate their offices as such Councillors or members ;

(*b*) all powers and duties of the *Zilla Parishad*, the *Panchayat Samiti*, the Standing Committee or Subjects Committees or other Committees shall, during the period of dissolution 9* *, be exercised and performed by such person or persons as the State Government from time to time appoints in that behalf ;

(*c*) all property vested in the *Zilla Parishad* shall, during the period of dissolution 10**, vest in the State Government ;

(*d*) the person or persons appointed under clause (*b*) may delegate his or their powers and duties to an individual or to a committee or sub-committee ;

(*e*) when more than one person are appointed under clause (*b*), they may sue or be sued by any one of them who has been duly authorised to sue and be sued on behalf of the rest by a resolution duly passed by them in this behalf.

1 This *Explanation* was added by Mah. 21 of 1968, s. 16.

2 The words "or supersede" were deleted by Mah. 21 of 1994, s. 76(*5*).

3 These words were substituted for the words "wilfully disregards" by Mah. 35 of 1963, s. 67(*a*).

4 These words were substituted for the words "out of audit of accounts of the *Parishad*" by Mah. 35 of 1963, s. 67(*b*). 5 The word "or" was deleted by Mah. 21 of 1994, s. 76(*1*)(*a*).

6 Clause (*ii*) was deleted by Mah. 21 of 1994, s. 76(*1*)(*b*).

7 The words "or superseded" were deleted by Mah. 21 of 1994, s. 76(*2*)(*a*).

8 The words "and in case of supersession, as from the date of the order of supersession" were deleted by Mah. 21 of 1994, s. 76(*2*)(*b*).

9 The words "or supersession" were deleted by Mah. 21 of 1994, s. 76(*2*)(*c*).

10 The words "or supersession" were deleted by Mah. 21 of 1994, s. 76(*2*)(*d*).

(*3*) On the issue of an order of dissolution under sub-section (*1*), elections of Councillors [1]** shall be held under the provisions of this Act or the rules made thereunder.

[2]* * * * *

[3]* * * * *

(*6*) Every order issued under sub-section (*1*) shall be laid for not less than thirty days before each House of the State Legislature as soon as possible after it is issued.

261. State Government's power to give direction regarding works and development schemes.— (*1*) The State Government may give to any *Zilla Parishad* general instructions as to matters of policy to be followed by the *Zilla Parishad* in respect of their duties or functions, and in particular it may issue directions in the interest of the National or State development plans in respect of the execution and maintenance of works and development schemes. Upon the issue of [4][such instructions or directions] it shall be the duty of the *Zilla Parishad* to give effect to [5][such instructions or directions.]

[6][*Explanation*.— For the purpose of this sub-section, a *Zilla Parishad* includes a *Panchayat Samiti* or any Committee of the *Parishad*.]

(*2*) (*a*) Notwithstanding anything contained in this Act, if in the opinion of the State Government it is necessary so to do, that Government may require the *Zilla Parishad* to place at its disposal the service of such officers and staff of the *Parishad* as in the opinion of the Government are necessary to carry out such acts and perform such duties (whether such acts or duties relate to any of the subjects in the District List or not), and thereupon the *Zilla Parishad* shall place at the disposal of the Government the service of such officers and staff as are so requisitioned.

(*b*) When the services of the officers and staff of the *Zilla Parishad* are placed at the disposal of the State Government as aforesaid, they shall continue to be borne on the appropriate cadres of the services under the *Zilla Parishad* and shall continue to be paid their remuneration and other allowances by the *Zilla Parishad* or the State Government in accordance with the rules prescribed by the State Government in that behalf.

[7]**[261A. Power of State Government to recover expenditure from grants etc., for operating piped water supply scheme, where default is made by *Zilla Parishad* in taking over the scheme.—** Where, in the opinion of the State Government, a *Zilla Parishad* has committed a default in taking over a piped water supply scheme within the specified period as required by clause (*c-a1*) of sub-section (*1*) of section 100, the State Government may, without prejudice to any other action which it may take under this Chapter or other provisions of this Act, make arrangements for the operation and maintenance of such scheme, through its own agencies, and recover the expenditure incurred therefor by making necessary

adjustment against any grants or other moneys due and payable to the *Zilla Parishad* under any statute or otherwise.]

262. Commissioner to call meeting of *Zilla Parishad* Committee or *Panchayat Samiti*.— If it is brought to the notice of the Commissioner that no meeting of the *Zilla Parishad* or any of its Committees or *Panchayat Samiti* was held within periods prescribed by or under this Act, he may himself call a meeting of such *Parishad* or Committee or *Samiti* in accordance with the rules prescribed by the State Government in this behalf.

263. Power of inspection and supervision.— The Commissioner or any other officer duly authorised by the State Government in this behalf may,—

1 The words "and Members of *Panchayat Samiti*" were deleted by Mah. 21 of 1994, s. 76(*3*)(*a*).

2 The portion begining with the words "on or before" and ending with the words "aforesaid order" was deleted by Mah. 21 of 1994, s. 76(*3*)(*b*).

3 Sub-sections (*4*) and (*5*) were deleted by Mah. 21 of 1994, s. 76(*4*).

4 These words were substituted for the words "such directions" by Mah. 35 of 1963, s. 68(*a*).

5 These words were substituted for the words "such directions" by Mah. 35 of 1963, s. 68(*a*).

6 This *Explanation* was added by Mah. 35 of 1963, s. 68(*b*).

7 Section 261A was inserted by Mah. 56 of 1981, s. 5.

(*a*) enter on and inspect any immovable property occupied by any *Zilla Parishad*, or any institution under its control and management, or any work or development scheme in progress under it or under its direction, or cause such immovable property, institution or work or development-scheme to be entered upon and inspected by any other person authorised by him in this behalf in writing ;

(*b*) call for any extract from the proceedings of any *Zilla Parishad* or any Committee thereof or of any *Panchayat Samiti* and call for or inspect any book or document in the possession of or under the control of the *Zilla Parishad* ; and

(*c*) call for any return, statement, account or report which he may think fit to require a *Zilla Parishad* or any Committee thereof or of any *Panchayat Samiti* to furnish.

264. Commissioner to inspect office of *Zilla Parishad*.—[1][The Commissioner or any person (not below the rank of a Collector, in the case of a *Zilla Parishad*; and of a Deputy Collector, in the case of a *Panchayat Samiti*) authorised by him in writing in this behalf may] enter office of any *Zilla Parishad* or *Panchayat Samiti*, and inspect any records, register or other document, kept therein; and the *Zilla Parishad* or *Panchayat Samiti*, as the case may be, shall comply with the inspection notes, if any, made by the Commissioner.

265. Power of Commissioner to prevent extravagance in establishments [2][or wasteful expenditure].— If in the opinion of the Commissioner the number of officers or servants of Class III service or servants of Class IV service on the staff of the *Zilla Parishad* is excessive [3][or any expenditure on any work or development scheme undertaken or proposed to be undertaken by any *Zilla Parishad* is wasteful or not in the public interest,] the said *Zilla Parishad* shall, on the requirement of the Commissioner reduce the number of the said officers or servants to such extent as the [4][Commissioner may, subject to the provisions of section 243A, direct] [5][or as the case may be, abandon such work or development scheme at such stage as the Commissioner may by order direct] :

Provided that, the *Zilla Parishad* may appeal against any such requirement to the State Government whose decision thereon shall be final.

266. Power of Collector to call for information relating to affairs of *Zilla Parishad*.— The Collector may, on being required by the State Government to make a report to it about the working of the *Zilla Parishad*, call for any information or statistics which he may consider necessary from the *Zilla Parishad* relating to its affairs and it shall be the duty of the *Zilla Parishad* to comply with the requisition made by the Collector.

267. [6][District Magistrate's] power of suspending execution of orders, etc., of *Zilla Parishad*, *Panchayat Samiti*, etc.— (*1*) If, in the opinion of the [7][District Magistrate], the execution of any order or resolution of a *Zilla Parishad*[8][or any of its Committees or a *Panchayat Samiti*] or the doing of anything which is about to be done, or is being done, by or on behalf of a *Zilla Parishad*[9][or its Committee] or a *Panchayat Samiti*, is causing or is likely to cause, injury or annoyance to the public, or to lead to a breach of the peace [10]* * *, he may by order in writing, under his signature, suspend the execution or prohibit the doing thereof.

(*2*) When a [11][District Magistrate] makes any order under sub-section (*1*), he shall forthwith forward to the Commissioner and to the *Zilla Parishad* or the *Panchayat Samiti* affected thereby a copy of the order, with a statement of the reasons for making it, and it shall be in the discretion of the

1 These words and brackets were substituted for the words "The Commissioner may" by Mah. 35 of 1963, s. 69. 2 These words were added by Mah. 6 of 1975, s. 45(*c*).

3 These words were inserted by Mah. 6 of 1975, s. 45(*a*).

4 These words were substituted for the words "Commissioner may direct" by Mah. 43 of 1967, s. 12. 5 These words were added by Mah. 6 of 1975, s. 45(*b*).

6 These words were substituted for the word "Collector's" by Mah. 35 of 1963, s. 70(*3*).

7 These words were substituted for the word "Collector" by Mah. 35 of 1963, s. 70(*1*)(*a*).

8 These words were inserted by Mah. 35 of 1963, s. 70(*1*)(*b*).

9 These words were inserted by Mah. 35 of 1963, s. 70(*1*)(*b*).

10 The words "or is unlawful" were deleted by Mah. 35 of 1963, s. 70(*1*)(*c*).

11 These words were substituted for the word "Collector" by Mah. 35 of 1963, s. 70(*2*).

Commissioner to rescind the order or direct that it shall continue in force with or without modification, permanently or for such period as he thinks fit.

(*3*) The Commissioner shall forthwith submit to the State Government a report of every case occurring under this sections, and the State Government may pass such order in the case as it deems fit.

[1][267A. Commissioner's power of suspending execution of unlawful order or resolution of *Zilla Parishad* or *Panchayat Samiti*, etc.— (*1*) If the Commissioner is satisfied that it is necessary in the public interest so to do, he may by order in writing under his signature suspend the execution of any order or resolution, or prohibit the doing of any act, by a *Zilla Parishad*, or its Committee or *Panchayat Samiti* which, in his opinion, is unlawful; and it shall be the duty of the *Zilla Parishad* or its Committee or the *Panchayat Samiti*, as the case may be, to comply with such order.

(*2*) If, in the opinion of the Commissioner, the execution of any order or resolution of a *Zilla Parishad* or its Committee or *Panchayat Samiti* or the doing of anything by a *Zilla Parishad* or its Committee or *Panchayat Samiti's* inconsistent, with the instructions or directions given or issued under sub-section (*1*) of section 261, he may, by order in writing under his signature, suspend the execution or prohibit the doing thereof and it shall be the duty of the *Zilla Parishad* or its Committee or *Panchayat Samiti*, as the case may be, to comply with the order of the Commissioner.]

268. Emergency power of Collector.— (*1*) In cases of emergency, the Collector may provide for the execution of extraordinary work, or the doing of any act, which a *Zilla Parishad* or *Panchayat Samiti* is empowered to execute or do, and the immediate execution or doing of which is, in his opinion, necessary for the health or safety of the public, and may direct that the expense of executing the work or doing the act, with a reasonable remuneration to the person appointed to execute or do it, shall be forthwith paid by the *Zilla Parishad*.

(*2*) If the expense and remuneration are not so paid, the Collector may direct the officer in charge of the treasury or bank or society in which the district fund is kept or the whole or portion thereof is deposited or lent on interest, to pay the expense and remuneration, or as much thereof as is possible, from the balance of such fund in his hand.

(*3*) The Collector shall forthwith report to the Commissioner every direction made by him under this section and the Commissioner may by order either confirm or modify the direction in such manner as he deems fit.

(*4*) The Commissioner shall forthwith furnish to the State Government a copy of the order made by him under sub-section (*3*), and the State Government may pass such order in the case as it deems fit.

269. Power of State Government to dissolve [2]*** ***Panchayat Samiti f*or incompetency, default or abuse of power.—** (*1*) If, in the opinion of the State Government, a *Panchayat Samiti* exceeds or abuses its power or is not competent to perform, or makes persistent defaults in the performance of, the duites imposed on it by or under this Act, or otherwise by law or [3][willfully disregards any instructions given or directions issued by the State Government under sub-section (*1*) of section 261 or] any instructions issued by competent authority arising out of the audit of accounts of the *Panchayat Samiti* or inspection of the office and work thereof the State Government may, after giving the *Panchayat Samiti* an opportunity to render explanation, by an order published, with the reasons therefor, in the *Official Gazette*—

(*i*) dissolve such *Panchayat Samiti*, [4]* * *

[5]* * *

1 Section 267A was inserted by Mah. 35 of 1963, s. 71.

2 The words "or supersede" were deleted by Mah. 21 of 1994, s. 77(*5*).

3 These words were substituted for the words "willfully disregards" by Mah. 35 of 1963, s. 72. 4 The word "or" was deleted by Mah. 21 of 1994, s. 77(*1*)(*a*).

5 Clause (*ii*) was deleted by Mah. 21 of 1994, s. 77(*1*)(*b*).

(*2*) When the *Panchayat Samiti* is so dissolved [1]* * * the following consequences shall ensue, that is to say :—

(*a*) all members of the *Panchayat Samiti*, in case of dissolution, as from the date [2]* * * specified in the order of dissolution, vacate their office as such members ;

(*b*) all powers and duties of the *Panchayat Samiti* during the period of dissolution or supersession, be exercised and performed by such person or persons as the State Government from time to time appoints in this behalf ;

(*c*) all property in the possession of the *Panchayat Samiti* shall, during the period of dissolution [3]* * * be held by the State Government ;

(*d*) the person or persons appointed under clause (*b*) may delegate his or their powers and duties to an individual or to a committee or sub-committee.

(*3*) On the issue of an order of dissolution under sub-section (*1*), elections of the members shall be held under the provisions of this Act or the rules made thereunder [4]* * *.

[5]* * *

(*6*) Every order made under sub-section (*1*) shall be laid for not less than thirty days before each House of the State Legislature as soon as possible after it is made.

270. Power of State Government to make special rules for certain matters.— With a view to effecting economy and obtaining standardization in certain matters, the State Government may make rules to provide for all or any of the following matters, that is to say—

(*a*) the manner in which purchases of stores, equipment, machinery and other articles required by a *Zilla Parishad* or a *Panchayat Samiti*, shall be made by it ;

(*b*) the manner in which tenders for works, contracts and supplies shall be invited, examined and accepted ; and

(*c*) the manner in which works and development schemes may be executed and inspected and payments made in respect of such works and schemes.

271. Power of State Government to transfer staff employed in connection with the public health by *Zilla Parishad* to another District in cases of emergency.— Where any District or part thereof is visited by an outbreak of any dangerous epidemic disease or there is grave danger of such out-break or

widespread distress is caused in any District or part thereof by reason of [6][scarcity], flood, or any other natural calamity, the State Government or any officer authorised by it in this behalf, may, notwithstanding anything contained in this Act, require any *Zilla Parishad* to transfer in such manner and on such conditions as may be prescribed by the State Government any staff employed in connection with public health to such District or part thereof for such period as the State Government or as the case may be, the Officer may from time to time fix in that behalf; and the *Zilla Parishad* shall transfer its staff accordingly for the period aforesaid. The State Government may make such grant as it thinks fit to the *Zilla Parishad* for the extra expenditure, if any, that may be incurred by it on account of the transfer of its staff.

272. Power of State Government and of Commissioners over Collectors, etc.— 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.

1 The words "or superseded" were deleted by Mah. 21 of 1994, s. 77(*2*)(*a*).

2 The words "in case of supersession, as from the date of the order of supersession, and" were deleted by Mah. 21 of 1994, s. 77(*2*)(*b*).

3 The words "or supersession" were deleted by Mah. 21 of 1994, s. 77(*2*)(*c*).

4 The portion begining with the words "on or before" and ending with the words "in that order" was deleted by Mah. 21 of 1994, s. 77(*3*).

5 Sub-sections (*4*) and (*5*) were deleted by Mah. 21 of 1994, s. 77(*4*).

6 This word was substituted for the word "famine" by Mah. 35 of 1963, s. 73.

273. Delegation of powers by State Government.— Subject to such conditions, if any, as may be specified by the State Government, it may by order delegate all or any of its powers, functions or duties under this Act (except the power to make rules under section 274), to any officer or Authority subordinate to it.

CHAPTER XVII

RULES,REGULATIONS AND BYE-LAWS

274.Rules.—(*1*) The State Government may make rules not inconsistent with the provisions of this Act, for the purpose of carrying into effect the provisions of this Act.

(*2*) In particular and without prejudice to the generality of the foregoing provisions, the State Government may make rules for all or any of the following matters—

(*i*) under sub-section (*2*) of section 9, prescribing the time at which and the manner in which the names of Councillors shall be published ;

[1][(*i-a*) under sub-section (*2*) of section 10-1A, prescribing the manner of the nomination of the Councillor;]

[2][(*ii*) under section 12, prescribing the seats to be reserved for the representation of the Scheduled Castes, Scheduled Tribes, Backward Class of citizens and women in any electoral division and the manner and rotation of such reservation ;]

[3][(*ii-a*) under sub-section (*1A*) of section 13, rules to provide for the manner in which the list of voters shall be amended, and for all matters supplemental, consequential and incidental thereto;]

(*iii*) under sub-section (*2*) of section 14, the manner in which election of persons to a *Zilla Parishad* shall be conducted and other matters specified therein ;

(*iv*) under clause (*c*) of sub-section (*2*) of section 16, prescribing rules for the purposes of that clause ;

(*v*) under sub-section (*2*) of section 19, the manner in which an order of requisitioning may be served ;

(*vi*) under section 20, the time within which an application may be made ;

[4][(*vii*) under sections 38, 48, 60, 71, 82A and 86 prescribing the manner in which the notice of resignation shall be delivered ;]

[5][(*vii-a*) under section 42, prescribing the number of offices of Presidents of *Zilla Parishads* to be reserved for Scheduled Castes, Scheduled Tribes, Backward Class of citizens and women in any *Zilla Parishad* and the manner and rotation of such reservation ;]

(*viii*) under section 44, prescribing the current administrative duties which the President [6]* * * may continue to carry on ;

[7][(*viii-a*) under sections 46, [8][47A,] 69 and 84, rules subject to which house rent allowance as provided in those sections should be paid to the presiding authorities concerned ;]

[9][(*ix*) under sub-section (*2*) of section 46 and under sub-section (*2*) of section 47A the travelling and other allowances to be given to the President and the Vice-President ;]

1 Clause (*i-a*) was inserted by Mah. 17 of 2026, s. 8(*1*).
2 Clause (*ii*) was substituted by Mah. 21 of 1994, s. 78(*1*).
3 Clause (*ii-a*) was inserted by Mah. 24 of 1966, s. 9.
4 This clause was inserted by Mah. 43 of 1964, s. 24(*a*).
5 Clause (*vii-a*) was inserted by Mah. 21 of 1994, s. 78(*2*).
6 The words "and Vice-President" were deleted by Mah. 6 of 1975, s. 46(*1*). 7 Clause (*viii-a*) was inserted by Mah. 8 of 1966, s. 11(*i*).
8 The figures and letter "47A" were inserted by Mah. 10 of 1985, s. 6(*a*).
9 Clause (*ix*) was substituted for the original by Mah. 10 of 1985, s. 6(*b*).

[1][(*ix-a*) under section 46-A prescribing rules regarding sumptuary allowances to be placed at the disposal of the President ;]

[2][(*x*) prescribing the form and the manner of making requisition under [3][sub-section (*2*)] of section 49 and of section 72 or under section 87 ;]

(*xi*) prescribing rules for the purposes of sections 51, [4][74 and 89 ;]

(*xii*) under sub-section (*3*) of section 57, prescribing the manner in which the names of elected or co-opted members of the *Panchayat Samiti* shall be published ;

[5][(*xiii*) under section 58, prescribing the seats to be reserved for Scheduled Castes, Scheduled Tribes, Backward Class of citizens and women in electoral colleges and the manner and rotation of such reservation ;]

[6][(*xiv*) under sub-section (*2*) of section 59A, prescribing the manner of the nomination of the member;]

[7]* * * * * *

(*xv*) under section 66, prescribing the current administrative duties which the Chairman of a *Panchayat Samiti* may continue to carry on ;

[8][(*xv-a*) under section 67 prescribing the number of offices of Chairman of *Panchayat Samitis* to be reserved for Scheduled Castes, Scheduled Tribes, Backward Classes of citizens and women in any *Panchayat Samiti* and the manner and rotation of such reservation ;]

(*xvi*) under sub-section (*2*) of section 69 and of section 84, the travelling and other allowances to be given to the Chairman and Deputy Chairman of a *Panchayat Samiti* and a Chairman of Subjects Committee ;

[9][(*xvi-a*) under section 77A, prescribing the manner and periodicity of rotation of nomination of *Sarpanchas* ;]

(*xvii*) under sub-section (*2*) of section 78, prescribing the rules subject to which Councillors and other persons shall be appointed on other Committees by *Zilla Parishads* ;

(*xviii*) under clause (*b*) of sub-section (*1*) of section 95 prescribing the rules in accordance with which the duties of officers and servants of *Zilla Parishad* shall be laid down and prescribing the other powers and functions which the Chief Executive Officer shall exercise or perform under clause (*i*) of sub-section (*2*) of that section ;

[10][(*xviii-a*) under clause (*b*) of sub-section (*2*) of section 95, prescribing the manner in which appointments of servants of Class IV service shall be made by the Chief Executive Officer, either from the lists of candidates prepared by himself or by a Selection Board or Committee constituted for the purpose and the procedure to be followed by such Board or Committee ;]

(*xix*) under section 99, prescribing the rules subject to which a Head of the Department—

(*a*) is to accord technical sanction in respect of works and development schemes ; or

(*b*) is to assess the work of officers of Class II service working in his Department ;

1 Clause (*ix-a*) was inserted by Mah. 6 of 1975, s. 46(*2*).

2 This clause was substituted for the original by Mah. 43 of 1964, s. 24(*b*).

3 These words, brackets and figure were substituted for the words, brackets and figure "sub-section (*1*)" by Mah. 6 of 1975, s. 46(*3*).

4 These figures and word were substituted for the word and figures "and 77" by Mah. 35 of 1963, s. 74(*2*).

5 Clause (*xiii*) was substituted by Mah. 21 of 1994, s. 78(*3*).

6 Clause (*xiv*) was inserted by Mah. 17 of 2026, s. 8(*2*).

7 Clause (*xiv*) was deleted by Mah. 35 of 1963, s. 74(*3*).

8 Clause (*xv-a*) was inserted by Mah. 21 of 1994, s. 78(*4*).

9 Clause (*xvi-a*) was inserted by Mah. 6 of 1975, s. 46(*5*).

10 Clause (*xviii-a*) was inserted by Mah. 61 of 1977, s. 4 Schedule.

[1][(*xix-a*) under section 111, prescribing rules with respect to the places, conduct and adjournment of meetings and generally with respect to the conduct of business thereat ;

(*xix-b*) under section 119, prescribing the rules for transaction of business at the meetings of the Standing Committee and Subjects Committee ;]

(*xx*) under section 124 prescribing rules subject to which works and development schemes of a *Zilla Parishad* shall be executed or maintained through the agency of a *Panchayat Samiti* and prescribing the works or development schemes which shall be executed or maintained through the agency of a panchayat ;

[2][(*xx-a*) under section 125, prescribing the authorities and officers competent to accord previous sanction for undertaking works and development schemes and the limits of expenditure upto which such authorities or officers may accord sanction ;

(*xx-b*) under section 126, prescribing the authorities and officers competent to accord previous sanction for accepting tenders and making contracts and the limits of expenditure upto which such authorities or officers may accord sanction ;

(*xx-c*) under section 128, prescribing the authorities and officers competent to accord previous sanction for acquisition or transfer of property and the limits of value or consideration and the subjects in relation to which such authorities or officers may accord sanction ;]

[3][(*xx-d*)] under clause (*a*) of sub-section (*2A*) of section 130, prescribing the manner in which the payment into the public account of the State of sums referred to in that clause may be made, the withdrawal of moneys therefrom and all matters connected with or ancillary to matters aforesaid ;

(*xxi*) under section 135, prescribing the form in which accounts of receipts and expenditure of *Zilla Parishads* or *Panchayat Samitis* shall be kept and prescribing the financial or revenue year on the last day of which such accounts shall be balanced ;

[4][(*xxii*) under section 136, prescribing the form and dates of preparation, scrutiny and approval of the statement of accounts of the *Zilla Parishads* and *Panchayat Samitis* and the form, manner and date of publication of extracts of accounts ;]

(*xxiii*) under sub-sections (*1*) and (*2*) of section 137 prescribing the date on or before which and the

form in which budget estimates of the income and expenditure shall be prepared by every *Zilla Parishad* and every *Panchayat Samiti*[5][and prescribing the date on or before which the *Zilla Parishad* shall approve the budget estimates under sub-section (*4*) of that section] ;

(*xxiv*) under sub-section (*3*) of section 137, prescribing the date before which the budget estimates shall be forwarded to the *Zilla Parishad* by every *Panchayat Samiti* ;

[6][(*xxiv-a*) under sub-section (*2*) of section 138, prescribing the terms and conditions subject to which re-appropriation from grant provided by the State Government may be made ;]

(*xxv*) under section 141—

(*a*) prescribing the authorities by which, the extent to which and the subject in respect of which loans may be granted under sub-section (*1*) of that section ;

(*b*) prescribing the authorities by which, the extent to which and the subject in respect of which expenditure of recurring or non-recurring nature may be incurred under sub-section (*2*) of that section ; and

(*c*) prescribing the authorities by which, the subjects in respect of which and the extent to which any arrears of a tax or fee or any other sum due to the *Zilla Parishad* may be written off under sub-section (*3*) of that section ;

1 Clauses (*xix-a*) and (*xix-b*) were inserted by Mah. 35 of 1963, s. 74(*4*). 2 Clauses (*xx-a*), (*xx-b*) and (*xx-c*) were inserted by Mah. 11 of 1985, s. 4(*a*). 3 Clause (*xx-a*) was renumbered as clause (*xx-d*) by Mah. 11 of 1985, s. 4(*b*).

4 Clause (*xxii*) was substituted for the original by Mah. 6 of 1975, s. 46(*7*). 5 These words were added by Mah. 35 of 1963, s. 74(*5*).

6 Clauses (*xxiv-a*) was inserted by Mah. 8 of 1966, s. 11 (*ii*).

[1][(*xxv-a*) under section 141 A, prescribing the procedure to be followed by the Tribunal in deciding questions under sub-section (*2*) of that section ;]

(*xxvi*) under sub-section (*4*) of section 142, prescribing the form and manner in which the administration report shall be published ;

(*xxvii*) prescribing the proportion of the cost of collection to be deducted under sub-section (*1*) of section 153 ;

[2][(*xxvii-a*) under sub-section (*2*) of section 157, prescribing the other form and manner in which the general and special water taxes may be imposed and the maximum and minimum rates therefor and the exemptions and other matters to be prescribed for these taxes ;]

(*xxviii*) prescribing the rules for carrying out the purposes of section 158 ;

[3][(*xxix*) under section 163, prescribing the percentage of the gross collection of general and special water taxes as collection charges for the *Panchayats* ;]

[4][(*xxx*) under section 183, prescribing the manner of calculating the total expenditure incurred by the *Zilla Parishad* in the preceding financial year ;]

[5]* * * * *

(*xxxii*) under section 185, prescribing the proportion in which a sum of local cess matching grant shall be paid ;

(*xxxiii*) under sub-section (*2*) of section 186, determining the standards by which the progress of development activities of individual *Parishads* should be assessed and compared with those of others and the extent and amount of grants to be given ;

[6]* * * * *

(*xxxv*) under section 203, prescribing the manner in which a notification declaring a place to be a public market shall be published ;

[7]* * * * *

(*xxxvii*) prescribing the [8]* * * terms and conditions of service subject to which [9][persons holding posts in Class III or Class IV Service of the State Government] shall be taken over by the *Zilla Parishad* under section 242 ;

[10][(*xxxvii-a*) under sub-section (*2*) of section 242-B, regulating the appointment and the terms and conditions of service of the *Zilla Parishad* employees appointed in any Class I or Class II Service of the State or the General State Services ;]

(*xxxviii*) [11]* * * * prescribing the terminal benefits to which a person referred to in section 246 will be entitled on his exercising the option of retiring from service under that section ;

(*xxxix*) under section 248, regulating the requirement (including reservation for Scheduled Castes and Scheduled Tribes and Backward Classes), functions, and terms and conditions of service of persons referred to therein and regulating payment to be made by a *Zilla Parishad* towards pension, gratuity and other benefits as respects officers and servants referred to therein ;

[12]* * * * *

1 Clause (*xxv-a*) was inserted by Mah. 43 of 1962, s. 24.
2 Clause (*xxvii-a*) was inserted by Mah. 56 of 1981, s. 6(*a*).
3 Clause (*xxix*) was substituted by Mah. 56 of 1981, s. 6(*b*).
4 This clause was substituted by Mah. 43 of 1967, s. 13(*2*).
5 Clause (*xxxi*) was deleted by Mah. 6 of 1975, s. 46(*8*).
6 Clause (*xxxiv*) was deleted by Mah. 6 of 1975, s. 46(8).
7 Clause (*xxxvi*) was deleted by Mah. 37 of 1966, s. 165(*1*).
8 The words "tenure and" were deleted by Mah. 13 of 1967, s. 8(*a*).
9 These words were substituted for the words "members of the State service" by Mah. 13 of 1967, s. 8(*b*).
10 Clause (*xxxvii-a*) was deemed to have been inserted on 1st March 1971 by Mah. 14 of 1979, s. 3.
11 The words and figures "prescribing the date before which a person is to give notice of his option referred to in section 246 and" were deleted by Mah. 22 of 1970, s. 12.
12 Clauses (*xl*) and (*xli*) were deleted by Mah. 4 of 1987, s. 6.

(*xlii*) under sub-section (*1*) of section 252, prescribing the manner in which a schedule of posts of District Technical Service (Class III), District Service (Class III) and District Service (Class IV), shall be prepared and sanctioned by *Zilla Parishad* ;

(*xliii*) under section 253, prescribing rules in accordance with which a *Zilla Parishad* is to appoint a person under a contract ;

(*xliv*) under section 261 (*2*), prescribing the rules for the payment of remuneration and other allowances to the officers and staff of the *Zilla Parishad* referred to therein;

(*xlv*) under section 262, prescribing the rules in accordance with which a meeting of a *Zilla Parishad* or a Committee thereof or *Panchayat Samiti* may be called by the Commissioner;

(*xlvi*) under section 270, making rules for the matters specified therein;

(*xlvii*) under section 271, prescribing the manner and condition subject to which any staff employed by a *Zilla Parishad* in connection with public health shall be transferred by it to the other Districts in cases of emergency described therein;

(*xlviii*) under sub-section (*1*) of section 279, prescribing the rules subject to which the powers, duties or functions conferred or imposed upon a Head of Department of a *Zilla Parishad* by or under the Act may be exercised, performed or discharged by any officer or servant holding office under the *Zilla Parishad*;

(*xlix*) under section 281, prescribing rules subject to which powers or functions under certain provisions of the Act are to be delegated by a *Zilla Parishad* to any of its authorities;

(*l*) under sub-sections (*3*) and (*4*) of section 282, prescribing the manner in which a joint meeting of local authorities shall be held and the procedure to be followed at such meeting;

(*li*) prescribing any other matter for which rules may be made under this Act.

(*3*) The rules to be made under this section shall be subject to the condition of previous publication :

[1][Provided that, if the State Government is satisfied that circumstances exist which render it necessary to take immediate action, it may dispense with the requirement of previous publication of the rules to be made under this section, for the purposes of conduct of election, under this Act.]

(*4*) All rules made under this section shall be laid before each House of the State Legislature as soon as may be after they are made, and shall be subject to such modifications as the Legislature may make during the session in which they are so laid or the session immediately following, and publish in the *Official Gazette*.

275. Regulations.— The *Zilla Parishad* may, from time to time, frame regulations not inconsistent with the provisions of this Act and the [2][rules made by the State Government for carrying out the purposes of this Act. In particular and without prejudice to the generality of the foregoing provisions, the *Zilla Parishad* may frame regulations for all or any of the following matters :—]

(*i*) under section 92, prescribing the powers to be exercised and duties to be discharged by, and the subjects enumerated in the District List to be alloted to, the Standing Committee and Subjects Committees [3][and prescribing the procedure to be followed at joint meetings];

[4]* * * * *

1 This proviso was added by Mah. 4 of 2002, s. 10, *w. e. f.* 31-10-2001.

2 These words were substituted for the words "rules made by the State Government—" by Mah. 35 of 1963, s. 75(*1*). 3 These words were added by Mah. 43 of 1962, s. 25.

4 Clause (*ii*) was deleted by Mah. 35 of 1963, s. 75(*2*).

(*iii*) prescribing matters for the purpose of section 115;

[1]* * * * *

276. Bye-laws.— (*1*) A *Zilla Parishad* may, from time to time, make, alter or rescind bye-laws not inconsistent with this Act for carrying out the purposes of this Act and without prejudice to the generality of the foregoing powers may make provision :—

(*a*) for the licensing of brokers, commission agents, weighmen or measurers practising their calling in a public market and for the fixation of the fees leviable by them and the conditions on which the licences are to be granted and may be revoked;

(*b*) for the appointment of persons to register sales of animals in a public market and the fixation of the fees leviable by them;

(*c*) for the regulating of the use and management of, and for maintaining in a sanitary condition, any public market and the prohibiting of the levying of unauthorised dues in any public market;

(*d*) for protection from injury or interference of the property of the *Zilla Parishad* within the area subject to the authority of the *Zilla Parishad*;

(*e*) for the compensation to be paid to a person if a public market declared under section 203 is held on private land;

(*f*) for the fees which may be charged for licences under sections 205 and 209;

(*g*) for the rent and fees which may be charged for the use of halting places and cartstands under section 216;

(*h*) for prescribing regulation as to supervision and inspection of a private cart-stand and conditions as to conservancy to be attached to a licence to be obtained for a private cart-stand;

(*i*) for destruction of wild animals causing damage or destroying crops;

(*j*) for destruction of swines straying on any land or doing damage to crops;

(*k*) for the disposal of mad and stray dogs;

(*l*) for preventing danger from any tree adjoining a public place, likely to fall and endangering human life;

(*m*) for regulating quarring, blasting, felling trees or carrying on building operation to prevent

danger to human life;

(*n*) for regulating places used as a hotel, restaurant, tea shop or for any similar purpose or for the manufacture of tiles or bricks;

(*o*) for compulsory vaccination, if the State Government issues a direction in that behalf to any *Zilla Parishad*;

(*p*) for prohibiting begging in public street, if the State Government issues a direction in that behalf to any *Zilla Parishad*;

(*q*) for preventing, meeting, mitigating or suppressing the disease or the outbreak or introduction of any infectious disease amongst cattle;

(*r*) for disposals of articles of food unfit for human consumption;

1 Clause (*iv*) was deleted by Mah. 35 of 1963, s. 75(*2*).

(*s*) for regulating establishment of factories in the area set apart for such purpose or prohibiting establishment of factories in areas not set apart for such purpose;

(*t*) for providing facilities for vaccination subject to the provisions of any law relating to vaccination for the time being in force;

(*u*) for preventing damage to trees or plants standing in the public place;

(*v*) for the closure of places or public entertainment on the outbreak of dangerous infectious disease;

(*w*) for regulating the use of public roads and the traffic thereon and for securing cleanliness, safety and order in respect of the same;

(*x*) for the general or special regulation, control or prohibition of the use of markets, dairies, creameries, graineries, grain shops, slaughter-houses, burial and burning ground, offensive trades, and all matters connected with conservancy.

(*2*) Any bye-law made under sub-section (*1*) 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 ten rupees per day after conviction for the first contravention within the period within which such contravention continues.

(*3*) No bye-law shall have effect until the same has been approved by the Commissioner.

CHAPTER XVIII

MISCELLANEOUS

277. Penalty for Councillor, officer or servant of *Zilla Parishad* having interest in any contract, etc., with *Zilla Parishad* or *Panchayat Samiti*.— If any Councillor or any member of a *Panchayat Samiti* or any officer or servant maintained by or employed under a *Zilla Parishad* has directly or indirectly any share or interest in any work done or development scheme executed by order of the *Zilla Parishad* or *Panchayat Samiti* of which he is a Councillor, or as the case may be, member or by which he is maintained or under which he is employed, or in any contract with or under such *Zilla Parishad*, or *Panchayat Samiti* he shall be liable, on conviction, to a fine which may extend to one thousand rupees or simple imprisonment which may extend to three months or with both :

Provided that, no person shall be convicted under this section by reason only of such person—

(*a*) having a share in any joint stock company or a share or interest in any co-operative society which shall contract with or be employed by or on behalf of the *Zilla Parishad* or *Panchayat Samiti*; or

(*b*) having a share or interest in any newspaper in which any advertisement relating to the affairs of the *Zilla Parishad* or *Panchayat Samiti* may be inserted; or

(*c*) having share or interest in any transaction of loan given, or grant made, by or on behalf of a *Zilla Parishad* (such share or interest being acquired in accordance with the rules prescribed by the State Government);

(*d*) holding a debenture or being otherwise concerned in any loan raised by or on behalf of the *Zilla Parishad*; or

(*e*) being professionally engaged on behalf of the *Zilla Parishad* or *Panchayat Samiti* as a legal practitioner;

[1][(*f*) having a share or interest referred to in sub-clause (*v*), (*vi*) or (*vii*) of clause (*b*) of sub-section (*2*) of section 16.]

278. Councillors, etc., of *Zilla Parishads*, etc., to be public servants.— Every Councillor and every member of a *Panchayat Samiti* and every officer and servant holding office under or employed by a *Zilla Parishad* shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (XLV of 1860).

279. Delegation of powers by Heads of Departments of *Zilla Parishad*.— (*1*) Any of the powers, duties or functions conferred or imposed upon a Head of the Department of the *Zilla Parishad* by or under this Act may, subject to such rules as may be made under section 274, be exercised, performed or discharged by any officer or servant holding office under the *ZillaParishad* whom the Head of the Department empowers in writing in this behalf.

(*2*) A copy of any order made by the Head of the Department under sub-section (*1*) shall be forwarded by him to the *Zilla Parishad*, the Standing Committee and the Subjects Committee concerned.

280. Limitation of suits, etc.— (*1*) No suit shall be commenced against any *ZillaParishad* or against any officer or servant of, or working under, a *ZillaParishad* or any person acting under the orders of a *Zilla Parishad* or *Panchayat Samiti* for anything done, or purporting to have been done, in pursuance of this Act, without giving to such *ZillaParishad* officer, servant, or person one month's previous notice in writing of the intended suit nor after three months from the date of the act complained of. The notice shall state the cause of action, the nature of the relief sought, the amount of compensation claimed and the name of place of abode of the person who intends to bring the action.

(*2*) In the case of any such suit for damages, if tender of sufficient amends shall have been made before the action was brought, the plaintiff shall not recover more than the amount so tendered, and shall pay all costs incurred by the defendant after such tender.

[2]**[280-A. Period of detention during Emergency declared in June 1975 to be ignored for computing absence, and giving honorarium and other facilities to office-bearers.—** (*1*) Notwithstanding anything contained in sections 47, 51, 70, 74, 85, 89 and other relevant provisions of this Act, where any person, during his term as the President, or a Chairman or Deputy Chairman of a *Panchayat Samiti*, or a Chairman of a Subjects Committee, was detained under any law providing for preventive detention at any time during the period of operation of the Proclamation of Emergency, which was issued on the 25th June 1975 and was revoked on the 21st March 1977, the whole period of his detention shall be ignored in computing the period of his absence for any of the purposes of this Act.

(*2*) Accordingly, any such person shall not cease, and shall not be deemed ever to have ceased, to hold the office which he was holding when he was detained under such law merely on the ground of his detention or absence and shall be entitled, and shall be deemed always to have been entitled, throughout

the period he was holding such office, to the payment of the honorarium, the residential accommodation and other facilities attached to his office.]

281. Power of *Zilla Parishad* to delegates its powers.— A *Zilla Parishad* may, by order in writing, delegate any of its powers or functions under section 100, 102 or 106, and subject to rules made by the State Government, under such other provisions of this Act as the State Government may specify in this behalf, to any of the authorities of the *Parishad* as the State Government may deem fit.

282. Joint meeting of two or more local authorities.— (*1*) It shall be competent for a *Zilla Parishad*, a municipal corporation, municipality, a contonment authority or a notified area committee, notwithstanding anything contained in any law for the time being in force constituting or establishing such *Zilla Parishad*, municipal corporation, municipality, cantonment authority or notified area

1 Clause (*f*) was added by Mah. 35 of 1963, s. 76.

2 Section 280A was inserted by Mah. 14 of 1979, s. 4.

committee, to propose to anyone or more than one such other local authority or authorities that a joint meeting of one or more of such local authority or authorities be held for discussing matters in relation to—

(*a*) co-ordination of works and development schemes of any two or more such local authorities, or

(*b*) work or measures to be undertaken on the basis of joint responsibility of any two or more such local authorities.

(*2*) Where any local authority has made a proposal for a joint meeting under sub-section (*1*) and the other local authority or authorities has or have not accepted the proposal, the Commissioner may pass such orders as he may deem fit requiring the concurrence of such other authority or authorities, not being the cantonment authority in the matter aforesaid, and such local authority or authorities shall comply with such orders.

(*3*) If the proposal made by a local authority under sub-section (1) has been accepted by the other local authority or authorities a joint meeting thereof shall be held in such manner as may be prescribed by the State Government.

(*4*) The procedure at the joint meeting shall be such as may be prescribed by the State Government.

(*5*) The expenses connected with the joint meeting shall be borne in such proportion as may be agreed upon by the local authorities concerned and in the absence of the agreement as may be directed by the Commissioner.

(*6*) If any difference of opinion arises between local authorities (other than cantonment authority) acting under this section, the decision thereupon of the Commissioner shall be final.

(*7*) If any difference of opinion arises between any local authority and a cantonment authority acting under this section, the question shall be decided by the State Government with the concurrence of the Central Government.

283. Utilisation of portion of revenue paid to municipalities, etc.— The sum paid by the State Government to a municipal corporation, municipality, cantonment authority or notified area committee under sub-section (*2*) of section 150 [1]* * * * * * shall be expended by the municipal corporation, municipality, cantonment authority or notified area committee, as the case may be, only for such purposes as are described in section 100 or for the remuneration of officers and servants whom it entertains for any of the said purposes; and a portion thereof equal to not less than one-third of the revenue referred to in sub-section (*2*) of section 150 [2]* * * * * * shall be expended by it for matters falling in the sphere of education as enumerated in the District list.

284. [*Special provisions for recovery of land revenue and for carrying out functions and duties of village accountants in non-panchayat areas of Zilla Parishad.*] *Deleted by Mah. 15 of 1974, s. 19.*

285. Acquisition of land.— Save as otherwise provided in sections 19 to 23, when any land is required for the purposes of this Act, the State Government may, on the request of the *Zilla Parishad* requiring it, proceed to acquire it under the provisions of the [3]Land Acquisition Act, 1894 (1 of 1894), or other law corresponding thereto and for the time being in force and on payment by the *Zilla Parishad* of the compensation awarded under that Act or such law and of all other charges incurred by the State Government on account of the acquisition, the land shall vest in the *Zilla Parishad* [4][but subject to such terms, conditions and restrictions as may be imposed by the State Government :

1 The words, brackets and figures "or sub-section (*2*) of section 153" were deleted by Mah. 15 of 1974, s. 18.

2 The words, brackets and figures "or sub-section (*2*) of section 153" were deleted by Mah. 15 of 1974, s. 18. 3 Now, see the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (No. 30 of 2013).

4 This portion was added by Mah. 6 of 1975, s. 47.

Provided that, on a breach of any of such terms, conditions or restrictions, the State Government may resume the said land and on such resumption, the land shall vest in the State Government free of all encumbrances, but on payment to the *Zilla Parishad* of an amount equal to the compensation awarded and paid by *Zilla Parishad* in respect of that land.]

[1]**[285A. Power of State Government to appoint head quarters of *Zilla Parishads* and *Panchayat Samitis*.—** The headquarters of every *Zilla Parishad* and *Panchayat Samiti* shall be located at such place (whether within or without the District) as the State Government may in consulation with the *Zilla Parishad* or *Panchayat Samiti* concerned, by notification in the *Official Gazette*, appoint in this behalf.]

286. (*Amendment of certain enactments*.) *Deleted by Mah. 21 of 1968, s. 17.*

287. Power of State Government to adopt laws.— (*1*) For the purpose of bringing the provisions of any law in force in the territory of this State into accord with the provisions of this Act, the State Government may by order published in the *Official Gazette* make such adaptations and modifications of such law, whether by way of repeal or amendment, as may be necessary or expedient, and provide that the law shall, as from such date as may be specified in the order, have effect subject to adaptations and modifications so made, and any such adaptation or modification shall not be questioned in any court of law.

(*2*) Nothing in sub-section (*1*) shall be deemed—

(*a*) to empower the State Government to make any adaptation or modification of any law after the expiration of two years from the commencement of this Act, or

(*b*) to prevent the State Legislature or other competent authority from repealing or amending any law adapted or modified by the State Government under this section.

Explanation.— The expression "law in force" in this section shall include a law passed or made by the State Legislature or other competent authority in the State before the commencement of this Act and not previously repealed, notwithstanding that it or parts of it may not be then in operation either in all, or any particular areas in the State.

288. Transitory provisions and savings.— The provisions contained in the Eleventh Schedule shall apply to the constitution of *Zilla Parishads* and other matters specified therein.

289. Removal of difficulties.— If any difficulty arises in giving effect to the provisions of this Act or any Schedule, the State Government may, as occasion requires, by order do anything which appears to it to be necessary for the purpose of removing the difficulty.

290. Repeal.— Subject to the provisions of section 288, the Bombay Local Boards Act, 1923 (Bom. VI of 1923), the Central Provinces and Berar Local Government Act, 1948 (C. P. and Berar Act XXXVIII of 1948), and the Hyderabad District Board Act, 1955 (Hyd. Act I of 1956), are hereby repealed.

1 Section 285A was inserted by Mah. 35 of 1963, s. 77.

FIRST SCHEDULE

(*See* section 100).

SUBJECTS OFACTIVITIES (INCLUDING DEVELOPMENTACTIVITIES)

Agriculture.

[1]* * * * * *

2. Crop competitions.

3. Crop protection.

4. Crop campaigns (including *KharifandRabi* Crop compaigns and intensive paddy cultivation). 5. Compost and local manures.

6. Distribution of fertilisers, agricultural implements and agricultural quota of iron, steel and cement.

7. Demonstration of improved agricultural practices.

8. Model demonstration or subsidiary seed farms.

9. Importation and distribution of improved seeds.

10. Establishment and maintenance of godowns.

11. Advancement and improvement of agriculture.

[2][12. Air compressors.

13. Khar land development.]

[3][*Animal Husbandry and Dairy Development*.]

14. Veterinary aid (excluding District Veterinary Hospitals but including veterinary dispensaries, veterinary aid centres and village veterinary chests).

15. Improvement of breed of cattle, horses and other livestock (including artificial insemination sub-centres, key village centres, premium bull centres, fodder development plots, silo pits, formation of taluka and district livestock improvement associations and the like, and distribution of improved breed of sheep).

16. Distribution of improved poultry.

17. Organisation of cattle shows and rallies.

[4][17-a. Intensive piggery development.

17-b. Intensive poultry development.

17-c. Intensive cattle development.]

[5][17-d. Dairy Development.]

Forests.

18. Village forests and grazing lands (including measures for development of village woodlands for purposes of pasture and fuel).

1 Entry 1 was deleted by Mah. 6 of 1975, s. 48 (*a*)(*i*).

2 These entries were substituted for the original entries 12 and 13 by Mah. 6 of 1975, s. 48(*a*)(*ii*).

3 This heading was substituted for the heading "Animal Husbandry", *vide* G. N., R. D. D., No. ZPA/ 1277/ 4513/(802)(*i*)/XII, dated the 18th July 1980.

4 These entries were inserted by Mah. 6 of 1975, s. 48(*b*).

5 Entry 17-d was added, vide G. N., R. D. D., No. ZPA 1277/4513/(802)(*i*)/XII, dated the 18th July 1980.

Social Welfare.

19. Educational development of backward classes, including measures relating to—

(*1*) grant of scholarships, freeships and examination fees to backward class students, and

(*2*) establishment and maintenance of hostels and schools for backward class students, including giving of grant to aided hostels for construction and maintenance of hostels and supply of other aids to such hostels and schools but excluding hostels for areas larger than a district.

20. Economic development of backward classes, including—

(*1*) giving of financial assistance to individual cultivators in the form of loans and subsidies for the purpose of purchasing agricultural requisities;

[1]* * * * * *

(*3*) supply of spining wheels to *Vimukta Jatis*;

(*4*) development of communications in backward areas;

[2]* * * * * *

(*6*) establishment of handicrafts centres; and

(*7*) development of cattle-breeding and poultry farms.

21. Removal of untouchability, including—

(*1*) Celebration of Harijan weeks;

(*2*) *Zunka-bhakar* programme;

(*3*) encouragement of inter-caste marriages between caste—Hindus and *Harijans*; and (*4*) awarding prizes to villages which do outstanding work in the removal of untouchability.

22. Programmes for welfare of backward classes, including—

(*1*) women's and children's welfare programmes or projects;

(*2*) establishment and maintenance of *Balwadis*;

(*3*) undertaking propaganda and publicity for welfare of backward classes;

(*4*) organisation of entertainment programmes for backward classes;

(*5*) holding social *melas*;

(*6*) *Sanskar Kendras*, community-cum-recreation centres and community halls for backward classes;

(*7*) supply of clothes to *Vimukta Jatis*;

(*8*) financial assistance to individuals for purchase of medicines, and giving of grants to voluntary agencies for administering medical relief;

(*9*) provision of houses for backward class persons; and

(*10*) provision of drinking water wells.

23. Training of backward classes, including—

(*1*) organisation of training camps; and

1 Clauses (*2*) and (*5*) of entry 20 were deleted by G. N., R. D. D., No. ZPA 1072/52193-(*l*) N, dated the 1st October 1973.

2 Clauses (*2*) and (*5*) of entry 20 were deleted by G. N., R. D. D., No. ZPA 1072/52193-(*l*) N, dated the 1st October 1973.

(*2*) technical training and training in improved methods of hereditary occupations.

Education.

24. Establishment, management, maintenance, inspection and visiting of primary schools and basic schools including grants to aided schools but excluding items relating to—

(*i*) laying down of syllabus;

(*ii*) prescription of text-books;

(*iii*) conducting scholarship examinations;

(*iv*) conducting primary school certificate examination and standard IV examination in Vidarbha; and

(*v*) such other powers as are vested in the State Government under the [1]Bombay Primary Education Act, 1947.

25. Establishment, management, maintenance, inspection and visiting of secondary schools excluding items relating to—

(*i*) prescription of curriculum;

(*ii*) prescription of text-books;

(*iii*) rates of and conditions for maintenance grants;

(*iv*) permission for conversion of high schools into higher secondary schools;

(*v*) rates of fees;

(*vi*) laying down general conditions for recognition;

(*vii*) conduct of primary and high school scholarship examinations; and

(*viii*) such other powers as may be specifically entrusted to the Director of Education or reserved for the State Government under the Grant-in-Aid Code.

In the case of private secondary schools, only recommending grants and loans and their disbursement on sanction from the Director of Education.

26. Grant of loans and scholarships to students in respect of primary and secondary education.

27. Construction and maintenance of primary and secondary school buildings of the *Zilla Parishads*.

28. Other educational objects.

29. Provision of equipment and playgrounds for schools.

Medical.

30. Taluka dispensaries, including upgrading of taluka dispensaries.

31. Hospitals, excluding civil and cottage hospitals as also other big Government hospitals which are comparable to civil hospitals.

32. Subsidised Medical Practitioner's Centres.

33. Rural Medical Relief Centres and Public Medical Relief.

34. Grant of financial assistance to institutions giving anti-rabic treatment to indigent persons.

35. Grant-in-aid to private charitable hospitals, dispensaries, maternity homes and other such institutions.

1 Now, the short title of the Act has been amended as "the Maharashtra Primary Education Act (LXI of 1947) by Mah. 24 of 2012, ss. 2 and 3, Schedule, entry 28, with effect from the 1st May 1960.

Ayurveda.

1[36. Ayurvedic, Unani and Homoeopathic Dispensaries (including the giving of grants to such dispensaries).]

2[37. Replenishing stock of Ayurvedic, Unani and Homoeopathic medicine chests in villages.]

Public Health.

38. Primary Health Centres.

39. Mobile Hygiene Units.

40. 3[Primary Health Units].

41. Vaccination.

42. School Health Service.

43. Measures for treatment of Anti-yaws.

4* * * * * *

45. Maintenance of medicine boxes in villages.

46. Facilities for health education.

47. Rural sanitation.

48. Taking of necessary measures in the interest of public health.

49. Reclamation of unhealthy localities (including grant of loans to private persons or associations for the purpose).

Buildings and Communications.

50. Construction, maintenance and repairs of—

(*i*) Village roads;

(*ii*) Other District Roads;
(*iii*) Major District Roads; and
(*iv*) Bridges on above-mentioned Roads.

51. Rural Parks and Gardens (excluding National Parks and Gardens).

52. Construction of administrative and other buildings in connection with *Zilla Parishad's* requirements.

53. Means of communications other than roads.

54. Public ferries.

55. Maintenance of trees in the vicinity of roads.

[5]* * * * * *

1 Entry 36 was substituted by G. N., R. D. D., No. ZPA1068/35855-N, dated the 11th March 1969.
2 Entry 37 was substituted by G N., R. D. D., No. ZPA 1070/2252-N, dated the 2nd June 1970.
3 These words were substituted for the words "Combined Medical and Public Health Unit" by G. N., U. D. P. H. and H. D., No. PHC 3170/50377-S, dated the 25th November 1971.
4 Entry 44 was deleted by Mah. 6 of 1975, s. 48(*c*).
5 Entries 56 and 57 were deleted by Mah. 6 of 1975, s. 48(*d*).

[1][*Public Health Engineering.*

58. Rural Water Supply	..	(*i*) Construction, maintenance and repairs of schemes with a net capital cost of less than rupees [2][five lakhs] in each case.
59. Protected Water Supply for fairs in rural areas.	..	(*ii*) Construction of schemes with a net capital cost of more than rupees [3][five lakhs but less than rupees ten lakhs] as the State Government may allow to be undertaken in any individual case.
60. Rural drainage.	..	
61. Works for preservation from pollution of water for drinking, bathing and cooking.		(*iii*) Maintenance of and repairs to schemes with a net capital cost of more than rupees [4][five lakhs] in each case.]

Irrigation.

[5][62. Minor Irigation works (only those works which irrigate 250 hectares or less each, [6][and those lift irrigation works which irrigate upto 100 hectares]].

[7]* * * * *

[8]* * * * *

Publicity.

84. Mobile Publicity Vans.

85. Organising District Exhibitions.

86. Publicity through recreational activities.

87. Rural broadcasting.

Community Development.

88. Community Development Programme.

89. Local Development Works Programme.

Social Education.

90. Community Recreation Centres.

91. Adult Literacy Centres.

92. Sports, games, playgrounds, equipment and welfare organisations.

93. *Kisan Melas*.

1 The heading and entries 58 to 61 were substituted by G. N., R. D. D., No. ZPA 1070/11581-N, dated the 9th December 1970.

2 This was substituted by G. N.. R. D. D., No. GRAPAPU-1092/CR-378/39A, dated the 20th May 1992.

3 This was substituted by G. N.. R. D. D., No. GRAPAPU-1092/CR-378/39A, dated the 20th May 1992.

4 This was substituted by G. N.. R. D. D., No. GRAPAPU-1092/CR-378/39A, dated the 20th May 1992.

5 Entry 62 was substituted by G. N., R. D. D., No. ZPE-1192/475/CR-(369)/04, dated the 2nd June 1992.

6 These words and figures were substituted for the words, letters and figure "and those lift irrigation works which cost less than Rs. 5 lakhs each" by G. N., R. D. and W. C. D., No. ZPE 1093/CR-718/05, dated the 4th May 1995.

7 The heading "Industries and Cottage Industries" and entries "63 to 74" were deteted by G. N., R. D. D., No. ZPA 1072/52193(*i*)-N, dated the 1st October 1973.

8 The heading "Co-operation" and entries "75 to 83" thereunder were deleted by G. N., R. D. D., No. ZPA 1072/52193(i)-N, dated the 1st October 1973.

1[94. Conducted tours within the State, and with the previous permission of State Government, outside the State.]

95. Dissemination of information.

96. Short camps.

97. Women's organisations and welfare.

98. Children's organisations and welfare.

99. Mobile cinema vans.

100. Libraries and reading-rooms.

101. Fairs, shows and exhibitions.

Rural Housing.

102. Rural Housing.

Miscellaneous.

103. Village uplift.

104. Building model villages (including grants and loans for the purpose).

105. Economic welfare of villages.

106. Local works or measures likely to promote health, safety, comfort or convenience of the public.

107. Markets.

108. Dharmashalas, rest-houses, travellers' bungalows, sarais and the like.

109. Chawdis.

110. Other public institutions.

111. Local unemployment other than industrial unemployment.

112. Improvement and extension of village sites (including grants and loans for the purpose). 113. Laying new village sites (including grants and loans for the purpose).

114. Well-being of employees of *Zilla Parishads*.

115. Provisions of [2][house sites or houses] for employees of *Zilla Parishads*.

116. Planting and preservation of trees on public grounds and gardens.

117. Rewards for destruction of wild animals.

118. Public receptions and ceremonies and entertainment.

119. Arrangement for local pilgrimages.

120. Burial and cremation grounds (including disposal of the dead).

121. *Sammelans* of *Panchas, Sarpanchas* of Village Panchayats and other non-officials. 122. Local vagrancy relief for the poor.

123. Maintenance of poor-houses.

1 Entry 94 was substituted for the original by Mah. 6 of 1975, s. 48(*f*).

2 These words were substituted for the word "houses" by Mah. 6 of 1975, s. 48(*g*)(*i*).

[1][124. Securing [2][or continuing] postal facilities of experimental post offices in the villages within the District, where the village panchayats are not, for good and sufficient reason, able to do so by providing for payment of non-refundable contribution to the Posts and Telegraphs Department, wherever necessary].

[3][125. Propagation of *gramdan* and *bhoodan* movements.]

[4][126. Panchayat Raj Training Centre (only to the extent of securing proper selection of trainees and satisfactory attendance at the Training Centre and of making provision for the travelling and daily allowances to the numbers of the Managing Committee of the Centre).]

[5][127. Monetary grants to members of a family of a deceased member of the armed forces of the Union.

Explanation.— The expression "members of a family" in relation to a deceased member of the armed forces of the Union means his widow, son, son's son, unmarried daughter, father or mother.]

[6][128. Monetary grant for freedom-fighter or members of the family of the deceased freedom-fighter residing in rural areas who do not get any financial assistance from the State Government.]

[7][129. Construction, maintenance and renting of buildings for housing the branches of the Banks nationalised by the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (5 of 1970) and the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980 (40 of 1980) and other Commercial Banks which are promoting rural development by providing credit to rural people especially for agricultural purpose.]

1 Entry 124 was added by G. N., R. D. D., No. ZPA 1068/6274-N, dated the 20th February 1969.

2 These words were inserted by G. N. R. D. D., No. ZPA 1062/6274-N, dated the 24th November 1970.

3 Entry 125 was added by G. N., R. D. D., No. ZPA 1069/33176-N, dated the 15th January 1971.

4 Entry 126 was added by G. N., R. D. D., No. PAR 1171/13140-A (*iii*), dated the 21st May 1973, read with Corrigendum No. PRT-117/13140/A-III, dated the 4th June 1973 published in the M. G. G. Extraordinary, dated the 4th June 1973, at page 888.

5 Entry 127 was added by Mah. 6 of 1975, s. 46(*g*)(*ii*).

6 Entry 128 was added by G. N., R. D. D., No. ZPA 1077/3870/(880) XII, dated the 8th June 1978.

7 Entry 129 was added by G. N., R. D. D., No. ACD 1081/2915/XXIX, dated the 2nd January 1982.

SECOND SCHEDULE

SUBJECTS OF ACTIVITIES (INCLUDING DEVELOPMENT ACTIVITIES)

(*See* section 101)

Agriculture.

(*1*) *Kharifand rabi* crop campaigns.

(*2*) Intensive paddy cultivation.

(*3*) Advancement and improvement of agriculture.

(*4*) Demonstration and propagation of improved agricultural methods and practices and establishment and maintenance of model agricultural farms.

(*5*) Propagation of improved agricultural implements.

(*6*) Increasing production of fruits and vegetables.

(*7*) Establishment and maintenance of godowns.

(*8*) Distribution of fertilisers, agricultural implements and agricultural quota of iron, steel and cement.

[1][(*8-a*) Crop competitions.

(*8-b*) Compost and local manures.

(*8-c*) Importation and distribution of improved seeds.]

[2][*Animal Husbandry and Dairy Development.*] (*9*) Village Veterinary Chests.

(*10*) Veterinary Aid Centres.

(*11*) Formation of Taluka Livestock Improvement Associations and the like.

(*12*) Fodder Development Plots.

(*13*) Silo Pits.

(*14*) Distribution of improved poultry.

(*15*) Distribution of improved sheep.

(*16*) Organisation of cattle shows and rallies.

[3][(*16A*) Dairy Development.]

Forests.

(*17*) Village forests and grazing land (including improvement of grass).

(*18*) Measures for development of village woodlands for purposes of pasture and fuel.

Social Welfare.

(*19*) *Economic development of backward classes, including*—

(*a*) giving financial assistance to individual cultivators in the form of loans and subsidies for the purpose of purchasing agricultural requisites.

1 Entries (*8-a*), (*8-b*) and (*8-c*) were inserted by Mah. 6 of 1975, s. 49(*a*).

2 This was added by G. N., R. D. D., No. ZPA 1277/4513/(802)(*ii*)/XII, dated the 18th July 1980.

3 This was added by G. N., R. D. D., No. ZPA 1277/4513/(802)(*ii*)/XII, dated the 18th July 1980.

[1][* * * * *]

(*c*) establishment of spinning wheels to *Vimukta Jatis*.

[2][* * * * *]

(*20*) *Removal of untouchability, including*—

(*a*) celebration of *Harijan* weeks.

(*b*) *Zunka Bhakar* Programme.

(*c*) encouragement of inter-caste marriages between caste Hindus and *Harijans*.

(*21*) Programmes for welfare of backward classes, including—

(*a*) women's and children's welfare programme or projects.

(*b*) establishment and maintenance of *Balwadis*.

(*c*) undertaking propaganda and publicity for welfare of backward classes.

(*d*) organisation of entertainment programmes for backward classes.

(*e*) holding social *melas*.

(*f*) *Sanskar Kendras*, Community-cum-recreation centres and community halls for backward classes.

(*g*) supply of clothes to *Vimukta Jatis*.

(*h*) financial assistance to individuals for purchase of medicines and giving of grants to voluntary agencies for administering medical relief.
(*i*) provision of houses for backward class persons, and (*j*)
provision of drinking water wells.

Education.

(*22*) Construction and maintenance of primary school buildings. (*23*)
Provision of equipment and playgrounds for primary schools. [3][(*23-a*)
Management of primary schools.

(*23-b*) Other educational objects.]

Medical.

(*24*) Subsidised Medical Practitioners Centres.

(*25*) Rural Medical Relief Centres.

Ayurveda.

(*26*) Replenishing stock of Ayurvedic medicine chest in villages.

PublicHealth.

[4]* * * * *

(*28*) Maintenance of medicine boxes in villages.

1 Clauses (*b*) and (*d*) of entry (*19*) were deleted by G. N. R. D. D., No. ZPA 1072/52193/(*ii*)-N, dated the 1st October 1973.

2 Clauses (*b*) and (*d*) of entry (*19*) were deleted by G. N. R. D. D., No. ZPA 1072/52193/(*ii*)-N, dated the 1st October 1973.

3 Entries (*23-a*) and (*23-b*) were inserted by Mah. 6 of 1975, s. 49(*b*).

4 Entry (*27*) was deleted by Mah. 6 of 1975, s. 49(*c*).

(*29*) Rural Sanitation.

(*30*) Taking of necessary measures in the interest of Public Health.

Buildings and Communications.

(*31*) Construction, maintenance and repairs of Village Roads. (*32*)
Bridge and Culverts on village roads.

(*33*) Public ferries.

(34) Maintenance of trees in the vicinity of roads.

Public Health Engineering.

(*35*) Village Water Supply Wells.
(*36*) Surface drainage in villages.

[1]* * * * *

[2]* * * * *

Publicity.

(*40*) Rural broadcasting.

(*41*) Publicity through recreational activities.

Community Development.

(*42*) Community Development Programme.

(*43*) Local Development Works Programme.

Social Education.

(*44*) Community Recreation Centres.

(*45*) Adult Literacy Centres.

(*46*) Sports, games, playgrounds, equipment and welfare organisations.

(*47*) *Kisan Melas*.

[3][(*48*) Conducted tours within the State, and with the previous permission of the State Government, outside the State.]

(*49*) Dissemination of information.

(*50*) Short Camps.

(*51*) Women's organisation and welfare.

(*52*) Children's organisation and welfare.

(*53*) Mobile cinema vans.

(*54*) Libraries and reading rooms.

(*55*) Fairs, shows and exhibitions.

1 The heading "Cottage Industries" and entries (*37*) and (*38*) were deleted by G. N., R. D. D., No. ZPA. 1072/52193 (*ii*)-N, dated the 1st October 1973.

2 The heading "Co-operation" and entry (*39*) were deleted by a G.N., R. D. D., No. ZPA. 1072/ 52193(*ii*)N., dated the 1st October 1973.

3 Entry (*48*) was substituted for the original by Mah. 6 of 1975, s. 49(*d*).

Rural Housing.

(*56*) Rural Housing.

Miscellaneous.

(*57*) Village Uplift.

(*58*) Building model village (including grants and loans for the purpose).

(*59*) Economic welfare of villages.

(*60*) Local works or measures likely to promote health, safety, comfort or convenience of the public.

(*61*) Markets.

(*62*) Dharmashalas, rest houses, travellers' bungalows, sarais and the like.

(*63*) Chavdis.

(*64*) Other public institutions.

(*65*) Local unemployment other than industrial unemployment.

(*66*) Improvement and extension of village sites (including grants and loans for the purpose). (*67*) Laying new village sites (including grants and loans for the purpose).

(*68*) Planting and preservation of trees on public grounds and gardens.

(*69*) Rewards for destruction of wild animals.

(*70*) Public receptions and ceremonies and entertainment.

(*71*) Arrangement for local pilgrimages.

(*72*) Sammelans of Panchas, Sarpanchas of Village Panchayats and other non-officials.

(*73*) Local vagrancy relief for the poor.

(*74*) Maintenance of poor houses.

[1][(*75*) Monetary grants to members of a family of a deceased member of the armed forces of the Union.

Explanation.—The expression "members of a family" in relation to a deceased member of the armed forces of the Union means his widow, son, son's son, unmarried daughter, father or mother.]

THIRD SCHEDULE

[*Deleted* by Mah. 11 of 1985, s. 5.]

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1 Entry (*75*) was added by Mah. 6 of 1975, s. 49(*e*).

FOURTH SCHEDULE

(*See* clause (*a*) of section 144.)

1. Penalties and fines, including any charge imposed under section 148 of the Bombay Land Revenue Code, 1879 (Bom. V of 1879), as penalty or interest in case of default, but not including any fine levied under section 65 of the said Code on grant of permission to use land for a purpose unconnected with agriculture.

2. Occasional fixed payments, in commutation of all claims of the State Government in respect of succession to or transfer of inams, payable on each succession or transfer.

3. Land revenue on service inam land, recovered from inferior village servants for periods of unauthorised absence from service; and all other such charges of assessment on inams and watans for broken periods and past years.

4. Fee for grazing when charged per head of cattle.

———————

FIFTH SCHEDULE

(*See* sub-section (*2*) of section 159.)

FORM OF NOTICE OF PROPOSED TAX OR FEE.

Notice is hereby given to the inhabitants of the District of..... that the *Zilla Parishad* desires to impose the tax, rate, toll, or cess or fee (as the case may be) defined in the rules appended (in lieu of the tax or fee known as the .....which is published at page..... of the sanctioned rules[1]). Any inhabitant of the District objecting to the proposed tax or fee may, within one month from the date of this notice, send his objection in writing to the *Zilla Parishad*.

Rules

[The rules prepared by the *Zilla Parishad* under sub-section (*1*) of section 159 are to be appended here.]

_____

1 To be inserted if the tax or fee is to be substituted for any existing tax or fee.

SIXTH SCHEDULE

(*See* sub-section (*3*) of section 166.)

FORM OF NOTICE OF DEMAND.

To,

A. B. .....residing at.....

Take notice that the .....*Zilla Parishad* demands from.....sum of..... duefrom..... on account of.....

(here describe the property or other subject in respect of which the tax or fee is leviable.)

leviable under rule No. ..... for the period of.....

commencing on the ..... day of..... 20 and ending on the ..... day of..... 20 .....and that if, within fifteen days from the service of this notice the said sum is not paid into the *Zilla Parishad* office at..... and sufficient cause for non-payment is not shown to the satisfaction of the *Zilla Parishad* a warrant of distress will be issued for the recovery of the same with cost.

Dated this ..... day of..... 20.

(Signed).....

By order of the ..... *Zilla Parishad.*

SEVENTH SCHEDULE

(*See* section 167.)

Form of Warrant.

(Here insert the name of the officer charged with the execution of the warrant.)

WHEREAS A.B. of,..... has not paid, and has not shown satisfactory cause for the non-payment of the sum of..... due for the tax or fee mentioned in the margin for the period commencing on the..... day of .....20 and ending with..... day of..... 20 and leviable under rule No.....;

AND WHEREAS fifteen days have elapsed since the service on him of notice of demand for the same;

This is to command you to distrain, subject to the provisions of sections 170 and 171 of the Maharashtra *Zilla Parishads* and *Panchayat Samitis* Act, 1961, the goods and chattels of the said A. B. to the amount of..... being the amount due from him, as follows :—

	Rs.	Ps.
On account of the said tax or fee.....		
For service of notice.		

and forthwith to certify to me together with this warrant all particulars of the goods seized by you thereunder.

Dated this..... day of..... 20

(Signed).....

President.

(or as the case may be, the officer authorised under section 168)

..... *Zilla Parishad*.

_____

EIGHTH SCHEDULE

[See clause (*c*) of section 171 and sub-section (*2*) of section 178.]

Form of Inventory and Notice.

To,

A. B.

Residing at

Take notice that I have this day seized the goods and chattles specified in the inventory beneath this, for the value of..... ..... due for the tax or fee (here describe the tax or fee)..... mentioned in the margin for the period commencing with the..... .....day of ..... 20 ..... and ending with ..... day of .....20 together with Rs..... due as for service of notice of demand and that unless within five days from the day of the date of this notice you pay into the *Zilla Parishad* office at..... the said amount together with the cost of recovery, the said goods and chattels will be sold.

Dated this .....day of..... 20

(Signature of officer executing the warrant)

Inventory

(Here state particulars of goods and chattels seized).

NINTH SCHEDULE

(*Deleted by Mah. 15 of 1974, s. 20.*)

———————

TENTH SCHEDULE

[*Deletedby Mah. 21 of 1968, s. 17.*]

ELEVENTH SCHEDULE

TRANSITORY PROVISIONS AND SAVINGS

(*See* section 288.)

1. In this Schedule, unless the context requires otherwise—

(*a*) 'appointed day' means the day on which this Act comes into force;

(*b*) 'existing board' in relation to any local area means the district local board established under the Bombay Local Boards Act, 1923 (Bom. VI of 1923), or the Janapada Sabha constituted under the Central Provinces and Berar Local Government Act, 1948 (C.P. and Berar XXXVIII of 1948) or the district board established under the Hyderabad District Boards Act, 1955 (Hyd. I of 1956), as the case may be, and having jurisdiction over such area immediately before the appointed day;

(*c*) 'successor *Zilla Parishad*' in relation to any local area for which an existing board was functioning immediately before the appointed day means the *Zilla Parishad* having jurisdiction over such area on and from that day.

2. On and with effect from the appointed day, the following consequences shall ensue, that is to say,—

(*a*) all property, movable and immovable, and all interests of whatsoever nature and kind therein, which vested in an exiting board immediately before the appointed day, shall be deemed to be transferred to, and shall vest, without further assurance, in the State Government, until the *Zilla Parishad* (as constituted for the first time for the area in which such existing board was functioning) holds its first meeting under this Act, subject to all limitations, conditions and rights or interests of any person, body or authority in force or subsisting immediately before the appointed day, and thereafter, in the *Zilla Parishad* as so constituted;

(*b*) all rights, liabilities and obligations of an existing board (including those arising under any agreement or contract) shall be deemed to be the rights, liabilities and obligations of the State Government until the successor *Zilla Parishad* is duly constituted;

(*c*) all sums due to an existing board whether on account of any tax or otherwise, shall be recoverable by the Chief Executive Officer until the successor *Zilla Parishad* is constituted for the first time under this Act, and thereafter, by that *Zilla Parishad*, and for the purposes of such recovery, the Chief Executive Officer or the successor *Zilla Parishad*, shall be competent to take any measure or institute any proceedings which it would have been open to the existing board or any authority thereof to take or institute before the appointed day;

(*d*) the unexpended balance in the local fund, Janapada fund or district fund constituted under the relevant District Boards Act and all sums due to an existing board and recovered by the successor *Zilla Parishad*, and such sums of any other body or bodies as the State Government may direct shall form part of, and be paid into, the district fund of the successor *Zilla Parishad*;

(*e*) all contracts made with, and all instruments executed on behalf of, an existing board shall be deemed to have been made with, or executed by the Chief Executive Officer, until the successor *Zilla Parishad* is duly constituted, and thereafter with, or by or on behalf of such successor *Zilla Parishad* and shall have effect accordingly;

(*f*) all proceedings and matters pending before any authority of an existing board under any relevant District Boards Act immediately before the appointed day, shall be deemed to be transferred to the Chief Executive Officer or to such authority as the Chief Executive Officer may direct;

(*g*) in all suits and legal proceedings pending on the appointed day in or to which an existing board was a party, the Chief Executive Officer shall be deemed to be substituted therefor;

(*h*) any appointment, notification, notice, tax, order, scheme, licence, permission, rule, bye-law, regulation or form made, issued, imposed or granted by or in respect of an existing board established or

constituted under the relevant District Boards Act or any other law in force in the area of such existing board and in force immediately before the appointed day, shall, in so far as it is not

inconsistent with the provisions of this Act, continue to be in force as if made, issued, imposed or granted in respect of the corresponding area of the successor *Zilla Parishad*, until superseded by an authority competent to do so :

[1][Provided that, where immediately before the appointed day, any octroi was being duly levied by any existing board under any relevant District Boards Act, then the successor *Zilla Parishad* may continue to levy octroi (that is, a tax on the entry of goods into the local area for consumption, use or sale therein) within its jurisdiction [2][for a period of [3][fourteen years] commencing on the appointed day or such shorter period as the State Government may by notification in the *Official Gazette*, specify in this behalf]; and accordingly, the provisions of the relevant District Boards Act (any rules, orders or notifications made or issued thereunder) shall, notwithstanding their repeal by this Act, continue to have effect for the purposes of the levy, collection or refund of the said tax or for purposes of any penalty, or for any other purpose whatsoever connected with or incidental to any of the purposes aforesaid; and the powers of the existing board or any officer thereof shall in relation to the levy, collection or refund of such tax or for the purposes of penalty, or for purposes connected or incidental thereto, be exercised by the *Zilla Parishad* and its officers duly authorised in that behalf by the *Parishad*, and any reference in the relevant District Boards Act to an officer, authority, tribunal or court shall, for the purpose of carrying into effect the provisions herein contained, be construed as a reference to the corresponding officer, authority, tribunal or court appointed or constituted by or under or mentioned in this Act, and if any question arises as to who or which is such corresponding officer, authority, tribunal or court, the decision of the State Government thereon shall be final;]

(*i*) all budget estimates, assessments, valuations, measurements and divisions made by or in respect of an existing board under the relevant District Boards Act or any other law in force in the area of such existing board and in force immediately before the appointed day shall, in so far as they are not inconsistent with the provisions of this Act, be deemed to have been made by or in respect of the corresponding area of the successor *Zilla Parishad*;

(*j*) all officers and servants in the employment of an existing board immediately before the appointed day, shall, subject to the provisions of Chapter XIV, be deemed to be transferred to the service of the successor *Zilla Parishad*;

(*k*) any reference in any law or in any instrument to the provisions of any relevant District Boards Act, shall, unless a different intention appears, be construed as a reference to the corresponding provisions of this Act;

[4][(*ki*) any reference in any law or in any instrument to a district local board, or district board, local board or Janapada Sabha,shall unless a different intention appears be construed as a reference to a *Zilla Parishad* and such law or instrument shall apply to the *Zilla Parishad*;]

(*l*) any reference in this Act to any law not in force, or to any officer, body, or authority not functioning in the Bombay area, the Vidarbha area or the Hyderabad area, of the State of Maharashtra shall, unless a different intention appears, be construed as a reference to the corresponding law in force, or to the officer, body or authority functioning in the Bombay area, the Vidarbha area, or as the case may be, the Hyderabad area, of the State of Maharashtra;

(*m*) any reference in the above paragraphs to an existing board shall, in case such existing board has been superseded or dissolved, be deemed to be a reference to the person or persons appointed to exercise the powers or to perform the functions of such existing board;

(*n*) notwithstanding anything contained in this Act—

1 This proviso was added by Mah. 22 of 1962, s. 14.

2 These words were substituted for the words “for a period of two years commencing on the appointed day” by Mah. 16 of 1964, s. 3.

3 These words were substituted for the words "twelve years" by Mah. 16 of 1974, s. 2.

4 Clause (*ki*) was inserted by Mah. 35 of 1963, s. 79.

(*i*) the Chief Executive Officer of each *Zilla Parishad* shall, until the first meeting thereof after the first general election under this Act is held, exercise the powers and perform the duties of *Zilla Parishad,* Standing Committee, Subjects Committees and presiding authorities;

(*ii*) the Block Development Officer of each *Panchayat Samiti* shall, until the first meeting of the Panchayat Samiti, after the first general election under this Act is held, exercise the powers and perform the duties thereof, and of the Chairman and Deputy Chairman of the *Panchayat Samiti*, under this Act or under any other law for the time being in force;

(*o*) (*i*) the Collector shall forthwith cause the list of votes to be prepared for the purposes of the first general elections of the *Zilla Parishad* and of members of Panchayats of the electoral colleges for the purposes of section 57 and hold elections thereto in accordance as far as may be with the provisions of this Act;

(*ii*) for the purposes of the first elections held under this Act, any person, who, if this Act had not come into operation, would have been disqualified for being elected a Councillor or member of any existing board shall be deemed to be disqualified for being elected and for being a Councillor under this Act;

(*p*) the Collector shall, subject to such instructions as may be issued in this behalf by the State Government, carry out duties in respect of all matters incidental, supplemental and consequential to the holding of the first general elections of the successor *Zilla Parishad* in place of the existing board and of a *Panchayat Samiti.*