



महाराष्ट्र शासन राजपत्र

असाधारण

प्राधिकृत प्रकाशन

गुरुवार, डिसेंबर २१, २००६ / अग्रहायण ३०, शके १९२८

स्वतंत्र संकलन म्हणून फाईल करण्यासाठी या भागाला वेगळे पृष्ठ क्रमांक दिले आहेत.

भाग आठ

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Bombay Village Panchayats (Amendment) Act, 2006 (Mah. Act No. XXXVIII of 2006), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

A. M. SHINDEKAR,
Secretary to Government,
Law and Judiciary Department.

MAHARASHTRA ACT No. XXXVIII OF 2006.

(First published, after having received the assent of the Governor, in the "Maharashtra Government Gazette", on the 21st December 2006).

An Act further to amend the Bombay Village Panchayats Act, 1958.

Bom. WHEREAS, it is expedient further to amend the Bombay Village
III of Panchayats Act, 1958, for the purposes hereinafter appearing; it is
1959. hereby enacted in the Fifty-seventh Year of the Republic of India as follows :—

1. This Act may be called the Bombay Village Panchayats (Amend- Short title.
ment) Act, 2006.

(८३६)

- Amend-
ment of
section 3
of Bom. III
of 1959.
- 2.** In section 3 of the Bombay Village Panchayats Act, 1958 (herein-
after referred to as “the principal Act”), after clause (4), the following
clause shall be inserted, namely :—
- “(4A) “Commissioner” means the Commissioner of a revenue
division appointed under section 6 of the Maharashtra Land Revenue
Code, 1966 ;”.
- Amend-
ment of
section 8
of Bom. III
of 1959.
- 3.** In section 8 of the principal Act,—
- (a) after sub-section (1), the following sub-section shall be inserted,
namely :—
- “(1A) The *panchayat* shall place the report of the expenditure
incurred on the development activities before the *Gram Sabha* once
in every six months, and display the information thereof on the
notice board of the *panchayat*. ” ;
- (b) in sub-section (2), for the words, brackets and figure “under
sub-section (1)” the words, brackets, figures and letter “under sub-
section (1) or sub-section (1A)” shall be substituted.
- Amend-
ment of
section 14
of Bom. III
of 1959.
- 4.** In section 14 of the principal Act, in sub-section (1), after clause
(j-2), the following clause shall be inserted, namely :—
- “(j-3) has encroached upon the Government land or public property ;
or”.
- Amend-
ment of
section 38
of Bom. III
of 1959.
- 5.** In section 38 of the principal Act, in sub-section (5), for the words,
brackets and figures “sub-sections (3) and (4)” the words, brackets and
figure “sub-section (4)” shall be substituted.
- Amend-
ment of
section 39
of Bom. III
of 1959.
- 6.** In section 39 of the principal Act,—
- (a) for sub-section (1), the following sub-section shall be substituted,
namely :—
- “(1) The Commissioner may,—
- (i) remove from office any member or any *Sarpanch* or *Upa-
Sarpanch* who has been guilty of misconduct in the discharge of
his duties, or of any disgraceful conduct, or of neglect of or inca-
pacity to perform his duty, or is persistently remiss in the dis-
charge thereof. A *Sarpanch* or an *Upa-Sarpanch* so removed may
at the discretion of the Commissioner also be removed from the
panchayat ; or
- (ii) remove from office the member, *Sarpanch* or, as the case
may be, *Upa-Sarpanch*, if not less than twenty per cent. of the total
number of voters in the village who have paid all dues of the
panchayat regarding taxes on buildings and lands and water charges,
make a complaint that the annual accounts and the report of the
expenditure incurred by the *panchayat* on the development

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activities are not placed before the *Gram Sabha* ; and the information thereof is not displayed on the notice board as required by sub-section (1) or (1A) of section 8 :

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

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

(b) for sub-sections (2) and (3), the following sub-sections shall be substituted, namely :—

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

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

7. After section 39 of the principal Act, the following section shall be inserted, namely :—

Insertion of section 39A in Bom. III of 1959.

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

Power of Government to direct inquiry.

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

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

Amend-
ment of
section 53
of Bom. III
of 1959.

8. In section 53 of the principal Act,—

(a) in sub-section (2), the following shall be added at the end, namely :—

“ It shall be the duty of the *panchayat* to remove such obstruction or encroachment immediately after it is noticed or brought to its notice, by following the procedure mentioned above. ” ;

(b) in sub-section (2A),—

(i) the words “ within such time as may be prescribed ” shall be deleted ;

(ii) for the words “ provided in that sub-section ” the words “ provided in that sub-section, and submit the report thereof to the Commissioner ” shall be substituted ;

(c) in sub-section (3A), for the words “ appeal to the Standing Committee and the Standing Committee, after making such enquiry as it thinks necessary, shall pass such orders as it deems necessary ” the words “ appeal to the Commissioner and the Commissioner, after making such enquiry as he thinks necessary, shall pass such orders as he deems necessary ” shall be substituted.

Amend-
ment of
section 57
of Bom. III
of 1959.

9. In section 57 of the principal Act,—

(a) in sub-section (3), for the words, brackets and figures “ Subject to the provisions of sub-section (5) of section 38, the Secretary shall be solely responsible for the safe custody of the village fund, the Village Water Supply Fund and other moneys received on behalf of the *panchayat*, from time to time, and shall operate them for the following purposes ” the words “ The Secretary and the *Sarpanch* shall be jointly responsible for the safe custody of the village fund, the Village Water Supply Fund and other moneys received on behalf of the *panchayat*, from time to time, and shall jointly operate them for the following purposes ” shall be substituted ;

(b) in sub-section (4),—

(i) for the words, “ *Sarpanch* ” the word “ *panchayat* ” shall be substituted ;

(ii) the word “ under his control ” shall be deleted.

10. After section 60 of the principal Act, the following section shall be inserted, namely :—

Insertion
of section
60A in
Bom. III of
1959.

“60A. (1) In addition to any other duties cast on the Secretary, it shall be the duty of the Secretary to prepare the report of the expenditure incurred by the *Panchayat* on the development activities to be placed before the *Gram Sabha* and display the information thereof on the notice board of the *Panchayat* as required by sub-section (1A) of section 8.

Certain
duties of
Secretary.

(2) If the Secretary fails to prepare the report of the expenditure incurred on the development activities to be placed before the *Gram Sabha* and display the information thereof on the notice board as required by sub-section (1), he shall be liable for disciplinary action under clause (v), (vi) or (vii) of rule 4 of the Maharashtra Zilla Parishads District Services (Discipline and Appeal) Rules, 1964.”.