

महाराष्ट्र शासन राजपत्र भाग पाच-अ, गुरुवार ते बुधवार  
मार्च ६-१२, २०१४/फाल्गुन १५-२१, शके १९३५

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शुक्रवार, जुलै २०, २०१२/आषाढ २९, शके १९३४

### MAHARASHTRA LEGISLATURE SECRETARIAT

The following Bill which was introduced in the Maharashtra Legislative Council on the 19th July, 2012 is published under Rule 113 of the Maharashtra Legislative Council Rules :—

#### L. C. BILL No. X OF 2012.

##### A BILL

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

WHEREAS it is expedient further to amend the Bombay Village Panchayats Act, 1958, for the purposes hereinafter appearing; it is hereby enacted in the Sixty-third Year of the Republic of India as follows:-

Bom. III  
of 1959.

Short title  
and  
commence-  
ment.

1. (1) This Act may be called the Bombay Village Panchayats (Second Amendment) Act, 2012.

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

Bom. III  
of 1959.

2. In section 7 of the Bombay Village Panchayats Act, 1958 (hereinafter referred to as "the principal Act"),-

Amendment  
of section 7  
of Bom. III  
of 1959.

(1) in sub-section (1),-

(a) for the words "six meetings" the words "four meetings" shall be substituted ;

(b) in the second proviso, for the words "three months" the words "four months" shall be substituted ;

(2) in sub-section (5), after the words, brackets and figure "under sub-section (1)" the following shall be added, namely :—

"and the proceedings of such meeting shall invariably be brought or caused to be brought before every regular meeting of the *Gram Sabha* by the *Sarpanch*, and the *Gram Sabha* shall consider the recommendations made in the meeting of the women members, and the *panchayat* shall ensure the implementation of such recommendations:

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

(3) after sub-section (5), the following sub-section shall be inserted, namely :—

"(5A) Every member of the *panchayat* representing a ward shall, before every regular meeting of the *Gram Sabha* and meeting of the women members of the *Gram Sabha*, convene a meeting of all the voters in such ward and such ward *sabha* may discuss issues relating to development of the ward, selection of individual beneficiaries for individual beneficiary schemes of the State, or as the case may be, of the Central Government, development projects and programmes and such other related issues as the ward *sabha* deems fit and which are likely to be placed before the regular meeting of the *Gram Sabha* for consideration and decision. The proceedings of such meeting shall be maintained by such member under his signature and a copy of the same shall invariably be sent to the *panchayat* which shall form part of the records of the *panchayat*.;"

(4) to sub-section (6), the following proviso shall be added, namely :—

"Provided that, *Gram Sabha* may, by resolution, delegate its authority to the *panchayat* to exercise general supervision over the Government, semi-Government and *panchayat* employees including regular and timely attendance at their work place. The mode of recording of attendance and supervision shall be such as the Government may, from time to time, specify by an order in the *Official Gazette*.;"

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(5) in sub-section (7), after the words "*Gram Sabha*" the words ", or as the case may be, the *panchayat*" shall be inserted;

(6) in sub-section (10), after the words "exempted by the *Gram Sabha*" the words ", or as the case may be, the *panchayat*" shall be inserted;

(7) in sub-section (11),—

(a) after the words "prepared and maintained" the words "in a separate register" shall be inserted;

(b) the following proviso shall be added, namely :—

"Provided that, it shall be a joint responsibility of the *Sarpanch* and Secretary of the concerned *panchayat* to maintain secured custody and proper safety of proceeding register, attendance register and other relevant records of the *Gram Sabha*, and they shall be primarily held responsible for any tampering, alteration, manipulation of entries or contents or loss or mutilation of such record unless proved otherwise and shall be liable to be prosecuted under relevant provisions of the Indian Penal Code."

45 of  
1860.

Amendment  
of section  
35 of Bom.  
III of 1959.

3. In section 35 of the principal Act,—

(i) in sub-section (3),-

(a) for the portion beginning with the words "shall cease to hold office" and ending with the words "shall be deemed to be vacant:", the following shall be substituted, namely :—

"shall forthwith stop exercising all the powers and perform all the functions and duties of the office and thereupon such powers, functions and duties shall vest in the *Upa-Sarpanch* in case the motion is carried out against the *Sarpanch*; and in case the motion is carried out against both the *Sarpanch* and *Upa-Sarpanch*, in such officer, not below the rank of Extension Officer, as may be authorised by the Block Development Officer, till the dispute, if any, referred to under sub-section (3B) is decided :

Provided that, if the dispute so referred is decided in favour of the *Sarpanch* or, as the case may be, *Upa-Sarpanch*, thereby setting aside such motion, the powers, functions and duties of the *Sarpanch* or *Upa-Sarpanch* shall forthwith stand restored, and if the dispute is decided confirming the motion, the office of the *Sarpanch* or, as the case may be, *Upa-Sarpanch* shall be deemed to have fallen vacant from the date of the decision of the dispute, unless the incumbent has resigned earlier :

Provided further that, in cases where the offices of both the *Sarpanch* and *Upa-Sarpanch* become vacant simultaneously, the officer authorised under this sub-section shall, pending the election of the *Sarpanch*, exercise all the powers and perform all the functions and duties of the *Sarpanch* but shall not have the right to vote in any meetings of the *panchayat*:"

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(b) in the first proviso, for the words "Provided that" the words "Provided also that" shall be substituted;

(c) in the second proviso, for the words "Provided further that" the words "Provided also that" shall be substituted;

(ii) in sub-section (3B), for the words, figure and letter "within fifteen days from the date on which it was received by him; and any such decision shall, subject to an appeal under sub-section (3C), be final" the words "within thirty days from the date on which it was received by him and his decision shall be final" shall be substituted;

(iii) sub-sections (3C), (3D) and (4) shall be deleted.

4. In section 43 of the principal Act, in sub-section (1),—

(a) after the word "disqualification," the words "confirmation of no confidence motion," shall be inserted;

(b) the following proviso shall be added, namely:-

"Provided that, the post of the *Sarpanch* or *Upa-Sarpanch*, as the case may be, fallen vacant under this sub-section shall be filled in within thirty days from the date of such vacancy."

Amendment of section 43 of Bom. III of 1959.

5. After section 61 of the principal Act, the following section shall be inserted, namely :—

"61A. (1) Notwithstanding anything contained in this Act, taking into consideration the population, income and potential of the *panchayat* and such other factors as may be prescribed, the State Government shall, by notification in the *Official Gazette*, direct that a *panchayat* or a group of *panchayats* may engage experts, technical support agencies and skilled manpower on contract or on consultancy basis for conceiving, preparing, executing, operating, managing, maintaining and supervising the *panchayat* Development Plan, Land Development Plan and Environmental Development Plan for planned growth of the *panchayat* as well as the Livelihood and Employment Development Plan, Physical and Social Infrastructure Development Plan and other related activities to develop such *panchayats* or group of *panchayats* as growth centres.

Insertion of section 61A in Bom. III of 1959.

Provisions for development of *panchayats* as growth centres.

(2) The experts, technical support agencies and skilled manpower engaged under sub-section (1) shall be from a panel prepared by the officer authorised by the State Government in this behalf, and the persons so engaged shall possess such qualifications and experience and shall be engaged on such terms and conditions as may be prescribed.

(3) The State Government may, direct such *panchayats* or group of *panchayats* to allocate such portion of funds from any scheme, project, programme or work sponsored by the State Government or the Central Government, as permissible, or from Village Development Fund or other own sources of the *panchayats* or group of *panchayats* which shall be utilised for engaging such persons."

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STATEMENT OF OBJECTS AND REASONS

With a view to develop village *panchayats* as grass-root democratic governing institutions and growth centres, to empower village *panchayat* to exercise supervisory powers over the village level functionaries, to encourage active participation of the women members of the *Gram Sabha* in the functioning of the village *panchayat* and to make certain other incidental provisions, it is considered expedient to amend the Bombay Village Panchayats Act, 1958 (Bom. III of 1959), suitably.

2. Some of the important provisions proposed to be made are explained below,—

(i) It is proposed to amend section 7 of the said Act to provide for convening of at least four meetings of the *Gram Sabha* in a year, consideration of the recommendations of the women members by the *Gram Sabha*, custody and maintenance of records of village *panchayats* and supervisory powers of village *panchayat* over the village level functionaries.

(ii) It is proposed to amend section 35 of the said Act to provide that a *Sarpanch* or *Upa-Sarpanch* shall, if a motion of no confidence is carried against him by a majority of not less than two-third of the members, forthwith stop exercising his powers, functions and duties.

(iii) It is proposed to amend section 43 of the said Act to provide that the vacancy in the office of the *Sarpanch* or *Upa-Sarpanch* shall be filled within a period of thirty days.

(iv) It is also proposed to insert a new section 61A in the said Act with a view to ensure development of village *panchayats* as growth centres, high standard of infrastructure and state of art amenities with due regard to environmental balance through experts, technical support agencies and skilled manpower.

3. Hence this Bill.

Mumbai,  
Dated the 17th July 2012.

JAYANT PATIL,  
Minister for Rural Development.

**VidhaBhaan** :  
Mumbai,  
Dated the 19th July 2012.

DR. ANANT KALSE,  
Principal Secretary,  
Maharashtra Legislative Council.