



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

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असाधारण क्रमांक १२

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधि 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 Maharashtra Village Panchayats (Amendment) Bill, 2020 (L. A. Bill No. VII of 2020), introduced in the Maharashtra Legislative Assembly on the 25th February 2020, is hereby published under the authority of the Governor.

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

RAJENDRA G. BHAGWAT,
Secretary (Legislation) to Government,
Law and Judiciary Department.

L. A. BILL No. VII OF 2020.

A BILL

further to amend the Maharashtra Village Panchayats Act.

WHEREAS it is expedient further to amend the Maharashtra Village Panchayats Act, for the purposes hereinafter appearing ; it is hereby enacted in the Seventy-first Year of the Republic of India as follows :—

1. This Act may be called the Maharashtra Village Panchayats (Amendment) Act, 2020.

2. In section 7 of the Maharashtra Village Panchayats Act (hereinafter referred to as " the principal Act "),—

(1) sub-section (3) shall be deleted;

(2) in sub-section (3A), the words " In respect of the *panchayat* to which the *Sarpanch* is elected directly under section 30A-1A, " shall be deleted.

Amendment
of section 13
of III of 1959.

3. In section 13 of the principal Act,—

(1) in sub-section (1), the words “ and, *Sarpanch* of *panchayat* to be elected directly ” shall be deleted ;

(2) in sub-section (2), —

(a) for the words “for any ward of the village and for *Sarpanch* of *panchayat* ”, the words “as a member for any ward of the village ” shall be substituted ;

(b) the words “ and *Sarpanch* of *panchayat* ” shall be deleted ;

(3) in sub-section (2A), for the word “ *Sarpanch* ” the word “member ” shall be substituted.

Amendment
of section 15
of III of 1959.

4. In section 15 of the principal Act, in sub-section (2), the words, figures and letters “or section 30A-1A, as the case may be” shall be deleted.

Insertion of
section 30A-
1B in III of
1959.

5. After section 30A-1A of the principal Act, the following section shall be inserted, namely:—

Non-
application of
section 30A-
1A.

“ **30A-1B.** After the date of commencement of the Maharashtra Village Panchayats (Amendment) Act, 2020, in respect of the general elections and by-elections to panchayat, the provisions of section 30A-1A shall cease to apply and every *panchayat* have a *Sarpanch*, who shall be elected under section 30 and the provisions of section 33 shall apply therefor.”.

Mah.
of 2020.

Amendment
of section 35
of III of 1959.

6. In section 35 of the principal Act,—

(1) in sub-section (1), for the words “one-third” the words “two-third” shall be substituted ;

(2) in sub-section (3),—

(a) for the words “ two-third ” the words “ three-fourth ” shall be substituted ;

(b) for the fourth proviso, the following provisos shall be substituted, namely :—

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

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

Amendment
of section 38
of III of 1959.

7. In section 38 of the principal Act,—

(1) in sub-section (2), after clause (j), the following clauses shall be inserted, namely :—

“ (k) finalise the agenda of *panchayat* meetings :

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

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

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

(m) exercise all other powers to impelement the schemes in consultation with *panchayat* ;” ;

(2) after sub-section (4), the following sub-section shall be inserted, namely :—

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

8. In section 43 of the principal Act, in sub-section (1), for the second proviso, the following proviso shall be substituted, namely:— Amendment of section 43 of III of 1959.

“Provided further that, the post of directly elected *Sarpanch* fallen vacant, then such post shall be filled in by election from amongst the members of the *panchayat* themselves within thirty days from the date of such vacancy.”.

9. In section 62 of the principal Act,— Amendment of section 62 of III of 1959.

(1) for sub-sections (1), (1A) and (1AA), the following sub-sections shall be substiuted, namely:—

“ (1) The *Sarpanch* shall determine annually on or before the 28th February of every year, in such form as may be prescribed, a statement of,—

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

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

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

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

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

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

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

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

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

(c) sub-section (1B), the *Gram Sabha* fails to take decision in respect of ratification of the recommendations,

the Secretary shall prepare the statement, regarding the mandatory and office expenditure to be carried out, and submit it to the *Panchayat Samiti* in the form prescribed under the said sub-sections.”;

(2) in sub-section (2),—

(a) for the portion beginning with the words “ The *Panchayat Samiti*” and ending with the words “ increased or decreased :” the following shall be substituted, namely :—

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

(b) in second proviso, after the words “ be increased or decreased ” the words, figures and letters “on or before the 31st March of every year and in case of the revised and supplementary statement” shall be inserted.

Amendment of section 62A of III of 1959.

10. For section 62A of the principal Act, the following section shall be substituted, namely :—

Revised or supplementary budget.

“ **62A.** A *Sarpanch* may at anytime during the financial year for which any such statement has been approved, cause a revised or supplementary statement to be prepared. Every such revised or supplementary statement shall be considered and approved by the *Panchayat Samiti* in the same manner as if it were an original statement and the provisions of section 62 shall apply in relation to such revised or supplementary statement.” .

Amendment of section 145 of III of 1959.

11. In section 145 of the principal Act, after sub-section (1), the following sub-section shall be inserted, namely :—

“ (1A) If more than half of the total number of seats in a *panchayat* have become vacant, the State Government may, by an order published in the *Official Gazette*, dissolve such *panchayat* :

Provided that, the provisions of this sub-section shall not apply in respect of a *panchayat* where the *Sarpanch* is directly elected under section 30A-1A.”.

Removal of doubts.

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

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

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

Power to
remove
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.

STATEMENT OF OBJECTS AND REASONS.

As per the existing provisions of the Maharashtra Village Panchayats Act (III of 1959), the *Sarpanch* of a *panchayat* is directly elected by the voters of the village at the general election of the Village Panchayats. After taking the review of the present position and with a view to ensure the smooth functioning of the Village Panchayat, the State Government considers it expedient to suitably modify the provisions of the said Act.

2. The proposed amendments aims,—

(i) to provide that, the *Sarpanch* of a *panchayat* shall be elected by the elected members from amongst themselves ;

(ii) to increase mutual accountability and understanding amongst *Sarpanch* and members;

(iii) to outline the date for submission of budgetary Statement ;

(iv) to carry out other consequential amendments found to be necessary.

3. The Bill seeks to achieve the above objectives.

Mumbai,

HASAN MUSHRIF

Dated the 24th February, 2020.

Minister for Rural Development.

MEMORANDUM REGARDING DELEGATED LEGISLATION

The Bill involves the following proposals for delegation of legislative power, namely :—

Clause 11.—Under this clause, which seeks to insert new sub-section (1A) in section 145 of the Maharashtra Village Panchayat Act, (hereinafter referred to as “the principal Act”) power is taken to the State Government to dissolve the *Panchayat*, by an order published in the *Official Gazette*, in which more than half of the total number of seats become vacant.

Clause 13.—Under this clause, power is taken to the State Government to issue an order published in the *Official Gazette*, for removing any difficulty, which may arise in giving effect to the provisions of the principal Act, as amended by this Act, within a period of two years from the date of commencement of the this Act.

2. The above-mentioned proposals for delegation of legislative power are of a normal character.