

CHAPTER I

PRELIMINARY

Short title
extent and
commence-
ment

1.(1) This act may be called the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961.

(2) It extends to the whole of the State of Maharashtra except Mumbai.

(3) It shall come into force on such date ¹as the State Government may, by notification in the *Official Gazette*, appoint.

Definitions.

2. In this Act, unless the context requires otherwise-

^{2*} * * * * *

³“(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*;

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

(4) “block grant” means a grant, given by the State Government to a *Panchayat Samiti* under section 188⁴ [and includes any sum paid as grant] under ⁵[sections 100 and 155]; ⁶[or any sum paid as block grant under any law for the time being in force];

(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; **and includes Additional Chief Executive Officer appointed by the State Government .**

|| *** Mah.ordinance No 12 of 1994, was repealed by Mah. 46 of 1994, S.7

||| *Mah.ordinance No 15 of 1995 was repealed by Mah. 12 of 1994, S.6

¹ 1st may 1962 vide G.N.,C. & R.D.D., No DCD 6162-N, dated 26th March 1962

² Clause (1) was deleted by Mah. 21 of 1994 s.33(1)

³ Clause (2) was substituted for the original, *ibid.*, s33(2)

⁴ These words & figures were added by Mah.35 of 1963, s 2.

⁵ These words & figures were substituted for “section 155” by Mah.21 of 1968, s.2)

⁶ These words were added by Mah.34 of 1970, s. 28

⁷ Clause (8) was deleted by Mah.21 of 1994., s 33 (3)

≡ This indicates the date of commencement.

- (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;

1* * * *

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

²(“(15A) “Executive Officer” means the Executive Officer appointed under section 96 A;”.)

³(“(15(B) “Finance Commission” means the Finance Commission constituted in accordance with the provisions of article 243-1 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 ;

- (17) “list of voters” means a 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;

Bom III
of 1959

- (19) “*Panchayat*” means a Village *Panchayat* established or deemed to be established under the Bombay Village Panchayats Act, 1958 ;

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

⁴[“(20A) “Population” means the population as ascertained at the last preceding census of which the relevant figures have been published;]

⁵[*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 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 Chairperson and Deputy Chairperson of a *Panchayat Samiti* the percentage of the population of the 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]

108 of 1976

- (21) “Prescribed” means prescribed by rules made under this Act]

¹ Clauses (13) and (14) were deleted by Mah. 4 of 1987, s 3.

² Clauses (15A) was inserted by Mah.12 of 1994 S (2).

³ Clauses (15B) was inserted by Mah.21 of 1994, S.33(4)

⁴ Clauses (20A) was substituted for the original, *ibid.*, s. 33(5).

This explanation was deemed to have been added on 10th May 1985 by Mah.14 of 199., s.2.

- (22)“President” means the President of a *Zilla Parishad*;
- (23)“Presiding authority” means the President or the **Chairperson** of a *Panchayat Samiti* or Standing Committee or Subjects Committees or any other Committee appointed by the *Zilla Parishad* and includes a Vice-President, and a **Deputy Chairperson** 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” ¹[means as respects any period before the 15th day of August 1967, in relation to]

Bom V of
1879

M.P.II of

Hyd.VIII of
1317-F.

Mah.XLI of
11966

Bom VI of
1923

C.P.and

Hyd.1 of
1956 VIII
of 1948

- (a) the Bombay area of the State, the Bombay Land Revenue Code, 1879.
- (b) The Vidarbha Region of the State, the Madhya Pradesh Land Revenue Code, 1954, and
- (c) The Hyderabad area of the State, the Hyderabad Land Revenue Act;

²[and as respects any period thereafter, the Maharashtra Land Revenue Code, 1966]

(26) “relevant District Board Act,” means –

- (a) in relation to the Bombay area of the State, the Bombay Local Boards Act, 1923;
- (b) in relation to the Vidarbha Region of the State, the Central Provinces and Bear Local Government Act, 1948, and
- (c) in relation to the Hyderabad area of the State, the Hyderabad District Boards Act, 1945 ;

26 –A “ Scheduled areas” means notified as such under article 244 (1) of the constitution of India.

³* * * * *

⁴* * * * *

(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 ;

¹ These words were substituted for the words “means in relation to” by Mah 21 of 1968, s 2(d).

² These words were added, *ibid*,

³ Clause (27) was deleted by Mah 21 of 1994, S. 33(6)

⁴ Clause (28) was deleted, By Mah 7 of 1967, S.2

(31) “Standing Committee” means a Standing Committee constituted under section 79;

¹[“(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 243 K 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) “Subject Committee” means a Subjects Committee constituted under section 80 ;

(34) “ Vice –President” means the Vice-Present 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. For the purposes of this Act, the State of Maharashtra shall be divided into Districts, and Districts shall be divided into Blocks.

Division into administrative areas

4. (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 there from the limits of a Municipal corporation, municipality, a cantonment or a notified area committee, constituted or established by or under any law for the item being in force) shall be a District for the purposes of this Act,,

Constitution of Districts.

(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 the District for the purposes of this Act.

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

Constitution of Blocks.

¹ Clause (31 A) was inserted by Mah. 21 of 1994, S.33(7).

CHAPTER II

CONSTITUTION OF ZILLA PARISHADS.

6. (1) For every District, there shall be established a *Zilla Parishad* consisting of a President and Councilors ; 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.

Establishment
of *Zilla
Parishad*

Parishad
authorities and
organisation
thereof

(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. (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) the Subjects Committees,
- (e) Presiding Authorities,
- (f) The Chief Executive Officer ^{1**}
- (g) The Additional Chief Executive officer**
²(f-a) the Executive Officer, and")
- (h) Block Development Officers,

(2) The *Zilla Parishad* shall be assisted in its function 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*).

Incorporation
of *Zilla
Parishads*.

8. Every *Zilla Parishad* shall be a body corporate by the name of the "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.

Constitution
of *Zilla
Parishads*

9. (1) The *Zilla Parishad* shall consists of __
(a) Councillors chosen by direct election from electoral 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 Chairperson of all *Panchayat Samitis* in the District **ex-officio**.
⁶ [* * * * *]

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

² Clause (f-a) was inserted, ibid, s 3 (b)

³ These words were substituted for the words " not more than Sixty in number and not less than forty" by Mah 19 of 1990, s 2(a)

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

⁵ Clause (b) was inserted ibid, s 34(1)(b)

⁶ Clause (c) (d), (dd) and (e) were deleted, ibid., s 34(1)(c)

¹(2)(a)²[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 name of those councillors together with their permanent addresses shall be published by the ³[State 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 ⁴[and the publication likewise by the ⁵[State Election Commission] of the names and permanent addresses of the elected councilors, as and when they are available; or]

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

⁶[(b) The names of Councillors falling under ⁷[clause] (***) of sub-section (1) (together with their permanent addresses) may also thereafter be likewise published by the ⁸[State Election Commission].

(3) The Deputy Chief Executive Officer, ⁹(**General Administration Department**) shall be the Secretary ex-officio, of the *Zilla Parishad*.

“9-A (1) The superintendence, direction & control of the preparation of the electoral rolls for, & the conduct of , all elections to the Zilla Parishads & Panchayat Samitis shall vest in the State Elections Commission.

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

(3) All the officer & member of the staff appointed or deployed for preparation of electoral rolls, electoral divisions , electoral colleges & conduct of elections of Zilla Parishads & Panchayat Samitis under this Act or the rules shall functions under the superintendence, directions & control of the State Eelection Commission.

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

Election of Councillors.

10. (1) The councilors shall be elected in the manner provided by or under this Act.

*¹⁰(2) The term of office of councilors shall, except as otherwise provided in this Act be [Five year];

Election and term of office of councilors, etc

¹ This sub-section was substituted for the original by Mah. 22 of 1962 S2

² This portion was substituted for the words beginning with “the names of councilors” and ending with “deemed to be duly constituted” by Mah.9 of 1972 s.2(a)

³ These words were substituted for the words “Collector” by Mah 21 of 1994, S.34(2)(a)(I).

⁴ This portion was substituted for the word “or” by Mah.9 of 1972.s.2.(d).

⁵ These words were substituted for the words “Collector” Mah.21 of 1994, s.34(2)(a)(ii).

⁶ These brackets and letter “(b)” were deleted by Mah.10 of 1990,s.2(b).

⁷ These words were substituted for the words, bracket s and letter “clauses ©,(d) and (e)” by Mah.21 of 1994,s.34(2)(b)(I).

⁸ This word was substituted for the word “Collector”, ibid, s 34 (2)(b)(ii).

⁹ This portion was inserted by Mah.6 of 1975, s.3.(2).

¹⁰ These words were substituted for the words “Six years” by Mah.4 of 1992, s.2.

• Section 4 of Mah. 23 of 1977 reads as follows :--

“ 4 For the removal of any doubt, it is hereby declared that the amendments made by this Act in sub-section (2) of section 10 of the principal Act shall apply also to all *Zilla Parishads* (including their *Panchayat Samitis*, their Committees and Committees of their *Panchayat Samitis* and their Councillors, members, Presiding authorities and persons appointed to exercise their powers and perform their duties, which may be functioning, or who may be holding office, as the case may be on the date of commencement of this Act, as if the original term were is Six years from the beginning After the date of commencement of this Act, it shall be competent for the Stats Government to further extend or to curtail the term or extended term of office of any Councillor and other persons, from time to time, under the relevant provisions of the principal Act in all these cases also.”

Amendments made by Mah XXVIII of 1977 in section 10(2) of Mah. V of 1962 to apply to all Zilla Parishads Councilors etc.

Provided that, persons who are Councillors by virtue of their being Chairperson of a *Panchayat Samiti* ¹[* * *] shall hold office so long only as they continue to hold the office of such **Chairperson** :

Commence-
ment of term
of office of
councilors

²* * * * *
⁸[(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 of which the councilors of the dissolved *Zilla Parishad* would have continued under sub-section (2) had it not been so dissolved]

11. (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 ⁴(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 day 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*.]

5* * * * *
6* * * * *

Division of
District into
electoral
division

12. (1) ⁷[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 **Taluka**), each returning one Councillor, and there shall be separate election for each electoral division.

⁸[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 throughout the *Zilla Parishad* area ;]

⁹[(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 ;

¹ The Words “ or a co-operative society” were deleted by Mah.21 of 1994, s.35(1).(a).

² The second, third and fourth provisions were deleted *ibid* , s.35 (1)(b).

³ This sub-section was substituted for sub-sections (3) to (7) *ibid*.s.35(2).

⁴ These words, figures and bracket 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).

⁵ This proviso was deleted, *ibid*, s 36(1) (b)

⁶ Sub-section (3) was deleted, *ibid*, s 36 (2)

⁷ This portion was substituted for the words beginning with “ For the” and ending with the word “divided”, *ibid*, s 37(1)(a)

⁸ This proviso was added, *ibid*, s 37 (1) (b)

⁹ Sub-section (2). And (3) were substituted for sub-sections (2), (2A), (3) and (4) by Mah. 21 of 1994, s-37 (2)

- (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 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 Parishad area bears to the total population of that area and such seats shall be allotted by rotation to different electoral divisions in a Zilla Parishad:
- (i) “ 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 off the total number of the seates in the Zilla Parishads.
Provided the further that , the reservations for the Scheduled Tribes in a Zilla Parishad falling only partially in Scheduled Areas shall be in accordance with the provisions of the clause (b) ”;
- (ii) In the existing proviso, for the words “ provided that ” the words “ provided also that ” shall be substituted;
Provided that one-third 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 percent. 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:
- (j) “ Provided that, in a Zilla Parishad comprising entirely the Scheduled Areas, the seats to be reserved for the person belonging to the Backward Class of citizen shall be 27 percent. Of the seat remaining (if any) after reservations of the seats for the Scheduled Tribes & 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 area shall be in accordance with the provisions of clause (c) :”;
- (ii) in the existing proviso, for the words “ provided that ” the words “ provided also that ” shall be substituted;
Provided that one-third of the total number of seats so reserved shall be reserved for women belonging to the category of Backward Class of citizens ;
- (d) One-third (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 India.]

13. (I) The electoral roll of the Maharashtra Legislative Assembly 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, prepared under the provision of the Representation of the People Act, 1950 and in force on such day as the ²[State Election Commission] may be 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 electoral 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 divisions in the District 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 voter so as to enable such presiding authority to be registered in the electoral division in 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 purpose aforesaid, and all matters supplementary, consequential and incidental thereto shall be as are provided by rules made in this behalf.]

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 1994 S.38(1)

³ Sub section (1A) was inserted by Mah. 34 of 1966, s2.

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

(2) The office designated by the ¹[State Election Commission] in this behalf shall maintain a list of voters for each electoral division.

Date of
election.

14. ²[(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 this 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.]

(2) The State Government shall make rules for the conduct of such elections ³[including the provision for deposits to be made by candidates and for their return or forfeiture, and for] ⁴[an appeal to the District Court] against the decision of a returning officer, accepting or rejecting the nomination paper and the finality of his decision, and subject to the provisions of sub section (1) and of sections 15, 17 and 18, the election shall be conducted in accordance with those rules.

Persons
qualified
to be
elected

15. Every person ⁵[who is not less than twenty-one years of age on the last date fixed for making nominations for every general election or bye-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 ⁶[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.

Vacation of
Disquali
fications

⁷[15A. If a person is elected to more than one seat in a *Zilla Parishad* / *Panchayat Samiti* **then unless within prescribed time he/she resigns all but one of the seats by writing under his hand address to the state election commission or any officer authorised by him on his behalf all the seats shall become vacant.**

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

(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 Judge under section 27 or as provided by section 28 has elapsed :

¹ These words were substituted for the word "Collector" by Mah.21 of 1994, S 38(3)

² Sub-section (1) was substituted for the original, *ibid*, S.39

³ These words were substituted for the words "including the provisions for" by Mah 35 of 1963 S4

⁴ These words were substituted for the words "an appeal to a Judge not below the rank of a District Judge" by Mah 6 of 1975 S.5

⁵ This portion was inserted by Mah. 14 of 1990, S.3(a)

⁶ These words were inserted, *ibid*, S. 3 (b)

⁷ Section 15 A was inserted by Mah. 35 of 1963, s 5.

⁸ These words were substituted for the word "Collector" by Mah. 21 of 1994, S.40

¹[* * * * *]

(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;

²[(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;

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 a 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 the order of the Zilla Parishad or in any contractor 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 or any other dues 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 he is demanded, and a bill or 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;

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

(n) If outgoing president /vice president has been felt guilty of his obersience of direction under sec.53(3) he/she shall be disqualified for continuing as a councillor during the remainder of the term & or from contesting again during the period is less than 2 ½ years.

“(n A) if he has more than two children ”;

(o) If he is a member of the Village Panchayat constituted under Mumbai Village Panchayat Act 1958.

³[* * * * * * * *]

⁴[Explanation ____ For the purpose of clause (k) of this sub-section failure to pay any tax or fee or any other dues 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 member of such undivided Hindu family, or, as the case may be, all the members of such group or unit.]

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

² Clause (a-1) was inserted ibid, s.41(2)

³ Proviso clause (m) was deleted by ibid s.41(3).

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

¹[(1A) A person who at any time during the term of his office is disqualified under the Maharashtra Local Authority Members' Disqualification Act, 1986 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; 2(* *)

³[(aa) a person shall not be disqualified under clause (h) of that sub-section by reason only of such person holding the office of Chairperson 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 societies) 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) 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 not other suitable premises were available to the *Zilla Parishad* on lease; or

⁴ [(v) 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

(vi) 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 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];

¹ Sub-section (1A) was inserted by Mah. 10 of 1987, 5.11 Schedule,

² The word "and" was deemed always to have been deleted by Mah. 23 of 1963, s.5(1).

³ Clause (aa) was deemed always to have been inserted, inid, s.5(2),

⁴ Sub-clauses (v) to (vii) were inserted by Mah. 35 fo 1963, s.6.

(d) a person shall not be disqualified under clause(k) of sub-section (i or j) 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 or other dues to any Panchayat in the District or to the Zilla Parishad.

(3) For the purposes of sub-section (1), a person shall not be deemed to hold an 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 function of that office,

17. (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. Right to vote

(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 (d) 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 division 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. 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 may be, is qualified or is not qualified to be elected, at any election. List of voters to be conclusive evidence for determining right to vote

Elections and Election Disputes

19.(1) If it appears to an officer authorised by the 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 the conduct of such election, or transport of any officer or other person for performance of any duties in connection with such election,

Requisition –ing of premises, vehicles, etc. for election purposes.

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 candidates shall be requisitioned under this sub-section, until the completion of the poll at such election.

(2) The requisitioning shall 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) Whether 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 use or capable of being used for the purpose of road, transport, whether propelled by mechanical power or otherwise.

Payment of
compensa-
tion

20. (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 interest 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 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, ¹[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 :

¹ These words were substituted for the words “ the Zilla Parishad shall pay” by Mah. 10 of 1979, s 8(a).

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. 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 his possession relating to such property as may be so specified.

Power to obtain information

22.(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 there in 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.

Power of entry into and inspection of premises etc.

(2) In this section the expressions “premises” and “vehicle” have the same meaning under section 19.

23. (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.

Eviction from requisitioned premises

(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. (1) When any premises requisitioning 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.

Release of premises from requisitioning

(2) Where the person to whom possession of any premises requisitioned under section 19 is to be given under sub section (i) can not be found or is not readily ascertainable or has no agent or any other person empowered to accept the 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, Tahasildar* or as the case may be the *Naib Tahasildar*.

(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 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.

Penalty for
contravention
of any order
regarding
requisition

25. 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.

Power to
declare
persons
elected in
certain
contingencies

26. If at any election after the counting of votes is completed, an equality of votes is found to exist between any candidates, and the additional 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 as additional vote.

Determinat
ion of
validity of
elections;
enquiry by
Judge;
procedure

27. (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 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, the Judge shall not permit —

V of
1908

(a) any application to be compromised or withdrawn, or

¹ These words were substituted for the word "Collector" by Mah.121 of 1994 s-42

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

³These words were substituted for the words “such persons”, *ibid*, s.7(1)(b)

⁴These words were substituted for the words “the Collector or any officer empowered by him” by Mah.43 of 1962, s.5

⁵These words were substituted for the word “Collector” by Mah. 21 of 1994, s.43.

(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), 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 as 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 unknown, 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 candidates selected by lot drawn in the presence of the Judge in such manner as he may determine.

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1951

(6) Any of the corrupt practices specified in section 123 of the Representation of the People Act, 1951, shall be deemed to be corrupt practices for the purpose of this section subject to the following modifications 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 ;

(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 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.

Mah
V of
1962

(7) If the validity of any election is brought in question only on the ground of an error made by the officer charge 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.

¹ This portion was substituted for “in clause (7), in item (g)” by Mah. 35 of 1963, s 7.(2)

(8) If the Judge set 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 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.

¹[27A. 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. If any person-

Disqualification arising out of conviction and corrupt practice

(a) is convicted of an offence punishable with imprisonment under ²[section 153A, or section 171-E or sub-section (2) or sub-section (3) of section 505 of the Indian Penal Code,] or of an offence punishable under ³[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 ⁴[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*.

Promoting enmity between different classes in connection with

⁵[28-A. 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.

Prohibition of public meetings one day before or on day of election

28B. (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 any fifty rupees.

Disturbances at election meetings

28C. (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 councilor or councilors and the date on which such election is held.

¹ Section 27A was inserted by Mah.21 of 1994, S.44

² 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).

³ This portion was substituted for "section 35" by Mah. 35 of 1963., S.8

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

(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 Chairperson 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.

28 D. (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.

Restriction on printing of pamphlets, posters, etc.

(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 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. (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 hundred yards of the polling station, namely :--

Prohibition of canvassing in or near polling stations

(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.

Penalty for disorderly conduct in or near polling stations

30. (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 other wise 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 person on duty at the polling station.

(2) Any person who contravenes, or willfully 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.

Penalty for misconduct at polling stations

31. (1) Any person who during the hours fixed for the poll at any polling station misconducts himself or fails to obey the lawful direction 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.

Maintenance of secrecy of voting

32. (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.

Officers etc. at elections not to act for candidates or influence voting

33. (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.

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¹[**33-A.** If any person is guilty of any corrupt practice which is deemed to be 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, at or in connection with an election, he shall be punished with fine which may extend to two hundred and fifty rupees.]

Penalty for illegal hiring or procuring of conveyance at elections.

34. (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.

Branches of official duty in connection with elections.

(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. (1) Any person who at any election fraudulently takes or attempts to take a ballot paper out of a polling station, or willfully 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.

Removal of ballot papers from polling station to be offence

(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 women 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. (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

Other offences and penalties therefor.

- (e) fraudulently puts into any ballot box anything other than the ballot paper which he is authorised by law to put in; or
 - (f) without due authority destroys, takes, opens or otherwise interferes with any ballot box or ballot papers then in use for the 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 his Act.

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

Prosecution regarding certain offences.

37. (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 District, it will be the duty of the ¹[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 ¹[State Election Commission].

Resignation, Removal, Casual Vacancies of Councillors, etc.

Resignation of councillors

38. Any Councillor who is elected ²[* * *] 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 ³[**Letter to the Commissioner; and the office of the Councillor shall thereupon become vacant.**] ⁴[**The letter of resignation shall be delivered in the manner prescribed.**]

Removal of councillor for misconduct, etc

39. The State Government may saumotu or on report from Chief Executive Officer / Commissiner, if it thinks fit or on the recommendation of the Zilla Parishad supported by majority of the councilors present and voting may remove any Councillor if he/she has been found guilty of misconduct the discharge of his/her duties, or of any disgraceful conduct, or has become incapable of performing his duties as a Councillor :

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

³ This portion was substituted for the portion beginning with “notice to the Commissioner” and ending with “State Government” by Mah. 35 of 1963. S.11.

⁴ 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.

⁵ These words were substituted for the words “two-thirds of the number of Councillors” by Mah.43 of 1962, s.6.

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

40. (1) If any Councillor during the term of his / her office –
(a) becomes disqualified under sub-section (1) of section 16, or

Disqualification of councillor during terms of office

(b) is, for a period of six consecutive months absent from Zilla Parishad Meetings without permission or is absent from such meetings for a period of twelve consecutive months, (with or without permission) the office of such councillor becomes vacant. The period of absence shall be computed from first date of absence from meeting. Such disqualification shall be informed to the concerned person by secretary of Zilla Parishad.

²* * * * of sub-section (1) of section 8, become vacant.

³* * * * * * * * * *

⁴ [(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 ⁵[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 a reasonable opportunity of being heard.]

41. 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, ⁶ [the Deputy Chief Executive Officer (**General Administration Department**)] shall forthwith communicate the occurrence to the ⁷[State Election Commission] and the vacancy shall be filled as soon as conveniently may be, by the election ⁸ * * * of a person, thereto, who shall hold office so long only as the Councillor in, whose place he is elected ⁹ * * * would have held it, if the vacancy had not occurred :

Casual vacancies, how to be filled up

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 expired vacancy shall not be filled.

¹⁰ * * * * *

President and Vice-President.

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

Election of President and vice-President

¹ These words were added by Mah. 21 of 1968, s.3(a).

² The words " or clause (d)" were deleted *ibid.*, s.3(b).

³ Proviso was deleted by Mah.6 of 1975, s.6.

⁴ Sub-section (2) was substituted by Mah.35 of 1963, s.12.

⁵ These words were inserted by Mah.43 of 1964, s.3.

⁶ These words were substituted for the words "President" by Mah.21 of 1968, s.4.

⁷ These words were substituted for the word "Collector" by Mah.21 of 1994, s.47 (1)

⁸ The words "or as the case may be co-option" were deleted *ibid.*, s.47 (2).

⁹ The words "or Co-opted" were deleted *ibid.*, s.47 (3).

¹⁰ These provisos were deleted by Mah.21 of 1994, s.47(4).

¹¹ Section 42 was substituted for the original by Mah.1 of 1993, s.2.

¹² These brackets, word and figure were substituted for the brackets, figures and word "(3) and (4)" by Mah.21 of 1994, s.48 (1)(a).

¹³ These words were substituted for the words “by the Parishad from amongst its elected Councillors”, *ibid*,48(1) (b).

(2) * * * (Deleted)

(3) If a Councilor,-

(a) is a Chairperson 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 a Vice President and is elected as Chairperson of any of such co-operative society as aforesaid

then such councilor shall intimate in writing his option within seven days of his election as such President or Vice President or, as the case may be, Chairperson 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, 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 intimation within the aforesaid period, the office to which he is so elected shall become vacant.

Mah.
XXIV
of
1961

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 member of offices of President 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 Parishad as the population of the Scheduled Castes in the State or of the Scheduled Tribes in the State bears to the total population of the State;

Provided that, one-third of the total number of offices so reserved shall be reserved for women belonging to the Scheduled castes or, as the case may be Scheduled tribes;

(b) the offices of Presidents to be reserved for persons belonging to the category of Backward Class of citizens shall be 27 per cent, of the total number of such offices in the *Zilla Parishad*:

(c) One third 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 Parishad* shall be reserved for women;

(5) Where the number of offices reserved under clause (a), (b) or (c) of sub-section (4) is only two, one of the two offices shall be reserved for women belonging to any such reservation as referred to in the respective clause;

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

(7) The reservation of offices of Presidents (other than the reservation for women) shall cease to have effect the expiration of the period specified in article 334 of the constitution of India.]

¹ The portion beginning with the word “including” and ending with the figures “1992” was deleted by Mah.21 of 1994, S. 48 (2)

² Sub-sections (4), (5), (6) and (7) were substituted for the original sub-section (4), *ibid*, 48 (3)

¹[43 * * * * * * * *]

¹[44 * * * * * * * *]

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

Procedure for election of President and Vice-President

(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 the meeting of the Zilla Parishad, 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 councilor 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 filled 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. (1) Subject to the provisions of sub-section (2) of section 47, there shall be paid to the President an honorarium and given such other facilities/amenities as may be prescribed by the Government.

Honorarium and other facilities to President

(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 Zilla 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 1965, s.14(1).

³ These words and brackets were substituted for the words " the Collector shall", *ibid*,s.14(2).

⁴ The words "(Not being Associate Councilor)" were deleted by Mah.21 of 1994, s.50(1).

⁵ These words were substituted for the portion beginning with " The decision of the Commissioner' and ending with "any such decision", by Mah.35 of 1965, s.14(2).

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

⁷ This proviso was deleted, *ibid*,s.50(2)(b).

⁸ These words were substituted for the words "one thousand and five hundred rupees" by Mah. 11 of 1994, s.2.

(3) Shifted to section 54 (1) (g)

(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 and **or facilities allowed by Government.**

Sumptuary allowance to President

¹[46-A. Subject to the rules made by the state Government in this behalf, there shall be placed at the disposal of the President, such sum as may be decided by Government as Sumptuary allowance.

Power to vary ceiling on sumptuary allowance

³[46-B] * * * Deleted

Leave of absence to President and consequential provisions

47. (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 of 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) **provided that if the President is absent for a period of exceeding ninety days on the ground of illness duly certified by competent medical authority, he will not be disentitled to the honorarium.**

(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 specify in this behalf.

Honorarium, other facilities including leave of absence to Vice-President and consequential provisions.

⁴[47A. (1) Subject to the provision of sub-section (5), there shall be paid to the Vice-President an **honorarium & given such other facilities / amenities as may be prescribed by rules.**

(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 and rental value of furniture in lien there of & shall be given travelling and other allowances as may be prescribed .

(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 and /or facilities / amenities allowed by Government.

(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 **provided that if Vice President is absent for a period not exceeding ninety days on the ground of illness duly certified by competent medical authority, he will not be disentitled to the honorarium.**
- (b) to any honorarium, allowances or other facilities including leave of absence, also as the Chairperson 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, *ibid.*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. (1) The President may resign his office by writing under his hand addressed to the Commissioner, ¹[and his office shall thereupon become vacant.]

Resignation
of President
and Vice-
President

(2) The Vice-President may resign his office by writing under his hand addressed to the President ¹[and his office shall thereupon become vacant.]

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

³[49. ⁴[(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 a majority 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 Vice-President shall thereupon be deemed to be vacant : Provided that, no such motion of non-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.

Motion of
no-
confidence
against
President
or Vice-
President

(2) The requisition for such meeting shall be signed by not less than one-fifths of the total number of elected Councilors 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.

(6) The voting on the motion shall be by secret ballot and shall be carried out in the manner prescribed.

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

² This sub-section was inserted by Mah. 43 of 1964, S.5

³ Section 49 was substituted for the original by Mah. 6 of 1975, S.10

⁴ Sub-sections (1) and (2) were substituted by Mah. 12 of 1996, S.2(1).

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 [six months] from the date of the special meeting convened under sub-section (3).

Removal of
President
or
Vice-President

50. 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, not such President or Vice-President shall be removed from office unless he has been given a reasonable opportunity to furnish an explanation.

Consequence of
a absence of
President
without leave

51. 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. (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 Vice-President:

Provided that, if for any reason the offices of the President and Vice-President become vacant simultaneously,³[or if the President and Vice-President are on leave together]; the Chairperson 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 ³[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 ⁴[office of the President and Vice-President or the office of either of them becomes vacant], the provision 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.

(3) The Deputy Chief Executive Officer (General Administration Department) and ex-officio Secretary of the Zilla Parishad shall inform the Collector of the District about occurrence of vacancy of the office of the President within seven days from the date of occurrence for filling it by election of a new president. The post so rendered vacant shall be filled in within thirty days from the date of intimation by the Collector.

53. (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.

Penalty for
refusal to
hand over
charge to
new
President
or Vice-
President

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

² These words were substituted for the words "One year" by Mah.12 of 1996, s.2(2).

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

⁴ 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. 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. (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* **pertaining to the development works.**
- (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 Subject Committee, or of any *Panchayat Samiti*.
- (f) devote sufficient time and attention to the duties of his/ her office.
- (g) The President shall devote sufficient time & attention to the duties of his office.

Powers
and
functions
of
President

(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.

¹[(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.]

²[(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.

(5) If **Zilla Parishad, Standing Committee** or the appropriate Subject Committee does not approve the action of the President under sub-sec(2), the Deputy Chief Executive Officer (**General Administration Department**) and ex-officio Secretary of the Zilla Parishad shall refer the matter to the Divisional Commissioners for review of the decision taken by the President of the Zilla Parishad for action as deemed fit.

Provided that if the Divisional Commissioner feels on scrutiny of papers having bearing on the issue that the President has abused the powers vested in him under sub-section (2) he shall give him/her reasonable opportunity to furnish an explanation before taking any action.

55. 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

Functions
of Vice-
President

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

2 This was substituted for the words "Provided that, he shall report", *ibid.*s.3(2).

(c) pending the election of a President, or during the absence of the President¹[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*

Establishment of *Panchayat Samitis*.
Constitution of *Panchayat Samitis*.

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

57.²[(1) Every *Panchayat Samiti* shall consist of members elected by direct election 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.]

* * * * *

⁴[(3) (a) ⁵[In a general election, on the election of two-thirds or more of the number of members falling under ^{6***} 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 ⁷[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.

9* * * * *
10* * * * *

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

1 These words were inserted by Mah. 35 of 1963, s.17.
2 Sub-section (1) was substituted for the original by Mah. 21 of 1994, s-52(1).
3 Sub-section (2) was deleted by Mah. 7 of 1967, s.4(2).
4 This sub-section was substituted for the original by Mah.22 of 1962. s.4
5 This portion was substituted for the words beginning with "The names of members" and ending with "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" *ibid.*, s.52(2)(a).
8 This portion was substituted for the words "or" by Mah. 9 of 1972, s.5(a).
9 Sub-clause(b) was deleted by Mah. 21 of 1994, s.52 (2) (c).
10 Sub-section (4) was deleted by Mah. 6 of 1975, s.12(2).

58. ¹[(1) For the purpose of holding elections under ²* * sub-section (1) of section 57,-

³[(a) each electoral division in the Block shall be divided into two electoral colleges ⁴[by the State Election Commission, so however, that such electoral 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 the *Panchayat Samiti* shall, as far as practicable, be the same throughout the *Panchayat Samiti* area] ;

Provisions regarding 5[electoral colleges.] disqualifications, and election disputes.

6* * * * *

⁷[(IA) the list of voters for each such electoral division referred to in sub-section (1) of section 13 and in force on such date as the ⁸[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 ⁹[State Election Commission] shall maintain the list of voters for each electoral college.

¹⁰[(IB) (a) In the seats to be filled in by election in a *Panchayat Samiti*, there shall be seats reserved for person 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 *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 *Pachayat 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* :

Provided that, one-third 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 person 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 *Panchayat Samiti* and such seats shall be allotted by rotation to different electoral colleges in a *Panchayat Samiti* :

Provided that, one-third of the total number of seats so reserved shall be reserved for women belonging to the category of Backward Class of citizens ;

(d) one-third (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*.

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

¹ Sub-section (I) was substituted for the original, by Mah. 6 of 1975, s.13(I).

² The words, bracket and letter clause (f) were deleted by Mah. 21 of 1994, s.53 (1) (a).

³ These clauses were substituted for the original clause (a) by Mah. 10 of 1979, s.10(a).

⁴ This portion was substituted for the portion beginning with the words "in accordance" and ending with the words "population" by Mah.21 of 1994, s.53 (1) (b).

⁵ These words were inserted by Mah.10 of 1979, s.10(b).

⁶ Clauses (a-a), (a-al) (a-b) and (a-c) were deleted by Mah.21 of 1994, s.53 (1) (c).

⁷ Clause (b) was re-numbered and re-lettered as sub-section (1A), *ibid*, s.53 (1) (d).

⁸ These words were substituted for the words "State Government", *ibid*, s.53 (1) (d) (i).

⁹ These words were substituted for the word, 'Collector' *ibid*, s.53 (1) (d) (ii).

¹⁰ Sub-sections (1B), (1C) and (1D) were inserted *ibid*, s.53(2).

- (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.].

¹[(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 member 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 ;

(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 ²[section 19 to 27, 27 A 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].

⁵[59. (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*.

(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-

(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*.]

Term of
office of
members
of
*Panchayat
Samiti*.

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

2 These words and figures were substituted for the words and figure “sections 19 to 28”, by Mah. 21 of 1994, s53(h) (a).

3 This portion was substituted for “27 to 37 (both inclusive)” by Mah. 35 of 1963, s.19(b).

4 This was substituted for the words, brackets and figures “in relation to election of Sarpanchas or Chairperson of Executive Committees 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 Section 59 was substituted for the original *ibid*, s.54.

60. Any member of a *Panchayat Samiti* ¹[* * *] may resign his office by writing under his hand addressed to the Chairperson and the Chairperson 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.]

Resignation of office as member of *Panchayat Samiti*.

61. The Divisional Commissioner may, sue motu or on the report of the C.E.O., if it thinks fit or on the recommendation of ⁴[the *Panchayat Samiti* supported by the majority of members] present and voting, remove any member thereof ⁵[* * *] if he has been found 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* ;

Removal of members for misconduct.

Provided that –

⁶[* * * * *]

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

(c) The member shall have right to prefer appeal to State Government against such order and during pendency of appeal, such member shall not be prevented from attending the meetings of the *Panchayat Samiti* but shall not participate in the deliberations and will not have right to vote. The State Govt. shall decide the appeal within a period of sixty days from the date of its receipt.

62. (1) If any member of a *Panchayat Samiti* during the term of his/her office.

(a) becomes disqualified under section 58 his/her office shall become vacant.

(b) is for a period of three consecutive months absent from *Panchayat Samiti* meetings without permission or is absent from such meetings for a period of six consecutive months, the office of such members shall become vacant. The leave of absence sanctioned shall be excluded while computing this period.

⁹[* * * * *]

¹⁰[(3) If any question whether a vacancy has occurred in the office 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 ¹¹[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* :

Disqualification of members of *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.]

1 The brackets, words, letters and figures “[not being members falling under clause (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 “a addressed to the President” and ending with “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 (6) of sub-section (1) of section 57]” were deleted by Mah.21 of 1994, s.56(1).

6 In the proviso 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, *ibid*, s.57 (1).

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

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

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

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

63. 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 of otherwise¹²[the **ÈÏÉ +ÊvÉEÈÉúÈ** Section Officer] shall forthwith communicate the occurrence to¹³[the State Election commission and the vacancy shall be filled in, as soon as conveniently may be, by election] of a person, there to who shall hold office so long only as the member in whose place he is elected,¹⁴[* * *] would have held it if the vacancy had not occurred. Proviso to remain in tact.

Casual vacancies how to be filled up.

12 These words were substituted for the words “the Chairperson” by Mah. 21 of 1968, s.6.

13 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).

14 The words “or co-opted” were deleted, *ibid*, s.58(2).

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 :

¹[* * * * *]

Election of
Chairperson
and
Deputy
Chairperson
of
Panchayat

64. ²[(1) Subject to the provisions of sub-section (4), every *Panchayat Samiti* shall be presided over by the Chairperson who shall be elected by, and from amongst, the members of the *Panchayat Samiti* ;]

(2) ³[Subject to the provisions of ⁴[sub-section] (4) the *Panchayat Samiti* shall also elect one of its members ⁵[* * *] to be the Deputy Chairperson.

⁶ * * * * *
⁷[* * * * *]

(4) No member of a *Panchayat Samiti* shall be eligible to be elected as Chairperson or Deputy Chairperson if he is a Chairperson of more than one co-operative society, and if a Chairperson or Deputy Chairperson is elected as Chairperson of more than one co-operative society, the office of the Chairperson, or as the case may be, Deputy Chairperson of the *Panchayat Samiti* shall, on the date on which he is so elected, becomes vacant.]

⁸[* * *]

Terms of
office of
Chairperson
and
Deputy
Chairperson
of Panchayat

65. To be deleted .

⁹[* * * * *]

Procedure for
election of
Chairperson
of Panchayat
Samiti.

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

(2) The Chairperson 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 Chairperson of the Panchayat Samiti from the ¹¹[outgoing] Chairperson.

1 These provisions were deleted by Mah.21 of 1994, s.58(3).
2 Sub-section (1) was substituted for the original *ibid.*, s.59(1).
3 These words, brackets and figures were substituted for the words “The *Panchayat Samiti*” by Mah. 6. of 1975, s.15(2).
4 This word was substituted for the words, brackets and figures “sub-sections (3) and” by Mah. 21 of 1994, s.59(2) (a).
5 The brackets and words “(excluding its associate members)” were deleted *ibid.*, s.59(2) (b).
6 Sub-section (3) and (4) were added by Mah. 6 of 1975, s.15(3).
7 Sub-section (3) was deleted by Mah. 21 of 1994 ; s.59(3).
8 This Explanation was deleted by Mah, 21 of 1994 ; S.59(4).
9 Section 66 was deleted by Mah. 21 of 1994, s.60.
10 Sub-section (1) was substituted for the original *ibid.*, s.61(1).
11 This word was substituted for the word “retiring” by Mah. 35 of 1963, s.21(1).

(3) The meeting ¹[referred to in sub-section (1)] shall be presided over by the Collector or the officer authorised by him ²[under sub-section (3) of section 59]. The collector or such officer shall, when presiding over such meeting, have the same powers as the Chairperson 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 ³[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 Chairperson there is an equality of votes, the result of the election shall be decided by lot or be drawn in the presence of the Collector or officer presiding in such matter as he may determine.

⁴[(5) There shall be reservation in the office of the Chairperson 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 :-

(a) the number of offices of Chairperson 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 bears to the total population of the state.

Provided that, one third 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 ;

(b) the offices of Chairperson to be reserved for persons belonging to the category of Backward Class of citizens shall be 27 per cent of the total number of such offices in the *Panchayat Samitis* :

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

(c) one-third of total number of offices of Chairperson (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.

(6) Where the number of offices reserved under clauses (a), (b) or (c) of sub-section (5) is only two, one of the two offices shall be reserved for women belonging to any such reservation as referred to in the respective clauses.

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

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

Election of
Deputy
Chairperson.

1. These words, bracket and figure were substituted for the words "called under" by Mah. 21 of 1994, s.61 (2) (a).

2. These words, brackets and figures were substituted for the words "as aforesaid", *ibid.*, s.61 (2) (b).

3. 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(1).

4. Sub-sections (5), (6), (7) and (8) were added by Mah, 21 of 1994, s.61(3).

5. Section 68 was substituted for the original *ibid.*, s.62.

Power of
Commissioner of
decide disputes
regarding
validity of
election of
Chairperson or
Deputy
Chairperson.

¹[68A. In the event of a dispute arising as to the validity of the election of a Chairperson or Deputy Chairperson, the Collector or any officer authorised by him or any member ²[* * * *] 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.] **The State Government shall decide such appeal within sixty days from its filing. The appeal so preferred if not decided within the stipulated period in pugnated decision shall stand confirmed.**

Honoraria and
allowance to
Chairperson and
Deputy
Chairperson of
*Panchayat
Samiti.*

69. (1) Subject to the provisions of sub-section of section 70, there shall be paid to the Chairperson and the Deputy Chairperson of a *Panchayat Samiti* honorarium and given such other facilities / amenities as may be prescribed by the Government.

(2) 4[The Chairman may be provided without payment of rent the use of furnished residential accommodation or subject to such rules as the State Government 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 Chairperson and the Deputy Chairperson 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 and or any allowances / amenities allowed by the State Government.

Leave of
absence to
Chairperson
and deputy
Chairperson of
*Panchayat
Samiti* and
consequential
provision.

70. (1) ⁵[The Chairperson or Deputy Chairperson 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 :

⁶[Provided that, if the Chairperson/Dy.Chairperson are on leave together, the Chairperson/Dy.Chairperson shall be chosen (by drawing lots from other members of *Panchayat Samiti*) by the Block Development Officer in such manner as he/she deems fit. The Chairperson /Dy.Chairperson so chosen shall exercise the powers and perform the duties of the Chairperson of the *Samiti* and the Dy. Chairperson or as the case may be, fill he/she resume the duty.

(2) A Chairperson or Deputy Chairperson shall not be entitled to any honorarium for any period of a absence exceeding thirty days in a year under sub-section(1). Provided that if the Chairperson / chairperson or Deputy Chairperson/Deputy Chairperson is absent for a period not exceeding ninety days on the ground of sickness duly certified by the competent medical authority, he/she will not be disentitled to the honorarium.

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

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

2 These words were deleted by Mah. 21 of 1994, s.63.

3 These words were substituted for the words "one thousand rupees and eight hundred rupees by Mah. 11 of 1994, s.4.

4 This portion was deemed always have been substituted for the portion beginning with the words "the Chairperson" and ending with "the *Zilla Parishad*" by Mah. 8 of 1966, s.4.

- 5 This portion was substituted for the portion beginning with "A *Panchayat Samiti*" and ending with "one hundred and eighty days in a year" by Mah. 35 of 1963 s.25.
6 This proviso was added by Mah. 8 of 1966, s.5..

71. (1) The Chairperson may resign his/her office by writing under his/her hand addressed to the President, ¹[and his/her office shall thereupon become vacant].

Resignation
of
Chairperson
and Deputy
Chairperson.

(2) The Deputy Chairperson may resign his/her office by writing under his/her hand addressed to the Chairperson, ¹[and his/her office shall thereupon become vacant].

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

³[**72.** ⁴[(1) A Chairperson or Deputy Chairperson shall cease to be the Chairperson or the Deputy Chairperson, as the case may be, if a motion of no-confidence is passed at a special meeting of the *Panchayat Samiti* by a majority 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 Chairperson or Deputy Chairperson shall thereupon be deemed to be vacant :

Motion of no-
confidence
against
Chairperson or
Deputy
Chairperson of
*Panchayat
Samiti.*

Provided that, no such motion of non-confidence shall be brought within a period of six months from the date of the election of the Chairperson or the Deputy Chairperson, as the case may be, of a *Panchayat Samiti*.

(2) The requisition for such special meeting shall be signed by not less than one-fifth 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 Chairperson 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.

(6) The voting on the motion shall be by secret ballot and shall be carried out in the manner prescribed.

⁵[(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 ⁶[**one year**] from the date of the special meeting convened under sub-section (3).]

73. Without prejudice to the provisions of section 72, a Chairperson or Deputy Chairperson 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

Removal of
Chairperson
or Deputy
Chairperson
of *Panchayat
Samiti* for
misconduct,
etc.

conduct ; and the Chairperson or Deputy Chairperson so removed shall not be eligible for re-election **during the period of five years from the date of the decision.**

- 1 These words were substituted for the portion beginning with "but the resignation" and ending with "in that behalf" by Mah.35 of 1963, s.26.
- 2 The sub-section was inserted by Mah. 43 of 1964, s.11.
- 3 Section 72 was substituted for the original by Mah. 6 of 1975, s.18.
- 4 Sub-section (1) and (2) were substituted by Mah.12 of 1996, s.3(1).
- 5 Sub-section (7) was substituted for the original by Mah. 9 of 1994, s.3(2).
- 6 These words were substituted for the words "one year" by Mah. 12 of 1996, s.3(2).

Provided that, no such Chairperson or deputy Chairperson shall be removed from office unless he has been given an opportunity to ¹[furnish his explanation].

Consequences of absence of Chairperson or Deputy Chairperson without leave.

74. Subject to rules made by the State Government in this behalf, a Chairperson or Deputy Chairperson who absents himself from duty for a period exceeding thirty days in the aggregate in a year without leave shall **cease** to be the Chairperson or the Deputy Chairperson, as the case may be.

Casual vacancies in office of Chairperson and Deputy Chairperson to be filled

75. (1) In the event of a vacancy in the office of the Chairperson or Deputy Chairperson 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 Chairperson or Deputy Chairperson :

*Provided that, if for any reason the offices of the Chairperson and Deputy Chairperson become vacant simultaneously, the Chairperson of a Subjects Committee chosen by lot drawn **from the member of panchayat samittee by the Block Development Officer**, pending the election of the Chairperson/Dy.Chairperson, exercise the powers and perform the duties of the Chairperson / Dy.Chairperson shall be chosen from other members of Panchayat Samiti by drawing lots by the B.D.O. in such manner as he/she deems fit. Pending the election of the Chairperson/Chairperson, the person so chosen shall **excise Chairperson/Dy.Chairperson. Chairperson so elected will be ex.Officio Member of Z.P. as provided in sec. 9 (1) b of the act.***

³[(2) Where on account of any of the reasons aforesaid, the offices of the Chairperson and Deputy Chairperson 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 Chairperson or the Deputy Chairperson or of both.]

Penalty for refusal to hand over charge to new Chairperson or Deputy Chairperson.

⁴[**75A.** (1) On the election of a new Chairperson or Deputy Chairperson the outgoing Chairperson in whose place the new Chairperson is elected shall ⁵[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 Chairperson as soon as possible after the first meeting of the *Parishads* referred to in sub-section (2) of section 67 and the Deputy Chairperson shall forthwith hand over charge of his office to such new Deputy Chairperson.

(2) If the outgoing Chairperson or Deputy Chairperson fails or refuse 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 Chairperson or the Deputy Chairperson, 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 Chairperson or Deputy Chairperson, to the new Chairperson or Deputy Chairperson.

(3) If the outgoing Chairperson or Deputy Chairperson 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 a *Panchayat Samiti*, if any, in the possession of such Chairperson or Deputy Chairperson 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. The papers and property so recovered shall be handed over to the new Chairperson or the Deputy Chairperson, as the case may be.

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- 1 These words were substituted for the words "tender an explanation" by Mah.43 of 1962, s.11.
 - 2 This Proviso was added by Mah. 21 of 1994. S.65.
 - 3 Sub-section (2) was substituted for the original by Mah.6 of 1975, s.19.
 - 4 Section 75 A was inserted by Mah.35 of 1963 s.29.
 - 5 These words, brackets and figures were inserted by Mah.43 of 1964, s.13.

(4) If the outgoing Chairperson or Deputy Chairperson 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.]

76. Subject to the provisions of this Act and the rules or regulations made thereunder-

Powers and
functions of
Chairperson
of *Panchayat
Samiti*.

(1) the Chairperson of a *Panchayat Samiti* Shall-

- (a) convene, preside at and conduct meeting 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*;

(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.

(e) shall devote sufficient time and attention to the duties of the office.

(2) The Chairperson 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. (To be included in the body of the report of the office.)

77. (1) The Deputy Chairperson of a *Panchayat Samiti* shall-

Powers and
functions of
Deputy
Chairperson
of *Panchayat
Samiti*.

- (a) in the absence of the Chairperson, preside at the meetings of the *Panchayat Samiti* ;
- (b) exercise such of the powers and perform such of the duties of the Chairperson of the *Panchayat Samiti* as the Chairperson 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 Chairperson, or during the absence of the Chairperson ¹[from the District, or by reason of leave, for a period exceeding thirty days] exercise the powers and perform the duties of the Chairperson.

(2) The Deputy Chairperson 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 Chairperson of the *Panchayat Samiti*

¹ These words were inserted by Mah. 35 of 1963, s.30.

² Section 77A was inserted by Mah. 6 of 1975, s.20.

CHAPTET IV COMMITTEES.

Appointment
of Standing
Subjects
Committees
and other
Committees.

78. (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 (except names of the Committees to be revised as under.

- (a) Finance Committee ;
- (b) Works Committee ;
- ²[(c) Agriculture **& Energy** Committee ;
Animal Husbandry, Dairy, **poultry and fisheries** Committee
- (d) Social welfare Committee.
- (e) Health Committee.
- (f) Education **and Adult Education** Committee.
- (g) Women and Child Welfare Committee.
- (h) **Water Conservation & Drinking Water Supply** **Social forestry** Committee.

These words and figures were substituted for the words "shall appoint" by Mah.6 of 1975 s.21(c)

¹ 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, 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".

² The words "and Co-operatives" were deleted by Mah. 6 of 1975, s.21(b).

³ The word "and" was deleted, *ibid.*, s.21(c)

⁴ Clause (g) was inserted, *ibid.*, s.21(c).

⁵ Clause (h) was added by Mah. 4 of 1992, S.3.

⁶ Sub-section (1A) was inserted by Mah. 29 of 1993, s.2.

Mah.
XXII of
1970

(2) Rules framed under this section need revision.

79. (1) Subject to the provisions of section 81, the Standing Committee shall consist of-

Constitution of Standing Committee.

- (a) the President ;
(b) the Chairperson of Subject Committee ;

¹[(c) subject to any rules made by the State Government in that behalf, ²[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]³ * * * backward classes of citizens :

4* * * * *
5* * * * *

(2) The President shall be *ex-officio* Chairperson of the Standing Committee.

6* * * * *

(4) The Deputy Chief Executive Officer (**General Administration Department**) shall be the Secretary, *ex-officio*, of the Standing Committee.

8* * * * *

⁹[79A. (1) (a) the President *ex-officio* Chairperson ;

Constitution of water Conservation and Drinking Water Supply Committee.

10* * * * *

(c) **Councillors** to be elected by the *Zilla Parishad* from amongst the Councilors ;

(d) **The Executive Engineer (Minor Irrigation) and where no such post exists Executive Engineer (works) shall be *ex-officio* Member-Secretary, who shall have no right to vote.**

(2) The water conservation and Drinking Water Supply Committee shall have and exercise, in relation to the subject of water conservation and drinking water supply, *mutatis mutandis* the powers, which the subject Committee has and exercise in relation to the subject allotted to it, by or under the provisions of this Act.]

1 Clause (c) was substituted by Mah. 35 of 1963, s.31(i).
2 These words were substituted for the words "seven Councillors" by Mah. 6 of 1975, s.22(a).
3 The words "socially and educationally" were deleted by Mah.21 of 1994, s.66(i)(a)(i).
4 The proviso was deleted, *ibid.*, s.66(1) (a) (ii).
5 Clause (d) was deleted, *ibid.*, 66(1) (b).
6 Sub-section (3) was deleted, *ibid.*, s.66(2).
7 This portion was inserted by Mah. 14 of 1990, s.22(b).
8 The words "The Social Welfare affairs of Zilla Parishad shall be the Joint Secretary, *ex-officio*, of the Standing Committee" were deleted by Mah. 22 of 1970, s.3.
9 Section 79-A was inserted by Mah. 29 of 1993, by s.3.
10 Clause (b) was deleted by Mah.21 of 1994, s.67.

Constitution of Subjects Committee.

80. (1) Subject to the provisions of ¹[section 81 and 83] –
²[³[(A)] the ⁴[Agriculture and Energy Committee] shall consist of-

(i) ⁵[eight Councillors] ⁶[* * *] elected by the *Zilla Parishad* from amongst its Councillors :

7* * * * *

⁹[(B) the Social Welfare Committee shall consist of –

(i) ¹⁰[eight Councillors] elected by the *Zilla Parishad* from amongst ¹¹[its Councillors], so however that ¹²[subject to availability] of these,-

(a) **four** shall be reserved for Councillors belonging to the Scheduled Castes and Scheduled Tribes ; and of these four at least one shall be reserved for the Scheduled Tribes ;

(b) ¹³[**four**] shall be reserved for **councillors** belonging to the ¹⁴[Backward Class of citizens].

¹⁵* * * * *
 (ii) **two** women **Councillor** 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 purpose 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 Caste or a Scheduled Tribes, as the case may be;]

¹⁹²⁰[(C)] The Education and **Continuing** Education Committee shall consist of –
²¹[(i) eight Councillors] elected by the *Zilla Parishad* from amongst its] Councillors ;

²²* * * * *
²³* * * * *

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-operative Committee”, *ibid.* s.23(1) (a) (i).
 5 These words were substituted for the words “nine Councillors”, *ibid.* 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, *ibid.*, s.68 (a) (ii).
 8 Sub-clause (iii) was deleted, *ibid.*, 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”, *ibid.* s.23 (b) (iii).
 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 words was substituted for the words “There” by Mah. 6 of 1975, s.23 (b) (iii).
 14 These words were substituted for the words “socially and educationally backward classes” by Mah. 21 of 1994, s.68 (b) (ii).
 15 The Provisos were deleted by *ibid.*, s.68 (b) (iii).
 16 These words were substituted for the words “the elected Women Councillor” by Mah. 12 of 1996 s.4(2).
 17 The 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 Tribe., as the case may be,” were deleted by Mah. 21 of 1994, s.68(b) (iv).
 19 Clause (aa) was inserted by Mah. 35 of 1963, s.32(a) (ii).
 20 Clause (aa) was re-numbered as clause (C) by Mah. 6 of 1975, s.23(c).
 21 These words were substituted for the words “seven Councillors”, *ibid.*, s.23 (c) (i).
 22 Sub-clause (ii) was deleted by Mah. 21 of 1994, s.68 (c) (ii).
 23 Sub-clause (iii) was deleted by Mah. 6 of 1975, s.23 (c) (ii).

1* * * * *

²[(D) the Works and Rural Housing Committee shall consist of-

(i) eight Councillors elected by the *Zilla Parishad* from amongst its Councillors ;

3* * * * *

4* * * * *

⁵[(E) the other Subjects Committees shall each consist of –

(i) ⁶[eight Councillors] elected by the *Zilla Parishad* from amongst its Councillors ; ⁷*

⁸[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 **of** to one.]

9* * * * *

10* * * * *

11* * * * *

(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 Subject Committee as the *Zilla Parishad* may direct in that behalf.

81. (1) No Councillor shall be elected on more than any ¹²[one Committee] (including the Standing Committee) ;

Election to Committees.

¹³[Provided that, where the total number of Councillors of any Z.P., is less than the member 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.]

14* * * * *

(3) Every election to a Committee (including the Standing Committee) shall be held in **accordance with the prescribed Rules**

¹⁵[(4) In the event of a dispute arising so 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, Scheduled Tribe or any ¹⁶ * * * backward class of citizens) any Councillor may refer the dispute to the Commissioner, whose decision thereon shall be final :

1 The proviso was deleted by Mah. 21 of 1994, s.68 (c) (ii).
2 Clause (D) was inserted, by Mah. 6 of 1975, s.23 (d).
3 Sub-clause (ii) and (iii) were deleted by Mah. 21 of 1994, s.68 (d) (i).
4 The proviso was deleted by Mah. 21 of 1994, s.68 (d) (ii).
5 Clause (b) was re-numbered as clause (E) by Mah.6 of 1975,s.23(e).
6 These words were substituted for the words “seven Councillors”, *ibid.*, s.23(e).
7 The word “and” was deleted by Mah.22 of 1962, s.6(b).
8 The proviso and Explanation were inserted by Mah. 4 of 1992, s.4(a).

- 9 The proviso was added by Mah.22 of 1962, s.6(b) and was subsequently deleted as second Proviso by Mah.21 of 1994, s.68(e) (i).
 10 Sub-clause (ii) was deleted by Mah. 21 of 1994, s.68(e) (ii).
 11 Sub-section (2) was deleted, *ibid.*, s.68 (f).
 12 These words were substituted for the words "two committees" by Mah.6 of 1975. s.24(1) (a).
 13 This proviso was added, *ibid.*, s.24(1) (b).
 14 Sub-section (2) and (2A) were deleted, *ibid.*, s.24(2).
 15 Sub-section (4) was inserted by Mah. 35 of 1963, s.33(2).
 16 The words "socially or educationally" were deleted by Mah. 21 of 1994, s.69.

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.]

Term of office of members of Standing Committee and Subjects Committee.

82. (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 absent from meetings **without permission** or is absent from meetings for a period of six consecutive months. The office of such member shall **become vacant**. The leave of absence sanctioned shall be excluded while computing into period.

³* * * * become vacant :
⁴* * * *

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 Chairperson of any Subjects Committee.]

⁵[(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 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 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.]

Resignation of members of Standing or Subjects Committees.

⁷[**82-A.** Any member of the Standing Committee or a Subject Committee (not being a member falling under clause (b) of sub-sec (1) of sec.79, may resign his office by writing under his hand addressed to the Chairperson of the Committee and office shall thereupon become vacant. ⁹[The **letter of resignation** shall be delivered in the manner prescribed.]

Casual vacancies how to be filled up.

82-B. In the event of any vacancy occurring on account of the resignation of a member of the Standing or a Subjects Committee or otherwise, ¹⁰[the Secretary of the Committee] shall forthwith communicate the occurrence of such vacancy to the Z.P. and the vacancy shall, subject to the provisions of section 81, be filled as soon as possible by the election of a person thereto who shall hold office so long as the member in whose place he is elected would have held it, if the vacancy had not occurred.]

- 1 These words were inserted by Mah. 21 of 1968, s.7(a).
- 2 The words, letter and figures "notwithstanding anything contained in clause (b) of sub-section (i) of section 79" were deleted by Mah.6 of 1975, s.25(1).
- 3 The words "or sub-clause (ii) of clause (a) of sub-section (1) of section 80" were deleted by Mah.21 of 1968, s.7(b).
- 4 This proviso was deleted by Mah. 21 of 1994, s.70.
- 5 Sub-section (3) was substituted by Mah. 35 of 1963, s.34.
- 6 These words were inserted by Mah. 43 of 1964, s.14.
- 7 Section 82-A and 82-B were inserted by Mah. 35 of 1963 s.35.
- 8 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.
- 9 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.
- 10 These words were substituted for the words " the Chairperson" by Mah.21 of 1968, s.8.

¹[83. (1) There shall be ²[five] Chairperson of the Subjects Committees of every Zilla Parishad of whom the Vice-President shall be one.

Chairperson
of Subject
Committees.

³[(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 Chairperson 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 be from amongst the elected Councillors (excluding the President and the Vice-President) elected ⁴[four] persons to be Chairperson of the Subjects Committees, and each such Chairperson 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 :

⁵[Provided that, the Chairperson of the women and Child Welfare Committee shall be from amongst the elected Women Councillors.]

⁶[(2A) If a Councillor is a Chairperson of any specified co-operative society or labour contract co-operative society and is elected as a Chairperson of a Subjects Committee, and if a Chairperson of any Subjects Committee is elected as Chairperson 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 Chairperson of the Subjects Committee by resigning the office of the Chairperson of such co-operative society. An intimation so given shall be irrevocable. In default of such intimation within the aforesaid period, the office of the Chairperson 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 Chairperson 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 or the rules made thereunder or the bye-laws of such society notwithstanding.]

7[(3) The Agriculture Committee and the Animal Husbandry and Dairy Committee shall be placed in charge of one Chairperson ; and the Social Welfare Committee shall be placed in charge of another Chairperson 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 Chairperson of the Social Welfare Committee;

Mah.
XXIV
of 1961.

- 1 Section 83 was substituted by Mah.5 of 1971, s.4.
- 2 This word was substituted for the word "four" by Mah. 4 of 1992, s.5(a).
- 3 Sub-section (1-A) was inserted by Mah. 6 of 1975, s.27(1).
- 4 This word was substituted for the word "three" by Mah. 4 of 1992, s.5(b).
- 5 This proviso was inserted *ibid.*, s.5(c).
- 6 Sub-section (2-A) was substituted by Mah. 1 of 1993, s.4.
- 7 Sub-section (3) was substituted for the original by Mah. 6 of 1975, s.27(3).

(b) if a 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 Chairperson of the Social Welfare Committee ;

1* * * * *

Explanation.- For the purpose 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^{2*} * as Chairperson of the said Committee.

(5) The remaining four Subjects Committees shall be placed in charge of such of the remaining two Chairperson as the *Zilla Parishad* may determine in this behalf :

4* * * * *

(6) *The term of the Chairperson of the Subject Committee shall be one year.*

Honorarium
to
Chairperson
of Subjects

84. ⁵[(1) Subject to the provisions of section 85, each of the Chairperson (other than the Vice-President) referred to in section 83 shall get honorarium and given such other facilities / amenities as may be prescribed by Government.

(3) A Chairperson shall not be disqualified for being chosen as, or for being a councilor, by reason only that he is in receipt of honorarium or any allowances or amenities under this section.

84A: - To be deleted

Leave or
absence to
Chairperson
of Subjects
Committee
and
consequenti
-onal

85: -(1) The Chairperson of subjects Committee may remain absent for period not exceeding thirty days in a one 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 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 Chairperson of a subject Committee shall not be entitled to **any** honorarium for any period of absence exceeding thirty days under sub section (1) provided that if Chairperson is absent for a period of not exceeding ninety days on the ground of illness duly certified by the competent medical authority, he / **she** will not be disintitled to the honorarium.

(3) When a Chairperson holds the office of any other presiding authority he shall be entitled only to the honorarium attached to such one of the officers as he may choose.

Resignation of
Chairperson
of Subjects
Committee.

Motion of no-
confidence
against
Chairperson of
Subject

86: - The Chairperson of a subjects committee may resign his / her office by writing under his/her hand addressed to the President ²[and his office shall there upon become vacant]. ³[The **letter** of resignation shall be delivered in the manner prescribed.]

87: -⁴[⁵The ⁶[Collector]] shall on requisition of [not less than one fifth]of the total number of councilors *** ⁹[who are for the time being entitled to sit and vote on any meeting of the *Zilla Parishad*] call a special meeting ¹⁰[of the *Zilla Parishad*]to consider a motion of a no-confidence in the Chairperson 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 **all** the provisions of sec 49 shall apply in relation to such motion against the Chairperson of the subjects Committee as they apply in relation to the President or Vice-President of the *Parishad*.

Removal of
Chairperson of
Subjects
Committee.

88: - Without prejudice to the provisions of section 87, a Chairperson 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 in capacity to perform his duty or for being persistently remiss in the discharge thereof, or guilty of any disgraceful conduct; and the Chairperson so removed shall not be eligible for re-election as Chairperson during the remainder of his term of office as Councillor :

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

Consequences of
absence on leave
of Chairperson
of Subjects
Committee.

89: - ¹¹[Subject to rules made by the State Government in this behalf, the Chairperson] of a Subjects Committee who for a period exceeding thirty days in the aggregate in a year absents himself from ¹²[duty] shall cease to be the Chairperson of that Subjects Committee unless leave so to absent himself has been under section 85.

1. These word were submitted for the word "elected" by Mah.5 of 1971 s.5
2. These word were submitted for the portion beginning with the word "and the resignation" and ending with the word "in this behalf" by Mah.35 of 1963,s.38.
3. These word were added by Mah.43 of 1964, s.16.
4. This portion was submitted for the portion beginning with the word "A motion of no-confidence" and ending with the word "the State Government". Ibid.
5. These words were submitted for the words "The Chairperson of Subjects Committee": by Mah. 34 of 1996, s.4.
6. This word was submitted for the word "resident" by Mah.6.of 1975,s.28 (a).
7. These word were submitted for the words "nor less than one third" by Mah.12 of 1996,s.5 (1).
8. The bracket and words "other than associate councilor" were deleted by Mah.21 of 1994,s.72.
9. These words were inserted by Mah.6 of 1975,s.2 (b).
10. These word were inserted by Mah.34 of 1966,s.4.
11. These word were submitted for the words "The Chairperson" Mah.35.of 1963,s.39 (a).
12. These word were submitted for the words "The District", ibid., s.39(b).

Sec 90 :-(1) If the Chairperson 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 Chairperson 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 Chairperson becomes vacant or he is removed from office or he ceases to be such Chairperson, as the case may be.

(2) The vacancy of the Chairperson shall be filled in the manner provided by the provisions of sections 83.

(3) If a Chairperson of a group of Subjects Committee, ceases to be Chairperson of any one Subject Committee he shall be deemed to have ceased to be the Chairperson of other Subjects Committee.

Casual
Vacancy in
office of
Chairperson
of Subject
Committee

Provisions of
section 53 to
apply to handing
over charge to
new Chairperson
of Subject
Committee

¹[**Sec 90-A:** - 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 Chairperson of the standing or a Subjects Committee.]

Sec 91: - (1) Subjects to the provisions of this Act, and the rules made thereunder by the State government, -

Powers & functions of chairperson of committee & subject committee

- (a) The Chairperson 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; **pertaining to development work**

(b) The Chairperson of any such Committee may, in relation to subject's allotted to the Committee-

- (i) call for any information return, statement account, or report from any officer employed by or holding office under *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 Chairperson of the Standing Committee may, in relation to any subject allotted to any Subjects Committee, also exercise the powers under this clause.

²[**Sec 91A:** -(1) Pending the election of the President or the Vice-President or of both the Chairperson of any Subjects Committee or during the continuous 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 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 those authorities ³[or by on officer] as the State Government may , by notification in the *Official Gazette*, specify ⁴[or, as the case may be, appoint]in that behalf.

Power of Government to appoint presiding authorities to exercise powers and perform duties during vacancies

(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 on of those offices only as he may choose].

-
1. Section 90 A was inserted by Mah.35 of 1963,S.40
 2. Section 91 A was inserted by Mah.35 of 1963,S.41
 3. These words were inserted by Mah.21 of 1994,S.73(1)
 4. These words were inserted *ibid.* S.73 (2).

Power of State Government to authorise officer to exercise powers and perform duties, when offices of all presiding officers are vacant simultaneously

¹(**Sec 91 B:** - Where for any reason, at any time, offices of the President, Vice – President and Chairperson of the Subjects Committee become vacant simultaneously, then notwithstanding anything contained in this Act or the rules made thereunder, pending election of the new President or the Vice President, the Chief Executive Officer **shall assume charge instantaneously.**

* (a) to exercise all the powers and to perform all the duties of the President ,Vice President and Chairperson of the Subjects Committees and other Committees.)

Duties procedure, etc., of Committees to be prescribed by regulations

Sec 92: - ²(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 ⁶* Specified by rules

3[(2) Subject to any rules made in this behalf, as 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 Chairperson to preside over such joint meeting, the person to act as Secretary to such meeting, provisions 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*.]

* * * * *

Appointment
of Chief
Executive
Officer any
Deputy Chief
Executive
Officer

Sec 94: - (1) There shall be a Chief Executive Officer 4[and one or more Deputy Executive Officers] for every *Zilla Parishad* who shall be appointed by the State Government.

(2) Every Chief Executive Officer, Additional 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* presided over by the Collector of District not less than two-thirds of the total number of Councilors 5[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 shall withdraw such officer from service under the *parishad*.

Provided that the motion moved for **withdrawal** of CEO.

- (i) shall contain reasons in support thereof and
- (ii) the Chief Executive Officer will have right to speak and **defend is placed for voting** before the motion.

1. Section 91B was inserted by Mah.17 of 1982,s.2.
2. Section 92 was renumbered as sub-section (1) and sub section (2) was added by Mah.43 of 1962,s.12
3. The portion beginning with the words "but all subject" and ending with the words "allotted to the Standing Committee" was deleted by Mah . 22 of 1970,s.7.
4. These words were substituted for the words "and a Deputy Chief Executive Officer "by Mah. 6 of 1975, s.20(a)
5. These words were substituted for the words "constituting the *Parishad* for the time being vote *ibid*.,s.29 (b)
- Section 3 of Mah.17 of 1982 provides as follows, namely:-
 3. " Notwithstanding anything contained in the principal Act and the rules made thereunder, the Chief Executive Officer for the Amravati Zilla Parishad shall be deemed to have been authorized by the State Government on the 18 th February 1982, under clause (a) of section 91 B inserted in by the principal Act by this Act, when the offices of the President. Vice – President and Chairperson of the Subjects Committee had become vacant simultaneously; and any action taken or anything done by the said Chief Executive Officer in the purported exercise of the powers and performance of the duties conferred by the said clause (a) shall be deemed to have been validily and lawfully taken or done by him; and he shall continue to exercise all those duties pending election of the new President or the Vice-President of the Zilla Parishad".

Sec 95:- 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; 1 * * *

(b) lay down the duties of all officers and servants, of or holding office under, the *Zilla Parishad* in accordance with rules made by he State Government

2[(c) unless prevented by sickness or other reasonable cause, attend every meeting of the *Zilla Parishad*, and may, with the permission of the presiding

Powers
and
functions
of
Chief
Executive
Officer

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---

3(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) **sanction leave of absence, to the full extent, to Class I and Class II officers.**

4[(iiiia) 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 office or servant of, or holding office under the *Zilla Parishad* ;

5[4(b)shall, subject to any general or special order, 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 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 the *Zilla Parishad*;

(d) shall take necessary measures for the speedy execution of all works and development schemes of the *Zilla Parishad* ;

(e) shall assess and give his opinion confidentially every year on the work of the officers of Class I service and Class II service holding office under the *Zilla Parishad*; forward them to such authorities as may be prescribed by the State Government and lay down the procedures for writing such reports about the work of officers and servants of Class III service and Class IV service under the *Zilla Parishad*.

1. The word "and" was deleted, *ibid.*,s.30(1)(a).

2. Clause (c) was inserted, *ibid.*,s.30(1)(b)

3. Sub-clause (i)was substituted for the original Mah.6 of 1975.s.30(2.).

4. Sub-clause (iiiia) was inserted by Mah. 43 of 1962,s.13.

5.These clauses were substituted for clause (b) by Mah.61 of 1977,s.4.Schedule.

6.Clause (b) was substituted by Mah.4.of 1987,s.4. Schedule.

(f) 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'

h) **shall declare "Heads of Office" in the Zilla Parishad.**

(j) shall exercise such other powers and perform such other functions as may be prescribed by the State Government .

96. (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 Officers control, and subject to such conditions and limitations, 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.

Appointment
of Executive
Officer and his
powers and
functions.

(2) Every such order of the Chief Executive Officer shall be laid before the President of the Standing Committee and the relevant Subject Committee or Committee for information .

1[96A. (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]

Appointment
of Block
Development
Officer

Sec 97. There shall be a Block Development Officer for every *Panchayat Samiti* who shall be appointed by the State Government.

Powers and
Functions of
Block
Development
Officer.

Sec 98. (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 *Panchayat Samiti*; and
- (b) call for any information, return, statement, account, report or explanation from any such Officer or Servant.

1. Section 96 A was inserted by Mah. 12 of 1994,s.4.

(2) A Block Development Officers shall –

- (a) have the custody of all papers and documents connected with the proceedings of meeting of meeting of the *Panchayat Samiti* ;
- (c) save as otherwise provided by or under this Act, exercise executive powers in the Block for the purpose of carrying out the provisions of the Act therein ;
- (d) 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];
- (e) in relation to works and development scheme 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.

(3) A Block Development Officer shall have powers to give directions to the equal grade officers of different departments working in the Block in the interest of performance of work entrusted to him. The **Block Development Officer** shall have powers to report the act of commission and /or omission leading to non-compliance of directions so issued to their Departmental superior and the Chief Executive Officer for such action as deemed fit.

Sec 99. Subject to the provisions of this Act and the rules made thereunder, every Head of the Department of the *Zilla Parishad*—

Powers and
functions of
Head of
Department of
Zilla Parishad.

(a) may, in respect of works and development schemes pertaining to his Department accord technical 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 ;

(b1) Head of Department shall have custody of all papers and documents connected with the proceedings of meetings of the *Zilla Parishad* and of its Committees.

(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.

Sec 100. (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.

Administrative
powers
and duties of
*Zilla
Parishad*.

(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.

-
1. These words, brackets and figures were substituted for the words and figures “ section 185 and 188” by Mah.43 of 1964,s.18.
 2. Clause (c) was added by Mah . 6 of 1975,s 31.

(c) On such transfer, the works and development schemes shall vest in the *Zilla Parishad*, but subject to such terms and conditions [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 **revert** in the State Government and it shall be lawful for the State Government to resume possession thereof :

2[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 3 [or any property appertaining to any such works or development schemes 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, 4[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 revert in the State Government :]

5 [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 from the date mentioned therein, cease to vest in the *Zilla Parishad* and **revert** to the State Government.]

6[(c-al) (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 **as may be notified from time to time.**

-
1. These brackets and words were inserted by Mah . 43 of 1964,s.19(a).
 2. This proviso was added by Mah.43 of 1962,s 14(a).
 3. these words were inserted by Mah . 32 of 1964,s. 19 (b)(i).
 4. These words were inserted , ibid.,19(b)(ii).
 5. This proviso was added by Mah.6 of 1975,32 (a).
 6. This Clause was inserted by 56 of 1981,s.2.

(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 Parishad* and Panchayat Samitis and Bombay Village Panchayats (Amendment) Act, 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.]

1[(c-1) Notwithstanding anything contained in clauses (b) and (c) of this section any officer of the State Government authorized under section 127 of this Act may visit the establishment of 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 of Schemes 2[Transferred under clause (b)] under

any contract or agreement or otherwise shall be enforceable by or against the *Zilla Parishad* 3 [and all rights and liabilities which were enforceable by or against the *Zilla Parishad*, in relation to the works or scheme or property appertaining thereto *revested* in the State Government under the 4[second and third provisos] to clause (c), under any contract or agreement or otherwise shall be enforceable by or against the State Government.]

5[(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 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 first schedule or add any entry there to or amend any such entry, & 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 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 provisions 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.

1) Clause (c-1) was inserted by Mah. 6 of 1975, s 32 (b).

2) These words were inserted by Mah. 34 of 1996,s 5(a)

3) This portion was added *ibid.*,s5(b).

4) These words were substituted for the words "second proviso" by Mah. 6 of 1975, s32 (c)

5) Sub clause (e) was added by Mah.21 of 1968,s9.

4) The *Zilla Parishad* shall endeavour to promote planned development of the District by utilising to the maximum extent, local resource 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 Councilors (other than associate Councilors), make provision for any public reception, ceremony or 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 form part]
- 9) It shall be the duty of a Zilla Parishad to make adequate provisions for payment to Councilors, 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 decisions 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.

1. 1. These words were substituted for the words “Two thirds” 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.

101. (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 from time to time under sub-section (2)

Panchayat Samiti to be primarily responsible in respect of certain subject.

(2) The State Government may, by notification in the *Official Gazette*, omit any entry from the Second Schedule of 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 These words were substituted for the words “two thirds” 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.

Power of Panchayat Samiti to incur expenditure from block grant

101 A. 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.

Power of Zilla Parishad to construct other works and manage other institutions 2 (and to give technical to other local

102. 2(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.

2[(2) A Zilla Parishad may give technical guidance or assistance in relation to any work of 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.]

Power of State Government to transfer works and development schemes.

103. 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 resident 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.

District fund ordinarily liable for all costs and expenses incurred by Zilla Parishad

104. 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 **or** 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 of agreement 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 of agreement and all such expenses.

Power to compromise

105.(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 is required by this Act' the like previous sanction shall be obtained for compromising any claim of demand arising out of such contract.

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 Samiti and in the presiding authorities, officers and servants by or under this Act.

1 Section 101 A was inserted by Mah.43 pf 1967, s.2.

2 Section 102 was re-numbered as sub-section (1) and sub-section (2) was inserted by Mah. 35 of 1963, s.44(i).

3 These words were added, *ibid.*s, 44(ii)

106 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 function 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) ;

Powers and functions of Zilla Parishad.

(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 subject allotted thereto ;

(iv) require any of its officers or servants to attend any meeting of the Zilla Parishad and tender advice in any matter which concerns the department under which such officer or servants 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 subject committee presiding authority or officer or servant of **Zilla Parishad**.

(vii) exercise administrative control over officers and servant holding office under it ; and

(viii) supervise generally the execution of all duties and functions under this Act.

107 Where the State Government during any year has declared any area as ²(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 operations 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.

Duties of
Zilla
Parishad
during
3[scarcity]
etc.

108(1) Subject to the provisions of this Act, and the rules made by the State Government thereunder, every Panchayat Samiti –

Powers
and
functions
of
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 utilizing 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 ;

¹ This portion was substituted for the words "revise or modify" by Mah.35 of 1963, s.45

² These words were substituted for the words " A famine-stricken area or an area of acute scarcity" *ibid.*, s. 46

³ This word was substituted for the word 'famine" by Mah.11 of 1976, s. 3, Second Schedule.

(c) shall exercise powers and perform functions in respect of matters, concerning block grants, which by or under this Act are nor expressly conferred on its Chairperson, Deputy Chairperson or any officer or any officer or servant of the Parishad working in the black ;

(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) [may, subject to any instructions or directions given or issued under subsection (1) of section, 261,] revise, or modify any decision taken by the Chairperson or Deputy Chairperson 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 *Panchayat Samiti* 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 utilized in the Block, for the purpose or purposes indicated in the proposal.

Panchayat Samiti to conform to instructions given by Zilla Parishad.

⁵(108A. (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 chiefs duties and function 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.]

Powers and functions of standing Committee and Subject Committees

109. (1) Subject to the provisions of this Act and the rules made thereunder, the Standing Committee or a Subject Committee in relation to subjects allotted to it, (a) shall --

- (i) be in charge of works and development schemes relating thereto,
- (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,
- ⁶(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 of the *Zilla Parishad* ;

1 This portion was substituted for the word "may" by mah.35 of 1963,s.47(1)(a)

2 Clause (h) was deleted, *ibid.*, s 47(I)(b).

3 The words "an increase in the rate of cess of land revenue levied in the Block not exceeding the limit specified in section 144,151 or 152 or "were deleted,*ibid.*,s.47(2).

4 The words "local cess or "were deleted,*ibid.*,s.47(2)

5 Sect on 108 A was inserted, *ibid.*, S.28.

6 Sub-clause(iii-a) was inserted by Mah. 6 of 1975, s.33(I)

(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 Chairperson or from any officer or servant holding office under the *Zilla Parishad*

(2) The Standing Committee, **or a** Subject Committee may require any officer holding officer 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 of 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 rate 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 ²[(not being monthly accounts in relation to block grants given to a Panchayat Samiti)]

(b) the Standing Committee in relation to subject Committee any Subjects Committee including the Subjects allotted to itself;

(i)may authorize any officer or servant to enter on, and inspect, any immovable property occupied by the Zilla Parishad, or any **institution under control management of zilla parishad** work of development in progress under taken by 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 subject allotted to such Subjects Committee.

(4) Subject to such conditions, if any, as may be specified by the Standing Committee or a Subject Committee, it may delegate any of its powers, functions and duties under this Act to any Panchayat Samiti.

³[109-A. (1) The Finance Committee, in addition to the powers and functions specified in sub-sections (1) and (2) of section 109, shall—

(i) scrutinize the annual budget estimates of income and expenditure of the Zilla Parishad and of the Panchayat Samitis prepared under section 137 in such

Special powers and function of finance Committee

¹Sub-clause (iii) was deleted by Mah. 6 fo 1975, s.33(2).

²This portion was added by Mah. 21 of 1968, s.10.

³Section 109-A was inserted by Mah.6 of 1975, s.34.

detail as it may consider necessary and tender advice so as to ensure that the objectives of the Zilla Parishad and Panchayat Samitis are carried out in the most economical and efficient manner ;

(ii) scrutinize the revised or supplementary budget estimates of the Zilla Parishad and Panchayat Samitis prepared under section 138, in a like manner ;

(iii)examine the revised or supplementary budget estimates of the Zilla Parishad and the Panchayat Samiti prepared under section 136 ;

(iv) scrutinize 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 conforms to the authority which governs it ; authority and in accordance with the provisions of the Act and the rules made thereunder regulating the re-appropriation of funds ;

(iii) that every re-appropriation of funds has been made by the competent authority;

(iv) that the monies 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 function 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]

Joint
Committees
of two or
more Zilla
Parishads.

110. (1) A Zilla Parishad may, from time to time, concur with any other Zilla Parishad or with any municipal corporation 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 in appointing a Chairperson 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

(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 cantonments 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. (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 next meeting.

³[(2) Subject to the provisions of this section, the State Government shall make rules consistent with this Act, with respect of 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 one-fifth of the 2[total number of Councillors 3 * * * * 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 meeting.

⁴[Provided that, where a special meeting is called 5 * * * * 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 day's 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 to be transacted thereat, shall be circulated to the Councillors and posted up at the office of the office of the Zilla Parishad. Such notice shall, in the case of a special meeting, include a motion or proposition, if any, mentioned in the written request made for such meeting :

⁶[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 Present, 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 Chairperson for the occasion :

⁷[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.

1 Sub-section (2) was substituted by Mah. 35 of 1963, s.49(1)

2 These words and brackets were substituted for the word "Councillors" by Mah.6 of 1975, s.35(a)

3 The brackets and words "(other than associate Councillors)" were deleted by Mah.21 of 1994, s.74(1)

4 This proviso was added by Mah.43 of 1964, s.10(a).

5 The words "for considering a motion of no-confidence in the President or Vice-president" were deleted by Mah.43 of 1964, s.20 (a)

6 This proviso was added by Mah.22 of 1962, s.7.

7 This proviso was added by Mah.43 of 1964, s.20(b)

(7) If less than one third of the total number of Councillors [2* * * * 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) (a) 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.0

(b) **Presiding authority shall not permit any subject in the nature of policy matter requiring ~~thorough~~ scrutiny and study having bearing on canons of financial propriety.**

(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) Subject to the provisions of sub section (7) the meeting of Zilla Parishad shall not be adjourned except for grossly disorderly **behavior** resulting from the conduct of the councillor. Such adjournment ~~of granted~~ the meeting should be continued at the same Place after lapse of a reasonable period .

(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 3[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 meeting of the Zilla Parishad under the provisions of this Act and of the proceedings at each meeting of the Zilla Parishad (and if any Councillor present at the meeting so desires, of the names of the Councillors voting, for and against any resolution) in a minute book to be provided for this purpose, 4[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 **together with its operative part** 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. **If for reasons best known to presiding Authority, Presiding authority does not sign such minutes immediately or within seven days from the date of submission for approval, the CEO shall sign and finalize after giving the notice of his intention to do so in writing to the presiding authority and after due verification of its contents.**

1 This portion was inserted by Mah.6 of 1975, s. 35(b).

2 The brackets and words "(including associate Councillors)" were deleted by Mah.21 of 1994, s.74 (2).

3 These portion was substituted for the words "the whole number of Councillors" by Mah.43 of 1962, s.15.

4 These portion was substituted for the portion beginning with "Which shall be signed immediately" and ending with "any voter of the Zilla Parishad" by Mah 6 of 1975, s.35(c)

(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 Minister 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 1[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. (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.

Councillor
may act
during
vacancy ;
acts of Zilla
Parishads
etc., not to be
invalidated
by
informalities

2[(3) No act or proceeding of a Zilla Parishad shall be deemed to be invalid on account of any defect or irregularity in the such act or proceeding not affecting the minutes of the case or on account of any irregularity service of notice upon any Councillor or for mere informality].

113. (I) 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.

Dignitaries
to address
meeting.

(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. 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.

President
may require
the presence
of certain
Government
officer at
meetings of
Zilla
Parishads

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.

President
may circulate
written
propositions.

115. (1) In matters prescribed by regulations made by the Parishad, 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.

(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 This portion was substituted for the words "and the President shall" by Mah.35 of 1963, s.49(3)

² Sub-section (3) was substituted, *ibid.*, s. 50.

Mode of
execution of
contracts.

¹[116. (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 purpose 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 Chief 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 Subject Committee or Panchayat Samiti concerned, for information.

(4) No contract or agreement executed as in this section provided, shall be binding on a Zilla Parishad.]

Panchayat Samitis

Meetings of
Panchayat Samitis

117. 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. The provisions of sections 111 and 112 in relation to meeting 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 proposition 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"

Sections 111,
112 and 115 to
apply to
meetings of
Panchayat
Samitis.

- (b) for the word “President” the words “Chairperson of Panchayat Samiti”
 (c) for the words “Vice President”³[wherever they occur except in sub-section
 (4) of section 111], the words “Deputy Chairperson 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”,]

⁶[(e) in section 111, in sub-section (4) the proviso shall be deleted.]

(f) If it shall appear to a Panchayat Samiti that the attendance of any officer of State Government having jurisdiction over an area less than the division and not working under any Zilla Parishad is desirable at a meeting of panchayat Samiti, the Chairperson of the Panchayat Samiti by letter addressed to such officer not less than fifteen days before the intended meeting, required his presence there at 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 sub-ordinate officer to represent him at the meeting.

1 Section 116 was substituted by Mah. 16 of 1965, s.2.

2 Clause (1-a) was inserted by Mah. 35 of 1963, s. 51(1).

3 These words were inserted, ibid., s.51(2).

4 The word “and” was deleted by Mah.22 of 1962, s. s.

5 Clause (d-1) was inserted by Mah. 35 of 1973, s. 51(3).

6 This clause was substituted for clauses (e) and (f) by May. 6 of 1975.s.36.

119. 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 meeting 2[as the State Government may by rules prescribe in that behalf.]

¹[(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 meeting 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 words “Councilorship” the word “membership” shall be substituted ;
 (d) for the words “the Parishad” the words “any such Committee” shall be substituted.]

120. 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, of the Subject 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. (1) Whenever it appears to the Chairperson of a Standing Committee or a subjects Committee unnecessary to convene meeting, he may circulate a written proposition of

Meetings of Standing Committee's and Subjects Committees.

Chairperson may require attendance Government officers at meetings of Standing or Subjects Committees, as the case may be.

Chairperson of Standing Committee or Subjects Committee may circulate written propositions

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. (1) 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, ²[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.

Meeting of Committees to be convened in certain cases.

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 This portion was substituted for the words "and the President shall", *ibid.*, s.53

CHAPTER VIII

EXECUTION AND MAINTENANCE OF WORKS AND DEVELOPMENT SCHEMES.

123. (1) The state Government may, subject to such conditions and restriction as may be specified by that Government, by order in the Official Gazette entrust to any Zilla Parishad, or Panchayat Samiti or both, the 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 a Zilla Parishad or Panchayat Samiti under that sub-section with effect from such date as may be specified in the order.

124. 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 decided to execute or maintain shall be executed or maintained through the agency of a Panchayat Samiti within the district.

(2) Notwithstanding anything contained in the Bombay village Panchayats Act.1958, 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

Entrustment of execution of development Schemes to Zilla Parishad

Execution of works and development schemes by Zilla Parishad through Panchayat Samiti

prescribes shall, be executed or maintained through the agency of a Panchayat within the District.

(3) Where any work or development schemes 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.

Sanction for undertaking works or development schemes

[125. (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 by rules , from time to time, by notification published in the *Official Gazette*.

1 sections 125 and 126 were substituted for the original by mah. 11 of 1985, s.2.

126. (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.

Contracts for works or development schemes

(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*.

127. 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 office or person authorized by general or special order of the State Government considers it necessary for that purpose to give technical guidance or or assistance to any officer of or under a *Zilla Parishad* or any servant **there** of who is charged with the execution or maintenance of any such works or development schemes, then the officer or person so authorized may periodically inspect such works or development schemes, and may give such guidance, assistant or advice as he thinks necessary in relations to such works or development scheme 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.

Power of **State** Government or officer to inspect and give technical guidance, etc.

CHAPTER IX

Zilla Parishad, ITS PROPERTY, FUND AND EXPENDITURE

[128. (1) A *Zilla Parishad* may, for the purpose 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 **any** other transfer of any such properties shall be valid, except with the previous sanction **of Such authority of officer as may be prescribed by rules.**

Power of *Zilla Parishad* to acquire and lease, sell or transfer property.

129. (1) Every work constructed by a 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, moveable 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 revert in the State Government.

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) Mah.,34 of 1966, 2.7.
4544--6

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(3) On such transfer, the property shall vest in the Zilla Parishad, but subject to such terms condition and restriction (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 restriction, or if the property is required by the State Government, the property vesting in the Zilla Parishad shall revert in the State Government, and the State Government may resume possession thereof.

District
fund, its
custody and
investment

130. (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 of the amount of the tax on professions, trades, callings and employment's after deducting such percentage there of as is to be assigned to a Panchayat under clause (b) of section 163 ;

¹[(a) 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 recommendation of the Finance Commission ;]

- (b) all rents and profits accruing from property (including ferries) vested in a Zilla Parishad ;
- (c) the proceeds of all tolls and leases of tolls on roads and bridges vested in the Zilla Parishad ;
- (d) all sums received by the Zilla Parishad ²[in the execution] of, of from taxation under this Act ;
- (e) 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 ;
- (f) all sums contributed by private persons ;
- (g) the receipt on account of charities and trusts placed under the management of a Zilla Parishad ;
- (h) all grants, loans, assignments and contributions made by the State Government ;
- (i) all grants, loans and contributions meant for Panchayat Samitis or any institution or persons and to be paid through the Zilla Parishad by Government ;
- (j) 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 ;

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.4 of 1962, s.16.

- (k) all sums paid by the state Government to the *zilla parishad* to meet expenses for the performance of any agency function ;
- (l) all sums realised by way of penalty otherwise than by way of a fine in a criminal case ; and
- (m) all amount received from persons for supplying or providing services, facilities, benefits of 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 prishad* 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.

Mah. VI
of 1975.

¹[2A) (a) Notwithstanding anything contained in sub-section (2) with effect from the date of commencement of the Maharashtra Zilla Parishad and Panchayat samitis (Fourth Amendment) Act, 1974 ; all sums representing subscription paid by the employees of a Zilla Parishad any provident fund established by it or contribution made by the Zilla Parishad on such subscriptions, if any, for the benefit of such employee shall be paid by Chief Excecutive Officer the public account of the State. The manner in which payment into the public account of the State 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.]

²(2 B) 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 Consolilated Fund of the State The manner in which payment into the Conciliated Fund of the State of such sums and securities and shares, if any, may be made and all other matter connected with or ancillary to matters aforesaid, shall be regulated by such general or special order as the State Government may, from 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;

³* * * * *

⁴(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 Government 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 very such investments for others of the like nature and the resulting from the securities, shares or debentures and the proceeds **of** the sale of the same shall be credited to the district fund].

1 Sub-section (2A) was inserted by Mah. 6 of 1975, s. 39(b)

2 Sub-section (2B) was inserted by Mah. 42 of 1986, s.2.

3 Proviso was deleted by Mah. 6 of 1975, s. 39(c).

4 Sub-section (4) was added., ibid, s. 39 (d).

Borrowing of money ¹[130A. 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 ²[or from such body or association, whether incorporated or not as may be approved by the State Government in this behalf.]

Creation of special fund. 131 (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

(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.

District fund where to be expended. 132. ³[Expenditure including any grant] by a Zilla Parishad ut 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 purpos of maintaining its property outside that area ⁴[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 ⁵[or for holding outside such area] ⁶[but within the revenue district] conferences, receptions, ceremonies, exhibitions or social and cultural events,] no such snaction shall be necessary.

General charges to be defrayed. 133 Every Zilla Parishad shall form the District Fund at its disposal, pay-

(a) the monthly honoraria to the presiding authorities provided by section 46, 69 and 84 ⁷[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 establishment of markets 8*

1 Section 130 A was inserted by Mah.43 of 1962, s.17.

2 These words were added by Mah.35 of 1963, s.55.

3 These words were deemed always to have been substituted for the word "Expenditure" by Mah.8 of 1966,s.9.

4 These words were inserted by Mah.21 of 1968, s.11.

5 These words were inserted by Mah.15 of 1969,s.2.

6 These words were substituted for the words "but within the district" by Mah 6 of 1975,s.40

7 These words, figures and letter were inserted, ibid,s.41(a)

8 The word "and" was delete4d ibid.,s.41(b).

(f) the cost of performance of agency function entrusted to it;

1[(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. (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 2[the Chief Executive Officer] 3[or any officer specifically authorised by him in this behalf].

How district fund shall be drawn against.

(2) Payment of any sum in excess of [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 of receipts and expenditure of every Zilla Parishads or Panchayat 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.

Accounts to be kept in form prescribed by State Government

5 [136. (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 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.

Preparation of statement of accounts and publication of abstracts of accounts

(2) The block Development Officer shall, every year on or before such date and in such form as the State Government may prescribe, prepare statement of accounted of receipts and expenditure of the Paychayat 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)b 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 Samiti.

(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.

1 Clause (g) was added, by Mah. 6 of 1975, s.41(c).

2 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.

3 These words were added by Mah.21 of 1968, s.12(a).

4 These words were substituted for the words “ two hundred rupees”, ibid.,s.12(b).

5 Section 136 was substituted for the original by Mah.6 of 1975, s.42.

(5) Every Pnachayat 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 the 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 sub-section (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 Parishad shall approve the same with or 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, 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 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 for, and in such manner, as may be prescribed by the State Government].

137. (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 to 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 (I), consider the budget estimate prepared under sub-section (I) (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 (I) 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 Block Development Officer shall forward the budget estimate prepared 2[under sub-section (2), to the Zilla 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. (1) Every Zilla Parishad may, at any time during the year for which any such budget estimate has been approved, cause 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 estimate may be made from time to time subject to like approval:

(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] ;

(b) re-appropriation of funds between the sub-heads under the same major head of account in respect of the subjects allotted to a Subject Committee, may be approved by such Committee for an amount not exceeding twenty-five thousand

Revised
supplement try
budget
estimates may
be made when
necessary Re-
appropriation
to be subject to
approval like
budget
estimate.

rupees 6[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 7[at a time, subject to a limit of rupees one lac and fifty thousand 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.434 of 1962, s. 19(a)

3 The words "with or without modification" were deleted, *ibid*,s. 19(b)

4 These proviso was added by Mah. 8 of 1966,s.10.

5 These words were inserted by Mah. 6 of 1975, s.43(9).

6 These words were inserted, *ibid*, s.43(b)

6 These words were added, *ibid*, s. 43(c).

1[(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 Samiti)

budget estimates and appropriations when to be approved.

139. 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 2[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.

Except on pressing emergency no sum not provided for in estimate to be expended.

140. Save in case of pressing emergency 3[of 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.

Authorities of Zilla Parishad to sanction loans or contingent expenditure or to write off dues limits of such power.

141. (1) when provision is made in the budget estimate of any Zilla Parishad for granting loans for any specified purpose, 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 objects 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 4[(including any prescribed sum which is irrecoverable)], to be written off to such extent, as may be prescribed by the State Government.

Recovery of sum due to Zilla Parishads as arrears of land revenue.

5[141A. (1) Any sum payable to a Zilla Parishad under any agreement express or implied, may be recovered in the same manner as an arrear 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 the persons by whom the Zilla Parishad or any authority subordinate to it or with the persons by whom the sum is alleged to be payable) which shall, after making such inquiry as it may deem

1 Sub-section (4) was added by Mah.35 of 1963. s.58.

2 These words were substituted for the words "a balance" by Mah.21 of 1968,s. 13.

3 These words were inserted by Mah.34 of 1966. s.8.

4 These brackets and words were inserted by Mah.43 of 1964. s.21.

5 Section 141 A was inserted by Mah.43 of 1962,s.20

fit and after giving to the person by whom the sum is alleged to be payable, an opportunity of being heard; decide the question 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 question referred to it under sub-section (2) shall be such as may be prescribed by the State Government].

142. (1) Every Zilla Pariashad or Panchayat Samiti shall, subject to the provisions of this section prepare its administration report.

Administration
report

(2) every Panchayat Samiti shall include the audit notes with the replies thereto in its administration report and shall forward the report the the Zilla Parishad for the 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 report of the Panchayat Samiti 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.

Power of
Accountant
General to
check accounts
of Parishad
and Samitis

2[142A. 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

144. The State Government shall levy, on the Conditions and in the manner hereinafter described, 5[a cess within a District] at the rate of 6[two hundred paise] or at such increased rate not exceeding 7[seven hundred] as may be determined by the State Government under section 155, on every rupee of---

Levy of 8 * *
cess on every
rupee of land
revenue.

- (a) every sum payable to the State Government as ordinary land revenue, **or rent assessed or fixed on such a land or lease money payable thereof** except sums payable on account of any of the Charges mentioned in the Fourth schedule and except sums payable on account of any of the changes which may be notified by the State Government in this behalf and.
- (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 can be levied under this section on sums less than twenty five paise.

1 These words were added by Mah.21 of 1968, s.14

2 Section 142 A was inserted by Mah. 15 of 1969, s.3

3 These words, figures and letter were inserted by Mah.15 of 1969, s.4(i)with effect from 31st January 1969.

4 These words figure and letter were inserted, ibid., 4(ii) with effect from 31st January 1969.

5 These words were substituted for the words "a cess" by Mah. 15 of 1974, s.5(a)

6 These words were substituted for the words "twenty paise" by Mah. 1 of 1993, s.5 (1).

7 These words were substituted for the words "Seven hundred Paise" ibid, 5 (2)

7 The Word "twenty naye paise" were deleted ibid, s.5(3).

Rules for
assessment

145: - In the assessment of the said cess on villages alienated as defined in Maharashtra and Revenue code **1968-**

- 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,or exemptions from Land Revenue (No.2) Act 1863, and clause (c) of this section does not apply , the cess shall be fixed on the total annual assessment as settled for the purpose of summary settlement; and
- c. In village 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, of failing agreement , by a rough survey being borne half by the *Zilla Parishad* and half by the holder or proprietor of such village.

146: -

Levy of cess on
water rate.

- 1 The State Government may levy a cess not exceeding [twenty paise], on every rupee of water-rate leviable under the provisions of the **Maharashtra Irrigation Act, 1879.** **
- 2 **The cess 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 Govt. under the said Act,**
- 3 The provisions of Sec 149 & Sec 150 shall apply in relation to cess levied under sub sec(1).

147: - 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 relevant Tenancy Act applicable, such tenant shall be primarily liable for the payments of cess in respect of such land.

148: -delete

1. This word was submitted for such word "naye paise" Mah.15 of 1974,s.5(c).

** . See now, the Maharashtra Irrigation Act,1976(Mah.38 of 1976).

149: - 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 authorized 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 cess from their tenants, occupants or persons authorized to use the water-courses and shall be applicable also to occupants of lands under the Maharashtra Land Revenue code 1966, for the recovery of the said cesses from their tenants of joint occupants.

Assistance
to superior
holders

150: -

1. Subjects to the provisions of sub-sections (2) the local cess leviable on water-rate under section 146 in respect of lands shall be paid by State Government to the *Zilla Parishad* within the jurisdiction of which the lands of which the lands are situated after deducting such proportion thereof as cost of collection as the State Government may prescribe by the rules.
2. The total cess leviable on water-rate 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 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.

Colle
ction
and
credit
of
local
cess
on
water
rate

151: -to be deleted

151A: -to be deleted

152: -to be deleted

152A: -to be deleted

153 The local cess leviable in respect of land under section 144 shall subject to the provisions of sub-sections (5) and (6) of sections 155, be paid by the State Government to the *Zilla Parishad* within the jurisdiction of which lands are situated after deducting such proportion thereof as cost of collection, as State Government may prescribe by rules.

Suspension
and
remission of
local cess

154: - The State Government may, on the application of the Zilla Parishad to which the cess is payable suspend or remit the collection of cess any portion thereof in any year in any area, subject to the jurisdiction of such *Zilla Parishad*.

155: -

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 ¹[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 State Government for its consideration.
2. A Panchayat Samiti may, at a special meeting called for the purpose, pass a resolution , to th effect that in the whole of 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, and forward that resolution to the *Zilla Parishad* shall, within three months of the date of its receipt, forward the resolution with its views thereon to the State Government .
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 utilized, and the period for which the increase in the rate shall continue.

Zilla
Parishads
[or
Panchaya
t Samitis]
power to
proposes
in rate of
cess.

¹.these words inserted by Mah.1 of 1993s.,8(1)

².Sub-sections (2) to (6) were substituted for the original Sub-sections (2) and (3),by Mah .35 of 1963 s.60(2)

4. On receipt of the resolution forwarded under sub-section (1), or the resolution and the views of the *Zilla Parishad* forwarded under subsection (2), the State Government may, **notwithstanding** anything contained in the relevant Code, by notification in the official Gazette , 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 ¹[seven hundred *paise*] on every rupee and specify **the** date on which the increase in the rate shall take effect and the period ⁵ * * * during which it shall continue:
²[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 determined by the State Government under sub-section (4) shall be levied and **collector** under the provisions of the relevant Code and paid by the State Government in the manner provided in sub-section (6) after deducting such proportion there of, as cost of collection as the State Government may specify in the order made in this behalf.

³[6. Where any increase in the rate is collected in pursuance of the resolution refereed to in sub-section (1), forty per cent. thereof shall be paid to the *Zilla Parishad* and the remaining sixty **percent shall** be paid as grant to all *Panchayat Samitis* in the District; and where any such increse 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 *Panchayat Samitis*, for being utilized for the purpose specified in the respective resolution.]

1. These words were submitted for the words "two hundred *Paise*" by Mah.1 of 1993 s.8.3.
2. The bracket and words ("not exceeding ten years") were deleted by Mah.28 of 1973.s.3
- 3 This provisions was substituted for the original by Mah.1 of 1993.s.8(3)
4. Sub section (6) was submitted,ibid;s.8(4)

[156: -

Power to levy cess on lands, when minerals therein belonging to and royalty is payable to .

1. Without prejudice to the provisions of sections 144 where royalty in respect of minerals in any land (when the minerals belong to Government) is payable to the State Government shall be competent and shall be deemed always to have been competent to levy and collect in any District or part of the State a cess on any such land, on the basis of the royalty so payable.
2. With effect from the 13th day of July 1973, such cess shall be levied and collected the rate of *ten paise* in the case of minor minerals on every rupee of every sum payable to the State Government on account of royalty, in respect of minerals in any such land.

Explanation - For, the purpose of this section "minor minerals" means the building stones, gravel, ordinary clay, ordinarily sand other than sand used for such purpose as are prescribed under the Mines and Minerals (Regulation and Development) Act, 1957 and any other minerals, which the Central Government have under any law for the time being in force by notification or order published in the *official gazette* declared to be minor minerals: and "major minerals" 1957 mean the **mineral** other than minor minerals, but does not include minerals oils, natural gas or petroleum.

3. The cess shall be collected, so far as may be, in the same manner as the cess levied under section 144, the case may be is collected.
4. The amount of cess collected shall be paid by the State Government to the *Zilla Parishad* concerned, within the jurisdiction of which the lands are situated, after deducting such proportion thereof as cost of collection as may be prescribed.]

157: - (1) Subject to any general or special orders, which may be made by the State Government in the behalf, every *Zilla Parishad* may after observing the preliminary procedure required by section 159, impose any of the following **taxes** and fees for the purpose of this Act, that is to say: -

Taxes which may be imposed by Zilla Parishad.

- 3* * * * *
- (b) a general water tax if public water taps or stand posts have been installed for the use of the public ;
- 4a* * * * *
- (d) a pilgrim tax;
- (e) a special tax on lands and building ;
- (f) water rates in respect of water supplied to lands or buildings from any irrigation work vesting in a *parishad*.
- (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 with 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 circumstance of each case);]
- (g) any one or more of the following fees, in any public markets , namely:-
- (i) a license fee on brokers , commission agent , weighmen, or measures practicing their calling therein;
 - (ii) a market fee for the right to expose goods for a sale in the market or for the use of any building or structure therein;

1. section 156 was deemed to have been inserted on the 13th July 1973 by Mah.46 of 1981,s.3 (For provisions for validation, assessment, levy and collection of cess on royalty, see Mah.46 of 1981,ss 4 and 5)
2. Section 157 was renumbered as sub section (1) of the said section by Mah. 56 of 1981,s.3.
3. Clause (a) was deleted by Mah.16 of 1975, Schedule II
4. Clause (c) was deleted by Mah.15 of 1974 ,s.10 (a).
5. These clauses were substituted for the original, ibid, s.10 (b).

(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 being supplied by the *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 a *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 building or in such other form and manner as may be prescribed and the maximum and minimum rates at which the said taxes be imposed in the *Panchayat* and other matters relating to the imposition, collection and exemptions shall be such as may prescribed.]

158: -

(1) **The stamp duty imposed by the Bombay Stamp Act, 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 *official Gazette*, in that behalf, be increased by [two percent] 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.**

(2) For the purpose of this section ,section 28 of the Bombay Stamp Act 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* ; and

(3) The State Government shall, every year after due appropriation made by law in this behalf pay to each *Zilla Parishad* from Consolidated Fund of the State, a grant-in-aid approximately equal to the extra duty realized under sub-section (1) in respect of properties situated within the jurisdiction of each such *Zilla Parishad*.

(4) Every *Zilla Parishad* , out of the amount of grant-in-aid received by it under sub-section (3), contribute to the village fund each *Panchayat* within its jurisdiction an amount approximately equal to fifty percent of the amount received by the *Zilla Parishad* in respect of the properties situated within the jurisdiction of such

Bom.LX of
1958.

Bom.LX of
1958.

Stamp
duty on
certain
transfer
of
immova
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proper
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Panchayat in accordance with the rules made in this behalf by the State Government .

- (5) The sum required to meet expenditure by the State Government under sub-section (3) shall be charged on the Consolidated Fund of the state.
- (6) The State Government may make rules for carrying out the proposes of this section.

-
1. The provisions 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. These words were substituted for the words "One half Centum" by Mah.1 of 1993,s.9.

159: -

Procedure
of Zilla
Parishad
Preliminary

- (1) Every *Zilla Parishad* shall before imposing a tax or fee by resolution passed at a meeting of the *Parishad*
 - (a) select 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 give (including the circumstance or principles on which exemption 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, in local newspaper and by beat of drum in villages.

- (3) Any habitant 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 or its Councilors to consider and report on them.
- (4) The *Zilla Parishad* shall take the proposal and all objections received there to 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
carrying 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 default with according to the procedure laid down in section 159 for the position of a new tax or fee; and the notification of the abolition of 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: -

1. If any fee imposed under sub-section (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 amount chargeable.
2. If any fee imposed under sub-section (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 authorize 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 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 payments 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
 - (c) **the amount remaining in balance after defraying expenses at (a) & (b) above may be refunded to the owner on demand.**
6. For the purpose of this section, any officer or any other person authorized of by the Chief Executive Officer shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

162: - All the 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;

Proce
dure
in
cases
of non
paym
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of fee

Publicat
ion of
sanction
ed rules
with
notice

- (b) on or before the day **on** which notice is issued , the *Zilla Parishad* shall publish such further detailed rules as may be required , prescribing the mode of levying such further detailed recovering the tax therein specified , and the date on which the tax or the installment (if any),thereof shall be payable ; and
- (c) if the levy of a tax , or of a special portion of a tax or 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.

Compulsory general and special water taxes imposed by Zilla Parishad be collected by Panchayat.

[163: -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 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 there under in accordance with provisions of section 129 and of the Bombay Village Panchayat Act ,1958, as if they were taxes imposed by the *Panchayat* under provisions of that Act , and the proceeds there of , 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.

Bom.
III of
1959

-
1. Sections 163 and 164 were inserted by Mah.56 of 1981, s.4.

164: -

Default in payments by a Panchayat and recovery from its moneys

1. If any *Panchayat* defaults in the payments 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 moneys 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 person , and such bank or person shall be bound to obey such order.
2. Every payments made pursuant to an order under sub-section (1) shall be 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.]

Powers of State Government to suspend levy of objectionable taxes.

165: -If at any time it 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 there of, is obnoxious to the interests of the general public or violates any promise made or undertaking 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 exit to the said tax or fee and it, 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.

CHAPTER XI
Collection of Taxes or Fees.

166.

(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 installment on account of any tax [(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 this payment there of , 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 authorized by regulation in that behalf to receive such payments, within fifteen days from presentation there of 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 Sixth Schedule, or to the like effect.

167: -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 regulation 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 the distress and sale of the moveable property of the defaulter.

168: -Every warrant issued under section 167 shall be signed by the President causing the same to be issued, or by the officer authorized by the *Zilla Parishad* for that purpose.

169: -

- 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 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 **Nagar Panchayat**, the warrant shall be addressed to the Chief Officer of the **Nagar Panchayat**.

Presentat
ion of bill
for
amount
of tax, or
fee

Issue
of
warrant

Warrant by
whom
should be
addressed

To whom
warrant
should be
addressed

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*.

6 Where the property is in a cantonment, the warrant shall be addressed to the Executive Officer of the cantonment.

7 Where the property is not within the limits **or** such corporation of a municipal **Nagar Panchayat**, 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.

Power of entry under special order

170: -Any officer to whom the warrant is addressed by endorsement or otherwise may, if the warrant contains a special order authorizing 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 duty demanding admittance, he can not 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.

Warrant how to be execute

171: -Such officer may distrain, 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 implement 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 authorized 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 there of and shall before removing the same to the person in possession there of at the time of seizure a written notice in the form of 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 determined 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: -

- (1) When the property seized is subject to speedy and natural decay, or when the expense of keeping it in custody together with 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 forth with.
- (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 persons 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 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 not the same be claimed by written application to the *Zilla Parishad* within one year from the date of the notice, a refund there of 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*.

Sale
of
goods
disrtained
application
of
proceeds
of
sale
and
surplus
how
dealt
with

173: -When warrant is addressed to outside the District, the authority issuing the warrant may be endorsement require the Municipal Commissioner, the President or the officer or Registrar to whom the warrant is addressed to sell the property disrtained, 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 the authority by whom it was issued.

Disrtaint
and
sale
outside
district.

174 : - Fees for –

- (a) every notice issued under sub-section (3) of section 166,
- (b) every distress made under section 171, and
- (c) the cost of maintenance 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.

Fees
and
cost
chargea
ble.

175: -An appeal against any claim included in a bill presented under sub-section (1) of section 166 may be made to **the Divisional Commissioner**. But no such appeal shall be heard and determined, unless-

Appeals
to
Magistra
tes.

- (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*.

Liability
lands,
building
etc, for
rates

176 – All sums due on account any tax imposed in the form of a rate on lands or building or on both, shall or on both, shall, subject to prior payments 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:

The arrears of any such tax shall be received primarily from the owner of such land or building and in the alternative from the occupier thereof. However, recovery from the occupier shall be limited to the period during which he occupied the premises.

Suspensi
on of
power to
recover
by
distress
and sale

177 : -The State Government may ,at any time by notification in the *official Gazette* suspend the operation of sections 167 & 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 thereto fore recoverable under the said sections , shall be recoverable on applications 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
feees.

(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 fulfillment of the condition 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 articles 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 condition of the lease have the powers refereed 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 arrears of land revenue.

Receipt
to be
given for
all

179: -For all sums paid on account of any tax or fee under this Act, a receipt stating the amount and 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. Already deleted.

181. Already deleted.

¹(181A, (1) The State Government shall, after the due appropriation made by law in this behalf, make every year grant to every *Zilla Parishads* of a sum equal to ²(Ten per cent.) of the average of the amounts of gross revenue realized from forest, during the three financial years immediately preceding ³(each quinquennium commencing on the 1st day of the **year to be notified by Government**) :

Grand of
* * *
forests
Revenue to
Zilla
Parishads,

⁵(Provided that, the grant so fixed shall not be altered during that period so as to be disadvantageous to the *Zilla Parishads*.)

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 Parishads* 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.)

182 : The State Government shall pay every year to the *Zilla Parishad* a grant for works and development schemes transferred to *Zilla Parishad* under clause of sub-section (1) of section (100) on the terms & conditions specified in the order made in this behalf by the State Government) and in respect of such works or development schemes vested in a *Zilla parishad* under para 2 of the **Eleventh** Schedule, as may be determined by the State Government so however that the amount of the **grant** in equal the expenditure which may be incurred in respect of such works or schemes).

Explanation : For the purpose of this section, the methos of calculating the amount of expenditure shall be such as may be determined by the State Government)

⁶(182. (A) **Repairs and maintenance Grant: The State Government shall permit each *Zilla Parishads*, every year as expend **minimum 5%** of grants released by State Government in totality for development works, for repairs and **maintenance** of assets created and or inherited by it.**

⁸{183. The State Government shall pay to a *Zilla Parishads* every year by way an establishment grant a sum equal to ⁹* * * the average cost on account of the salaries and allowances in respect of-

Establish –
ment grant .

(a) the posts which are rendered surplus to the requirement of the State Government from time to time consequent on the transfer of works and development schemes to the *Zilla Parishads* 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 Samitiss* (Amendment) Act, 1970,consequent on the transfer of such works and development schemes.

¹⁰[c) the posts determined or laid down by the State Government under sections 243 and 243A 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 Parishad,)

Explanation.- For the purpose of this section –

(a) any such posts do not include posts in respect of which expenditure is debited to the provisions of such works and schemes ;

¹ Section 181 A was inserted by Mah. 15 of 1969, s 8.

² These words were substituted for the words “five per cent.” By Mah. 1 of 1993, s. 10(a).

³ These words were substituted for “any State Five Year Plan within the limit of the District”. by Mah. 36 of 1972, s.4 (a)(2)

⁴ The words “five per cent. Of were deleted by Mah.1 Of 1993, s. 10(b).

⁵ This proviso was substituted by Mah.36 of 1972, s. 4(a)(3).

⁶ Section 187 was substituted by Mah.15 of 1969,s.9.

⁸ This portion was substituted for the portion beginning with words “so however that” and

ending with words “works or schemes” by Mah. 15 Of 1974, s. 12.

⁸ Section 183 was substituted by Mah.22 of 1970, s. 8.

⁹ The words “seventy – five per cent. Of” were deleted by Mah. 15 of 1974, s, 13(a).

¹⁰ Clause [c] was substituted for the proviso *ibid*; s. 13 (b).

(b) salaries and allowances include ¹[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.Already Deleted.

Local cess
Matching
Grant.

185. 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 rates prescribed by the Act is levied by the State Government in the whole district or in a Block, the Zilla Parishad or as the case may be Panchayat Samiti, shall be paid every year such proportion as may be prescribed by the State Government.

Incentive
Grants.

186. (1) The State Government may, having regard to the progress of developmental activities of each the Zilla Parishads give to each *Zilla Parishad* a grant to such 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 development of activities of individual *Parishad* should be assessed and compared with those of others, and the extent and amount of the grant to be such as may be prescribed by the State Government.

Grants for
Plan
Schemes.

187. (1) The State Government shall pay to each Zilla Parishad every year in such manner, and to such extent , as it may determine , grant 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. Delete.

189. Already Delete.

CHAPTER XIII

SANTARY AND OTHER POWERS.

190. 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 building and lands, and by written notice direct that all or any part thereof shall be cleansed, cleared, or put in a proper state for sanitary reasons.

¹ These words were inserted by Mah. 15 of 1974 s. 13 (c)

² These words were inserted, *ibid.*, s. 14(a)

³ These words were added, *ibid.*, s. 14 (b)

⁴ The words "If the grant to be paid to the Panchayat Samiti shall be paid through the Zilla Parishad" were deleted by Mah. 35 of 1963, s. 63.

191. Whoever, being the owner or occupier of any building or land, whether tenanted 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 neighborhood, or overgrown 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 **Rs. 500** and if the offence be a continuing one, to a further fine not exceeding **Rs 100** for every day during which the said offence is continued after conviction.

Filthy buildings, etc.

192. The Chief Executive Officer, or any person authorized 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,-

Powers and duties with regard to sources of water supply.

(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 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 neighborhood;

(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 person having occasion to use or to pass or approach the same.

193. If the owner or the person having control as aforesaid, fails or neglects to comply with any such requisition within the time requisition within the time required by or under the provision, 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 :

Remedy on Non-Compliance With Directions Issued.

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 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 Parishads*.

Power to set Apart public Springs, Etc., for Certain Purposes.

194. (1) The Chief Executive Officer **or any other officer authorised by him** 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, wells or other places for any of the aforesaid purposes.

(2) The Chief Executive Officer **or any other officer authorised by him** may, during epidemics, on receipt of a certificate from any medical officer in the employ of the *Zilla Parishads* 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 or ny other officers by him be may extent or modify the notice from time to time without the production of a further certificate.

195. Whoever-

Penalty for Using place Set apart For other Purposes.

(a) bathes in or defiles the water in any place set apart for drinking purpose 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 wools, skins, or other foul or 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 sink, sewer, drain, engine or boiler, or any 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 limit upto Rs. 1000/- and if the offence be a continuing one, to a further fine not exceeding rupees 200/- for every day during which the said offence is continued after conviction.

196. 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 neighborhood 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. (1) If the **Chief Executive Officer or any other officer** 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 **District Magistrate. The District Magistrate** 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 be published in the local newspapers, if any, and shall be posted up at the *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 usage, shall, on conviction, be liable to a fine **not exceeding rupees 500 /-.**

198. (1) The Chief Executive Officer 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.

Abatement
Of nuisance
From foul
Water.

Closing of
Places for
Disposal of
Dead.

Chief
Executive
Officer, etc.,
To have
Power of
Entry for
Inspection
Into build-
ings, etc.,
Where
Infectious
Disease
Exists,
Disinfection
s
Of buildings,
Etc,

(2) No such inspection shall be made except between sunrise and sunset.

(3) If the Chief Executive Officer or any person 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 infections, 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. (1) The *Zilla Parishads* shall, from time to time, notify places at which articles of clothing or bedding or other articles which may have been exposed to infection from any dangerous and infectious disease may be washed or disinfected.

(2) The *Zilla Parishads* 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. (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 Parishads* 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 five hundred rupees.

(2) The *Chief Executive Officer* 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 Parishads* shall be written notice call upon the person who has caused such

Zilla
Parishad to
Notify places
For washing
And dis-
Infecting
Articles,
Exposed to
Infection ;
Infected
Articles may
Be destroyed;
Penalty.

Obstructions
And
Encroach-
Means upon
Public roads,
Land or
Buildings.

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 The Chief Executive Officer 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 such manner as not to inconvenience the public or any individual.

(4) **Subject to rules/ standing orders, if any** it shall be competent to the *Zilla Parishads* to lease or to permit a temporary use of land forming part of a public road when such land is not, in the opinion of the *Zilla Parishads*, required for a public road or for any other purposes of this Act, for a period not exceeding seven years.

201.DELETE.

202.DELETE.

Public Markets

203.

Vesting of
Market
Rights,

(1) **Divisional Commissioner** may, upon a representation made by a *Zilla Parishads* by notification published in the *Official Gazette* and in such other manner as may be prescribed by rules made by **the Divisional Commissioner**, 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 purposes of this Act include within such limits such local areas as the **Divisional Commissioner** may direct.

(3) Whenever the Divisional Commissioner 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 such case by the Divisional Commissioner set up, establish or continue or allow to be contained 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 a may extend to **one hundred to five hundred rupees** for each day after the first during which the breach continues .

(5) For the purpose 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 *Bombay Agricultural Produce Markets Act, 1939, or under any other law corresponding thereto in force in any part of the State .

Bom
XXII
Of
1939.

Private Markets

204. (1) The Divisional Commissioner 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 Divisional Commissioner those provisions shall apply** to the villages aforesaid, after the expiry of six months from the date of the notification.

Power of
State
Government
To apply
These
Provisions
To
Villages.

(2) In any villages to which the provisions apply as aforesaid, the Markets and Fairs Act, 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 and the provisions of section 7 of the Bombay General Clauses Act, 1904, shall apply to such cesser as if the Markets and Fairs Act, 1862, had then been repealed by a Maharashtra Act ,

Bom.
IV of
1862.
bom.
IV of
1862.
Bom.
I of
1904.
Bom.
IV of
1862.

205. (1) No person shall establish or maintain private market except under a licence granted by the *Zilla Parishads*.

(2) The *Zilla Parishads* as respect 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

Provision as
Licences
Required
for
Private
Markets.

measures to be used, and rents and fees to be charged in such markets, as the *Zilla Parishads* may think fit .

*Now, see Maharashtra Agricultural Produce Marketing (Regulation) Act, 1963 (Mah. XX of 1964) .

Procedure to
be followed
In claiming
Right to
Levy fees.

206. 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 Parishads* 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 Parishads* it shall, in granting him licence under sub-section (2) of section 205, allow the licensee to levy such fees .

Grounds of
Decision on
Claim to
Levy fees.

207. 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 the village to which these provisions apply.

Suit for
Establishing
Right to levy
fees

208. 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.

Fees for
Licence.

209. 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 permissions it given, a fee not exceeding such amount as may be fixed by bye-laws in that behalf may be charged for such licence .

Suspension
Or cancella-
tion of
licence.

210. 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 Parishads* for breach of any of its conditions or levy of any unauthorised fees.

Appeal
Against
Orders of
Zilla

211. Any person aggrieved by an order made by a *Zilla Parishads* under the powers vested in it by section 205, 206, 209 or 210 may appeal, within thirty days from the date thereof, to the Commissioner, whose decision shall be final.

Failure to
Grant a
Licence and
Applications
Against such
order

212. 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 Parishads* to grant licence or grant it himself, and his decision shall be final

Penalty for
Unlicensed
Markets.

213. 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 **one hundred to one thousand rupees, and, if the breach is a continuing one**, with further fine which may extend from ten rupees to hundred rupees for every day after the first during which the breach is proved to have been persisted in.

Fairs

214. 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.

Provision
Regarding
Public
Markets
Applicable
to
Fairs, etc.

Public Cart Stands

215. (1) The **Divisional Commissioner** 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 **Divisional Commissioner** the provisions aforesaid shall from a date specified in the notification apply to such local areas accordingly.

Powers of
State
Government
To apply
These pro-
visions to
Local areas.

(2) In any local area to which the provisions aforesaid apply, the provisions of the Bombay Public Conveyances Act, 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 Bombay Public Conveyance Act, 1920 and, the provisions of section 7 of the Bombay General Clauses Act, 1904 shall apply upon such cesser as if the Bombay Public Conveyances Act, 1920, had then been repealed by a Maharashtra Act.

Bom.
VIII of
1920
Bom.
VII of
1920.
Bom,
I of
1904.
Bom.
VII of
1920.

216. (1) A *Zilla Parishads* may construct or provide and maintain halting places and cart stands, and may levy rents and fees for the same.

Provision of
Public
Stands.

(2) A statement in the Marathi language of any rents and fees prescribed by bye-laws made by the *Zilla Parishads* for the use of any such place shall be put in a conspicuous part thereof.

217. Where a *Zilla Parishad* has provided a halting place or cart stand, the Chief Executive Officer may, with the approval of the *Zilla Parishads* , 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.

Prohibition
Of use of
Public place,
Or side of
Public roads
As cart
Stand, etc.

218. (1) No person shall continue to keep open in any local area a private cart stand with further fine which may extend from ten rupees to hundred rupees 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 supervisions and inspection and to such conditions as as to conservancy as may be prescribed by bye-laws made by the *Zilla Parishads* 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. Already deleted.

Provisions regarding notices, etc.

227. 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 Parishads* or by an officer or servant or other person authorised by the *Zilla Parishads* 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 of 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

(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. 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

Service of
notices, etc.,
addressed to
Individual.

Service of
notices on
owners or
occupiers of
lands and
buildings.

[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.

Public and
general
notices how
to be
published.

229. Every notice which this Act requires or empowers a *Zilla Parishads* 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 Parishads* office during such period and in such other public building and places or is published in such local papers or in such other manner as the *Zilla Parishads* in bye-laws in this behalf directs .

Defective
form not be
invalidate
notice or bill

230. (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 Parishads* 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 Parishads* 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. 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 Parishads* or the Chief Executive Officer under any powers 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 to one thousand rupees and to a further fine which may extend to five to one hundred rupees** for every day during which the said disobedience or failure continues after the date of the first conviction :

Punishment
for
disobedience
of orders and
notices not
punishable
under any
other
section.

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. (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 Parishads* 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 Parishads* may seem fit.

(2) If the defaulter be the owner of the building or land, the *Zilla Parishads* 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 persons who then, or any time thereafter, occupies the building

p

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 leavilable shall be recoverable in the same manner as an amount claimed on account of any tax reoveable 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 Parishads* 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.

Expenses or
Costs how
Determind
And
Recovered.

233. 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 Parishads* and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter XI.

Power of
Chief
Executive
Officer to
Prosecute.

234. (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 person offending against the provisions of this Act, or of any bye-law 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 viture 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 movable property within the limits of his jurisdiction belonging to the person from whom the money is claimed.

Damage to
Any Zilla
Parishad
Property
How made
good

235. 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 Parishads* 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.

Alternative procedure by suit.

236. 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 amount recoverable under the provisions of Chapter XI of any compensation, expenses, charges or damages awarded under this Act, the *Zilla Parishads* 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 Parishads*.

237. Delete.

CHAPTER XIV

PROVISIONS AS TO SERVICES.

Interpretation

238. In this Chapter, unless the context requires-

(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, a district board constituted under the Hyderabad District Boards Act, 1955, a *Janapad Sabha* constituted under the Central Provinces and Berar Local Government Act, 1948, a District School Board constituted under the Bombay Primary Education Act, 1947, and such other body as the State government may by general or special order specify in this behalf.

239. For the purpose of enabling a *Zilla Parishads* 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 Parishads* such number of officers of the Class I and 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 offers of the All Indian Services allocated to serve under the State Government as the Government considers necessary ;

Maharashtra Development Service shall be regarded as the Development Branch of State **Civil Service**.

(b) there shall be constituted by the State Government as from the appointed day the following services for each *Zilla Parishads*, that is to say-

(i) a District Technical Service (Class III),

- (ii) a District Services (Class III),
- (iii) a District Services (Class IV),
- (iv) a District Services (Technical /Non-Technical) a Class-II (Junior level) Non-gazetted.

The cadres to be formed for each of such Services, will be determined initially by the State Government.

240. Subject to rules prescribed in this behalf, the State Government shall, as from the appointed day, appoint such of the person employed by an existing board immediately before that day as were holding posts and scales of pay generally corresponding to those in Class I 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 :

Certain Officers of Existing Boards to Become Officers of State Government

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 services rendered under the existing board by any such person shall be deemed to be service under the State Government.

241. Subject to the provisions of this Chapter every person employed by an existing board immediately before the appointment 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 Parishads* :

Transfer of Certain Persons in Employ of Existing Boards to Zilla Parishad.

Provided further 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

¹The brackets and words "(with the concurrence of the Central Government)" were deleted by Mah. 22 of 1962, s 10.

services aforesaid shall not be varied to his disadvantage except with the previous approval of the State Government :

Provided further that, any services rendered under the existing board by any such person shall be deemed to be service under the *Zilla Parishads*.

Power of State Government To allor Government Services to Zilla Parishads Finally.

¹[242. Where on transfer or entrustment from time to time, of powers and functions of 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 State Government have been rendered surplus to the requirements of State Government and are, therefore, required to be abolish, the State Government or any Head of Department of the State Government duly authorised by it in that behalf (herein after 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 (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 & conditions shall not, as far as may, be less advantageous than those applicable to them immediately before such allotment. On allotment, the person so allotted shall be taken over by the Zilla parishad.

Provided that , the terms and conditions of service applicable on such allotment of any person to any of the District Service aforesaid, shall not be varied to his disadvantage, except with the previous approval of the State Government :

Provided **further** that, any service rendered by any person under the State Government shall be deemed to be service under the *Zilla Parishads*.

Explanation. For the purpose of this section the Head of Department means the Head of Department within the meaning of the Bombay Civil Services Rules, 1959.].

⁴**242-A.** Where, consequent upon the re-vesting of any works or development schemes in relation to any subject 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 the cadre of District Technical service (Class III) or the District Service (Class III) or **District Service Technical/Non Technical Class II Junior level Non-gazetted or District Service (ClassIV)** of any *Zilla Parishads* have been rendered surplus to the requirements of the *Zilla Parishads* and are there fore, required to be abolished, the State Government shall, in consultation with the *Zilla Parishads*, 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

Transfer of
Certain Zilla
Parishad
Servants to
Services of
State
Government.

¹ Section 242 was substituted for the sections 242 and 242-A by Mah, 13 of 1967, s.3.

² These words were inserted by Mah. 22 of 1970, s.9.

³ These words were substituted for the words “ten years” by Mah.22 of 1971, s.2.

⁴ Section 242-A was inserted by Mah. 6 of 1975, s.44.

applicable to them immediately before such transfer. On such transfer the person so transferred shall be released by the *Zilla Parishads* 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 a 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 Parishads* shall be deemed to be service under the State Government.]

¹**[242B.** (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 Parishads*

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 Parishads* 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 Parishads* 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 of 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.]

²[242C. (1) On and after the commencement of the Maharashtra *Zilla Parishads* and Panchayat Samities (Amendment) Act, 1992, where on the transfer or entrustment, from time to time, of powers and functions of the State Government, the Maharashtra Water Supply and Sewerage 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 Parishads* or *Panchayat Samitiss* by or under this Act, the State Government may, notwithstanding anything contained in 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 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 officers and servants) become the officers or servants of the *Zilla Parishads*.

Transfer of
Certain
Employees to
*Zilla
Parishads*.

(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 post, which shall stand created in the establishment of the *Zilla Parishads* with effect from the specified date

¹ Section 242 B was deemed to have been inserted on 1 st March 1971 by Mah. 14 of 197 1979, s.2.

² Section 242 C was inserted by Mah. 1 of 1993, s.11.

(3) Any officer or servant so transferred shall hold his office under the *Zilla Parishads* 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 matters 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 Parishads*. He shall continue to serve under the *Zilla Parishads* until his employment under the *Zilla Parishads* is duly terminated or his remuneration or other conditions of service are duly revised or altered by the *Zilla Parishads* 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 of the State Government.

(4) The sums standing to the credit of the employees referred to in sub-section (1) in any person, 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 Parishads* along with any accumulated interest due till the specified date the *Zilla Parishads* shall, to the exclusion of the State Government, the Board or, as the case may be, 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.

(5) Notwithstanding anything contained in the Industrial Disputes Act, 1947 or in any other law for the time being in force, the transfer of service 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.

Xiv
Of
1947.

(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 a permanent employee, he shall be allowed to retire giving him the benefit of pension, gratuity, provident fund 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 service shall stand terminated after giving him notice or remuneration in lieu of notice as per 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 he State Government, the Board or, as the case may be, the Development Agency.]

243. The initial strength and composition of officers posted under a *Zilla Parishads* 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 issue from time to time (but not later than six months from the commencement of this Act) determine].

Determina-
Tion of initial
Strength and
Composition
Of each
Service.

2* * * * *
*

Government, and thereupon he shall be permitted to retire from Government service or his employment under the existing board ³[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 ⁴[had his service ceased under the Government ⁵[or the *Zilla Parishad*] on the allotment date, or under the existing board on the appointed day.]

247.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*, than notwithstanding anything contained in section 25F of the Industrial Disputes Act, 1947, such transfer or re-employed 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. 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, **Vimukta jati and nomadic and special 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 Services (Class III) and District Services (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 exiting 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 :

⁶[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.]

Validation
Of certain
Appoint-
Ments.

⁷[**249.** Notwithstanding anything contained in this Act or the rules made there under all officers and servants in the District Technical Services (Class III) District Service (Class III) and District Service (Class IV) appointed by the Chief Executive Officer of 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 shall, for all intents and purposes be deemed to have been validly and regularly appointed, and no such appointment.

1 This portion was inserted by Mah. 43 of 1962. S. 23.

2 These words were substituted for the words "on or before the allotment date" by Mah.22 of 1970, s.10(a).

3 These words were inserted, *ibid.*, s.10(b).

4 These words were substituted by Mah. 13 of 1967, s. 17.

5 These words were inserted by Mah. 22 of 1970, s. 10(C).

6 This proviso was added by Mah.15 of 1974, s. 17.

7 Section 249 was inserted by Mah. 3 of 1990, s.2.

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 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. There shall be an independent board of an independent board for selection of personnels to various cadres in Zilla Parishad.

251. Already deleted.

252. (1) Save as otherwise provided in section 243 every *Zilla Parishads* 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 Service(ClassIII),District Technical Service(ClassIII),District Service(ClassIV),District Service(Technical/Non Technical)(ClassII(Junior level)Non gazzetted) (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 officer 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. The *Zilla Parishads* 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.

Schedule o
Establishment
to be
Prepared
And sanction-
Ed by *zilla
parishad*

Power of
Zilla
Parishad
To appoint
Persons on
contract

²[*Transitional Provisions as to Services*

Mah.
Ord.
IV of
1964.

253A.(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 (for such extended ³[period or periods not exceeding a

Power of
Government
To allot
Government
Servants, etc.
For a limited
Period.

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

¹These words were substituted for the words "Divisional Technical Service" by Mah.22 of 1962 s.12.

²This heading and section 253 A were inserted by mah.43 of 1964 s. 23.

³These words were substituted for the words "period not exceeding a further one year" by Mah 25 of 1966, s. 2(a).

⁴ These words were inserted *ibid.*, s.2(b).

Government to such posts as may be provisionally sanctioned by the State Government or by *Zilla Parishads* as have been or are specified in that order ; and such members of the service of the State Government as have been, or are, so allotted, 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 Samities (Amendment) Ordinance, 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 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 the *Zilla Parishads* under this section or who have been provisionally promoted, shall be paid out of the district fund.

Mah.
Ord.
IV of
1964.

(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.]

Power of
State
Government
To depute
Government
Servants to
District
Services.

¹[253B. (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 shall be continuous and will stand terminated when the incumbent stands repatriated to service under the State Government. The Period of deputation (including any period of temporary allotment, already put in, if any under this act) shall not (unless any person elects remains on deputation longer) exceed (11 years in the aggregate and shall not in any case extend beyond (21 years) from the appointed date and such person shall, on the expiry of the relevant period stand repatriated to service under the State Government;

¹ Section 253 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.

(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 ;

(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 Parishads* be deputed by the State Government or the authorised officer to any *Zilla Parishads* and the *Zilla Parishads* 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 person 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 Samities (Second Amendment) Act, 1967, shall be deemed to have 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*

Mah.
XIII
Of
1967

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.]

2[253C. (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 Services (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 ³[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, but 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 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 :

Provision for
Voluntary or
Premature
Retirement of
Government
Servants
Falling under
Section
253 B (1)

¹ These words were substituted for the words "twenty years" by Mah. 11 of 1982, s.2.

² Section 253 C was inserted by Mah. 46 of 1969, s.4.

³ 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].

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 transfers or entrustment of the powers and functions of the State Government to the *Zilla Parishads* 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 favorable 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.]

(3) A person whose final allotment or premature retirement under sub section (1) is duly approved may, notwithstanding anything contained in section 253-B, be continued in service under the State Government or on deputation to the *Zilla Parishad*, pending such final allotment or retirement.

CHAPTER XV

ALTERATION OF BOUNDARIES OF DISTRICTS AND BLOCKS.

254. (1) The State Government may, on the recommendation of any *Zilla Parishads* or *suo motu* by notification in the *Official Gazette*, at any time, -

(a) include within, or exclude from, any District, any local area ¹[or amalgamate two or more District into one District or divide any District or Districts into two or more Districts] or otherwise alter the limits of any District ; or

Power of
State
Government
To alter
Boundaries
Of district

(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 ²(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.

Power of
State
Government
To make
Suitable
Provision
By order
When
District
Is altered.

(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.

²[255. (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 Parishads* 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 Maharashtra 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 Parishads*,

(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 District ;

¹ These words were inserted by Mah. 7 of 1967, s. 7(a).

² These words were inserted *ibid.*, s. 7(b).

³ Sections 255 and 255A were substituted for section 255 by Mah. 46 of 1969, s. 5.

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 Parishads* consisting of such number of Councillors appointed by the State Government as the State Government may determine, until the successor *Zilla Parishads* is in due course constituted under this Act ;

¹[(iv) in a case falling under clause (i), the appointment of Administrators to exercise the powers and to perform the functions of the successor *Zilla Parishads* including those of the Panchayat Samitis, the standing Committees or Subject Committees appointed, if any, until the Zilla parishad/ Panchayat Samities 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 on 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 authority or officer subordinate to it to any such transferee or any authority or officer subordinate to it ;

(viii) ^{2*} * * * * *

(ix) the continuance within the area of an existing local authority of all or any appointments, notifications, notices, taxes, orders, schemes, licenses, 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, notices, taxes, orders, schemes, licenses, 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 super session 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, assessments, assessments list, valuations, measurements or divisions made or authenticated by, or in respect of, such existing local authority

¹ Clause (iv) was substituted for the original by mah.6 of 1986, s.3.

² Clause (vii) was deleted by Mah. 26 of 1982, s. 2(a).

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).

¹[(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 terms and conditions applicable to such employees 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, 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 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 shall vest in and be the assets, 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 be 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 Parishads* 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 standing the expiry of the term for which they may have been appointed, continue in office for the area concerned, until immediately before the first meeting of the new *Zilla Parishads* 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 *Parishads*, its Councillors or administrator.

255A. When the whole of the local area comprising a District ceases to be District with effect from the day on which such local areas ceases to be a District-

(i) the *Zilla Parishads* / *Panchyat Samit* constituted for such District shall cease to exist or function ;

(ii) the Councillors of the *Zilla Parishads* and the members of the *Panchyat Samiti* 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*,

Mah
XXVI
Of
1982.

provided in respect of such area for all of any of the matters specified in paragraphs (vi) to (xii) (both inclusive) or sub-section (2) of section 255 and provisions of sub-section (3) of that section shall apply to such order.]

¹This sub-section was inserted by Mah.26 of 1982, s.2(b).

256. (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.

Power of
State
Government
To alter
Boundary
Of 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.** Where during the term of office of members of any *Panchyat 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-

Power of
State
Government
To make
Suitable
Provision by
Order when
Block is
Altered.

(i) in a case where any area is included within any Block, the appointment of an administrator or administrators to exercise powers and to perform duties and the functions of the successor Panchyat Samitis until such Panchyat Samitis are in due course constituted under the Act.

(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 appointment of an administrator or administrators to exercise powers and to perform duties and the functions of the successor Panchyat Samiti until such Panchyat Samiti is in due course constituted under the Act.

(iv) in a case where any 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 *Panchyat Samitis* until such *Panchyat Samitis* are in due course constituted under the Act ;

(v) the area in respect of which the reconstituted *Panchyat Samitis* shall function and operate ;

(vi) the transfer in whole or in part of the rights and liabilities of the existing *Panchyat 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.]

CHAPTER XVI

CONTROL.

258. (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/ Addl Commissioner in regard to any *Zilla Parishads* on matters or order of the State Government is required by this Act.

Inquiry
In to affairs
Of Zilla
Parishad

¹ Sub-section (3) was substituted for the original by Mah. 7 of 19667, s.9.

² Section 257 was substituted by Mah. 46 of 1969, s. 6.

(2) The Officer holding such inquiry shall have the powers of a court under the Code of Civil Procedure, 1908, to take evidence and to compel the attendance of witnesses and the production of documents for the purposes of the inquiry.

V of
1908

(3) The State Government may make orders as to the costs of inquiries made under sub-section (1) and as to the parties by whom and the funds out of which they shall be paid and such order may, on the application of the State Government or of any person named therein, be executed as if it were a decree of a civil court.

Power of
State
Government
To provide
For
performance
of
Duties in
Default of
Zilla
parishad

259. (1) When the State Government is informed, on complaint made or otherwise, that a *Zilla Parishads* has made default in performing any duty imposed on it by or under this Act., or by or under my enactment for the time being in force, the State Government, if satisfied after the due inquiry that the *Zilla Parishads* has failed in the performance of duty, may fix a period for the performance of that duty :

Provided that, no such period shall be fix unless the *Zilla Parishads* has been given an opportunity to show cause why such order shall not be made.

¹ (Explanation - For the purpose of this sub-section, *Zilla Parishads* includes a *Panchayat Samitis* 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 performed it, and may direct that the expense of performing it with a reasonable remuneration to the person appointed to performed it shall be forthwith paid by the *Zilla Parishads* .

Power of
State
Government
To dissolve
* * *
Zilla
parishad
and cones-
quential
provisions.

260. (1) If, in the opinion of the State Government, a *Zilla Parishads* 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 the force, or ²[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 ³[out of audit of accounts under the Bombay Local Audit Act, 1930] or inspection of the office and work thereof, the State Government may, after giving the *Zilla Parishad* an opportunity of rendering an explanation, by order published with the reasons thereof, in the *Official Gazette*-

(i) dissolve such *Zilla Parishad* ^{4*}

5* * * * *

Bom.
XXV
Of
1930

(2) When a Zilla Parishad is so dissolved ^{7**} the following consequences shall ensue, that is to say-

(a) all Councillors and members of Panchyat 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 Panchyat Samiti, the Standing Committee or Subjects Committees or order 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 ;

¹ This Explanation was added by Mah.21 of 1968, s. 16.

² These words were substituted for the words "willfully disregards" by Mah. 55 of 1963, s. 67 (a)

³ These words were substituted for the words "out of audit of accounts of the Parishad" *ibid.*, s. 67 (b).

⁴ The words "or" was deleted by Mah. 21 of 1994, s. 76(I) (a).

⁵ Clause (ii) was deleted *ibid.*, 76 (I) (b).

⁶ The words "or superseded" were deleted *ibid.*, s. 76 (5).

⁷ The words "or superseded" were deleted *ibid.*, s. 76 (2) (a).

⁸ The words "and in the case of supersession, as from the date of the order of supersession" were deleted *ibid.*, s. 76 (2) (b).

⁹ The words "or supersession" were deleted *ibid.*, s. 76(2)(c).

¹⁰ The words "or supersession" were deleted *ibid.*, s. 76(2)(d).

(d) the person or persons appointed under clause (b) may delegate his or their powers and duties to an individual or to 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.

(3) On the issue of an order of dissolution under sub-section (1), elections of Councillors **and the members of the Panchayat Samiti** ^{1***} shall be held under the provisions of this Act or the rules made thereunder²

3**

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*

*

(4) Every order issued under sub-section (1) shall be laid before each House of the State Legislature within thirty days after it is issued.

261. (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 of⁴[such instructions or directions].

⁵[Explanation.- For the purposes of this sub-section, a Zilla Parishad includes a *Panchayat Samitis* 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

State
Governa-
ment's
Power to
Give
direction
Regarding
Works and
Development
Schemes.

not), and thereupon the Zilla Parishads 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 to the State Government in accordance with the rules prescribed by the State Government in that behalf.

⁶[261A. 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-al) 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 therefore by making necessary adjustment against any grants or other moneys due and payable to the Zilla Parishads under any statute or otherwise.]

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.

¹The words "and Members of Panchayat Samiti" were deleted by Mah.21 of 1994, S. 76(3)(a).

² The portion beginning with words "on or before" and ending with the words "aforesaid order" was deleted *ibid.*, s.76(3)(b).

³ Sub-section (4) and (5) were deleted, *ibid.*, s.76(4).

⁴ These words were substituted for the words "such directions" by Mah. 35 of 1963, s.68(a).

⁵ This Explanation was added *ibid.*, s. 68(b).

⁶ Section 261A was inserted by Mah. 56 of 1981, s. 5.

Commis-
Sioner to
Call meeting
Of Zilla
Parishad,
Committee
Or Panchayat
Samiti.

262. 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.

Power of
Inspection
And super-
Vision.

263, The Commissioner or any other officer duly authorised by the State Government in this behalf may,-

(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 Pariashad* 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.

Commis-
Sioner to
Inspect office
Of Zilla
Parishad.

264. ¹[The Commissioner or any person (not below the rank of a **Additional Commissioner** in the case of a Zilla Parishad; and of a **Deputy Commissioner (Development) / (Establishment)** in the case of a Panchayat Samiti) authorized 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. 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 ²[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 ³[Commissioner may, subject to the provisions of section 243A, direct] ⁴[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 shall be final.

265A. The Commissioner or any person (not below the rank of Deputy Commissioner) authorised by him shall have powers to draw on services from various cadres in the Zilla Parishad under his charge and transfer persons holding posts in such cadres to hold the posts in his office.

266. Delete

¹ These works and brackets were substituted for the words "The Commissioner may" by Mah. 35 of 1963, s. 69.

² These words were inserted by Mah. 6 of 1975, s. 45(a).

³ These words were substituted for the words "commissioner may direct" by Mah. 43 of 1967, s. 13(I).

⁴ These words were added by Mah.6 of 1975, s. 45(b).

⁴ These words were added *ibid.*, s 45(c).

267. (1) If, in the opinion of the ¹[District Magistrate], the execution of any order or resolution of a Zilla Parishad ²[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 ²[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 ³* * * * he may by order in writing, under his signature, suspend the execution or prohibit the doing thereof.

⁴[district magistrates] power of suspending execution of orders etc, of Zilla Parishad, Panchayat, Samiti, etc,

(2) When a ¹[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 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 section and the State Government may pass order in the case as it deems fit.

⁵[**267A.** (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 **cancel** 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 this opinion, is unlawful; and it shall be the duty of the Zilla

Commissioner's Power of Suspending Execution of Unlawful Order or Resolution of Zilla Parishad or Panchayat Samiti, etc.

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* is 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, **cancel** 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.]

3) The resolution canceled by the Commissioner, if it pertains to the utilization of budget provision and if it is likely to lapse thereby affecting the performance of the Body whose decision is cancelled the commissioner shall further issue directions as to the course of action to be adopted in such circumstances in public interest.

4) the body aggrieved by the decision of the order passed by the Commissioner under sub-section (1) and/or (2) above, shall have right to prefer an appeal to the State Government within fifteen days from the date of intimation of the decision. The State Government shall decide such appeal within thirty days from the date of it's filing.

268. (1) In case 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.

Emergency
Power of
Collector.

(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.

¹ These words were substituted for the word "Collector" by Mah. 35 of 1963, s. 70(1).

² These words were inserted *ibid.*, s. 70.

³ The words "or is unlawful" were deleted *ibid.*, s. 70(1) (c).

⁴ These words were substituted for the word "Collector's" *ibid.*, s. 70(3).

⁵ Section 267A was inserted by *ibid.*, s. 71.

Power of State government To dissolve panchayat Samiti for incompetency, default or abuse of power.

269. (1) If, in the opinion of the State Government, a Panchayat Samiti exceeds or abuses its powers or is not competent to perform, or makes persistent defaults in the performance of, the duties, imposed on it by or under this Act, or otherwise by law or ¹[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 Panchyat Samiti, ^{2*} *
** * *

(2) When the Panchyat Samiti is so dissolved ** * * the following consequences shall ensue, that is to say :-

(a) all members of the Panchyat Samiti, in case of dissolution, as from the date ^{5*} * * specified in the order of dissolution, vacate their office as such members ;

(b) all powers and duties of the Panchyat Samiti during the period of dissolution or supersession, be exercised and performed by such person as the State Government from time to time appoints in this behalf ;

(c) all property in the possession of the Panchyat Samiti shall, during the period of dissolution ^{6*} * * 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 there under ^{7*} * *

^{8*} * *

(6) Every order issued under sub-section (1) shall be laid before each house of the State Legislature within thirty days after it is issued.

270. 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 Panchyat Samiti, shall be made by it;

(b) The manner in which tenders for works, contract & supplies shall be invited, examined and accepted; and

(c) the manner in which works and development schemes may be executed and inspected and Payment made in respect of such works and schemes.

¹ These words were substituted for the words
² The word "or" was deleted by Mah.21 of 1994 ,s. 77(1) (a).
³ Clause (ii) was deleted , *ibid.*, s.77(1) (b).
⁴ The word "or superseded" were deleted *ibid.*, 77(2) (a).
⁵ The word "in case of supersession as from the date of the order of supersession, and" were deleted *ibid.*,s.77 (2) (b).

Power of State government To make Special rules For certain matters

⁶ The words "or supersession" were deleted *ibid.*, 77(2)(c).

⁷ The portion beginning with the words "on or before" and ending with the words "in that order" was deleted, *ibid.*, s.77(3).

⁸ Sub-section (4) and (5) were deleted, *ibid.*, s. 77(4).

⁹ The words "or supersede" were deleted *ibid.*, s. 77(5).

271. Where any District or part thereof is visited by an out-break of any dangerous epidemic disease or there is grave danger of such out-break or widespread disterss is caused in any District or part thereof by reason of ¹[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 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 mat from time to time fix in that behaf; 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.

Power of State Government To transfer Staff Employed in Conection With the Public Health by Zilla Parishad to Another District in Cases of Emergency.

272. In all matters connected with this Act, the State Government and the Commissioner 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.

Powers of State Government And of Commis-sioners over Collectors, Etc.

272A The State Government may call for and examine the record of proceedings of the Zilla Parishad, Panchyat Samiti or standing committee, as the case may be or of any officer, for the purpose of satisfying it self as to the ligitaly or propriety of any order passed and may revise or modify the order as it shall deem fit.

273. 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.

Delegation Of powers By state government

CHAPTER XVII

RULES, REGULATIONS AND BYE-LAWS.

274. (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.

Rules.

(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 name of Councillors shall be published ;

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 (IA) 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 purpose of that clause ;

(v) under sub-section (2) of section 19, the manner in which an order of requisitioning may be served ;

(vi) under sub-section 20, the time within which an application may be made ;

¹ This word was substituted for the word “famine” by Mah. 25 of 1963, s. 73.

² Clause (ii) was substituted by Mah.21 of 1994, s. 78(I).

³ Clause (ii-a) was inserted by Mah.24 of 1966, s. 9.

¹[(viii) under sections 38,48,60,71, 82A and 86 prescribing the manner in which the notice of resignation shall be delivered ;]

²(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 woman in any Zilla Parishad and the manner and rotation of such reservation ;]

(viii) under section 44, prescribing the current administrative duties which the President ^{3*} * * may continue to carry on ;

⁴[(viii-a) under sections 46, ⁵[47A,] 69 and 84, rules subject to which house rent allowance as provided in those sections should be paid to the presiding authorities concerned ;

⁶[(ix) under- sections (2) of section 46 and under sub-sections (2) of section 47A the travelling and other allowances to be given to the President and the Vice President ;]

⁷[(ix-a) under section 46-A prescribing rules regarding sumptuary allowances to be placed at the disposal of the President ;]

⁸[(^x) prescribing the form and the manner of making requisition under ⁹[sub-section (2) of section 49 and of section 72 or under section 87 ;]

(xi) prescribing rules for the purpose of sections 61, 10[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 Panchyat Samitis shall be published ;

¹¹[(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 ;]

*

(xv) under section 66, prescribing the current administrative duties which the Chairperson of a Panchyat Samitis may continue to carry on ;

¹³[(xv-a) under section 67 prescribing the number of offices of Chairmen of Panchyat Samitis to be reserved for Scheduled Casts, Scheduled Trip Backward Classes of citizens and woman in any *Panchyat Samiti* and the mannere 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 Chairperson and Deputy Chairperson of a Panchayat Samiti and a Chairperson of Subjects Committee ;

¹⁴[(xvi-a) under section 77A, prescribing the manner and periodicity of rotation of nomination of *Sarpanchas* ;]

¹This Clause was inserted by Mah. 43 of 1964, s. 24(a).

²Clause (vii-a) was inserted by Mah. 21 of 1994, s. 78(2).

³The words "and Vice-President" were deleted by Mah.8 of 1975, s.46(1).

⁴Clause (viii-a) was inserted by Mah.8 of 1966, s. 11(1).

⁵The figures and letter '47-A were inserted by Mah. 10 of 1985, s.6(a).

⁶Clause (ix) was substituted for the original *ibid* ., s. 6(b).

⁷Clause (ix-a) was inserted by Mah.10 of 1975, s. 46(2).

⁸This clause was substituted for the original by Mah.43 of 1964, s. 24(b).

⁹These words, brackets and figures were substituted for the words, brackets and figure "sub-section(1)" by Mah. 6 of 1975, s. 46(3).

¹⁰These figures and words were substituted for the word and figures "and 77" by Mah. 35 of 1963, s. 74.

¹¹Clause (xiii) was substituted by Mah.21 of 1994, s.78(3).

¹²Clause (xiv) was deleted by Mah.7 of 1967, s. 74(3).

¹³Clause (xv-a) was inserted by Mah.21 of 1994, s. 78(3).

¹⁴Clause (xvi-a) was inserted by Mah. 6 of 1975, s.46(5).

(xvii) under sub-section (2) of section 78, prescribing the rules subject to which Councillors and other persons shall be appointed on other Committee 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 ;

¹[(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 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 ;

²[(*xix-a*) under section 111, prescribing rules subject to with respect to the places, conduct and adjournment of meeting 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 ;

³[(*xx-a*) under section 125, prescribing the authorities and officer competent to accord previous sanction for undertaking works and development schemes and the limits of expenditure up to which such authorities or officer 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 up to 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 ;]

⁴[(*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 there from and all matters connected with or ancillary to matters aforesaid;

(*xxi*) under section 135, prescribing the form 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 ;

¹ Clause (*xviii-a*) was inserted by Mah.61 of 1977, s. 4 Schedule.

² Clause (*xix-a*) and (*xix-b*) were inserted by Mah.35 of 1963, s. 74(4).

³ Clause (*xx-a*), (*xx-b*) and (*xx-c*) were inserted by Mah. 11 of 1985, s. 4(a).

⁴ Clause (*xx-a*) was renumbered as clause (*xx-d*), *ibid.*, s. 4(b).

¹[(*xxii*) under section 136, prescribing the form and dates of preparation, scrutiny and approval 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 ²[and prescribing the date on or before which the Zilla Parishad shall approve the budget estimates under sub-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*;

³[(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 ; and

(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 Parishads may be written off under sub-section (3) of that section;

⁴[(xxv-a) under section 141A, prescribing the procedure to be followed by the Tribunal in deciding questions under sub-section(2) of the 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 ;

⁵[(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 rates thereof and the exemptions and other matters to be prescribed for these taxes ;]

(xxviii) prescribing the rules for carrying out the purpose of section 158 ;

⁶[(xxix) under section 163, prescribing the percentage of the gross collection of general and special water taxes as collection charges for the *panchayats* ;]

⁷[(xxx) under section 183, prescribing the manner of calculating the total expenditure incurred by the Zilla Parishad in the preceding financial year;]

8* * * * *

(xxxii) under section 185, prescribing the proportion in which a sum of local cess matching grant shall be paid;

¹ Clause (xxii) was substituted for the original by Mah. 6 of 1975,s.46(7).

² These words were added by Mah. 35 of 1963, s. 74(5).

³ Clause (xxiv-a) was inserted by Mah. 8 of 1966, s. 11(ii).

⁴ Clause (xxv-a) was inserted by Mah.43 of 1962, s.24.

⁵ Clause (xxvii-a) was inserted by Mah. 56 of 1981,s.6(a).

⁶ Clause (xxix) was inserted, *ibid.*, 6(b).

⁷ This clause was substituted by Mah.43 of 1967, s.13(2).

⁸ Clause (XXXI) was deleted by Mah. 6 of 1975, s.46(8).

(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 ;

1* * * * *
*

(xxxv) under section 203, prescribing the manner in which a notification declaring a place to be a public market shall be published ;

2* * * * *
*

(xxxvii) prescribing the 3* * * terms and conditions of service subject to which 4[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 ;

⁵[(xxxvii-a) under sub-section (2) of section 242B regulating the appointment and the terms and conditions of service of the Zilla Parishads employees appointed in any Class I or Class II Service of the State or the General State Services ;]

(xxxviii) ^{6*} * * * * *
*

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 Casts 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 ;

7* * * * *
*

(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* ;

(xlili) 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 ;

(xlvi) 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 ;

(xlvii) 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* ;

¹ Clause (xxxiv) was deleted by Mah.6 of 1975, s. 46(8).

² Clause (xxxvi) was repealed by Mah.37 of 1966, s. 165(1).

³ The words "tenure and" were deleted by Mah.13 of 1967, s. 8(a).

⁴ These words were substituted for the words " members of the State service" , *ibid.*, s. 8(d).

⁵ Clause (xxvii-a) was deemed to have been inserted on 1 st March 1971 by Mah. 14 of 1979,s. 3.

⁶ The word 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.

⁷ Clause (xi) and(xli) were deleted by Mah. 4 of 1987, s.6.

(xliv) under section 281, prescribing rules subject to which power or functions under certain provisions of the Act are to be delegated by a *Zilla Parishad* to any of its authorities ;

(i) under sub-sections (3) and(4) of section 282, prescribing the manner in which a joint meeting of local authorities shall be held the procedure to be followed at such meeting ;

(ii) 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.

(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.

Regulations

275. The *Zilla Parishad* may, from time to time, frame regulations not inconsistent with the provisions of this Act and the 1[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 exercise and duties to be discharged by, and the subjects enumerated in the District List to be allotted to, the Standing Committee and Subjects Committees 2[and prescribing the procedure to be followed at joint meetings] ;

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(iii) prescribing matters for the purpose of section 115 ;

3* * * * *

Bye-laws.

276. (1) A Zilla Parishad may, from time to time, make, alter or rescind by laws not inconsistent with this Act or 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 practicing 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, unauthorized 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 cart-stands under section 216 ;

¹ These words were substituted for the words "rules made by the State Government" by Mah.35 of 1963, s. 75(1).

² These words were added by Mah. 43 of 1962, s.25.

³ Clauses (ii) and (iv) were deleted by Mah. 35 of 1963, s. 75(2).

(h) for prescribing regulation as to supervision and inspection of a private cart-stand and conditions regulations 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 staying 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 quarrying, 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 brick ;

(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 disposal of articles of food unfit for human consumption ;

(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, grain shops, slaughter-houses, burial and burning grounds, 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. 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 or 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 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 jointstock 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 a 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-clauses (v), (vi) or (vii) of clause (b) of sub-section (2) of section 16.]

Councilors,
Etc. of
Zilla
Parishads,
Etc.. to be
Delegation
Of powers
By Heads of
Departments
Of Zilla
Parishad

278. 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.

279. (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 Zilla Parishad 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.

Limitation
Of suits, etc.

280. (1) No suit shall be commenced against any Zilla Parishad or against any officer or servant of, or working under, a Zilla Parishad 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 Zilla Parishad 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

XLV
Of
1860.

¹ Clause (f) was added by Mah.35 of 1963, s. 76.

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.

1[280A. To be deleted.

281. A *Zilla Parishad* may, be 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.

power of
Zilla
parishad
to delegate
its
powers

282. (1) It shall be competent for a *Zilla Parishad*, a municipal corporation, a municipality, a cantonment 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 committee, to propose to any one 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-

joint
meeting of
two or more
local
authorities.

(a) co-ordination or 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 their State Government .

¹ Section 280A was inserted by Mah. 14 of 1979, s. 4.

(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. 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 purpose 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 ¹* * * shall be expended by it for matters falling in the sphere of education as enumerated in the District list.

284. Already Deleted.

285 Save as otherwise provided in section 19 to 23, when any land is required for the purpose 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 Land Acquisition Act, 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* ²[but subject to such terms, conditions and restrictions as may be imposed by the State Government :

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.]

³[**285A.** 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 consultation with the *Zilla Parishad*, or *Panchayat Samiti* concerned, by notification in the Official Gazette, appoint in this behalf.]

286 Already Deleted.

287. (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

power of state government to adapt laws

utilisation of portion of revenue paid to municipalities, etc.

acquisition of land.

power of state government to appoint headquarters of *Zilla Parishad* and *Panchayat Samiti*

that the law shall, as from such date as may be specified in the order, have effect subject to adaptations and 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. The provisions contained in the Eleventh Schedule shall apply to the constitution of Zilla Parishads and other matters specified therein.

transitory provisions and savings.

289. 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.

removal of difficulties.

290. Subject to the provisions of section 288, the Bombay Local Boards Act, 1923 the Central Provinces and Berar Local Government Act, 1948, and the Hyderabad District Board Act, 1955, are hereby repealed.

Repeal

Bom.
VI of
1923.
C.P.
And
Berar
Act
XXX-
VIII
Of
1948.
Hyd.
Act I
Of
1956.

This para deleted from rule 38

(i) Short Title :

These rules may be called the Maharashtra Zilla Parishads and Panchayat Samitis (Delivery of Letter of Resignation) Rules 1965.

(iii) Definitions :

In these rules unless the context otherwise requires.

- (a) "Act" means the M.Z.P. & P.S. Act 1965.
- (b) "Form" means a form appended to the rules.
- (c) "Section" means section of the Act.

(iv) Manner of delivery of Letter :

(1) Subject to the provision of sub-rule (2) a letter of resignation-

- (a) of the office of the Councilor given under section 38 shall be delivered by the councilor to the Deputy Chief Executive Officer (General Administration Department) and ex-officio secretary of the Zilla Parishad and by the President to the Commissioner respectively.
 - (b) of the office of the President given under sub-section (1) of section 48 shall be delivered by the President to the Commissioner.
 - (c) of the office of the Vice President given under sub-section (2) of section 48 shall be delivered by the Vice President to the Deputy Chief Executive Officer (General Administration Department) and ex-officio secretary of the Zilla Parishad.
 - (d) of the office of the member of a Panchayat Samiti given under section 60 shall be delivered by the member to the Section officer.
 - (e) of the office of the Chairperson of a Panchayat Samiti given under sub-section (1) of section 71, shall be delivered by the Chairperson to the Deputy Chief Executive Officer (General Administration Department) and ex-officio secretary of the Zilla Parishad.
 - (f) of the office of the Deputy Chairperson of a Panchayat Samiti given under sub-section (2) of section 71 shall be delivered by the Deputy Chairperson to the Block Development Officer.
 - (g) of the office of the Member of the Standing Committee or a Subject Committee given under sub-section 82-A shall be delivered by the Member to the Deputy Chief Executive Officer (General Administration Department) and ex-officio secretary of the Zilla Parishad.
 - (h) of the office of the elected Chairperson of the subjects Committee given under section 86 shall be delivered by the elected Chairperson to the Deputy Chief Executive Officer (General Administration Department) and ex-officio secretary of the Zilla Parishad.
- (2) Every such Letter shall be in Form-I and shall be delivered by registered post with acknowledgment due or personally or through any person duly authorised in

writing in his behalf by person who gives letter. The gap between the date of the letter of the resignation and the date from which it is to take effect as mentioned in form I shall not exceed 7 days

- (3) The authority to which such letter is delivered shall forthwith acknowledgement receipt of the same and issue a receipt in form-II in token of having received the letter.

FORM-I

(Form of Letter of Resignation)

To

The Commissioner Division
The President Z.P.
The Chairperson P.S.
The Chairperson, Standing Committee, Z.P.
The Chairperson Subject Committee, Z.P.

Sir,

I hereby tender letter of my resignation of the office of _____ with effect from
BN/AN.

Place : _____ Yours faithfully, ()

Date : _____ Designation

Signed in the presence of

I Full name & address of the Witness Signature of witness
II Full name & address of the Witness Signature of witness

* Strike off whichever is not applicable

Form II

(Receipt of Letter of the Resignation to be given or sent to the person delivering Letter of resignation.)

The letter of resignation of the office by _____ held by _____ was delivered
to me by registered post / personally by through _____ duly authorised in writing by the
said

Date :

Place :

Signature and designation of
authority receiving Letter of
the resignation