

Bombay Village Panchayats (Amendment) Act, 2006

38 of 2006

[21 December 2006]

CONTENTS

1. Short Title
2. Amendment Of Section 3 Of Bom. Iii Of 1959
3. Amendment Of Section 8 Of Bom. Iii Of 1959
4. Amendment Of Section 14 Of Bom. Iii Of 1959
5. Amendment Of Section 38 Of Bom. Iii Of 1959
6. Amendment Of Section 39 Of Bom. Iii Of 1959
7. Insertion Of Section 39A In Bom. Iii Of 1959
8. Amendment Of Section 53 Of Bom. Iii Of 1959
9. Amendment Of Section 57 Of Bom. Iii Of 1959
10. Insertion Of Section 60A In Bom. Iii Of 1959

Bombay Village Panchayats (Amendment) Act, 2006

38 of 2006

[21 December 2006]

PREAMBLE

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

1. Short Title :-

(1) This Act may be called the Bombay Village Panchayats (Amendment) Act, 2006.

2. Amendment Of Section 3 Of Bom. Iii Of 1959 :-

In section 3 of the Bombay Village Panchayats Act, 1958 (Bom. III of 1959) (hereinafter, referred to as "the principal Act"), after clause (4), the following clause shall be inserted, namely:-

"(4A) "Commissioner" means the Commissioner of a revenue

division appointed under section 6 of the Maharashtra Land Revenue Code, 1966 (Mah. XLI of 1966)".

3. Amendment Of Section 8 Of Bom. Iii Of 1959 :-

In section 8 of the principal Act,-

(a) after sub-section (1), the following sub-section shall be inserted, namely:-

"(1A) The panchayat shall place the report of the expenditure incurred on the development activities before the Gram Sabha once in every six months, and display the information thereof on the notice board of the panchayat."

(b) in sub-section (2), for the words, brackets, and figure "under sub-section (1)" the words "under sub-section (1) or sub-section (1A)" shall be substituted.

4. Amendment Of Section 14 Of Bom. Iii Of 1959 :-

In section 14 of the principal Act, in subsection (1), after clause (j-2), the following clause shall be inserted, namely:-

"(j-3) has encroached upon Government land or public property; or".

5. Amendment Of Section 38 Of Bom. Iii Of 1959 :-

In section 38 of the principal Act, in subsection (5), for the words "sub-sections (3) and (4)" the words, brackets and figure "sub-section (4)" shall be substituted.

6. Amendment Of Section 39 Of Bom. Iii Of 1959 :-

In section 39 of the principal Act,-

(a) for sub-section (1), the following sub-section shall be inserted, namely:-

"(1) The Commissioner may,-

(i) remove from office any member or any Sarpanch or Upa-Sarpanch who has been guilty of misconduct in the discharge of his duties, or of any disgraceful conduct, or of neglect of or incapacity to perform his duty, or is persistently remiss in the discharge thereof. A Sarpanch or Upa-Sarpanch so removed may at the discretion of the Commissioner also be removed from the panchayat; or

(ii) remove from office the member, Sarpanch or as the case may be, Upa-Sarpanch if not less than twenty per cent, of the total

number of voters in the village who have paid all dues of the panchayat regarding taxes on buildings and lands and water charges, make a complaint that the annual accounts and the report of the expenditure incurred by the panchayat on the development activities are not placed before the Gram Sabha; and the information thereof is not displayed on the notice board as required by sub-section (1) or (1-A) of section 8:

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

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

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

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

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

7. Insertion Of Section 39A In Bom. Iii Of 1959 :-

After section 39 of the principal Act, the following section shall be inserted, namely:-

"39A. Power of Government to direct inquiry :-

(1) Notwithstanding anything contained in section 39, the State Government may, suo motu or on an application made to it against

any member, Sarpanch or Upa-Sarpanch regarding any act or omission specified in sub-section (1) of section 39, direct the Chief Executive Officer concerned to hold an inquiry against such member, Sarpanch or as the case may be Upa-Sarpanch, and submit its report, within a period of one month, to the Commissioner.

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

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

8. Amendment Of Section 53 Of Bom. Iii Of 1959 :-

In section 53 of the principal Act,-

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

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

(b) in sub-section (2A),-

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

(iii) for the words "provided in that sub-section" the words "provided in that sub-section, and submit the report thereof to the Commissioner" shall be substituted.

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

9. Amendment Of Section 57 Of Bom. Iii Of 1959 :-

In section 57 of the principal Act,-

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

for the following purposes" the words "The Secretary and the Sarpanch shall be jointly responsible for the safe custody of the village fund, the Village Water Supply Fund and other moneys received on behalf of the panchayat, from time to time and shall jointly operate them for the following purposes" shall be substituted.

(b) in sub-section (4),-

(i) for the word "Sarpanch" the word "panchayat" shall be substituted.

(ii) the words "under his control" shall be deleted.

10. Insertion Of Section 60A In Bom. Iii Of 1959

:-

After section 60 of the principal Act, the following section shall be inserted, namely:-

"60A. Certain duties of Secretary :-

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

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