

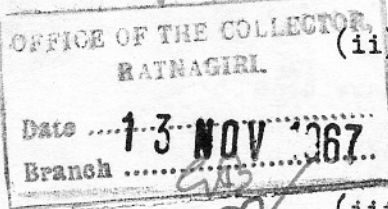
Handing over charge of the post of "Sarpanch" to the newly elected Sarpanchas.

GOVERNMENT OF MAHARASHTRA.  
Rural Development Department.  
Circular No. VPS. 2467/33992/E.  
Sachivalaya, Bombay-32(BR), 8th November 1967.

- READ:-
1. Government Circular, Co-operation and Rural Development Department No.VPA-1963/22608(A)-E, dated 4th July 1964.
  2. Government Circular, Co-operation and Rural Development Department No.VPA-1963/22608(B)-E, dated 4th July 1964.
  3. Government Circular, Co-operation and Rural Development Department No.VPA-2964/42043(E), dated 19th August 1964.
  4. Government Circular, Co-operation and Rural Development Department No.VPA-1064/68389-E, dated 17th December 1964.
  5. Government Circular, Co-operation and Rural Development Department No.VPA-1966/60543-E, dated 9th September 1967.

CIRCULAR:- Instances have been brought to the notice of Government that in many cases, the outgoing Sarpanchas do not hand over their charge to the newly elected Sarpanchas immediately and that they persistently avoid handing over of the charge for months together. Section 38(2)(i) of the Bombay Village Panchayat Act, 1958, lays down that the Sarpanch shall -

- (i) Preside over and regulate the meetings of the Panchayats,
- (ii) exercise supervision and control over the acts done and action taken by all officers and servants of the Panchayat including supervision over the keeping and maintenance of records and registers of the Panchayat in the custody of the Secretary.
- (iii) incur contingent expenditure upto ten rupees at any one occasion;
- (iv) operate jointly with the Secretary on the Village Fund including authorisation of payment, issue of cheques and refunds;
- (v) issue or cause to be issued receipts in the prescribed manner for sums of money received on behalf of the Panchayats;
- (vi) be responsible for the safe custody of the Village Fund;
- (vii) cause to be prepared all statements and reports required by or under the Bombay Village Panchayat Act, 1958;
- (viii) exercise such other powers and discharge such other functions as may be conferred or imposed upon him by the Bombay Village Panchayat Act, 1958 or the rules made thereunder;



- (ix) call meetings of Gram Sabha as provided in section 7 and preside over them.

2. All the record of the Village Panchayat such as -

Kird Book during the time of the ex-Sarpanch,

The balance amount which was in the possession of the ex-Sarpanch,

Receipt books,

Expenditure figures and vouchers,

Analysis Registers,

Proceeding Books,

Avak-Jawak Barnishi etc.

is to be in the possession of the Village Panchayat Secretary. The Sarpanch is not expected to keep with him any record or cash of the Panchayat, and his responsibility is restricted only to the general and overall supervision of the affairs of the Panchayat. The record, cash etc. in the possession of the Village Panchayat Secretary can be inspected by the Sarpanch at any time when needed. Moreover, although under section 38 (2)(g) of the Bombay Village Panchayat Act, 1958, the Sarpanch is responsible for the safe custody of the village Fund, the Sarpanch is not empowered to retain any cash balance with him. Under the Bombay Village Panchayat (Custody and Investment of Village Fund) Rules, 1959 the Village Panchayat Secretary has the power to keep a permanent advance of Rs.100/- if the Panchayat is not running a fair price shop and Rs.500/- if the Panchayat is running a fair price shop. The Sarpanch has to check the Secretary's permanent advance account and verify the balance (vide rule 2 of the above mentioned rules). Hence, there is no provision in the Bombay Village Panchayat Act for the retention of any cash balance with the Sarpanch.

3. In spite of the above legal position, several cases have been noticed by Government where the Sarpanchas, taking undue advantage of their position as heads of the Panchayat, have unauthorisedly retained cash balances with them for long periods of time and whenever detected on inspection, they usually pay up the amounts by depositing them in the Village Panchayat's account in the Bank and that in some cases prosecutions for misappropriation of Village Panchayat Funds have also been launched.

4. With a view to stopping misappropriation on the part of office bearers and servants of Village Panchayats Government has already laid down a uniform procedure for lodging of complaints with the police and sanctioning prosecution vide Government Circular, Co-operation and Rural Development Department No.VPS-1963/22608(A)-E, dated 4th July 1964 and also vide Government Circular Rural Development Department No.VPA-1966/60543/E, dated 9th September 1967. In order to have a check on the day-to-day cash balance of the Village Panchayats. Government in its Circular, Co-operation and Rural Development Department No.VPS-1967/22608(B)/E, dated 4th July 1964 has also prescribed a monthly statement to be submitted by the Village Panchayat Secretary to the Block Development Officer (executive authority of the Panchayat Samit) in the



prescribed proforma by the 5th of the following month. These statements inter alia indicate the day-to-day expenditure incurred during the previous month. If on scrutiny, the Block Development Officer finds that the accounts of the Village Panchayats are not maintained properly, he should arrange for an investigation of the case, and report the matter to the Chief Executive Officer of the Zilla Parishad who in turn can get such cases investigated by the Administrative Officer of the Zilla Parishad. Further under Government Circular Co-operation and Rural Development Department No.VPS-2964/42043/E, dated 19th August 1964, Government has directed that there should be a regular audit every year. The extension Officer (Panchayats) and Administrative Officer are required to see the accounts of the Panchayats whenever they visit Panchayats. Government has also provided under section 38(2)(e) of the Bombay Village Panchayat Act, 1958 that the Village Panchayat accounts may be operated jointly by the Sarpanch and the Secretary of the Village Panchayat so as to check misappropriation by either of them. Also under Government Circular, Rural Development Department No.VPS 1064/68389/E, dated 17th December 1964, Government has directed that the verification of stocks of materials with the Panchayats should be done by the inspecting authorities at the time of their administrative inspections of the Village Panchayats. The above mentioned steps have been taken by Government with a view to have proper check on the tendency of the Sarpanchas and Village Panchayat Secretaries to misappropriate Village Panchayat Funds.

5. It has been brought to the notice of Government that, the newly elected Sarpanchas of Village Panchayats often complain that they do not get charge from the outgoing Sarpanch. There is no reason why there should be any complaint against a Sarpanch for not handing over the charge by him, when normally, no record is expected to be retained by the Sarpanch with him as all such record, cash etc. as detailed above is expected to be in the custody of the Secretary of the Panchayat. Section 32 of the Bombay Village Panchayat Act, 1958 provides that the outgoing Sarpanch shall continue to carry on the current duties of his office until such time as new Sarpanch is elected and takes over charge of the post of Sarpanch. If, however, by virtue of the position held by him, the out-going Sarpanch will-fully wants to retain any record or register or cash balance of the Panchayat with him and is not willing to part with it, such matter should invariably and simultaneously be brought to the notice of the Panchayat Samiti and the Zilla Parishad concerned by the Village Panchayat Secretary of the said Panchayat, so that further action can immediately be taken by the Collector concerned without any delay in accordance with the provisions of section 179 of the Bombay Village Panchayat Act, 1958.

6. It has however, been brought to the notice of Government that in most of the cases, action under section 179 of the Bombay Village Panchayat Act, 1958 is inordinately delayed either at the Panchayat level by not bringing the fact to the notice of the Collector in time or at Collector's level by not starting immediate action as contemplated under section 179 of the Act, for some reason or the other. In view of the clarification referred to above, all Collectors are requested to see, that in such cases, immediate action is taken by them under section 179 of the Act and to ensure that in future there are no complaints about taking over of charge by the newly elected Sarpanchas from the outgoing Sarpanchas.

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

V. S. FADNAVIS,  
Under Secretary to Government.