



## **THE JHARKHAND PANCHAYAT RAJ ACT, 2001**

Jharkhand Act - 06, 2001

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**Law (Legislative) Department**

**Notification**

**The 10th May, 2001.**

No. L.G. - 04/2001, Leg : 11 - The following Act of the Jharkhand Legislature, to which the Governor has given assent on the 23rd April, 2001, is hereby published for information of the general public.

By order of the Governor of Jharkhand.

**Prashant Kumar**  
Joint Secretary  
Law (Legislative) Department,  
Jharkhand, Ranchi.

# **Jharkhand Panchayat Raj Act, 2001**

## **[Jharkhand Act - 06 of 2001]**

An Act to provide regulating provisions for the establishment of Panchayat Raj in State of Jharkhand. Be it enacted by the Legislature of the State of Jharkhand in the fifty second year of the Republic of India as follows :-

### **Chapter - I**

#### **Short Title and Definitions**

##### **Section 1**

###### **Short title, extent and commencement :-**

- (i). This Act may be called The Jharkhand Panchayat Raj Act, 2001.
- (ii) It extends to the whole of the State of Jharkhand except the areas to which provisions of the Patna Municipal Corporation Act, 1951 (Bihar Act XIII of 1952); Bihar & Orissa Municipal Act, 1922 (Bihar Act VII of 1922) or Cantonment Act, 1924 (Act II of 1924) apply.
- (iii) It shall come into force on such date as the Jharkhand Government may, by notification in the official gazette, appoint and different dates may be appointed for different areas and for different provisions.

##### **Section 2**

**Definitions :** In this Act unless there is anything repugnant in the context :

- (i). "**Population**" means the population as ascertained at the last proceeding census of which the relevant figures have been published;
- (ii) "**Village**" means a village specified by the State Government, by notification in the official gazette to be a village for the purposes of this Act, and includes a village or a group of villages/ Tolas so specified. The word "village" includes a revenue village; but in the scheduled area, a 'village' means any such village in The scheduled area in which there will ordinarily be a residence or a group of residences, or a tola or a group of tolas, comprising such community which manages its activities according with its customs and usages;
- (iii) "**Gram Sabha**" means a body consisting of persons registered in the electoral rolls relating to a village comprised within the area of the Gram Panchayat and constituted under section 3;
- (iv) "**Gram Panchayat**" means a Gram Panchayat constituted under section 12;

- (v) "**Panchayat Area**" means territorial area of a Panchayat constituted under this act;
- (vi) "**Member**" means an elected/nominated member of any Regional/ territorial constituency of a Gram Panchayat, Panchayat Samiti or Zila Parishad;
- (vii) "**Mukhia**" means a Mukhia of a Gram Panchayat elected under the provisions of this Act;
- (viii) "**Up-Mukhia**" means an Up-Mukhia of a Gram Panchayat elected under the provisions of this Act;
- (ix) "**Panchayat Samiti**" means a Panchayat Samiti constituted under section 32 of this Act;
- (x) "**Block**" means such local area in a district which the State Government may constitute to be a block;
- (xi) "**Pramukh**" means a Pramukh of Panchayat Samiti elected under this act;
- (xii) "**Up-Pramukh**" means an Up-Pramukh of Panchayat Samiti elected under this Act;
- (xiii) "**District**" means a district as notified by the State Government to be a district;
- (xiv) "**Zila Parishad**" means a Zila Parishad of a district constituted under section 47 of this Act;
- (xv) "**Adhyaksha**" means an Adhyaksha of Zila Parishad elected under the provisions of this Act;
- (xvi) "**Upadhyaksha**" means an Upadhyaksha of Zila Parishad elected under the provisions of this Act;
- (xvii) "**Election**" means an election to fill up a seat or seats in a Panchayat;
- (xviii) "**Election Proceedings**" means proceedings that start with issuance of notification for election and comes to an end with declaration of result thereof;
- (xix) "**State Election Commission**" means a State Election Commission constituted by the Governor under section 66 of this Act in the light of Article 243 K (1) of the constitution;

- (xx) "**Secretary**" means Secretary appointed in prescribed manner by the prescribed authority for Gram Panchayat, Panchayat Samiti and Zila Parishad under this Act;
- (xxi) "**Assistant Secretary**" means an officer especially appointed by the State Government through the Panchayat Raj Directorate, who shall discharge duties as prescribed;
- (xxii) "**Block Development Officer**" means an officer appointed as such by the State Government;
- (xxiii) "**Sub Divisional Officer**" means the Magistrate-in-Charge of a sub division in which a Gram Panchayat has been established and includes any other Magistrate who may be specially appointed by the Government to discharge all or any of the functions of (The Sub Divisional) Magistrate under this Act;
- (xxiv) "**Executive Officer**" means an Executive Officer of a Panchayat Samiti, appointed under the provisions of this Act;
- (xxv) "**District Panchayat Raj Officer**" means an officer appointed as such by the State Government;
- (xxvi) "**Chief Planning Officer**" means a District Planning Officer appointed as such by the State Government;
- (xxvii) "**Chief Executive Officer**" means a Chief Executive Officer of a Zila Parishad appointed by the State Government under the provisions of this Act;
- (xxviii) "**District Magistrate**" means a District Magistrate or a Deputy Commissioner of a District so appointed by the State Government and includes any other officer, who may be especially appointed by the State Government to discharge all or any of the functions of the District Magistrate under this Act;
- (xxix) "**Commissioner**" means the Divisional Commissioner or such other officer as may be especially appointed by the State Government to exercise the powers of a Commissioner under this Act;
- (xxx) "**Director**" means a Director appointed as such by the State Government;
- (xxxi) "**Government**" means the State Government of Jharkhand;
- (xxxii) "**Prescribed**" means prescribed under this Act or Rules made hereunder;

- (xxxiii) "**Prescribed Authority**" means an officer of a particular rank and designation appointed by the State Government under this Act or Rules made there under;
- (xxxiv) "**Notification**" means a notification published in the state or District Gazette;
- (xxxv) "**Scheduled Area**" means a scheduled area referred to in Clause (1) of Article 244 of the Constitution of India;
- (xxxvi) "**Other Backward Classes**" means all such classes as have been specified by the State Government;
- (xxxvii) "**Public Servant**" means a public servant as defined in section 21 of the Indian Penal Code (I.P.C. 45 of 1860);
- (xxxviii) "**Public Market**" or "**Public Fair**" means a market or a fair, as the case may be, notified under section 83 of this Act;
- (xxxix) "**Public Property**" or "**Public Land**" means such public building, garden, orchard or other place where people for the time being, either on making any payment or otherwise, make use of it or have permission of access;
- (xxxx) "**Public Road**" means such a road, footpath, street, lane, flank or passage over which people have the right of movement;
- (xxxxi) "**Cooperative Society**" means a society mentioned by the State Government in the Act relating thereto;
- (xxxxii) "**Standing Committee**" means a standing committee constituted under this Act;

## Chapter - II

### GRAM SABHA

#### **Section 3**

- (i) For the purposes of this Act, a District Magistrate on direction of the State Government may, by notification in the District Gazette, specify a village or a group of villages as gram but, where a Gram Sabha is constituted for a group of villages, name of the village having the largest population shall be specified as that Gram Sabh;
- (ii) **GRAM SABHA** means a body consisting of persons registered in the electoral rolls relating to a revenue village comprised within a Gram Panchayat area;
- (iii) **GRAM SABHA** in a scheduled area:- Ordinarily there shall be one GRAM SABHA for a village but if members of a Gram Sabha in a scheduled area, so desire they may constitute more than one Gram Sabha in a village in the manner which may be prescribed and in the area of each such Gram Sabha there shall be residence and group of residences or small villages or villages/group of tolas comprising of communities which shall manage their activities in according with customs and usages.

#### **Section 4**

- (a) **Electoral Roll (Voters List)**- There shall be a voters' list for each village specified under section 3, which shall be prepared according to the provisions of this Act and Rules made thereunder.
- (b) **Registration of Voters -**
  - (i) Every such person, who is eligible to be registered in the electoral Roll of the legislative Assembly relating to that village or whose name is entered therein and who is an usual resident of that village, shall be entitled to be registered in the voters' list of that village;
  - (ii) Provided that, no person shall be entitled to be registered in more than one village's voters list.
  - (iii) Provided that no person shall be entitled to be registered in the voters list if he is registered in the Electoral Roll relating to any other local authority.
- (C) **Voters of a Panchayat -**

All the persons whose names are entered as voters in that much part of the then in force voters' list or lists of the state Legislative Assembly

constituency, as is related to the territorial constituency of a Gram Panchayat, shall be voters in the Panchayat election concerned.

## **Section 5**

### **Meetings of Gram Sabha -**

The Gram Sabha shall meet time to time but not more than three months shall intervene in between any two meeting; provided on a demand in writing being made by one-third members of the Gram Sabha, if it be required by the Panchayat Samiti; Zila Parishad or Deputy Commissioner/District Magistrate, an extraordinary meeting may be called within 30 days of Such requirement.

## **Section 6**

### **Convening of Meetings -**

- (i) A notice of the meeting shall be pasted on the notice-board of the Gram Panchayat Office and the same shall adequately be brought to the notice of the public by means of publicity (such as Dugdugi, Drum and Loudspeakers);
- (ii) It shall be the responsibility of the Mukhia to convene and conduct the meetings of the Gram Sabha. In case he fails to convene the meeting as specified under the Act, the Executive Officer of the Panchayat Samiti or the Prescribed Officer of the Panchayat authorized by him on this behalf shall convene such meetings;

Provided that in case he fails to call meetings at intervals as specified under the Act, he shall be deprived of holding the office of Mukhia;

Provided also that no order shall be passed by the officer prescribed under this sub-section against the Mukhia unless he is given reasonable opportunity of hearing.

## **Section 7**

### **Quorum -**

- (i) The quorum for a meeting shall be 1/10<sup>th</sup> of the total members of the Gram Sabha, out of which at least 1/3<sup>rd</sup> shall be women;

Provided that in a scheduled area, the quorum for a meeting shall be 1/3<sup>rd</sup> of the total members of the Gram Sabha, out of which at least 1/3<sup>rd</sup> shall be women.

- (ii) If at the time appointed for the meeting, members are not present to fulfill the required quorum the person presiding the meeting shall adjourn the meeting to such a future date and time as he may appoint and a fresh notice shall be given



in the prescribed manner and no quorum shall not be required for such an adjourned meeting;

Provided that no new subject shall be taken up for consideration in such a meeting.

## **Section 8**

### **Presiding Officer -**

- (i) Every meeting of the Gram Sabha shall be presided over by the Mukhia of the concerned Gram Panchayat and in his absence by the up-Mukhia;
- (ii) In case of absence of both the Mukhia and the Up-Mukhia in the meeting, the meeting of the Gram Sabha shall be presided over by such a member of the Gram Sabha who would be elected for the purpose the majority of the member present in the meeting;
- (iii) **PRESIDING OVER OF MEETINGS OF GRAM SABHAS IN SCHEDULED AREA** - Meeting of Gram Sabha in scheduled area shall be presided over by such a person belonging to any of the Scheduled Tribes of the Gram Sabha who is neither Mukhia, Up-Mukhia nor a member of the Panchayat, and who is recognized as Gram Pradhan in that area as per prevalent custom such as Manjhi, Munda, Pahan, Mahto or by any other name or by the person proposed by them or nominated/supported by the general consciousness of the members present in the meeting.

## **Section 9**

In case of dispute over right of a person to be present in a meeting of the Gram Sabha, the person presiding over the meeting shall decide the dispute in light the of the entry in the voter's list of that particular Gram Sabha area and the said decision of his shall be final.

## **Section 10**

### **Powers and functions of Gram Sabha and its annual meeting -**

1. Subject to the rules made by the State Government for the purpose and under the general or specific orders to be issued by the State Government from time-to-time the Gram Sabha shall perform the following functions, namely -
  - (a) (i) Identification of economic developmental schemes for the village and formulation of criteria for fixing their priorities.
  - (ii) Approval of schemes for social and economic development including all the annual schemes pertaining to the Gram Panchayat, before implementation of programmes and projects;

- (iii) Discussions on annual budget of the Gram Panchayat and making recommendations thereto;
- (iv) Deliberations on audit report and annual accounts of the Gram Panchayat;
- (v) Determination and confirmation of appropriate utilization of funds for the schemes, programmes and projects specified under section 10(1) (a) (2) by the Gram Panchayat;
- (vi) Identification and selection of persons as beneficiaries under poverty alleviation and other programmes;
- (vii) Ensuring distribution of funds or resources among beneficiaries and their proper use;
- (viii) Activating people towards community welfare programmes and receiving contributions in cash or kind or in both and participation of voluntary workers;
- (ix) Enhancing general consciousness, unity and amity among people in general;
- (x) Keeping control through Gram Panchayat over such organizations and such functionaries in social sectors, as have been transferred to the Gram Panchayat or appointed by the Gram Panchayat;
- (xi) Managing natural resources such as land, water, forest falling within the limits of the village area according to the constitution and other relevant laws then in force;
- (xii) Giving advice to the Gram Panchayat as to regularization and utilization of small reservoirs;
- (xiii) Keeping watch over local schemes and over sources and expenditure of the said schemes;
- (xiv) Sanitation and conservancy as well as prevention and solution of nuisance;
- (xv) Construction, repair and maintenance of public wells and ponds as well as making available drinking water for domestic use;
- (xvi) Making available and maintaining water sources for bathing, washing and for drinking purposes of domestic animals;

- (xvii) Construction and maintenance of rural roads, culverts, bridges, embankments and other works and buildings of public utility.
- (xviii) Construction, maintenance and conservancy & cleanliness of public roads, cess-pits, drains and other public places;
- (xix) Filling up of wells not in use in sanitary ponds, ditches and holes;
- (xx) Providing light on village paths and other public places;
- (xxi) Removal of hindrances and projections to public streets and places as well as the spaces which are not private properties or which are open for public use whither such places are vested in the Panchayat or belong to the State Government;
- (xxii) Regulating and controlling recreations, games-shows, shops, eating houses and vendors of beverage, sweets, fruits, milk and similar other articles;
- (xxiii) Regulating construction of houses, cess-pits urinals, drains and flush latrines;
- (xxiv) Management of public land, extension and development of village site;
- (xxv) Disposal of corpses, carcasses (including those unclaimed) and other obnoxious articles in such a way that the same may not be injurious to health;
- (xxvi) Providing places separately for dumping rubbish;
- (xxvii) Responsibility for sale and test of meat;
- (xxviii) Taking care of the Gram Sabha-properties;
- (xxix) Establishment and management of cattle pounds and maintenance of records regarding cattle;
- (xxx) Taking care of ancient and historical monuments other than those which have been declared to be of national importance and maintaining grazing grounds and other lands lying within control of the Gram Sabha;
- (xxxi) Maintaining records of births, deaths and marriages;

- (xxxii) Assisting in census or other surveys done by the centre, state or other organizations constituted lawfully;
- (xxxiii) Giving assistance in control of contagious diseases, vaccination work etc.;
- (xxxiv) Helping the disabled and destitute (including women and children);
- (xxxv) Expansion of youth welfare, family welfare and sports;
- (xxxvi) A forestation and conservation of village forestry;
- (xxxvii) Abolition of social evils like dowry;
- (xxxviii) Implementation of orders of the State Government or other competent officers to improve the condition of Scheduled Castes, Scheduled Tribes, Backward Classes and to prevent untouchability;
- (xxxix) Preparing schemes for basic amenities and making arrangements therefore;
- (xl) Helping disabled women/children;
- (xli) Execution of work assigned by Panchyat Samiti, Zila Parishad;
- (xlii) Execution and supervision of construction work as per specified schemes within the Gram Sabha area;
- (xliii) Exercise and discharge of powers and functions assigned by the State Government under this Act or any other law in force in the State for the time being.

**(b) For discharging these functions and duties the Gram Sabha may constitute the following standing committees, namely :-**

- (i) Village Development committee,
- (ii) Government estate committee,
- (iii) Agriculture committee,
- (iv) Health Committee,
- (v) Gram Raksha Samiti,
- (vi) Infrastructure committee,
- (vii) Education committee and social justice committee,
- (viii) Vigilance committee.

- (c) Reservation of seats, term of office, resignation, procedure for removal, conduct of business, eligibility for being a member, meeting, manner of filling vacancy, selection of secretary and procedure of Standing Committees shall be as may be prescribed by the prescribed authority;
- (d) Village Development committee shall prepare a scheme for all-round development of the village and shall be presented before the Gram Sabha for its approval;
- (e) Every Gram Sabha may establish a fund which by consisting of the following four parts, shall be known as Gram Kosh (Village fund):-
  - (i) Grain Fund,
  - (ii) Labour Fund ,
  - (iii) Commodity Fund,
  - (iv) Cash Fund,In which the following shall be deposited:-
  - (a) Donations,
  - (b) Incentive amounts,
  - (c) Other incomes.
- (f) Gram Kosh (Village Fund) shall be kept in such a manner and maintained in such a way and form as may be prescribed.

## **2. Annual Meeting of Gram Sabha : -**

Gram Panchayat shall put also place the following matter before the annual meeting of the Gram Sabha, which shall be held at least three months before the commencement of the next financial year:-

- (i) Annual account return, administrative report of the preceding financial year, last audit report and reply if any given within regard thereto.
  - (ii) Programmes relating to development and other works proposed for the next financial years;
  - (iii) Annual budget of the Gram Panchayat and annual plan for the next financial year;
  - (iv) Report of the vigilance committee;
  - (v) Explanation called for from Mukhia and members of the Gram Panchayat in respect of any particular activities, scheme, income and expenditure;
3. Gram Panchayat Shall also place before the Gram Sabha the matters which may be required by the Panchayat Samiti, Zila Parishad, Deputy Commissioner/District Magistrate or any other officer authorized in this behalf,

4. Gram Panchayat shall under this section implement the recommendations made, if any, by the Gram Sabha in respect of the matters before it, in the light of the rules of the State Government in force for the time being.
5. **Additional powers and functions of Gram Sabha in scheduled area -**
  - (i) It shall protect and preserve the traditions and customs of people their cultural identity and community resource means (Sarna, Masna, Gohar-Sthan etc.) and their customary manners of redressal of disputes, which are not inconsistent with constitution view point, and when needed may for the sake of extending co-operation in this regard, it may bring proposals as required in the prescribed manner to enlist co-operation before Gram Panchayat, Panchayat Samiti, Zila Parishad and State Government.
  - (ii) It may manage the natural resources including land, water and forest within the village areas according to its tradition but in accordance with the provisions of the constitution and duly keeping in view the spirit of other relevant laws in force for the time being;
  - (iii) It may provide for local schemes in which tribal sub-schemes are included and sources and costs for such schemes;
  - (iv) It shall exercise such other powers and discharge such functions as the State Government may assign or delegate to it under any law in force for the time being;
  - (v) Gram Sabha, through the Gram Panchayat, Shall manage Bazaars of the villages, and fairs including cattle fair, irrespective of their name by which they are known.
6. In addition to functions specified under section 10 (1) (a) and additional powers and functions of Gram Sabha in scheduled area mentioned under section 10(5), the State Government may from time to time ascertain other additional powers and functions for Gram Sabha in scheduled area.
7. Gram Sabha shall be at liberty to consider any subject related with the functions of the Gram Panchyat and the Gram Panchayat shall implement its recommendations in the light of the rules in force for the time being.
8. Functions of the Gram Sabha mentioned in Section 10(1) (a) and section 10 (5) shall not affect the Government Acts/Rules and its jurisdiction for the time being in force.
9. The State Government may, by general or special order increase the functions and duties delegated to the Gram Sabha or may withdraw the same.

**CHAPTER - III**  
**Constitution of Panchayats -**

**Section 11**

Constitution of Panchayats- For the purposes of this Act there shall be constituted -

1. Gram Panchayat for village,
2. Panchayat Samiti for a Block, and
3. Zila Parishad for a district.

**Note (Section - 11)**

1. Three tier Panchayat Raj Rule under section (11), a Panchayat Raj Rule has been established by setting up Panchayat at three level. With the establishment of an important foundational unit of Gram Panchayat under the Panchayat Raj system as per law and with the establishment of Gram Sabha comprising the area thereof, co-operation of the specified village in its administrative and developmental work has been assured under the Panchayat Raj system, and Gram Panchayats have been connected with a Panchayat Samiti, and Panchayat Samitis with a Zila Parishad. But, they have independent entity and separate statutory bodies, and have different functions.

**Section 12**

**Gram Panchayat -**

For each such village which has been specified as a village under section 3 for the purposes of this Act, there shall be a Gram Panchayat.

**Section 13**

**Declaration of Gram Panchayat area -**

1. Subject to the general or special orders of the State Government, the District Magistrate may, by notification in the District Gazette, declare any local area comprising of a village or a group of contiguous villages/group or tolas or part thereof to be a Gram Panchayat area with a population within its territory, as nearly as five thousand, in perspective of the entire State.
2. The Gram Panchayat Shall be specified by the name of the village having the largest population.
3. The district Magistrate may, at the request of the Gram Panchayat concerned or otherwise and after pre-publication of the proposal, by a notification, at any time.
  - (a) Bring about changes in the area of any Panchayat by including or excluding any village or group/villages/ tolas;

- (b) Change the name of Panchayat area or declare that a particular area is no longer a part of the Panchayat area.
4. If the State Election Commission suo-motu or on receipt of a written representation from an aggrieved person is of opinion that there is sufficient reason for doing so, it may review the legality and propriety of any Gram Panchayat declared under sub-section (1), (2) and (3) and may call for the relevant records for the purpose, and subject to the provisions of this Act, may pass such order which the commission deems proper and reasonable;

Provided that after notification of the date of Panchayat Election by the Governor under section 66 (4) of the Act, the Commission shall not consider any such new case.

## **Section 14**

### **Incorporation of Gram Panchayat -**

Every Gram Panchayat shall be a body corporate by the name of the village specified in the order under section (3) having perpetual succession and a common seal with power to acquire, hold and transfer movable and immovable property within and without the limits of the village over which it has authority, in accordance with the guidelines of the State Government and without prejudice to the Acts for the time being in force, and may in its corporate name sue and be sued.

## **Section 15**

### **Composition of Gram Panchayat -**

1. Every Gram Panchayat shall consist of directly elected members and Mukhia.
2. Every Gram Panchayat constituted under this section shall be notified in the District Gazette and shall come in the office with effect from the date appointed for its first meeting in which a quorum is present.

## **Section 16**

### **Division of Gram Panchayat into territorial constituencies (Wards) -**

For the convenience of election, the District Magistrate shall, in accordance with such rules as may be prescribed by the state government, divide the area of the Gram Panchayat into territorial constituencies (wards) in such a manner that the population of each territorial constituency possibly be near about 500 and so far as practicable be the same throughout the panchayat area.

## **Section 17**

### **Reservation of seats in the gram Panchayat -**

- (A) For members of the Gram Panchayat (general area)



1. In every Gram Panchayat seats shall be reserved for
  - (a) Scheduled Castes and
  - (b) Scheduled Tribes, the number of seats so reserved shall bear as nearly as may be the same proportion to the total number of seats to be filled up by direct election in that Gram Panchayat as the population of Scheduled Castes and Scheduled Tribes in the said Gram Panchayat area bears to the total population of that area, and such seats shall be allotted by rotation in the prescribed manner to different territorial constituencies (wards) in the Panchayat by the State Election Commission.
2. In case of the overall reservation for Scheduled Castes and Scheduled Tribes being less than 50 percent of the total number of members in a Gram Panchayat, the reservation falling short of 50 percent shall be made for other Backward Classes in proportion to their population, provided that overall reservation for Scheduled Castes, Scheduled Tribes and other Backward Classes shall not exceed 50 percent of the total number of posts.
3. In every Gram Panchayat, out of the seats reserved for Scheduled Castes Scheduled Tribes and other Backward Classes, at least 1/3<sup>rd</sup> seats shall be reserved for women belonging to Scheduled Castes, Scheduled Tribes and other Backward Classes, as the case may be.
4. In every Gram Panchayat, out of the total number of seats to be filled up by direct election, at least 1/3<sup>rd</sup> seats (including the number of seats reserved for women belonging to Scheduled Castes, Scheduled Tribes and other Backward Classes) shall be kept reserved for women and such seats shall be dully allotted by rotation by the State Election Commission.
5. Such territorial constituencies (wards) having no population of Scheduled Castes, Scheduled Tribes or other Backward Classes, shall, as the case may be, excluded from allotment of seats reserved for Scheduled Castes, Scheduled Tribes and other Backward Classes.

**(B) For members of the Gram Panchayat (in Scheduled area)-**

1. In each Gram Panchayat in the Scheduled area, reservation of seats for Scheduled Castes and Scheduled Tribes shall be made according to their respective population in the Panchayat;

Provided that reservation for Scheduled Tribes shall not be less than half of the total number of seats,

2. In a scheduled areas Gram Panchayat, seats for persons belonging to other Backward Classes shall, in proportion to their population, be reserved in such number that the same together with the number of seats reserved for Scheduled Castes and Scheduled Tribes, if any, does not exceed 80 percent of the total seats of the said Gram Panchayat.

3. Out of the seats reserved by under subsection (1) and (2), the 1/3<sup>rd</sup> seats shall be reserved for women belonging to Scheduled Castes, Scheduled Tribes and other Backward Classes, as the case may be.
4. Out of the total seats of the Gram Panchayat concerned, 1/3<sup>rd</sup> seats (including the seats reserved for women belonging to Scheduled Castes, Scheduled Tribes and other Backward Classes) shall be reserved for women.
5. Reservation of posts under the aforesaid subsections shall be allotted by rotation in the prescribed manner by the State Election Commission.
6. As to a Gram Panchayat within the scheduled area, in which there is no population of Scheduled Tribes the same shall be excluded from allotment of seats reserved for members of the Scheduled Tribes, in the prescribed manner.
7. As to the territorial constituencies (wards) of a Gram Panchayat, in which there is no population of Scheduled Castes, Scheduled Tribes or other Backward Classes, the same shall duly be excluded from seats reserved for Scheduled Castes, Scheduled Tribes or other Backward Classes, as the case may be.

### **Section 18**

#### **Eligibility to vote and be a candidate -**

- (i) Every such person whose name is included in the voter list of a village shall be eligible to vote in the Election of Office bearers of the Panchayat in which the said village is included.
- (ii) Every such person, unless he is declared disqualified under this Act or any other law in force for the time being, shall be eligible to be elected as and office bearer of a Panchayat.
- (iii) **Bar to concurrent membership-**

No person shall be eligible to contest in more than one constituency (ward) for being elected as an office bearer of a Panchayat as the case may be.

### **Section 19**

#### **Disqualifications for being an Office bearer of a Gram Panchayat -**

No person shall be qualified for an Office bearer of the Gram Panchayat-

- (A) Who is not a citizen of India;
  - (B) Either before commencement of this Act or thereafter-
- (1) Who has been convicted of any offence under the Civil Services Conduct Rules, (Civil Services Conduct Act) in force for the time being or under any law relating to use, consumption or sale of intoxicants or under any law in force for the time being in any part of the state unless a period of five years or

such a lesser period as the State Government may determine in a particular case, has expired since the date of his conviction;

- (2) Who is a person of unsound mind and has been so declared by a competent court
- (3) Who is a declared bankrupt;
- (4) Who holds a post of gain under any Panchayat or is in service in any other local authority or in any Co-operative Society or in the State Government or in Public Sector undertaking of the State Government or the Central Government;
- (5) Who has been removed from a post in service under the State Government or the Central Government or any Panchayat, any other authority or any Co-operative Society or any Public Sector undertaking of the Central or State Government on the ground of corruption or dereliction of duty;
- (6) Who holds any share or interest directly or indirectly in any contract entered into with or by the Panchayat or on behalf of that;

Provided that no person shall be deemed disqualified under clause (6) of sub-section (B) only because –

- a) He has a share in a Joint Stock Company, he has any share or interest in any such organisation or Co-operative Society registered under the State's Society Registration Act in force for the time being which shall enter into a contract with the Panchayat or employed by or on behalf of the Panchayat; or
  - b) He has a share or interest in any such newspaper in which any advertisement regarding activities of the Panchayat is given; or
  - c) He holds a debenture by or on behalf of the Panchayat or is otherwise concerned with any loan taken by or on behalf of the Panchayat;
- (7) Who has been declared disqualified by or under any law, for the time being in force, for the purposes of election of the State Legislature;

Provided that if a person has attained 21 years of age, he shall not be declared disqualified on the ground that his age is less than 25 years;

- (8) Who has, by any Criminal Court in India or abroad, been sentenced to imprisonment for a period exceeding six months or to penalty for an offence other than a political offence, been ordered to produce security against mis-behaviors under section 109 or 110 of the Criminal Procedure Code, 1973 (Act 2 of 1974) and the order has not been reversed subsequently.

## **Section 20**

### **Election of Mukhia -**

- (i). There shall be a Mukhia in every Gram Panchayat,
- (ii) Any person, who
  - (a) Is qualified for being elected as Mukhia or Member,
  - (b) Is neither a member of any house of the Parliament nor a member of the State Legislature, and
  - (c) Is not a Chairperson or Vice-Chairman of any Co-operative Society,Subject to the provisions of section (21) a person shall be elected as Mukhia by those people whose names are included in the voters list of the Gram Panchayat, in the manner to be prescribed.

## **Section 21**

### **(A) Reservation of Posts of Mukhia and Up-Mukhia (In general area) -**

- (1) (i) Post of Mukhia and post of Up-Mukhia, being single post, shall remain unreserved or shall be dealt with in accordance with the provisions made therefore by the State Government.
- (ii) The State Government shall be competent to make lawful provisions as to reservation.
- (2) If any Mukhia of a Gram Panchayat becomes a member of any house of the Parliament or a member of the State Legislature or Chairman/Vice-Chairman of any Co-operative Society, then as regard him it shall be deemed that he has vacated his post from the date on which he has become such member or Chairman or Vice-Chairman and for the purposes of section (63) it shall be deemed that casual vacancy has occurred in his office.
- (3) Notwithstanding anything contained in this section, the Mukhia shall be deemed to be a member of the Gram Panchayat for all the purposes of this Act.

### **(B) Reservation of Posts of Mukhia and Up-Mukhia in Gram Panchayat (In scheduled area) -**

Post of Mukhia and Up-Mukhia of the Gram Panchayats in the scheduled areas shall be reserved for the Scheduled Tribes;

Provided also that the Gram Panchayats, in the scheduled areas, where there is no population of Scheduled Tribes, the allotment of reserved posts of Mukhia and Up-Mukhia for Scheduled Tribes shall be exclude in a prescribed manner.

## **Section 22**

### **Election of Up-Mukhia -**

- (a) The prescribed authority shall at the earliest possible after every election, call a meeting of elected members and Mukhia, and in the meeting so called; The

Gram Panchayat shall, subject to the provisions of sub-section (c) and (d), elect by a majority of votes an Up-Mukhia from amongst its elected members.

- (b) Mukhia of the Gram Panchayat shall not be a voter in election of Up-Mukhia, but in case of the votes being equal, he may exercise casting vote.
- (c) If the Up-Mukhia becomes a member of any house of Parliament or a member of the State Legislature or Chairman or Vice-Chairman of any Co-operative Society, then as regards him it shall be deemed that he has vacated his post from the date on which he has become a member or Chairman/ Vice-Chairman, as the case may be, and it shall be deemed that a casual vacancy has occurred in the office for the purposes of section 63.
- (d) Post of Up-Mukhia being a single post, it shall be kept unreserved or shall be dealt in accordance with the provisions made by the State Government.

### **Section 23**

#### **Notification as to Publication of Names -**

After every election of Mukhia, Up-Mukhia and members, the prescribed Authority shall publish their names in the manner as prescribed.

### **Section 24**

#### **First meeting, Oath of Office and Tenure of office-**

- 1 First meeting of the Gram Panchayat may be held within 30 days from the date of publication under section (23). Such meeting shall be called by the prescribed Authority and provisions of section (69) concerning meeting shall apply to the meeting as far as practicable.
- 2 (a) **Oath of Office** - Every person before entering upon the Office notified by section (23), shall make and subscribe in the presence of the prescribed Authority, an oath or affirmation in the prescribed manner.  
(b) If any member denies to make and subscribe to an oath or affirmation in the proper manner or refuses to put signature on it, or refuses otherwise, it shall be deemed that he has vacated his office forthwith.
3. Office-bearers of the Gram Panchayat shall hold office for a term of five years from the date of its first meeting and no exceeding this;  
Provided that not withstanding any thing contained in this sub-section, every person entering upon an office of the Gram Panchayat shall immediately cease to hold his office -  
(a) In case he ceases to be a voter of the said Gram Panchayat; or

- (b) In case he becomes a member of the Legislature of the said state or a member of any house of the Parliament;
  - (c) Every Up-Mukhia, if he ceases to be a member of the Gram Panchayat for any reason, shall vacate his office.
4. If the Gram Panchayat is not reconstituted before the expiry of the term mentioned in sub-section(3), it shall stand dissolved on the expiry of the term, and the provisions of section (107) shall apply to the said Panchayat for a term exceeding six months within which the Gram Panchayat shall be reconstituted according to the provisions of this Act.

## **Section 25**

### **Tenure of Gram Panchayat -**

- (i). Every Gram Panchayat unless sooner dissolved under any law for the time being in force shall continue for a term of five years from the date appointed for its first meetings and not exceeding this.
- (ii) Election to constitute a Panchayat shall be completed -
  - (a) Before expiry of its term specified in sub section (1), and
  - (b) In case of its dissolution, before expiry of the period of six months from the date of its dissolution,

Provided that where the remainder of the period for which the dissolved Gram Panchayat would have continued is less than six months, it shall not be necessary to hold any election under (this) sub section for constituting the Gram Panchayat for such period.
- (iii) A Gram Panchayat constituted upon the dissolution of a Gram Panchayat before the expiration of its term, shall continue only for remainder, of the period for which the dissolved Gram Panchayat would have continued under sub-section (1), had it not been so dissolved.

## **Section 26**

### **No-confidence motion against a Mukhia or Up-Mukhia -**

- 1 If the Gram Panchayat passes a motion of no-confidence by a resolution passed by not less than a three-fourth majority of votes of the members attending the meeting especially called for this purpose and taking part in voting, which is more than two-third of the total members constituting the Gram Panchayat for the time being, the said Mukhia or Up-Mukhia, against whom such motion is passed, shall be deemed to have vacated his office forthwith.
- 2 Notwithstanding any thing contained in this Act or the Rules made thereunder, no Mukhia or Up-Mukhia shall preside over the meeting called for discussion of no confidence motion against him and the said meeting shall be convened in the prescribed manner and it shall be presided over by the Government Officer

appointed by the prescribed Authority. Mukhia or Up-Mukhia, as the case may be, shall have the right to speak or otherwise participate therein.

3. No-confidence motion against a Mukhia or Up Mukhia -
  - (a) Shall not be brought during the first year of his tenure;
  - (b) Shall not be brought within a period of six months remaining for expiration of his tenure;
  - (c) Shall not be brought within a period of one year from the date of rejection of a preceding no confidence motion;
  - (d) If the Mukhia or the Up-Mukhia, as the case may be, wants to challenge the legality of the motion passed under sub-section (1), he shall refer the dispute to the District Magistrate/ Deputy Commissioner within a period of 10 days from the date on which the said motion was passed, who shall decide the same, as far as possible, within a period of 30 days from the date of its receipt and his decision shall be final.

### **Section 27**

#### **Simultaneous Vacancy in the Offices of Mukhia and Up-Mukhia -**

1. If the offices of Mukhia and Up-Mukhia fall vacant simultaneously in a Gram Panchayat, the Executive Officer concerned shall, within fifteen days of such occurrence, call a meeting of the members to elect an Up-Mukhia.
2. The Executive Officer shall be presided over such meeting but he shall not be entitled to vote.
3. In case of votes being equal in the election of the Up-Mukhia, the result shall be determined by lot.

### **Section 28**

#### **Recall of Office - bearer of Gram Panchayat -**

1. The Mukhia of a Gram Panchayat may be recalled, by a secret voting, by a majority of votes of more than half the total number of members constituting the Gram Sabha within the Gram Panchayat, in the manner prescribed; and the Mukhia shall be deemed to have vacated his office forthwith;

Provided that any such procedure for recalling shall be initiated only when not less than one-third of the total members of the Gram Sabha has presented a written representation before the District Magistrate/ Deputy Commissioner;

Provided also that any such procedure shall not be initiated until -

- (a) An elected Mukhia has not completed two and a half years of his tenure;
- (b) A Mukhia elected in a by-election has not completed his tenure;

2. An elected member of a Gram Panchayat shall be deemed to have vacated his office forthwith if more than half of the total number of members of the Gram Sabha constituting the said territorial constituency (Ward), for which the member has been elected, have voted in majority for his recall, by secret voting;
3. Provisions of sub-section (1) relating to recall of a member shall mutatis mutandis be applicable.
4. If any Mukhia or any member, as the case may be, wants to raise objection as to the validity of his recall (under the foregoing sub-section), he shall put up his dispute before the District Magistrate within 10 days from the date of vacation of his office, who shall decide the same within 30 days from the date of the receipt and his decision shall be final.

### **Section 29**

#### **Resignation by Mukhia, Up-Mukhia or Member -**

1. Mukhia or Up-Mukhia may resign his office by writing under his hand addressed to the District Panchayat Raj Officer.
2. Every resignation under sub-section (1) shall take effect on the expiry of fifteen days from the date of its receipt by the District Panchayat Raj Officer unless within this period of fifteen days he withdraws such resignation by writing under his hand addressed to the District Panchayat Raj Officer.
3. A member of the Gram Panchayat may resign his membership by writing under his hand addressed to the Mukhia of the Gram Panchayat and his office shall fall vacant on the expiry of the fifteen days from the date of such resignation.
4. The member tendering resignation under sub-section (3) may withdraw such resignation by writing under his hand addressed to the Mukhia before the expiry of fifteen days from the date of its receipt.

### **Section 30**

#### **Removal of Mukhia and Up-Mukhia -**

Without any prejudice to the provisions of this Act, the Mukhia/Up-Mukhia may be removed from his office by the State Government on being found guilty of misconduct or negligence in his duties, dereliction or persistently remiss the discharge of his duties or any disgraceful conduct and the Mukhia/ Up-Mukhia removed as such shall not be eligible to be re-elected as Mukhia or member during his remaining tenure in the said Gram Panchayat;

Provided that such any Mukhia/Up-Mukhia shall not be removed from his office unless he is given a reasonable opportunity to submit his explanation.



### **Section 31**

#### **Making over of charge by the outgoing Mukhia -**

1. As to the newly elected Mukhia, it shall be deemed that he has assumed charge of his office a per provision in section (24) from the date of the first meeting.
2. In case the outgoing Mukhia does not make over charge of any document or property in his possession to the newly elected Mukhia or denies to make over the same, then the prescribed Authority, may by an order in writing, direct the outgoing Mukhia to make over forthwith all such documents or properties which are in his possession in the capacity of Mukhia, to the New Mukhia, Up-Mukhia or Secretary of the Gram Panchayat, as the case may be.
3. If the outgoing Mukhia does not comply the direction under sub-section (2), the prescribed Authority shall take necessary action to initiate prosecution under section (111).
4. The Mukhia against whom action under sub-section (3) was taken and who has been found guilty, shall be held disqualified for being a member or Office-bearer of the Panchayat for a period of 6 years from the date of having been found guilty;  
Provided that such disqualification may be abolished or short termed for the reasons to be recorded by the State Government.

#### **Panchayat Samiti –**

In the three tier Panchayat Raj rule Panchayat Samiti is the intermediary link under section (11).

### **Section 32**

#### **Panchayat Samiti -**

The Governor may, by notification divide a district into blocks. Name of each such block, its head quarters and area comprised therein shall be specified in the notification. There shall be a Panchayat Samiti for every block, which shall be known by the name of the said Block, and any area of the Block falling under any municipal corporation, municipality, notified area or cantonment board shall not be included within its jurisdiction.

### **Section 33**

#### **Constitution of Panchayat Samiti -**

1. Every Panchayat Samiti shall consist of -
  - (a) Directly elected members from the Panchayat Samiti's territorial constituencies, as determined under the Act;

- (b) Members of the Lok Sabha and the State Legislative Assembly, representing constituencies which fall wholly or partly within the Panchayat Samiti;

Provided such member of the Lok Sabha or the Legislative Assembly whose constituency falls entirely in the urban area, shall not be a member of the Panchayat Samiti;

Provided further also that if any such member of the Lok Sabha or Rajya Sabha, or the State legislative Assembly, who is a member of Panchayat Samiti, is unable to attend any meeting of the Panchayat Samiti due to absence, illness or any other cause, he may nominate his such representative to attend the meeting of the Panchayat Samiti. Who has the qualifications as prescribed?

- (c) Such member of the Rajya Sabha whose name is entered as voter within the area of Panchayat Samiti.
- (d) 1/5<sup>th</sup> of Mukhias of the territorial area comprising the Panchayat Samiti by rotation for a period of one year as determined by the prescribed officer by drawing of lots.

Provided that any Mukhia who is a member under the Panchayat Samiti for one term, shall not be eligible to be a member for another terms:

Provided, further also that any Mukhia who is a member under the Panchayat Samiti, shall not be a member of the standing committees of the Panchayat Samiti under section (72).

- (e) An eminent person within the area of the Panchayat Samiti who is nominated, by notification by the State Government.

Provided that the term of such member shall be specified by the State Government;

Provided that the term of such member shall be specified by the State Government;

Provided that the State Government shall also be competent to annual the nomination of such nominated member;

Provided that such nominated member can not be an office-bearer of the Panchayat Samiti;

2. All the members of the Panchayat Samiti shall have the right to vote in the meetings of the Samiti.
3. If any constituency does not elect a member, then in order to fill in such seat a fresh election proceeding in the constituency shall be started within six months;

Provided that further proceedings of the election of Pramukh/ Up-Pramukh of the Panchayat Samiti shall not be stopped due to the election of any member being pending according to this sub-section;

Provided further also that if any constituency does not elect again a member, then proceedings of fresh election in such constituency shall be started only after satisfaction of the State Election Commission to the effect that there is the possibility of a member being elected from the said constituency.

### **Section 34**

#### **Incorporation of the Panchayat Samiti -**

Every Panchayat Samiti shall be a body corporate in the name of its Panchayat Samiti having perpetual succession and a common seal, and shall, subject to such restrictions as may be imposed by or under this Act or any other Act, have vested in it the powers to sue or be sued or to acquire, hold and transfer movable or immovable property within or beyond the limits of its jurisdiction or to enter into agreements and to do everything necessary, proper and expedient for the purposes for which it has been constituted in its own corporate name.

### **Section 35**

#### **Division of the Panchayat Samiti into territorial constituencies -**

1. The Panchayat Samiti shall be divided into as many territories as the number whereof may from time to time be notified by the District Magistrate and every constituency of the Panchayat Samiti shall as far as possible have a population of near about five thousand.
2. For the sake of convenience of election, the prescribed Authority shall, in this regard as prescribed by the State Government, according to rules, divide the Panchayat area into territorial constituencies in such a manner that each constituency within the entire Panchayat Samiti area has a population in equal proportion
3. One member shall be elected from each territorial constituency by direct election in the prescribed manner.

### **Section 36**

#### **(A) Reservation of seats of the Panchayat Samiti (in general area) -**

1. In every Panchayat Samiti there shall be reserved seats for
  - (a) Scheduled Casts, and
  - (b) Scheduled Tribes, and

The number of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of seats to be filled up by direct election in that Panchayat Samiti as the population of the Scheduled Castes or of the Scheduled Tribes in that Panchayat Samiti area bears to the total population of that area and such seats shall be allotted by

rotation to different constituencies in a Panchayat Samiti by the State Election Commission in the prescribed manner;

Provided that for the purposes of calculation of number of seats to be reserved for the Scheduled Tribes in a Panchayat Samiti in an area, other than the scheduled areas, becoming a part of the said Panchayat Samiti the total population of the scheduled areas falling within the said Panchayat Samiti as well as the population of the Scheduled Tribes therein shall be excluded.

2. In case of reserved seats for the Scheduled Castes and Scheduled Tribes taken together in a Panchayat Samiti being less than 50 percent of the total number of members, reservation of the posts falling short of 50 percent shall be reserved for the other Backward Classes in proportion to the population of the other Backward Classes of the Panchayat Samiti area, which may be allotted by the State Election Commission by rotation in the prescribed manner;

Provided that the overall reservation for the Scheduled Castes, the Scheduled Tribes and the other Backward Classes shall not be more than 50 percent of the total number of posts.

3. Not less than one-third of the total number of seats reserved under sub-sections (1) and (2) shall be reserved for women belonging to the Scheduled Castes, the Scheduled Tribes or the other Backward Classes, as the case may be.
4. Not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes, Scheduled Tribes and other Backward Classes) of the total number of seats to be filled up by direct election in every Gram Panchayat Samiti shall be reserved for women and such seats may be allotted by the State Election Commission by rotation in the prescribed manner.
5. Such territorial constituencies where there is no population of the Scheduled Castes, scheduled tribes or other Backward Classes, shall be excluded from allotment of reserved seats for the scheduled castes, Scheduled Tribes and other Backward Classes, as the case may be.
6. The State Government may, by notification, nominate a distinguished person of the Panchayat area concerned as member at the Panchayat Samiti level;

Provided that the term of office of such member shall be ascertained by the State Government;

Provided that the State Government shall also be competent to cancel the nomination of such nominated member;

Provided that such nominated member can not be an Office-bearer of the Panchayat Samiti.

**(B) Reservation of Seats in Panchayat Samiti (In scheduled area) -**

1. In every Panchayat Samiti of the scheduled area, reservation of seats for the Scheduled Castes and Scheduled Tribes in the said Panchayat Samiti shall be made on the basis of their respective population;

Provided that the reservation for Scheduled Tribes shall not be less than one-half of the total number of seats.

2. In a Panchayat Samiti of a scheduled area such number of seats shall be reserved for the persons, if any belonging to the other Backward Classes, in proportion to their population, which must not exceed 80 percent of the total seats taken together with the reserved seats for the scheduled castes and the scheduled tribes.
3. Out of the seats reserved under sub-section (1) and (2), one-third seats shall be reserved for women belonging to Scheduled Castes, Scheduled Tribes and the other Backward Classes, as the case may be.
4. Out of the total seats of the Panchayat Samiti concerned, one-third seats (including the seats reserved for the women belonging to Scheduled Castes, Scheduled Tribes and other Backward Classes) shall be reserved for women.
5. Reserved posts under the aforesaid sub-section shall be allotted by rotation in the prescribed manner by the State Election Commission.
6. Such constituency of the Panchayat Samiti, which has no population of the Scheduled Castes, the Scheduled Tribes or other Backward Classes, shall be as the case may be, excluded from allotment of reserved seats for the persons belonging to the Scheduled Castes, Scheduled Tribes and other Backward Classes in the prescribed manner.
7. The State Government may refer the names of such Scheduled Tribes who have no representation, in Panchayat Samiti of the scheduled areas;  
Provided that such reference shall not be more than one-tenth of the total number of members to be elected to the said Panchayat Samiti.
8. The State Government may by notification nominate a distinguished person of the Panchayat area concerned as member at the Panchayat Samiti level,

Provided that the term of office of such member shall be ascertained by the State Government;

Provided that the State Government shall also be competent to cancel the nomination of such nominated member.

Provided that such nominated member cannot be an Office-bearer of the Panchayat Samiti.

### **Section 37**

#### **Eligibility to vote and be a candidate -**

1. Every such person, whose name is included in the voter's list of any village, is eligible to vote in election of an Office-bearer of the Panchayat Samiti of the Panchayat, in the area comprising the said village.
2. Every such person shall be qualified to be elected as Office-bearer of a Panchayat Samiti, unless he is declared disqualified under this act or any other law in force for the time being.
3. **Bar to concurrent membership** - No person shall be eligible to contest election of an Office-bearer of a Panchayat Samiti from more than one constituency, as the case may be.

### **Section 38**

#### **Disqualifications for an Office-bearer of the a Panchayat Samiti -**

Any Person shall not be qualified to be an Office-bearer of the Panchayat Samiti,

- (A) Who is not a citizen of India;
- (B) Who, either before the commencement of this Act or thereafter,
  1. Has been convicted of any offence under the Civil Services Conduct Rules (Civil Services Conduct Act) in force for the time being or under any law relating to use, consumption or sale of intoxicants or under any law in force for the time being in any part of the state unless a period of five years or such a lesser period as the State Government may determine in a particular case, has expired since the date of his conviction;
  2. Is insane and has been declared so by a competent court,
  3. Has been declared bankrupt,
  4. Holds a post of gain under any Panchayat or is in service in any other local authority, or in any co-operative society or in the state or central government or in public sector undertakings of the central or state government;
  5. Has been removed from any office while in service under the State Government or the Central Government or any Panchayat, any other authority

or any co-operative Society or any public sector undertaking of the Central or State Government on the ground of corruption or dereliction of duty;

6. Holds any share or interest directly or indirectly in any contract entered into with or by the Panchayat or on its behalf;

Provided that no person shall be deemed disqualified under clause (6) of sub-section (B) only because -

- (a) He has a share in a Joint Stock Company, he has any share in any such Organisation or Cooperative Society registered under the State's Society Registration Act in force for the time being which is to enter into a contract with the Panchayat or shall be employed by or on behalf of the Panchayat; or
- (b) He has a share or interest in any such newspaper in which any advertisement regarding activities of the Panchayat is given; or
- (c) He holds a debenture by or on behalf of the Panchayat or in otherwise concerned with any loan taken by or on behalf of the Panchayat;

7. Has been declared disqualified by or under any law, in force for the time being, for the purposes of election of the State Legislative Assembly.

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.

8. Has been sentenced by any Criminal Court in India or abroad, to imprisonment for a term of more than six months or to penalty for an offence other than a political offence, been ordered to produce security against bad behaviour under section 109 or 110 of the Criminal Procedure Code, 1973 (Act 2 of 1974) and the sentence has not been struck off subsequently.

### **Section 39**

#### **Election of Pramukh and Up-Pramukh -**

The prescribed Authority shall, as soon as practicable after election of members of the Panchayat Samiti, shall convene a meeting of elected and nominated members of the Panchayat Samiti to elect a Pramukh and an Up-Pramukh.

### **Section 40**

#### **(A) Reservation of Post of Pramukh and Up-Pramukh (In general area) -**

- 1. Post of Pramukh and post of Up-Pramukh being single post, shall remain unreserved or shall be dealt with in accordance with the provisions made therefore by the State Government.
- 2. The State Government shall be competent to make lawful provisions relating to reservation.

3. Subject to sub-section (1) and (2), Pramukh and Up-Pramukh of the Panchayat Samiti shall be elected by its elected members and from amongst them in the prescribed manner.
4. If the Pramukh/Up-Pramukh of a Panchayat Samiti becomes a member of any house of the Parliament or a member of the State Legislature or Adhyaksha / Upadhyaksha of a Co-operative Society, then as to him it shall be deemed that he has vacated his office of Pramukh/Up-Pramukh, as the case may be, from the date on which he has become such member or Adhyaksha or Upadhyaksha and for the purposes of section (63), it shall be deemed that a casual vacancy has occurred in such office.

**(B) Reservation of Posts of Pramukh and Up-Pramukh in Panchayat Samiti (In the scheduled area) -**

Posts of Pramukh and Up-Pramukh in Panchayat Samitis in the scheduled areas shall be reserved for the members belonging to the Scheduled Tribes.

**Section 41**

**Notification of publication of names of members, Pramukh and Up-Pramukh of Panchayat Samiti -**

Names of the members, Pramukh and Up-Pramukh of the Panchayat Samitis shall be published by the prescribed Authority in such a manner as may be prescribed.

**Section 42**

**First meeting of Panchayat Samiti, Oath of Office and Office-bearer -**

1. First meeting of the Panchayat Samiti shall be held within 30 days from the date of publication under section (41), such meeting shall be called by the prescribed Authority and the provisions of section 69 shall apply to the said meeting as far as practicable.
2. (a) **Oath of Office** - Every person before assuming office notified under section (41) shall make and subscribe in presence of the prescribed Authority an oath or affirmation in the prescribed manner.  
(b) If any member denies to make and subscribe an oath or affirmation in a proper manner or refuses otherwise so to do, it shall be deemed that he has vacated his office forthwith.
3. An Office-bearer of the Panchayat Samiti shall hold office for a term of five years from the date of the first meeting and not more than this, unless otherwise provided in this Act;

Provided that notwithstanding any thing contained in this sub-section, an Office-bearer of the Panchayat Samiti shall forthwith cease



to hold his office if he ceases to be a voter of the Gram Panchayat area within the block.

4. In case a Panchayat Samiti is not constituted in a new form before expiration of the period prescribed under sub-section (3), the same shall get dissolved on expiry of the said period and the provisions of section (107) shall apply thereto for a period not exceeding six months within which the said Panchayat Samiti shall be reconstituted in keeping with the provisions of this Act.

### **Section 43**

#### **No-confidence motion against Pramukh and Up-Pramukh -**

1. If the Panchayat Samiti passes a motion of no-confidence by a resolution passed by not less than the three-fourth majority of votes of the members attending the meeting, especially called for the purpose, and taking part in the voting, which comes to more than three-fourth of the total number of members constituting the Panchayat Samiti for the time being, the said Pramukh or Up-Pramukh, against whom such motion is passed, shall with immediate effect cease to continue in his office.
2. Notwithstanding any thing contained in this Act or the Rules made thereunder, no Pramukh or Up-Pramukh shall preside over the meeting called for discussion of no-confidence motion against him, and the said meeting shall be convened in the prescribed manner and shall be presided over by the government officer appointed by the prescribed Authority. The Pramukh or the Up-Pramukh, as the case may be, shall have the right to speak or participate otherwise in the said meeting.
3. **No-confidence motion against a Pramukh or Up-Pramukh -**
  - (a) Shall not be brought during the first year of his tenure;
  - (b) Shall not be brought six months prior to the expiration of his tenure;
  - (c) Shall not be brought within a period of one year from the date of rejection of the previous no-confidence motion;
  - (d) If the Pramukh or the Up-Pramukh, as the case may be, wants to challenge the legality of the motion passed under sub-section (1), he shall refer the dispute to the commissioner within a period of 10 days from the date on which the said motion was passed, who shall decide the same, as far as possible within a period of 30 days from the date of its receipt, and his decision shall be final.

### **Section 44**

#### **Resignation of Pramukh, Up-Pramukh and Members –**

1. The Pramukh at any time may tender his resignation in writing to the Sub-Division Magistrate.

2. Each resignation under sub-section (1) shall be effective on expiration of 15 days from the date of its receipt by the Sub Divisional Magistrate unless he withdraws such resignation in writing under his hand addressed to the Sub-Divisional Magistrate within the said period of 15 days.
3. The Up-Pramukh at any time may tender his resignation in writing to the Pramukh or in his absence to the Sub Divisional Magistrate.
4. Each resignation under sub-section (3) shall be effective on expiration of 15 days from the date of its receipt by the Pramukh or the Sub-Divisional Magistrate unless he withdraws such resignation in writing under his hand addressed to the Pramukh or the Sub-Divisional Magistrate within those 15 days.
5. A member of the Panchayat Samiti may resign from his office in writing under his hand addressed to his Pramukh.
6. Every resignation under sub-section (5) shall be effective on expiration of 15 days from the date of its receipt by the Pramukh unless he withdraws such resignation in writing under his hand addressed to the Pramukh within those 15 days.

#### **Section 45**

##### **Removal of Pramukh/Up-Pramukh -**

Without prejudice to the provisions of this Act a Pramukh/Up-Pramukh may be removed from office by the State Government on his being found guilty of misconduct in discharge of his duties negligence or incapability to perform his duties or being persistently remiss in discharge thereof or of any disgraceful conduct, and the Pramukh or Up-Pramukh so removed shall not be eligible for re-election as member during the remaining term of office of such Panchayat Samiti area;

Provided that no Pramukh or Up-Pramukh shall be removed from office unless he has been given a reasonable opportunity to submit his explanation.

#### **Section 46**

##### **Tenure of Panchayat Samiti -**

1. Save as provided in this Act, the tenure of every Panchayat Samiti shall be for five years from the date of its first meeting and not more than this.
2. By virtue of any amendment in any law in force for the time being, a Panchayat Samiti, which has been functioning since immediately before such amendment, shall not be dissolved till expiry of the period specified in sub-section (1).

3. Election work concerning constitution of any Panchayat Samiti shall be completed in the following manner:

(a) Before expiry of the term of office of the Panchayat Samiti mentioned in sub-section (1);

(b) In case of dissolution, before the expiry of the period of six months from the date of dissolution of the Panchayat Samiti;

Provided that should the remaining term of office of the dissolved Panchayat Samiti is less than a period of six months, it shall not be necessary to hold any election under this section for constitution of the Panchayat Samiti.

4. If a Panchayat Samiti is dissolved before expiry of its term of office and another Panchayat Samiti is constituted, the said constituted Samiti shall function till the remaining term of the dissolved Samiti during which the same would have functioned under sub-section (1).

## **Zila Parishad**

Zila Parishad is the highest link of the three tier Panchayat Raj rule.

### **Section 47**

For every district there shall be a Zila Parishad having jurisdiction, save as otherwise provided in this Act, over the entire district excluding such portions of the district as are included in a Municipality or are under the authority of a Municipal Corporation, Cantonment Board or a Notified Area Committee constituted under any law for the time being in force.

### **Section 48**

#### **Incorporation of Zila Parishad -**

Every Zila Parishad shall be a body corporate by the name of its Zila Parishad, shall have perpetual succession and a common seal and, subject to such restrictions as are imposed by or under this Act or any other Act, shall be vested with the capacity of suing or being sued in its corporate name, of acquiring, holding and transferring property movable and immovable, whether without or within the limits of the area over which it has authority of entering into contracts and of doing all things necessary, proper or expedient for the purpose for which it is constituted.

### **Section 49**

#### **Composition of Zila Parishad -**

##### **1. Every Zila Parishad shall consist of the following-**

- (a) The members directly elected from territorial constituencies in the district as determined under the Act;
- (b) The Pramukhs of all Panchayat Samitis in the district, provided that the Pramukh of a Panchayat Samiti, who is a member under the Parishad, shall not be a member of the standing committee under section (72);
- (c) Such members of the Lok Sabha and the State Legislative Assembly who represent any part or the whole of the district and whose constituency falls within the district;
- (d) The members of the Rajya Sabha who are registered as electors within the district; Provided that if any such member of the Parliament or the State Legislature who is member of a Zila Parishad, is unable to attend any meeting due to absence, illness or any other cause, he may nominate his such representative to attend the meeting who has such qualifications as prescribed therefore.
- (e) One distinguished person of the Zila Parishad area to be nominated by the State Government by notification;

Provided that the term of office of such member shall be determined by the State Government;

Provided that the State Government shall also be competent to cancel the nomination of such member;

Provided that such nominated member cannot be an Office-bearer of the Zila Parishad.

2. If a constituency does not elect any member, then fresh election proceedings to fill up the said seat shall be started in the constituency within six months;

Provided that further proceedings of electing an Adhyaksha/Upadhyaksha of the Zila Parishad shall not be stopped due to pendency of election of any member according to this sub-section;

Provided also that if any constituency does not elect again a member, proceedings of a fresh election in such constituency shall be started only after satisfaction of the State Election Commission to the effect that a member of the said constituency is likely to be elected.

## **Section 50**

### **Division of Zila Parishad into Territorial Constituencies -**

1. The District Magistrate, by publishing a notification in the District Gazette, may divide the District into Territorial Constituencies for each Zila Parishad possibly for the nearest of 50 thousand population, keeping in view the total population of the district.
2. For convenience of election, in accordance with the rules prescribed by the Government in this regard, the prescribed Authority -
  - (a) Shall divide the area of the Zila Parishad into territorial constituencies in such a manner that the proportion between the population of each constituency and the number of seats allotted therefore be, as far as practicable, the same for each Zila Parishad's area, and shall determine the number of seats allotted for each constituency.
  - (b) One member shall be elected in every territorial constituency by election in the prescribed manner.

## **Section 51**

### **(A) Reservation of Seats of Zila Parishad (In general area) -**

1. In every Zila Parishad there shall be reserved seats for -
  - (a) Scheduled Castes and
  - (b) Scheduled Tribes,

And the number of seats so reserved shall, bear as nearly possible the same proportion to the total number of seats to be filled up by direct election in

that Zila Parishad as the population of the Scheduled Castes in that Zila Parishad area or of the Scheduled Tribes in that Zila Parishad area bear to the total population of that area, and such seats shall be allotted by rotation to different constituencies in a Zila Parishad by the State Election Commission in the prescribed manner.

2. In case of reserved seats for the Scheduled Castes and the Scheduled Tribes taken together in a Zila Parishad being less than 50 percent of the total number of members, reservation of posts falling short of 50 percent shall be reserved for the other Backward Classes in proportion to the population that bears to the population of the other Backward Classes of the Zila Parishad area, which shall be allotted by the State Election Commission by rotation in the prescribed manner.

Provided that overall reservation for the Scheduled Castes and the Scheduled Tribes and the other Backward Classes shall not be more than 50 percent of the total number of the posts.

Provided that for the purposes of calculation of number of seats to be reserved for the Scheduled Tribes in a Zila Parishad in an area, other than the scheduled areas, becoming a portion of the said district, the entire population of the scheduled areas falling within the said district and the population of the Scheduled Tribes therein shall be excluded.

3. Not less than one-third of the total number of seats reserved under sub-section (1) and (2) shall be reserved for women belonging to the Scheduled Castes, the Scheduled Tribes or the other Backward Classes, as the case may be.
4. Not less than one third, including the seat reserved for women belonging to the Scheduled Castes, the Scheduled Tribes and other Backward Classes, of the total number of seats to be filled up by direct election in every Zila Parishad shall be reserved for woman and such seats may be allotted by rotation by the State Election Commission in the prescribed manner.
5. Territorial constituencies of such Zila Parishad, where there is no population of Scheduled Castes, Scheduled Tribes or other Backward Classes, shall be excluded from allotment of reserved seats for the Scheduled Castes, the Scheduled Tribes and other Backward Classes, as the case may be.
6. The State Government may, by notification, nominate a distinguished person of the Panchayat area concerned as a member at the Zila Parishad level:

Provided that the term of office of such member shall be determined by the State Government;

Provided that the State Government shall also be competent to cancel the nomination of such nominated member.

Provided that such nominated member cannot be an Office-bearer of the Zila Parishad.

**(B) Reservation of seats in Zila Parishad (In scheduled area) -**

1. In every Zila Parishad of the scheduled areas, reservation of seats for the Scheduled Castes and Scheduled Tribes in the said Zila Parishad shall be made on the basis of their respective population.

Provided that reservation for the Scheduled Tribes shall not be less than half of the total number of seats.

2. In a Zila Parishad of the scheduled area, seats for persons belonging to other Backward Classes shall, in proportion to their population, be reserved in such number that the same together with the number of seats reserved for the Scheduled Castes and Scheduled Tribes if any does not exceed eighty percent of the total number of seats in the said Zila Parishad.
3. Out of the seats reserved under sub-sections (1) and (2), one third seats shall be reserved for women belonging to Scheduled Castes, Scheduled Tribes or other Backward Classes, as the case may be.
4. One third of the total seats in the concerned Zila Parishad (including the seats reserved for the women belonging to the Scheduled Castes, the Scheduled Tribes, other Backward Classes) shall be reserved for women.
5. Reservation of the posts under the foregoing sub-section shall be allotted by the State Election Commission by rotation in the prescribed manner.
6. Territorial constituencies of such Zila Parishad where there is no population of scheduled castes, the Scheduled Tribes or the other backward class shall be excluded from allotment of reserved seats for Scheduled Castes, Scheduled Tribes and the other Backward Classes, in the prescribed manner as the case may be.
7. The State Government may refer the name of such Scheduled Tribes who have no representation in the Zila Parishad of the scheduled area:

Provided that the such reference shall not be more than one-tenth of the total number of members to be elected in the said Zila Parishad.

8. The State Government may, by notification nominate a distinguished person of the concerned Panchayat area as member at Zila Parishad level;

Provided that the term of office of such member shall be determined by the State Government;

Provided that the State Government shall also be competent to cancel the nomination of the such nominated member;

Provided that such nominated member cannot be an Office-bearer of the Zila Parishad.

## **Section 52**

### **Eligibility to vote and be a candidate -**

1. Every such person whose name is included in the voter's list of a village, shall be eligible to vote in election of an Office-bearer of the Zila Parishad of the area comprising of the said village;
2. Every such person shall be eligible to be elected as Office-bearer of a Zila Parishad unless he is declared disqualified under this Act or any other law in force for the time being.
3. **Bar to concurrent membership** - No person shall be eligible to contest for election of an Office-bearer of a Zila Parishad from more than one Zila Parishad territorial constituency, as the case may be.

## **Section 53**

### **Disqualification of Office-bearer of a Zila Parishad -**

Any person shall be qualified for election as Office-bearer of a Zila Parishad -

- (A) Who is not a citizen of India;
- (B) Either before commencement of this Act or thereafter -
  1. Has been convicted of any offence under the Civil Services Conduct Rules (Civil Services Conduct Act) in force for the time being or under any law relating to use, consumption or sale of intoxicants or under any law in force for the time being in any part of the state unless a period of five years or such a lesser period as the State Government may determine in a particular case, has expired since the date of his conviction;
  2. Is insane and has been declared as such by a competent court;
  3. Has been declared bankrupt;
  4. Holds a post of gain under any Panchayat or is in service in any other local authority or in any Co-operative Society or in the State Government or the Central Government or in State Government's or Central Government's Public Sector undertaking;
  5. Has been removed from a post in service under the State Government or the Central Government or any Panchayat, any other Authority or any Co-operative Society or any public sector undertaking of the Central or State Government on account of corruption or dereliction of duty;



6. Holds any share or interest directly or indirectly in any contract entered into with or by the Panchayat or on behalf of that;

Provided that no person shall be deemed disqualified under clause (6) of sub-section (B) only because -

- (a) He has a share in a Joint Stock Company, he has any share or interest in any such organisation or Co-operative Society under the State Society Registration Act in force for the time being which is likely to enter into a contract with the Panchayat or shall be employed by or on behalf of the Panchayat, or
  - (b) He has a share or interest in such newspaper in which any advertisement regarding activities of the Panchayat is given, or
  - (c) He holds a debenture by or on behalf of the Panchayat or in otherwise concerned with any loan taken by or on behalf of the Panchayat,.
7. Has been declared disqualified by or under any law in force for the time being, for the purposes of election of the State Legislature:  
Provided that he shall not be disqualified on the ground that he is less than 25 years of age, if he has attained the age of 21 years.
  8. Has been sentenced by a criminal court in India or abroad to imprisonment for a term of more than six months or to penalty for an offence, other than political offence, been ordered to produce security against had behavior under section 109 or 110 of the code of Criminal Procedure 1973 (Act 2 of 1974), the sentence has not been struck off subsequently.

#### **Section 54**

##### **Election of Adhyaksha and Upadhyaksha of Zila Parishad -**

The prescribed Authority, as soon as possible after the election of the members of the Zila Parishad, shall convene a meeting of the elected and nominated members of the Parishad to elect its Adhyaksha and Upadhyaksha.

#### **Section 55**

##### **(A) Reservation of Posts of Adhyaksha and Upadhyaksha of Zila Parishad (In general area) -**

1. Post of Adhyaksha and Upadhyaksha, being single post, shall remain unreserved or shall be dealt with as per provisions prescribed by the State Government.
2. Subject to the provisions of section 54 and section 55(1), Adhyaksha and Upadhyaksha shall be elected from amongst them by its elected members in the prescribed manner.

3. If the Adhyaksha/Upadhyaksha of a Zila Parishad becomes a member of any house of the Parliament or a member of the State Legislative Assembly or Adhyaksha/Upadhyaksha of a Co-operative Society, then as to him it shall be deemed that he has vacated his office of Adhyaksha or Upadhyaksha, as the case may be, from the date on which he has become such member or (Co-operative Society's) Adhyaksha or Upadhyaksha and for the purposes of section (63) it shall be deemed that a casual vacancy has occurred in such office.

**(B) Reservation of Posts of Adhyaksha and Upadhyaksha in Zila Parishad (In scheduled area) -**

The post of Adhyaksha of Zila Parishad in scheduled areas shall be reserved for the members of the Scheduled Tribes.

**Section 56**

**Publication of names of members, Adhyaksha and Upadhyaksha of Zila Parishad-**

Names of the members, the Adhyaksha and the Upadhyaksha of a Zila Parishad shall be published by the prescribed Authority in such a manner as may be prescribed.

**Section 57**

**First meeting of Zila Parishad, Oath of Office and Term of Office -**

1. First meeting of the Zila Parishad shall be convened within a period of 30 days from the date of publication under section (56), and such meeting shall be called by the prescribed Authority, and provisions of section (69) shall apply to the said meeting as far as practicable.
2. (a) **Oath of Office** - Every person before assuming office (notified section 56) shall make and subscribe in presence of such an Authority, as may be prescribed, an Oath or affirmation in the prescribed manner;  
(b) If any member denies to make and subscribe an oath or affirmation in a proper manner or otherwise refuses to do so, it shall be deemed that he has vacated his office forthwith.
3. An Office-bearer of the Zila Parishad shall hold office for a term of five years from the date of its first meeting and not more than this, unless otherwise provided in this Act;

Provided that notwithstanding any thing contained in this sub-section, an Office-bearer of the Zila Parishad shall forthwith cease to hold his office if he ceases to be voter of the Gram Panchayat area within the district.

4. In case a Zila Parishad is not constituted in a new form before expiration of the period prescribed under sub-section (3), the same shall get dissolved on expiry

of the said period, and the provisions of section (107) shall be applicable thereto for a period not exceeding six months within which the said Zila Parishad shall be reconstituted in keeping with the provisions of this Act.

### **Section 58**

#### **No-confidence motion against Adhyaksha and Upadhyaksha -**

1. If the Zila Parishad passes a motion of no-confidence by a resolution passed by not less than three fourth majority of votes of the members attending the meeting especially convened for the said purpose and taking part in voting, which comes to more than three-fourth of the total number of members constituting the Zila Parishad for the time being, the said Adhyaksha or Upadhyaksha, against whom such motion is passed shall with immediate effect cease to continue in his office.
2. Notwithstanding any thing contained in this Act or the Rules made thereunder, no Adhyaksha or Upadhyaksha shall preside over the meeting convened for discussion of no-confidence motion against him and the said meeting shall be presided over by the Government Officer appointed by the prescribed Authority. The Adhyaksha or the Upadhyaksha, as the case may be, shall have the right to speak or take part otherwise in the said meeting.
3. **No-confidence motion against an Adhyaksha or Upadhyaksha -**
  - (a) Shall not be brought during first year of his tenure;
  - (b) Shall not be brought six months prior to the expiration of his tenure;
  - (c) Shall not be brought within a period of one year from the date of rejection of a previous no-confidence motion.
  - (d) If the Adhyaksha or the Upadhyaksha, as the case may be, wants to challenge the legality of the motion passed under sub-section (1), he may refer the dispute to the State Government within a period of 10 days from the date on which the said motion was passed, which shall decide it, as far as possible, within a period of 30 days and its decision shall be final.

### **Section 59**

#### **Resignation of Adhyaksha, Upadhyaksha and Members -**

1. The Adhyaksha may resign form his office by a petition in writing under his hand addressed to the District Magistrate.
2. Every resignation under sub-section (1) shall be effective on expiry of 15 days from the date of receipt of the said resignation unless he withdraws his resignation by a petition in writing under his hand within the said period of 15 days.

3. The Upadhyaksha at any time may tender his resignation to the Adhyaksha or the District Magistrate in writing.
4. Such resignation under sub-section (3) shall be effective on expiry of 15 days from the receipt of the said resignation unless the person resigning withdraws his resignation within a period of those 15 days by a petition under his hand addressed to the Adhyaksha or the District Magistrate, as the case may be.
5. If the Adhyaksha or the Upadhyaksha ceases to be a member of the Zila Parishad, he shall quit his office.
6. An elected member of the Zila Parishad may resign from his membership by a petition in writing under his hand addressed to the Adhyaksha of the Zila Parishad.
7. Every resignation under sub-section (6) shall be effective on expiry of 15 days from its receipt by the Adhyaksha unless he withdraws the said resignation by a petition under his hand addressed to the Adhyaksha within the said period of 15 days.

### **Section 60**

#### **Action to be taken on misbehavior or negligence, incompetence in duty-**

Without prejudice to the provisions of this Act, the Adhyaksha/ Upadhyaksha may be dismissed by the State Government on his being found guilty of misbehavior or negligence in his duties or in competency in performance of his duties or persistently remiss in discharge there of or any disgraceful behavior, and the Adhyaksha/Upadhyaksha so dismissed shall not be eligible for re-election as member during the remaining term of the said Zila Parishad.

Provided that any such Adhyaksha or Upadhyaksha shall not be dismissed unless he is given a reasonable opportunity to submit his explanation.

### **Section 61**

#### **Tenure of Zila Parishad -**

- (a) Every Panchayat Samiti save as otherwise provided in this Act, shall continue for a term of five years from the date of its first meeting and not more than this.
- (b) By virtue of any amendment in any law in force for the time being a panchayat Samiti which have been functioning since immediately before such amendment, shall not be dissolved till expiry of this period specified in sub-section (a).

## **Section 62**

### **Rectification of Clerical Error or Omissions -**

Notwithstanding any thing contained in this Act or the Rules made thereunder, any clerical error or omission relating to reservation of seats under section (17), (21), (22), (36), (40), (51) and (55), which is apparent on more perusal of the record, may be rectified by the prescribed Authority on behalf of the State Government or with prior permission of the Officer Authorized for this purpose, any time before commencement of the election proceedings.

## **Section 63**

### **Filling up of Vacancies -**

1. In the event of death or no-confidence motion being passed against or removal or resignation of an Office-bearer of the Panchayat or his becoming a member of the State Legislative Assembly or a member of any house of the Parliament before expiry of his tenure, it shall be deemed that a casual vacancy has been caused in such office, and such vacancy shall as soon as possible be filled up by election according to the provisions of the Act and the Rules made thereunder.
2. In the event of casual vacancy occurring in the office of the Mukhia in a Gram Panchayat, as the case may be, the Executive Officer of the Panchayat Samiti shall forthwith call an special meeting of the Gram Panchayat, presided over by the same before of his voting right, but the said meeting should not be held 15 days after the date of receipt of information from the prescribed Authority; and the members shall elect one member from amongst them who shall temporarily hold the office until a new Mukhia is elected in accordance with the provisions of this Act and the rules made thereunder; and such being the case the said officiating Mukhia shall, during pendency of the election, discharge all the duties of a Mukhia and exercise all his powers.
3. If the outgoing Office-bearer does not make over any record, material, wealth or property of the Panchayat to his successor forthwith, the prescribed Authority may by an order in writing direct him to make over the same, and in the event of his failing to comply with the said order, the prescribed Authority may take action against him under section (111) and may take necessary steps under section (115) to prosecute him.

## **Section 64**

### **Suspension of Office-bearer of the Panchayat -**

1. The State Government may specify provisions to suspend an Office-bearer of the Panchayat under chapter 5-A, 6, 9, 9-A, 10, 12 and section 302, 303, 304, 304-B, 305, 306, 312 to 318, 366-A, 366-B, 373 to 377 of Chapter 16, section 395 to 398, 408, 409, 458 to 460 of chapter 17 and chapter 18 of the India Penal Code, 1860 (No. 45 of 1860) or any law for the time being in force

appertaining to prevention of food and medicines, adulteration immoral traffic in and suppression of women and boys, maintenance of civil rights and prevention of corruption.

2. An Office-bearer of the Panchayat shall sou motu be deemed relieved of his office with effect from the date on which he is convicted of an offence under chapter 5-A, 6, 9, 9-A, 10, 12 sections 302, 303, 304, 304-B, 305, 306, 312 to 318, 366-A, 366-B, 373 to 377 of Chapter 16 and sections 395 to 398, 408, 409, 458 to 460 of chapter 17 and chapter 18 of the Indian Penal Code, 1860 (No. 45 of 1860) or any law for the time being in force appertaining to prevention of food and medicines, adultration immoral traffic in and suppression of women and boys, maintenance of civil rights and prevention of corruption as mentioned in sub-section (1).
3. In the event of suspension of Mukhia of a Gram Panchayat, Pramukh of a Panchayat Samiti or Adhyaksha of a Zila Parishad, as the case may be, under sub-section (1), the vacancy caused thereby may be filled up in accordance with sub-section (1) and (2) of section (63).
4. The person who has been suspended under sub-section (1), shall forthwith stand suspended from membership or post of Office-bearer in any other Panchayat of which he is a member or an officer bearer; such person shall be disqualified for election also during his suspension, under this Act.

### **Section 65**

#### **Bar to hold more than one post -**

1. If a person gets elected in more than one Panchayat Office, he may by giving a notice in writing under his signature to the prescribed Authority within 10 days from the date on which he has been elected or if elected on different dates, then from those subsequent dates, inform him as to which of the Panchayat he wants to serve as Office-bearer and thereupon his seat shall fall vacant in other Panchayat in which he does not want to serve.
2. In the event of not, opting in accordance with sub-section(1) within the period mentioned above, it shall be deemed that option for one of the offices has been made in the following order :
  - (a) Member of Zila Parishad,
  - (b) Member of Panchayat Samiti,
  - (c) Mukhia of Gram Panchayat,
  - (d) Member of Gram Panchayat.

Provided that if any such person has attended any meeting of a Panchayat before giving the notice, it shall be deemed in respect to him that he has expressed his option for an office in the said Panchayat.

3. An option under the sub-section (1) shall be deemed final and irrevocable.
4. For the purposes of this Section, a person shall be deemed elected on the date of declaration of result.

**Chapter - IV**  
**Conduct of Election**

**Section 66**

1. **State Election Commission** - There shall be a State Election Commission constituted by the Governor for superintendence, direction and control of the preparation of electoral rolls for, and the conduct of all elections to the Panchayats. All the powers regarding election shall be vested in the State Election Commission constituted by the State Government.
2. There shall be an Election Commissioner in the State Election Commission, who will be appointed by the Governor.
3. Service-conditions and term of office of the State Election Commissioner shall be prescribed by the Governor.  
Provided that the State Election Commissioner may only be removed from his office by adopting the procedure prescribed by the State Government and the conditions of service of the State Election Commissioner shall not be varied to his disadvantage after his appointment.
4. The Governor, on recommendation of the State Election Commission, for the purposes of constituting Panchayat, shall appoint a date or dates for election and notify the same in the official gazette and it shall be required thereby that the voter shall elect the Office-bearers of the Panchayats in accordance with the provisions of this Act;  
Provided that such notification may not be issued before six months prior to the appointed date of election.

**Section 67**

**Power to recruit officers and employees and to assign their duties and functions -**

1. In exercise of the powers under section (66), the State Election Commission in consultation with the State Government may appoint officers and employees to conduct election of the Panchayats.
2. The State Election Commission may assign such duties and functions to the officers and employees appointed under sub-section (1) and vest in them such powers and in respect of such areas as it thinks necessary or thinks proper for conducting of election and matters related and ancillary thereto.
3. Administrative machinery for conduct of election -
  - (i) The State Government shall make available, whenever so required, the services of the regional employees and officers to the State Election Commission for conducting the Panchayat Election;
  - (ii) For conduct of election of Panchayats the State Election Commission may, for every district, designate or nominate the Deputy Commissioners/



District Magistrate as District Election Officer (Panchayat), and to help the District Election Officer (Panchayat) it may designate or nominate one District Deputy Election Officer (Panchayat) or more who will be either a District Panchayat Raj Officer or an Officer not below the rank of a Deputy Collector,

Provided that subject to the direction, control and supervision of the State Election Commission, the District Election Officer (Panchayat) shall co-ordinate and supervise all the works concerning conduct of election within his jurisdiction.

- (iii) The State Election Commission, or on being authorized by it the District Election Officer (Panchayat) may, for election in Panchayats, appoint Returning Officer (Panchayat) who shall not be below the rank of Block Development Officer/Anchaladhikari/Deputy Collector;
- (iv) The State Election Commission or on being authorized by it, the District Election Officer (Panchayat) may appoint one or more than one Assistant Returning Officer (Panchayat) to help the Returning Officer (Panchayat) in discharge of his functions, who shall be officers of the State Government;
- (v) The District Election Officer (Panchayat) shall appoint a presiding officer (Panchayat) for every polling booth and to help the presiding officer (Panchayat) as many polling Officer or Officers as he may consider necessary;

Provided that any person who is in service of government or public company or government aided organisation may be appointed as polling officer by the Presiding Officer (Panchayat).

Provided further that in the event of any Polling Officer being absent from the polling booth, the Presiding Officer (Panchayat) may appoint, under the foregoing proviso, any such person as Polling Officer who is present at the polling booth and is other than such person who has been engaged in election or in relation therewith by or on behalf of any candidate or is otherwise working for him, and shall inform the District Election Officer (Panchayat) accordingly;

Provided further also that the Polling Officer, on being authorised by the Presiding Officer (Panchayat) subject to directions of the State Election Commission, shall discharge all or any of the functions of the Presiding Officer (Panchayat) under this Act and the Rules made thereunder.

- (vi) If due to illness or any other unavoidable cause, the Presiding Officer (Panchayat) is compelled to be absent from the polling booth, then his functions shall be discharged by such a Polling Officer as has been earlier authorized by the Returning Officer (Panchayat) to discharge such functions.

- (vii) It shall ordinarily be the duty of a Presiding Officer (Panchayat) to maintain order in polling both and to see to it that voting is being conducted properly.
- (viii) It shall be the duty of the polling officer to assist the Presiding Officer (Panchayat) as pertaining his duties on polling both (as such).

### **Section 68**

#### **Power to make election rules -**

The State Government, in consultation with the State Election Commission, shall make Rules for preparation of Electoral Roll and for conducting all elections of Panchayats.

**Chapter V**  
**Procedure of Transaction of Business and Meeting of Panchayats**

**Section 69**

**Procedure of meeting -**

1. Subject to the provisions of this Act, the procedure of transaction of Business and meeting of a Panchayat shall be such as may be prescribed.
2. The Adhyaksha and other members of a Panchayat, irrespective of their having been elected by direct election from territorial constituencies or not, shall have the right to vote in meetings of the Panchayats.
3. Quorum for a meeting of a Zila Parishad and a Panchayat Samiti shall be of one-third of the members constituting the Panchayat concerned for the time being and quorum for a meeting of a Gram Panchayat shall be half of the members constituting the Panchayat Concerned for the time being. If the members present in the meeting do not meet the quorum the Presiding Authority shall adjourn the meeting to such work and date as may be fixed by him. A notice of the effect of adjourned meeting as such shall be pasted in the office of the Panchayat. No quorum shall be required for a meeting adjourned as such and no fresh matter shall be placed for consideration.
4. Adhyaksha, Pramukh or Mukhia shall convene meeting of Zila Parishad, Panchayat Samiti or Gram Panchayat, as the case may be, at least once in a month. If Adhyaksha, Pramukh or Mukhia fails in convening a meeting in any month, then the Chief Executive Officer or the Executive Officer of the Zila Parishad or the Panchayat Samiti respectively or the Secretary of the Gram Panchayat, as the case may be, shall issue a notice to hold a meeting after expiration of 25 days from the date of the previous meeting.
5. Report regarding income and expenditure for the period intervening between the previous meeting and the current meeting of the Gram Panchayat along with report of cumulative income and expenditure up to the current meeting in the current financial year together with other matters, if any, shall be placed before the Gram Panchayat by the secretary of the Gram Panchayat and the reports placed as such shall be discussed by the gram Panchayat. In case of Panchayat Samiti and Zila Parishad, the Executive Officer and the Chief Executive Officer, respectively shall place such report in their meeting once in three months. The report shall be prepared in the manner as may be prescribed.
6. If more than 50 percent of the members of a Panchayat submits a representation in writing for a special meeting, then the Adhyaksha, the Pramukh and the Mukhia, as the case may be, shall convene such meeting within 7 days from the receipt of the said representation. If the Adhyaksha, the Pramukh or the Mukhia, as the case may be, fails to convene such meeting on

such representation, then the members, who have submitted the representation for convening a special meeting, may themselves call a meeting and the Chief Executive Officer or the Executive Officer of Zila Parishad or Panchayat Samiti respectively or the Secretary of Gram Panchayat shall issue a notice with regard to the meeting.

7. If the Adhyaksha, the Pramukh or the Mukhia fails as the case may be on not less than three occasions in performing the duty in according to sub-section (4) or (6), he shall be liable to be removed from his office under section (60), (45) or (30) respectively and the provisions of section (60), section (45), section (30) respectively, shall be apply to him who has been removed in the manner.
8. A notice of full 7 days for an ordinary meeting and a notice of full 3 days for a special meeting, in which place, date and time as well as the matters to be taken up in the meeting shall be mentioned, and shall be given to the members and the Government Officers as prescribed by the Secretary, and the shall be affixed on the notice board of the Gram Panchayat and Panchayat Samiti and Zila Parishad, as the case may be.
9. The Authorities who are given notice under sub - section (8) as well as the other government officers having jurisdiction over the Panchayat area concerned or a part thereof shall be entitled to participate in such meeting of the Panchayat and the proceeding thereof but they shall not have voting right.

### **Section 70**

#### **Review of the matters finally disposed of by the Panchayat -**

A matter once finally disposed of by the Panchayat shall not be reviewed by it within a period of 6 months unless a written consent of not less than three - fourth of its members, who are entitled to vote, with respect thereto has been obtained, or unless the prescribed Authority has given directions to review the same.

### **Section 71**

#### **Standing committees of Gram Panchyat -**

1. A Gram Panchayat may constitute seven standing committees for discharge of its functions and duties, and such committees shall be under ordinary control of the Gram Panchayat and such committees shall exercise such powers as may be conferred on them by the Gram Panchayat -

- (a) General Administration Committee,
- (b) Development Committee,
- (c) Committee for Women, Children and social welfare.
- (d) Committee for Health Education and Environment,
- (e) Gram Raksha Samiti (Committee of Village Security),

- (f) Government Estate Committee,
  - (g) Infrastructure Committee.
2. Five members of each of the Committees shall be elected by the members of the Gram Panchayat from amongst themselves in a special meeting convened by it;  
Provided that no members shall be member of more than two standing Committees, simultaneously.
  3. The Mukhia and the up-Mukhia shall be ex-officio members of these committees.
  4. The Gram Sabha in its first meeting may elect by majority of votes and nominate an experienced and knowledgeable person of a particular field from amongst its members for each standing committee, provided that member so nominated shall have no right to vote;  
Provided further also that after the expiry of a period of one year, the Gram Sabha by a majority of votes may recall the member so nominated and may make a fresh nomination.
  5. The term of office of the members of the standing committees, the procedure of transaction of their business shall be such as may be prescribed.
  6. Secretary- the Secretary of the Gram Panchayat shall be ex-officio secretary of the standing committee.

## **Section 72**

### **Standing committees of Panchayat Samiti and Zila Parishad -**

1. Every Panchayat Samiti and every Zila Parishad shall constitute, from amongst its elected members, the following standing committees:-
  - (a) General Administration Committee,
  - (b) Committee for Agriculture & Industries,
  - (c) Health & Education Committee,
  - (d) Committee for Finance, Audit and Planning & Development,
  - (e) Co-operative Committee,
  - (f) Committee for Women, children and social welfare,
  - (g) Committee for Forest and environment,
  - (h) Committee for Communication & Works.

2. General Administration Committee shall consist of the Chairman/Chairpersons of all the constituted standing committees as specified in sub-section (1)
3. Each Committee, other than the general administration committee shall consist of at least six members who shall be elected by the members of the Panchayat Samiti or the Zila Parishad, as the case may be, from amongst themselves but the Committee for education and in the committee for Women, Children and Social Welfare there shall be at least one women and one person belonging to scheduled caste or scheduled tribe.
4. Every such member of the Legislative Assembly, who is member of the Panchayat Samiti, shall be an ex-officio member of each committee of the said Panchayat Samiti.
5. Every such member of the Parliament who is member of the Zila Parishad, shall, if he opts, be ex-officio member of any two committees of the said Parishad.
6. Every Committee, other than General Administration Committee and committee for Education shall elect a Chair Person in the prescribed manner.
7. Pramukh or Adhyaksha of Zila Parishad shall be ex-officio member and Chair Person (Adhyaksha) of the General Administration Committee and the Committee for Finance, Audit and Planning & Development.
8. Up-Pramukh or Up-Adhyaksha shall be ex-officio member and Chair Person of the Education Committee and the Committee for Women, Children and Social Welfare.
9. No member of the Panchayat Samiti or of, Zila Parishad shall be eligible to serve in more than two standing committees.
10. The Executive Officer or the chief executive officer shall be ex-officio secretary of all the committees of the Panchayat Samiti or the Zila Parishad, as the case may be.
11. The business of the standing committees constituted under sub-section (1) shall be such as may be prescribed by the competent Authority.
12. In addition to the standing committees mentioned under sub-section (1), the Panchayat Samiti or, the Zila Parishad, on approval of the prescribed Authority, may constitute one or more than one committee for the subjects which do not come within the fold of affairs of the committees referred in sub-section (1).

**Chapter VI**  
**Powers, functions and duties of officers of the Panchayat**

**Section 73**

Powers, functions and duties of Mukhia, Up-Mukhia, Pramukh, Up-Pramukh, Adhyaksha and up-Adhyaksha of the Zila Parishad -

(A) Powers, function and duties of Mukhia and Up-Mukhia -

i) Power, function and duties of Mukhia the Mukhia Shall -

- 1) Be responsible for convening meetings of Gram Sabha and preside over, its meeting, other than in the scheduled area.
- 2) Be responsible for convening meetings of Gram Panchayat and shall preside over its meetings.
- 3) Ensure proper custody of records and registers of the Gram Panchayat and shall maintain them.
- 4) Exercise administrative control and supervision over the work of the employees of the Gram Panchayat and employees whose services may be placed at the disposal of the Gram Panchayat by any other Authority.
- 5) For transaction of business connected with this Act or for the purposes of making any order authorized thereby, exercise such powers, perform such functions and discharge such duties as may be exercised, performed or discharged by the Gram Panchayat under this Act or the rules made thereunder;

Provided that the Mukhia shall not exercise such powers, perform such functions or discharge such duties as may be required by the rules made under this Act to be exercised, performed or discharged by a meeting of the Gram Panchayat.

- 6) Exercise such other powers, perform such other functions and discharge such other duties as the Gram Panchayat may, by general or special resolution direct or as the State Government may, by the rules made in this behalf, prescribed.
- 7) Be responsible for safe custody of the Gram Panchayat fund.
- 8) Operate the fund of Gram Panchayat, which includes authority, to make payment, to issue cheques and withdrawal etc. as per provision of this Act.

- 9) Get prepared all the returns and reports as required by this Act or thereunder.
- 10) Be directly responsible for performing or getting performed all the functions assigned to the Gram Panchayat under section (75) of this Act.

(ii) Powers, functions and duties of up-Mukhia the Up-Mukhia shall-

- 1) Exercise such powers, perform such functions and discharge such duties of Mukhia as the Mukhia may from time to time, subject to the rules made in this behalf by the Government, delegate to him by order in writing:

Provided that (the Mukhia) may at any time withdraw all or any of the powers, functions and duties so delegated to the up-Mukhia.

- 2) During absence of the Mukhia, preside over the meetings of the Gram Panchayat and conduct the proceedings,
- 3) Exercise all the powers, perform all the functions and discharge all the duties of the Mukhia when the election of Mukhia is pending and during his absence for any reason,
- 4) Exercise such other powers, perform such other functions and discharge such other duties as the Gram Panchayat may, by general or special resolution, direct or as the Government may, by rules made in this behalf, prescribe.

(B) Powers, functions and liabilities of Pramukh and up-Pramukh -

i) Powers, function and duties of Pramukh

**The Pramukh Shall -**

- 1) Be responsible for convening meetings of the Panchayat Samiti and shall preside over and conduct its meetings,
- 2) Ensure proper custody of the records and registers of the Panchayat Samiti and shall maintain them,
- 3) Supervise and control the business transacted by the employees of the Panchayat Samiti,
- 4) Be responsible for safe custody of the Panchayat Samiti Fund,
- 5) Operate the funds of Panchayat Samiti which includes authority to make payment, issue cheques and make withdrawal etc. as per the provisions of this Act,



- 6) Get prepared all the statements and reports as required by or under this Act,
- 7) Exercise complete control over the financial and executive administration of the Panchayat Samiti and place before the Panchayat Samiti all issues connected therewith so that necessary orders of the Samiti may be obtained, and for this purpose records of the Samiti may be called for.
- 8) Have power to accord sanction to the extent, of Rs. 25 thousand in a year for the purposes of providing immediate relief to those who are affected by any natural calamity within the area of Panchayat Samiti:  

Provided that the Pramukh shall place at the details of all such sanction before the next meeting of the Panchayat Samiti for the ratification,
- 9) Exercise supervision and control over the Executive Officer for securing implementation of resolutions or decisions of the Panchayat Samiti or of the standing committees, which are not inconsistent with the provision of this Act or any general or special direction issued under this Act,
- 10) Produce all the matters before the Panchayat Samiti which require its sanction,
- 11) Be directly responsible for discharging or complying all the functions assigned to the Panchayat Samiti under section (76) of the Act,
- 12) Comply with all the directives issued by the State Government or any Authority authorized by the State Government under this Act.

(ii) Powers, functions and duties of Up-Pramukh:

The Up-Pramukh Shall-

- 1) Preside over and conduct proceedings of meetings of the Panchayat Samiti in absence of the Pramukh,
- 2) Exercise the powers of the Pramukh and discharge his functions when election of Pramukh is pending and during his absence for any reason,

- 3) Exercise such powers and perform such duties as a Pramukh of the Panchayat Samiti, which are delegated to him from time to time in writing subject to the rules made by the Government in that behalf.
- (C) Powers, functions and duties of Adhyaksha and Up-Adhyaksha of Zila Parishad :
- (i) Powers, functions and duties of Adhyaksha of Zila Parishad  
**The Adhyaksha of the Zila Parishad shall -**
    - 1) Convene meetings of the Zila Parishad and shall preside over and conduct the same,
    - 2) Shall ensure proper custody of the records and registers of the Zila Parishad and shall maintain them,
    - 3) Exercise supervision and control over the chief Executive Officer and through him over all employees of the Zila Parishad and the employees whose services may have been placed at the disposal of the Zila Parishad by the State Government,
    - 4) Be responsible for safe custody of the Zila Parishad Fund,
    - 5) Operate the fund of the Zila Parishad, Which includes authority to make payment, to issue cheques and to make withdrawal etc. as per provisions of this Act.
    - 6) Get prepared all the Statements and reports as required by this Act or thereunder,
    - 7) Produce all the matters before the Zila Parishad which require its sanction,
    - 8) Be directly responsible for compliance and execution of the resolutions of the Zila Parishad passed by it for the purpose of compliance and execution of the provisions of this Act,
    - 9) Be directly responsible for compliance and execution of all the directives issued by the State Government or by any other authority authorized by the State government, under this Act,
    - 10) Exercise complete control over the financial and executive administration of the Zila Parishad and place before the Zila Parishad all issues connected therewith in which he thinks the order of Zila Parishad is necessary and for this purpose records of the Zila Parishad, may be called for.

- 11) Have power to accord sanction to the extent of Rs. one lakh in a year for the purpose of providing immediate relief to those who are affected by natural calamities in the district;

Provided that the Adhyaksha shall place details of all such sanction in the next meeting of the Zila Parishad for its ratification.

- 12) Be directly responsible for compliance and performance of all the functions assigned to the Zila Parishad under section (77) of this Act.

- (ii) Powers, functions and duties of the Up-Adhyaksha-

**The Up-Adhyaksha shall -**

- 1) Preside over and conduct the proceedings of the meetings of the Zila Parishad in absence of the Adhyaksha,
- 2) Exercise the powers and perform the duties of the Adhyaksha during the pending of election of an Adhyaksha or during his absence from the district or due to his leave for a period exceeding 30 days,
- 3) Exercise all such powers and discharge all such functions and duties as may from time to time be delegated to him by orders in writing by the Adhyaksha or the State Government under this Act or subject to rule made on this behalf.

**Section 74**

The State Government may, by ordinance, annul or include the power, functions and duties specified for the Office-bearers of the Panchayats by virtue of sub-section (A), (B), (C) of section (73).

**Chapter VII**  
**Functions of Panchayats**

**Section 75**

(A) Functions of Gram Panchayat - subject to such conditions as may be specified by the Government from time to time, and to the extent the fund of Gram Panchayat also the Gram Panchayat shall perform the functions specified below:

**(1) General functions -**

- (i) Preparation of annual plans for development of the Panchayat area;
- (ii) Preparation of annual budget;
- (iii) Organizing voluntary labour and voluntary contribution for community works;
- (iv) Removal of encroachments on public properties;
- (v) Undertaking relief work during natural calamities;
- (vi) Maintenance of essential statistics of village(s).

**(2) Agriculture, including Agriculture Extension -**

- (i) Execution of plan for development of agriculture and horticulture;
- (ii) Executions of plans for development of wasteland;
- (iii) Development and maintenance of grazing lands and preventing their unauthorized alienation and use.

(3) Assisting the Government and the Panchayat Samiti in land development, land reform and land conservation works.

(4) Implementation of minor irrigation, water management and water coverage development plans.

(5) Animal husbandry, dairy and poultry -

- (i) Implementation of schemes for improvement of breed of cattle, poultry and other livestock;
- (ii) Implementation of the Scheme for promotion of dairy, poultry and piggery etc.

(6) **Fisheries** - Implementation of scheme for development of fisheries in village(s),

(7) **Social and farm forestry -**

- (i) Planting and preservation of trees on the sides of roads and other public lands under its control;
  - (ii) Implementation of social and farm forestry schemes;
  - (iii) Implementation of scheme for fuel plantation and fodder - development.
  - (iv) Carrying out of programme for development and promotion of sericulture.
- (8) Minor forest produce -**
- (i) Providing for collection, processing, storage and marketing of minor forest produce.
- (9) Khadi, Village and cottage industries -**
- (i) Implementation of schemes for development of village and cottage industries ;
  - (ii) Making schemes for development of agricultural and commercial industries and implementing them;
  - (iii) Organising awareness camps, seminars and training programmes, agricultural and industrial exhibitions for benefit of rural areas.
- (10) Rural Housing -**
- (i) Implementation of rural housing schemes;
  - (ii) Distribution of house - sites within its jurisdiction;
  - (iii) Maintenance of records relating to building sites and other private and public properties.
- (11) Drinking water facilities -**
- (i) Construction, repair and maintenance of public wells, ponds and hand - pumps for drinking water, washing clothes and bathing;
  - (ii) Taking measures for control and prevention of water pollution ;
  - (iii) Regulation and maintenance of rural water supply scheme ;
  - (iv) Management of drinking water sources .
- (12) Roads, Buildings, Bridges, Culverts, Water ways and other means of communication -**
- (i) Construction and maintenance of rural roads, drains and bridges - culverts.
  - (ii) Maintenance of building under its control or transferred by the Government or any public Authority.
  - (iii) Maintenance of boats, ferries and waterways.

**(13) Rural Electrification -**

- (i) Provision for and maintenance of lighting public streets and other places;
- (ii) Assistance to rural electrification .

**(14) Non - conventional energy source -**

- (i) Promotion and development of non- conventional energy - sources;
- (ii) Maintenance of community non - conventional energy sources including bio - gas plants ;
- (iii) Propagation and publicity of improved chullhas and other energy devices.

**(15) Poverty alleviation programme -**

- (i) Promotion of public awareness and participation in poverty alleviation programmes for fuller employment and creation of productive assets;
- (ii) Selection of beneficiaries under various programmes through Gram Sabhas;
- (iii) Ensuring effective implementation and monitoring of schemes.

**(16) Education, including primary and secondary schools -**

- (i) Promotion of public awareness and participation in primary and secondary education;
- (ii) Ensuring full enrollment and attendance in primary schools and its management;
- (iii) Providing for education guarantee;
- (iv) Management of secondary schools.

**(17) Adult and non - formal education carrying out of programmes for promotion of adult literacy.**

**(18) Technical training and professional education -**

- (i) Selection of rural arts and artisans and providing training to them.

**(19) Establishment and maintenance of libraries and reading rooms.**

**(20) Sports and cultural activities -**

- (i) Encouragement of sports and cultural activities, and establishment and maintenance of village clubs;
- (ii) Arranging cultural seminars.

**(21) Markets and fairs -**

Management of fairs (including cattle fair), markets and hats in Panchayat area.

**(22) Medical Facilities and Sanitation**

- (i) Promotion of village sanitation.
- (ii) Cleaning of public streets, ponds, wells and roads;
- (iii) Construction and maintenance of public latrines;
- (iv) Management and control of bathing and washing ghats;
- (v) Vaccination;
- (vi) Prevention against epidemics;
- (vii) Maintenance and regulation of burning and burial grounds;
- (viii) Disposal of unclaimed corpses and carcasses;
- (ix) Preventive measures against stray animals.

**(23) Welfare of weaker sections and in particular the Scheduled Castes and Scheduled Tribes -**

- (i) Implementation of specific programmes for Scheduled Castes, Scheduled Tribes and weaker sections of the society;
- (ii) Programmes against exploitation of and injustice to weaker sections of the society.

**(24) Health and family welfare -**

- (i) Management of health and family welfare programmes;
- (ii) Measures for prevention and control of mal nutrition;
- (iii) Encouraging small family norm.

**(25) Social welfare and social security including women welfare -**

- (i) Making and implementing schemes for mentally and physically handicapped persons;
- (ii) Provision of pension for the old, the disabled and the destitute;
- (iii) Specific programmes for social development of women and children.

**(26) Maintenance and preservation of community assets -**

- (i) Specific provision for community assets created by the Government, local authority and other agencies and arrangements for their proper use; and
- (ii) Encouraging people's participation for the purpose.

**(27) Public distribution system -**

- (i) Arousing social consciousness regarding distribution of essential commodities;
- (ii) Management of public distribution system and constant supervision for making it efficient and transparent.

(28) Management of Child Development Programme.

**(29) Enhancing Cooperative activities -**

- (i) **Management of co-operative** - based agriculture, dairy, pisciculture and forest and environment programmes;
- (ii) **Encouragement to co-operative** - based handicraft, handloom, tasar, lac and Malwari production.
- (iii) Development of Co-operative marketing system.

(30) Encouraging the common people towards saving and promoting collective saving system.

**(31) Organising self-** help groups and activating villagers towards a self dependant village.

(32) Maintenance of records of birth, death, marriage etc. and arousing awareness in people to register birth and death.

**(33) Others -**

- (i) Substantial provision to meet unforeseen situation or natural calamity;
- (ii) Provision for casual medical aid to the poorest and cremation of the destitute;
- (iii) Cooperation in affairs of national interest such as cooperating in census, and in collection of desirable information;
- (iv) To work as specified by the State Government, Zila Parishad, Panchayat Samiti;

**(B) Additional functions of Gram Panchayat in Scheduled Area -**

Without prejudice to the generality of the powers conferred by this Act, a Gram Panchayat, in the scheduled area, subject to the general, control and instruction of the Gram Sabha, shall have the following powers:-

1. To manage the village market, fairs including cattle fair known by any name;



2. To have control over the sources and expenditure of the local schemes including the tribal sub scheme; and
  3. To exercise such other powers and discharge such functions as the State Government may confer or entrust it under any law in force for the time being.
- (C) The functions of the Gram Panchayat mentioned in sub-section (A) and (B) of section (75) shall not affect the other Acts/ Rules of the Government in force for the time being, nor their jurisdiction.
- (D) The government may delegate powers by amending the Acts/ Rules in force for the time being relating to the functions of the Gram Panchayat or its additional functions mentioned in sub-section (A) and (B) of section (75) after due deliberation.

### **Section 76**

#### **(A) Functions of Panchayat Samiti -**

Subject to such conditions as may be prescribed by the Government from time to time, as far as in keeping with the Panchayat Samiti Fund, the Panchayat Samiti shall perform in its area the functions enumerated as follows:-

- (i) It shall make schemes for its balanced uplift and for ensuring their implementation in the following fields :-
  - (a) Integrated rural development;
  - (b) Integrated agriculture development;
  - (c) Integrated social forestry;
  - (d) Integrated animal husbandry and pisciculture;
  - (e) Integrated health and sanitation;
  - (f) Integrated education and adult education;
  - (g) Integrated cooperative;
  - (h) Integrated village and cottage industry;
  - (i) Integrated welfare (women, children, weaker section the disabled and destitute);
  - (j) Integrated employment programme;
  - (k) Integrated recreation and sports;
  - (l) Integrated road and building construction;
  - (m) Integrated minor irrigation.

- (ii) **General Work -**
- (a) Preparation of the Annual Plans for development of the Panchayat Samiti area and submission thereof to the Zila Parishad for inclusion in the District Plan;
  - (b) Preparation of annual budget of the Panchayat Samiti;
  - (c) Preparation of plans for relief work during natural calamities and their implementation;
  - (d) Maintenance of essential statistics;
- (iii) **Agriculture, including extension of agriculture -**
- (a) Development and promotion of agriculture and horticulture (gardening);
  - (b) Maintenance of Agricultural Seed farms and Horticultural Nurseries;
  - (c) Storage and distribution of insecticides and pesticides;
  - (d) Encouraging dry farming and marketing of vegetables, fruits and flowers;
  - (e) Management of activities regarding training of farmers and their extension;
  - (f) Integrated management of barren lands;
  - (g) Development and maintenance of grazing grounds and preparation of integrated plans for prevention of their unauthorized alienation and use, and supervision of the affairs of Gram Panchayats.
- (iv) Assistance to the Government and the Zila Parishad in land development, land reform and land conservation.
- (v) **Development of minor irrigation, water management and water shed as well as drainage of slanting water -**
- (a) Assistance the Government and Zila Parishad in providing and maintaining minor irrigation works;
  - (b) Preparation of integrated plan for community and private minor irrigation and ensuring implementation thereof.
- (vi) **Animal husbandry, Dairy and Poultry -**
- (a) Maintenance of animal husbandry and veterinary services;
  - (b) causing execution supervision of integrated plan for improved breeding of domestic cattle, poultry and other live stock;
  - (c) Promotion of Dairy, Poultry and Piggery etc;
  - (d) Prevention and control of epidemics and contagious diseases.

**(vii) Pisciculture -**

- (a) Integrated development of fisheries in villages;
- (b) Promoting marketing facilities.

**(viii) Social and farm forestry and minor forest produce -**

- (a) Preparation of an integrated plan for plantation and preservation of trees on the sides of roads and other public lands under its control, and for their preservation, implementation thereof and constant supervision;
- (b) Integrated development and promotion of social and farm forestry and sericulture;
- (c) Plantation for fuel and fodder development programme and extensive publicity and propagation for environment preservation;
- (d) Integrated management and supervision of collection, storage, processing and marketing of minor forest products;

**(ix) Khadi, village and cottage industry -**

- (a) Aiding and encouraging development of village and cottage industries;
- (b) Aiding development of agricultural and commercial industries;
- (c) Arranging agricultural and industrial exhibitions along with awareness camps, seminars and training programmes for benefit of rural areas at Panchayati Samiti Level.

**(x) Rural Housing -**

- (a) Ensuring supervision and balanced development of rural housing programmes;
- (b) ensuring supervision and balanced distribution of residential sites within its jurisdiction;
- (c) Ensuring maintenance of records concerning residential, sites and other private and public properties.

**(xi) Drinking water facility -**

- (a) Control and prevention of water pollution;
- (b) Integrated provision for rural water supply schemes, their repairs and maintenance;
- (c) Integrated management of drinking water sources.

**(xii) Roads, buildings, bridges and culverts, water - ways and other means of communication -**

- (a) Ensuring construction and maintenance of village roads, drains and bridges culverts benefiting two or more than two villages within its jurisdiction.
- (b) Maintenance of buildings under its control or transferred to its by the Government or any Public Authority;
- (c) Aiding integrated development of boats, ferries and waterways.

**(xiii) Rural electrification -**

- (a) Aiding Gram Panchayats in providing and maintaining light at public streets and other places;
- (b) Aiding rural electrification.

**(xiv) Non - conventional sources of energy -**

- (a) Endeavouring for integrated promotion and development of non - conventional energy schemes;
- (b) Development and extension of community non - conventional energy sources including bio - gas plants;
- (c) Extensive propagation and publicity of improved chullha and other programmes of efficient energy devices.
- (d) Providing device & run by solar energy at subsidized rate.

**(xv) Poverty alleviation programme -**

- (a) Preparation of plans for full employment and creation of productive assets and taking action with respect to their implementation;
- (b) Co-operation in effective implementation and monitoring.

**(xvi) Education including Primary and Secondary Schools -**

- (a) Development of infrastructure for primary, secondary and high school education.
- (b) Taking necessary action in connection with education - guarantee after preparing a plan therefore.

**(xvii) Adult and non formal education -**

- (a) Causing execution of integrated plan for promotion of adult literacy.

(xviii) Technical training and professional education.

- (a) Encouraging village arts and artisans.
- (xix) Providing assistance in development. of libraries.
- (xx) Sports and cultural activities -**
  - (a) Encouraging sports and cultural activities and assistance to establishment of village - clubs;
  - (b) Arranging for cultural seminars at Panchayat Samiti level.
- (xxi) Hygiene and Sanitation -**
  - (a) Aiding and guiding Gram Panchayats by making an integrated plan for encouraging village sanitation, for cleanliness of public streets, ponds, wells and roads, for management and control of bathing and washing ghats, for vaccination, for prevention and control of epidemics, for Maintenance as running of burning and burial grounds, for disposal of unclaimed corpses and carcasses, for preventive measures against stray animals.
- (xxii) Welfare of weaker sections, particularly Scheduled Castes and Scheduled Tribes -**
  - (a) Preparation of integrated plan and ensuring implementation thereof in respect of specific programmes for Scheduled Castes, Scheduled Tribes and weaker sections of the society;
  - (b) Preparation of an integrated plan and ensuring implementation thereof, in respect of programmes against exploitation of and injustice to weaker sections of the society;
  - (c) Ensuring strict compliance of directions and orders issued regarding prevention of untouchability.
- (xxiii) Health and family welfare -**
  - (a) Integrated extension of health and family welfare programmes;
  - (b) Integrated measures for prevention and control of mal nutrition;
  - (c) Carrying out of extensive programmes for encouraging small family norm.
- (xxiv) Social welfare and social security including women's welfare -**
  - (a) Preparation and causing implementation of an integrated plan for welfare of the people mentally and physically handicapped;
  - (b) Assisting Gram Panchayats in providing pension to the old, the disabled and the destitute;

- (c) Management of an specific integrated programme for social development of women and children.

**(xxv) Preservation and maintenance of community assets -**

- (a) Ensuring specific provision for community assets created by the Government, local authority and other agencies and measures for their proper use;
- (b) Providing incentive to the successful Gram Panchayats with the object of encouraging people's participation in this behalf.

**(xxvi) Public distribution system -**

- (a) Ensuring distribution of essential commodities as per rules and constant identification and evaluation of persons living below the poverty line, in this regard;
- (b) Constant supervision for making the Public Distribution System efficient and transparent.

- (xxvii) Supervision of Child Development Programme and helping and guiding Gram Panchayats in this programme and preparing a programme for integrated development and getting the same implemented.

**(xxviii) Enhancing co-operative activities -**

- (a) Management of an integrated programme as to co-operative based agriculture, dairy, pisciculture and forestation and environment programmes;
- (b) Preparing an integrated plan for encouraging co-operative based -handicraft, handloom, Tasar, lac and Malwari production and cause its implementation;
- (c) to help developing a co-operative marketing system.

- (xxix) Encouraging the common people towards savings and helping the Gram Panchayat develop a group saving scheme.

- (xxx) Help the Gram Panchayat for Organising self - help groups and for activating the villagers towards a self-dependant village.

- (xxxi) Maintenance of records of birth, death, marriage etc. and arousing awareness in people for registration of births and deaths and helping Gram Panchayats in this behalf.

**(xxxii) Others -**

- (a) Substantial provision to deal with an unforeseen situation or natural calamity;

- (b) Provision for casual medical aid to the poorest and help to Gram Panchayats in arranging cremation of the destitute.
- (c) Co-operation in affairs of national interest such as co-operating in census and in collection of desirable information;
- (d) Preparation of annual plans for economic growth and social justice of the district and ensuring implementation of such plans by the Panchayats;
- (e) Preparation of annual plan in respect of plans entrusted to it by any law and also for the plans entrusted to it by the Central Government or the State Government.
- (f) Co-ordination, evaluation, persuasion of the activities of the Gram Panchayats and guiding them;
- (g) Ensuring comprehensive supervision, co-ordination and integration of the plans prepared by the Gram Panchayats.
- (h) Ensuring implementation of the plans entrusted to it by any law and also of the plans entrusted to it by the Central Government or the State Government;
- (i) Ensuring execution of functions, programmes, plans and projects transferred or delegated to it by the Central Government or the State Government;
- (j) Re-allocation of the funds made available by the Central or State Government in respect of the functions, programmes, plans and projects transferred or delegated to it by them, to the Gram Panchayats according to the criteria fixed by the Central or State Government;
- (k) Coordinating the proposals for grants received from the Gram Panchayats for some specific purposes and forwarding it, to the Zila Parishad;
- (l) Ensuring execution of such plans, projects and other works that belongs to two or more Gram Panchayats jointly;
- (m) Taking all measure for exploiting resources by exercising the powers conferred, to it by any law or by the Central or State Government;
- (n) Advising the Zila Parishad with regards to the activities related with development, preservation of environment, social forestry, family welfare and welfare of weaker sections, destitute, women, youths and children;
- (o) The Panchayat Samiti shall control and supervise the administration within its jurisdiction; and the functions conferred on and the plans entrusted to the Block by the State Government shall be executed under supervision, guidance and control of the

Panchayat Samitis as per directions as the State Government issued from time to time;

- (p) Taking all necessary measures, in exploiting resources by exercising the power conferred to it by any law or by the Central or State Government;
- (q) To exercise such other powers and to discharge such other functions as may from time to time is conferred on or entrusted to it by the State Government;
- (r) Maintenance of essential statistical works;
- (s) Taking up regional plans and development plans for basic amenities within the Panchayat Samiti;
- (t) Preparation and management of plans for basic civil amenities;
- (u) Implementation, execution and supervision of the schemes and construction works within Gram Panchayats;
- (v) Control and persuasion of the specific plans prepared for the beneficiaries;
- (w) Promoting a sense of voluntary labour and community - ownership in respect of community work;
- (x) Ensuring execution of schemes, projects and programmes entrusted by the Central or the State Government or the Zila Parishad or the Panchayat Samiti;
- (y) Control over the personnel's posted within the Gram Panchayat area;
- (z) Letting of minor water bodies on lease, for pisciculture and other commercial purposes.

**(B) Additional powers of Panchayat Samiti in scheduled area -**

Without prejudice to the generality of the powers endowed by this Act, a Panchayat Samiti in any of the scheduled areas shall have the following powers:-

1. Preparing a plan for minor reservoirs belonging up to a specified water area, owning and managing the same;
2. Controlling the organisations and works transferred to in all social fields;
3. Control over the local plan, including tribal sub - plan and its sources and expenditure ;
4. Exercising such other powers and performing such other functions as the State Government may, under any law for the time being in force, confer on or entrust to it;



5. The functions of the Panchayat Samiti mentioned in sub-sections (A) and (B) of section (76) shall not affect the other Acts/rules of the government for the time being in force, and their jurisdiction;
6. The Government may delegate powers by amending, after due deliberation, the Acts/Rules for the time being in force with regard the functions of the Panchayat Samiti or its additional functions mentioned in sub-section (A) and (B) of section (76).

## **Section 77**

### **(A) Functions of Zila Parishad -**

Subject to such conditions as may be prescribed by the Government from time to time, the Zila Parishad shall perform the following functions:

- (i) General Functions -
  - (a) Preparing annual plans for economic development and social justice of the district and ensuring coordinated execution thereof;
  - (b) Preparing annual plans for the schemes entrusted to it by any law and for the schemes entrusted to it by the Central or State Government, and ensuring coordinated execution thereof;
  - (c) Preparing annual budget of the district;
  - (d) Coordinating, evaluating, persuading and guiding the activities of Panchayat Samitis and Gram Panchayats;
  - (e) Ensuring execution of the schemes, functions and works and also the projects entrusted by any law or entrusted or transferred or delegated by the Central or State Government;
  - (f) Re-allotment of the funds made available by the Central or State Government appertaining to the transferred functions, work, schemes and projects, to the Panchayat Samitis and Gram Panchayats as per their criteria;
  - (g) Coordinating and forwarding to the State Government the proposal of grants for any specific purpose received from Panchayat Samitis;
  - (h) Ensuring execution of plans, projects and other works for benefit of two or more than two Panchayat Samitis;
  - (i) Executing the works, schemes and projects, transferred to Panchayats by the State Government, through Gram Panchayats or executing agencies, regardless of the sources of their fund;
  - (j) Taking necessary measures for exploiting resources, by exercising the power conferred by any law or by the Central or State Government;
  - (k) Power to do relief work during natural calamity;
  - (l) Maintenance of essential statistical works.

- (ii) Agriculture, including extension of agriculture-**
- (a) Popularising use of improved agricultural system and adopting improved agricultural practices to increase agricultural production;
  - (b) Opening and managing agricultural seed farms and commercial farms;
  - (c) Organizing agricultural fairs & exhibitions;
  - (d) Preparing plans for integrated extension of agriculture and horticulture, and causing executing thereof;
  - (e) Causing execution after Preparing integrated plan for extension of land development and soil conservation;
  - (f) Establishment of training centers and provisions for training of farmers.
- (iii) Land development, and land reforms and soil conservation -**
- (a) Promoting and extending soil conservation activities;
  - (b) Causing execution after preparing an integrated plan for development of barren land.
- (iv) Minor irrigation, water management and water shed - development -**
- (a) Construction and management of lift irrigation;
  - (b) Extension of water shed programme;
  - (c) Maintenance of available water sources;
  - (d) Development of under ground water resources;
  - (e) Encouraging community water committees and installing community pump sets.
- (v) Animal husbandry, dairy and poultry -**
- (a) Causing execution after Preparing an integrated plan for improvement in breed of domestic cattle, poultry and other live stock;
  - (b) Promotion of dairy industry, poultry farming and piggery, etc;
  - (c) Establishment of veterinary hospitals and artificials insemination centers;
  - (d) Measures for control and prevention of cattle - diseases and contagious disease;
  - (e) Integrated development of fodder;
  - (f) Extending and persuasion for activities for rearing pigs, goats and ducks;
  - (g) Facilities of dairy farms and cold storage.

**(vi) Pisciculture -**

- (a) Production and distribution of spawns;
- (b) Constitution of fish marketing co-operative societies;
- (c) Pisciculture in private and community ponds;
- (d) Welfare schemes for uplift of fishermen;

**(vii) Social and agricultural forestry -**

- (a) Integrated management of plantation on flanks of roads and other public lands under its control;
- (b) Integrated management of social & agricultural forestry;
- (c) Integrated management of minor forest products.

**(viii) Khadi, village & cottage industries -**

- (a) Aiding development of village & cottage industries;
- (b) implementing an integrated plan for development of domestic industries by filling the traditionally expert artisan, after identifying them;
- (c) Provision for training and financial assistant to craftsmen and artisans;
- (d) Popularising readymade products and providing for there marketing;
- (e) Encouraging organisation for Khadi, handloom and handicraft industries;
- (f) Ascertaining the needs for raw materials and ensuring their supply;
- (g) Design and production in keeping with changing needs of consumers;
- (h) Providing for bank loans.

**(ix) Rural housing -**

- (a) Integrated management of execution of rural housing programmes in the district;
- (b) Assisting the Gram Panchayats and the Panchayat Samitis in coordinating, supervising and maintaining distribution of residential sites within its jurisdiction;
- (c) Identification of homeless families and integrated management of provision for low cost houses for them.

**(x) Drinking water facility -**

- (a) Control and prevention of water pollution;
- (b) Extension of rural water supply;
- (c) Management of drinking water sources.

**(xi) Roads, buildings, bridges - culverts, waterways and other means of communication -**

- (a) Preparation of a comprehensive plan for roads building and culverts, other than national and state highways and provision for construction and maintenance thereof.
- (b) Preparation of comprehensive plan for link roads to markets, educational and health centers and provision for construction and maintenance thereof;
- (c) Maintenance of boats, ferries and water ways;
- (d) Repairs of building within the jurisdiction of Zila Parishad and construction of new buildings;
- (e) Organizing the people for voluntary land acquisition for new roads and widening the existing roads.

**(xii) Rural Electrification -**

- (a) Assistance in making available light at public streets and other places;
- (b) Extension of rural electrification.

**(xiii) Non - conventional sources of energy -**

- (a) Carrying out comprehensive programme for promotion and development of non conventional energy plans;
- (b) Propagation and publicity of community non conventional energy sources including bio-gas plants;
- (c) Carrying out programmes for raising public - conscience regarding improved chullhas and other energy sources.

**(xiv) Poverty alleviation programme-**

- (a) Preparing a time bound plan for poverty alleviation and ensuring its implementation;
- (b) Arousing awareness in people for full employment and creation of productive assets and participation in poverty alleviation programmes;
- (c) Supervision and monitoring of all poverty alleviation programmes.

**(xv) Primary, secondary, adult and non formal education -**

- (a) Propagation and publicity of science and technical education in rural areas;
- (b) Ensuring layout and implementation of an incentive scheme with the object of ensuring full enrollment and attendance in primary schools;
- (c) Planning and implementing an education guarantee scheme;

- (d) Provision for hostels, aashrams and stipend for poor and meritorious students;
  - (e) Extension of adult and non formal education;
  - (f) Survey and evaluation of educational activities.
- (xvi) Technical training and professional education -**
- (a) Organizing exhibition, fairs etc. to encourage rural art and craftsmen;
  - (b) Propagation and publicity of computer education.
- (xvii) Library -**
- (a) Aiding Gram Panchayats and Panchayat Samitis in establishment and maintenance of library and reading room;
  - (b) Developing information centers at Block and Panchayat levels.
- (xviii) Sports and cultural activities -**
- (a) Promotion, Establishment and maintenance of sports and cultural activities;
  - (b) Convening cultural seminars;
  - (c) Development of sports grounds and stadium;
  - (d) Encouraging traditional festivals, dances and other arts and giving them a new dimension by publicising them within the country and abroad.
- (xix) Market and fair -**
- (a) Assistance in management of fairs (including cattle fair), markets and hats in the Panchayats' areas.
- (xx) Hygiene and Sanitation -**
- (a) Ensuring promotion of rural sanitation and cleanliness of public streets, ponds, wells and roads;
  - (b) Preparing an integrated plan for public toilets, causing its implementation and maintenance;
  - (c) Carrying out extensive programme for immunization and vaccination against diseases;
  - (d) Preparing and causing implementing of a comprehensive plan for control and prevention of epidemics;
  - (e) Establishment and maintenance hospitals, primary health centers and dispensaries other than hospitals of medical College, T.B. - Sanitoriums, leprosy and mental hospitals;
  - (f) Activities appertaining to maternity and Child - care;
  - (g) Convening Health- camps in coordination with Gram Panchayats and Panchayat Samities;
  - (h) Taking measures for prevention against environmental pollution.

**(xxi) Welfare of weaker sections particularly Scheduled Castes and Scheduled Tribes -**

- (a) Preparing an integrated plan for specific programmes for the Scheduled Castes, the Scheduled Tribes and the weaker sections of the society;
- (b) Management of integrated programme against exploitation of and injustice to the weaker sections of society;
- (c) Sanction of grants for stipend, scholarships, hostel allowance to and other grants for purchase of books and other ancillary articles for the Scheduled Castes and tribes and other Backward Classes;
- (d) Management of hostels for benefit of the Scheduled Castes and tribes;
- (e) Preparation and causing implementation of plan in organizing nursery schools balbaries and Ratri Pathshala for eradication or illiteracy in Gram Panchayat/Panchayat Samiti;
- (f) Organizing model welfare centers and crafts centers for imparting training to the Scheduled Castes and tribes in cottage and village industries;
- (g) Provision for residential basic schools for the Scheduled Castes and tribes;
- (h) Providing marketing facilities for the goods produced by the members of the Scheduled Castes and the Scheduled Tribes;
- (i) Constituting cooperative societies of Scheduled Castes and Scheduled Tribes;
- (j) Other welfare schemes for development and upliftment of the Scheduled Castes and the Scheduled Tribes;

**(xxii) Health and family welfare -**

- (a) Extension of health and family welfare programmes;
- (b) Integrated measures for control and prevention of Mal nutrition;
- (c) Extensive encouragement to small family norms.

**(xxiii) Social welfare and social security including women's welfare -**

- (a) Preparing and implementing an integrated plan for mentally and physically disabled persons;
- (b) Integrated management of pension for the old, the invalid and destitute, the disabled and widows;
- (c) Specific programmes for organisations of women and children and their development;
- (d) Maintenance of orphanage, reformatory home and welfare institutions;
- (e) Encouraging intercaste marriage and giving incentive money to the couple entering into such marriage, one of whom belongs to the scheduled caste or tribes;
- (f) Campaign against superstition, intoxication, untouchability and others social evils;

- (g) Vigilance over criminal activities such as smuggling, tax evasion adulteration, and usury;
- (h) Identification of bonded, labourers and their rehabilitation;
- (i) Assistance in taking back of aboriginals infected land development of land given to landless labourers.

**(xxiv) Preservation and maintenance of Community assets -**

- (a) Integrated provision for proper use of community assets constructed by government, local authority and other agencies;
- (b) Encouraging peoples participation in this regard.

**(xxv) Public distribution system -**

- (a) Integrated programme for arousing social consciousness pertaining to distribution of essential commodities;
- (b) Constant supervision for making the public distribution system efficient and transparent.

**(xxvi) Integrated management of child development programme -**

- (a) Assistance to Gram Panchayat/ Panchayat Samitis.

**(xxvii) Enhancing cooperative activities -**

- (a) Integrated management of programmes of cooperative based agriculture, milk production, pisciculture, forest and environment;
- (b) Encouraging the cooperative based handicraft, handloom, Tasar, lac and Malwari production in an integrated manner;
- (c) Developing cooperative marketing system at the district level.

(xxviii) Encouraging the common people towards saving and development group saving norm.

(xxix) Assistance to Gram Panchayats/ Panchayat samitis in formation of self-help groups.

(xxx) Preparing integrated programme to activate villager towards self-dependant village.

(xxxi) Maintenance of records of birth, death, marriage etc. and arousing awareness in people to registration of births and deaths.

**(xxxii) Others -**

- (a) Making consolidated integral provision to face unforeseen situations and natural calamities;
- (b) Aiding Gram Panchayats/ Panchayat Samities in providing casual medical help to the poorest;

- (c) (i) Cooperation in affairs of national interest such as cooperating in census and in collection of desirable information;
- (ii) Collection, compilation, analysis and timely renewal of desirable data of Gram Panchayat, Panchayat Samiti at district level;
- (d) Administration and control, as determined by the State Government by general or special orders from time to time, the personnel employed and posted in Panchayats, including the staff transferred to the Panchayats by the State Government.

- (B) (i) Merger of district rural development Agency in Zila Parishad of the district -

Notwithstanding any thing contained in the Societies Registration Act or any other Act of the State for the time being in force, district rural development agency of the district shall be deemed to be merged in Zila Parishad of the district and all assets and liabilities of the said agency and all functions thereof shall stand transferred to the concerned Zila Parishad and shall remain vested in it and the same shall be discharged and performed by the Zila Parishad concerned;

- (ii) Notwithstanding any thing contained in this Act or the rural or Bye-laws made there under, all the employees of the District Rural Development Agency shall, on the date of commencement of this sub-section, be getting the same salary, allowances and benefits benefits exists at present.

- (c) Additional powers of Zila Parishad in Scheduled area -

Without prejudice to the generality of the powers conferred by this Act, the Zila Parishad in a scheduled area shall have following powers -

- (1) Preparing a plan for minor reservoirs belonging to a specified water area, ownership and managing the same;
- (2) Controlling the organisations and work, transferred to it in all social fields;
- (3) Control over the local plan, including tribal sub-plans and its sources and expenditure;
- (4) Exercise such other powers and performing such other functions as the State Government may, under any law for the time being in force, confer on or entrust to it;

- (D) The functions of the Zila Parishad mentioned in sub-sections (A) and (C) of section (77) shall not affect other Acts/Rules of the government for the time being in force, and their jurisdiction;



- (E) The Government may delegate powers by amending, after due deliberation, the Acts/Rules for the time being in force with regard to the functions or additional functions of Zila Parishad mentioned in sub-sections (A) and (C) of section (77).

### **section 78**

#### **Powers of the State Government as to the functions of Panchayats -**

- (1) (a) Subject to such conditions as may be specified by the State Government by general or special order, the Panchayats shall, at proper levels, have such powers and authority, appertaining to the subjects listed in schedule (1) within which the preparation of plans and implementation of schemes for economic development and social justice comes and also other duties and functions conferred under section 10(6), (75), (76), (77), that may be necessary to make them capable of serving as institutions of self government.

(b) The State Government, by notification, for the sake of efficient implementation of schemes, may confer on the Panchayats the powers and responsibilities at proper levels for selection of required cadres or any cadres of employing, their recruitment, employment and managing subject to the approved staffing pattern (hierarchical structure) the State Government and such others conditions as it may consider proper.

- (2) The State Government, by general or specific order, may increase any functions of the Panchayats or may withdraw the functions and duties conferred on such Panchayats. When the State Government take over execution of any functions conferred on a Panchayat, the Panchayat shall not be responsible for such functions so long as the State Government does not re-confer such functions on the said Panchayat.

(3) **The Government, by notification, subject to the conditions specified therein-**

- (a) May transfer management and maintenance of forest situate in Panchayat area to a Panchayat;
- (b) May make over management of public uncultivated (Parti) land, grazing ground or vacant land situate in Panchayat area to a Gram Panchayat;
- (c) May make over the programme of realizing rent on the its behalf and maintaining the records concerned to a Gram Panchayat;

Provided that no assignment under clause (c) shall be done without consent of the Gram Panchayat concerned;

Provided also that when transfer of management and maintenance of any forest is done under clause (a), the Government shall order to entrust to the Gram Panchayat a particular sum or an adequate

portion of the income from the said forest for such management and maintenance.

- (4) The Government may, by notification, modify, change or cancel the functions assigned under sub-section (3) of this section.

### **Section 79**

#### **Powers of Gram Panchayat regarding public health facilities and safety -**

Subject to such rules as may be made by the State Government in this behalf, a Gram Panchayat shall have powers -

- (1) To maintain sanitation, cleanliness, water emission, water transition, water supply sources;
- (2) To regulate uses of water;
- (3) To ensure environmental control;
- (4) To remove structures and trees;
- (5) To regulate trade of nasty or dangerous articles;
- (6) To regulate establishment of workshops, factories and other industrial units;
- (7) To perform such functions as is necessary by or under the provisions of this Act.

### **Section 80**

#### **Control over construction of buildings -**

The Gram Panchayat may take actions as per the specified rules with the object of preventing encroachment over public streets, buildings and houses in village.

### **Section 81**

#### **Powers of Gram Panchayat regarding hindrances and obstructions to and trespass encroachment over public streets and open places -**

- (1) Any person who, within the Gram Panchayat area, will cause any obstruction and hindrance to and encroachment over any public street or open places or any drain on such street.
  - (a) By constructing or making any wall, fence, window, pillar, stall, verandah, terrace, stairs or any structure; or
  - (b) by constructing any verandah, balcony, room or any other structure without the written order of the Gram Panchayat or contrary to the words mentioned in such order, in such a way that the same be protruding on any public street or on any drain situated at the said street; or

- (c) By removing illegally earth, sand or other materials from any spot;  
or
- (d) By doing cultivation in any grazing ground or other land in an unauthorised manner, may be punished with such fine as may be enacted by the government.
- (2) Notwithstanding any thing contained in the sub-section (1), The Gram Panchayat shall have power to remove any such obstruction or encroachment and to remove any crop grown unauthorized on grazing ground or any land, not being private property, and shall also have the like power to remove any similar unauthorized obstruction or encroachment or protruding portion in any open space, not being private property, whether or not the said space is vested in the Gram Panchayat, and the expenses incurred in such removals shall be paid by the person who has encroached as such, and in case of failure to pay such expenses, the said expenses may be realised from the said person in accordance with the prescribed rules;
- Providing that notwithstanding any thing contained in sub-section (1) and in this sub-section, if the Gram Panchayat resolves to remove any obstruction, hindrance or encroachment from the land vested in the State Government, it may intimate the Anchaladhikari (Circle Officer) for removal of such obstruction, hindrance or encroachment from the said land and the Anchaladhikari (Circle Officer) shall take necessary action under the Chotanagpur Tenancy Act or the Santhal Pargana Tenancy Act or any other related rule for the time being in force.
- (3) Notwithstanding any thing contained in this section, the Gram Panchayat may give permission, in according with the by laws made under this Act, to use any public place or to make any construction or to construct protruding portion thereon temporarily as per necessity on the occasion of festivals and ceremonies in such a manner that the public or any person may not have any inconvenience.
- (4) The Gram Panchayat shall not pass any order in exercise of the powers under this section unless the person concerned has been given reasonable opportunity of hearing.

## **Section 82**

### **Power to Compromise -**

With the prior permission of the prescribed Authority, Gram Panchayat, Panchayat Samiti, or Zila Parishad may enter into a compromise in respect of any such suit which has been filed by or against it or in respect of any such claim or demand, which has arisen out of any contract, entered into under this Act, on such terms as it thinks proper.

## **Section 83**

### **Regulation of markets or fairs -**

- (1) Save as provided in the Agricultural Market Act for the time being (in force), no person other than the Gram Panchayat shall either fix or use any place within the Gram Panchayat for the purpose or establishment of any market or fairs;

Provided that the State Government may by notification declare any market or fair to be public market or public fair, and the public market or the public fair declared as such shall be vested in the Panchayat Samiti.

- (2) The State Government may make rules for the market or the fair specified in sub-section (1).

**Chapter - VIII**  
**Fund and Property of Panchayat**

**Section 84**

Fund of Gram Panchayat and its property -

- (1) Gram Panchayat shall have power to acquire, hold and dispose of property and to enter into contract with respect thereof;

Provided that in every case of disposal of immovable property by the Gram Panchayat, it shall have to obtain prior permission of the Government.

- (2) All property within the local limits of the jurisdiction of the Gram Panchayat of the nature herein after in this section specified, other than property maintained by the Central or the State Government or a local Authority or any other Gram Panchayat shall vest in and belong to the Gram Panchayat and shall with all other property of whatsoever nature of kind which may become vested in the Gram Panchayat, be under its, direction, management and control, that is to say;

- (a) All common properties;
- (b) All public streets including the soil, stones and other materials thereof and all drains, bridges-culverts, trees, erection materials, implements and other things provided for such streets;
- (c) All public sewage systems and drains and all constructing materials and articles appertaining thereto and other sewage works;

Provided that the sub soil for the purposes of enlarging, deepening or repairing otherwise or maintaining such sewage and drains or attached therewith shall be deemed vested in the Gram Panchayat;

- (d) The entire night soil, garbage and obnoxious material collected from streets, lavatories, urinals, sewage system, cesspits and other places or dumped on street by the Gram Panchayat;
- (e) All public lamps, lamp-posts and apparatus connected therewith and related or appertaining there to;
- (f) All buildings erected by the Gram Panchayat and all lands, and buildings or the property transferred to the Gram Panchayat by the central or state government or acquired by gift, purchase or otherwise for local public purposes;
- (g) All public channels, water courses, springs, tanks, ghats, reservoirs, cisterns, wells, aqueducts, conducts, tunnels, pipes, pumps and other water works whether made, laid or erected at the cost of the Gram Panchayat or otherwise and all bridges, buildings, fuel, works materials and things connected therewith or appertaining thereto and

also any adjacent land (not being private property) appertaining to any public tank.

Provided that water pipes and water works, connected therewith or appertaining thereto which with the consent of the Gram Panchayat are laid or set up in any street by the owners of any mill, factory, industry, works-shop or the like, primarily for the use of their employees shall not be deemed to be public water works by reason of their being used by the public.

- (3) The State Government may, by notification, exclude any street, bridge or drain from the operation of this Act or of any specific section of this Act;

Provided that if the cost of construction of the work had been paid from the Gram Panchayat Fund, such works shall not be excluded from the operation of this Act or any specific section of this Act except after consideration of the views of the Gram Panchayat in a meeting.

- (4) The State Government may allocate to a Gram Panchayat any public property situated within its local jurisdiction and thereupon such property shall vest in and come under the control of the Gram Panchayat.

- (5) The State Government may take back any property allocated to a gram panchayat under sub-section (4). For such transfer no compensation other than the amount paid by the Gram Panchayat or the market value, of any building erected or any work executed by the Gram Panchayat on the said property, prevalent on the date of the taking back, shall be payable;

Provided that no compensation in respect of the buildings, structures or works constructed or erected in contravention of the terms and conditions of the vesting shall be payable.

- (6) For every Gram Panchayat there shall be constituted a Gram Panchayat Fund bearing the name of Gram Panchayat and there shall be placed to the credit thereof -

- (a) Contributions and grants if any, made by the central or the state government;
- (b) Contributions and grants if any, made by the Zila Parishad, Panchayat Samiti or any local Authority;
- (c) Loans if any, granted by the central or the state government;
- (d) All receipts on account of taxes, rates and fees levied by it;
- (e) All receipts in respect of any schools, hospitals, dispensaries, buildings, institutions or works vested in, constructed by or placed under the central or and management of the Gram Panchayat;
- (f) All sums received as gift or contribution and all incomes from any trust or endowment made in favour of Gram Panchayat;

- (g) Such fines and penalties imposed and realised, under the provisions of this Act as may be prescribed;
  - (h) All other sums received by or on behalf of the Gram Panchayat.
- (7) Every Gram Panchayat shall set a part and apply annually such sums as may be required to meet-
- (a) The cost of its own administration including the payment of salary, allowances, provident fund and gratuity to the officers and employees and to the secretary;
  - (b) Every Gram Panchayat shall have the power to spend such sums as it thinks fit for carrying out the purposes of this Act;
  - (c) The Gram Panchayat fund shall be vested in the Gram Panchayat and the balance to the credit of the fund shall be kept in such custody as may be prescribed.
- (8) In the matter of Gram Panchayat, the entire amount may be withdraw from the gram panchayat fund by joint signature of the Mukhia and the Secretary.

### **Section 85**

#### **Panchayat Samiti Fund and its property -**

- (1) Panchayat Samiti shall have power to acquire, hold and dispose of property and to enter into contract with respect thereof;
- Provided that in every case of disposal of immovable property, it shall have to obtain prior approval of the Government.
- (2) All roads, buildings or other structures constructed by a Panchayat Samiti with its funds shall be vested in it.
- (3) The State Government may allocate to a Panchayat Samiti and public property situated within its jurisdiction and thereupon such property shall come under the control of Panchayat Samiti;
- (4) The State Government may take back any property allocated to a Panchayat Samiti under sub-section (3). For such transfer no compensation other than the amounts paid by the Panchayat Samiti or the market value, of any building erected or any work executed by the Panchayat Samiti on the said property, prevalent on the date of the taking - back, shall be payable.
- Provided that no compensation in respect of the buildings, structures or works constructed or erected in contravention of the terms and conditions of the vesting shall be payable.

- (5) If Panchayat Samiti requires land to fulfill any purpose of this Act, it shall negotiate with the person or persons having interest in the said land and, if consent is not arrived at, it shall apply to the District Magistrate for acquisition of the said land. If resolved that the land is required for public purposes, it shall take measures to acquire the land under the relevant provisions of Land Acquisition Act, 1894 (Act 1 of 1894), and the land having been acquired shall vest in the Panchayat Samiti.
- (6) For every Panchayat Samiti there shall be constituted a Panchayat Samiti fund and there shall be placed to the credit thereof.
- (a) Contribution and grants, if any, made by the Central or State Government, wherein is included even such contribution of the land revenue realised in the State as the Government may determine;
  - (b) Contribution and grants, if any, made by Zila Parishad or any other local Authority;
  - (c) Loans if any, granted by the Central or State Government or loans take by a Panchayat Samiti against security of its own assets;
  - (d) All receipts on account of tolls cess and fees items levied by it;
  - (e) All receipts in respect of any schools, hospitals, dispensaries, buildings, institutions or works vested in, constructed by or placed under the control and management of the Panchayat Samiti;
  - (f) All sums received as gift or contribution and all income from any trust or endowment made in favour of the Panchayat samiti ;
  - (g) Such fines and penalties, imposed and realised, under the provisions of this Act or under the bye-laws made there under as may be prescribed;
  - (h) All other sums received by or on behalf of the Panchayat Samiti.
- (7) Every Panchayat Samiti, shall set a part and apply annually such sums as may be required to meet :-
- (a) The cost of its own administration including the payment of salary, allowances, provident fund and gratuity to the officers and employees and to the secretary;
  - (b) Every Panchayat Samiti shall have power to spend such sums as it thinks fit for carrying out the purposes of this Act;
  - (c) Panchayat Samiti Fund shall be vested in the Panchayat Samiti and the balance to the credit of the fund shall be kept in such a custody as may be prescribed by the State Government from time to time.
- (8) Subject to such general control as the Panchayat Samiti may exercise from time to time, all orders and cheques for payment from the fund of the Panchayat Samiti shall bear the signature of the Executive Officer .



- (9) Subject to provisions of any law connected with raising of loans by the local Authority for the time being in force, the Panchayat Samiti, with the approval of the State Government, may raise loans from time to time for the purposes of this Act and may create a deposit fund for redemption of such loan.
- (10) Panchayat Samiti, on the basis of the specific schemes as may be prepared by the Panchayat Samiti for the fulfillment of its purposes, may take loans from the Government or from Banks with prior permission of the Government.

## **Section 86**

### **Zila Parishad Fund and its property -**

- (1) The Zila Parishad shall have the power to acquire, hold and dispose of property and to enter into contract in respect thereof;

Provided that in every cases of acquisition or disposal of immovable properties, it shall have to obtain prior approval of the Government.

- (2) All roads, buildings or other structure constructed by the Zila Parishad with its funds shall be vested in it.
- (3) The State Government may allocate to the Zila Parishad any public property situated within its local jurisdiction, and thereupon such property shall vest in and come under the control of, Zila Parishad;
- (4) The State Government may take back any property allocated to a Zila Parishad under sub - section (3). For such transfer, no compensation other than the amount paid by the Zila Parishad or the market value, of any building erected or any work executed by the Zila Parishad on the said property, prevalent on the date of the taking - back, shall be payable;

Provided that no compensation in respect of the buildings, structures or works contracted or erected in contravention of terms and conditions of the vesting shall be payable.

- (5) If a Zila Parishad requires land to fulfill any purpose of this Act, it will negotiate with the person or persons having interest in the said land and, if consent is not arrived at, it shall apply to the District Magistrate for acquisition of the said land. If resolved that the land is required for public purpose, it shall take measures for acquire the land under the relevant provisions of the Land Acquisition Act and the said land having been acquired, shall vest in the Panchayat Samiti.

- (6) Zila Parishad Fund - For every Zila Parishad, there shall be constituted a Zila Parishad fund bearing the name of the Zila Parishad and there shall be placed to the credit thereof-
- (a) Contributions and grants, if any, made by the central or the State Government, wherein is included even such contribution and the land - revenue realised in the State as the Government may determines;
  - (b) Contributions and, grants, if any, made by the Zila Parishad (Sic) or any other local Authority;
  - (c) Loans, if any, granted by the Central or the State Government or loans taken by the Zila Parishad against surety of its own assets;
  - (d) All receipts on account of, toll cess and fee items levied by it;
  - (e) All receipts in respect of any schools, hospitals, dispensaries, buildings, institutions or works vested in, constructed by or placed under the Control and management of the Zila Parishad;
  - (f) All sums received as gift or contribution and all income form any trust or endowment made in favour of the Zila Parishad.
  - (g) Such fines and penalties imposed and realised under the provisions on this Act, as may be prescribed;
  - (h) All other sums of received by or on behalf of the Zila Parishad;
- (7) **Every Zila Parishad shall set apart and apply annually such sums as may be required to meet :-**
- (a) To cost of its own administration including the payment of salary, allowances, provident fund and gratuity to the officers and employees and to the secretary;
  - (b) Every Zila Parishad shall have power to power spend such sums as it thinks fit for carrying out the purposes of this Act.
  - (c) Zila Parishad Fund shall be vested in the Zila Parishad and the balance to the credit of the fund shall be kept in such custody as may be prescribed by the State Government from time to time.
- (8) Subject to such general control as the Zila Parishad may exercise from time to time, all orders and cheques for payment from the fund of the Zila Parishad shall bear the signature of the Executive Officer.
- (9) Subject to the provisions of any law concerned with raising of loans by the local authority for the time being in force, the Zila Parishad, with the approval of the State Government, may raise loans from time to time for the purposes of this Act and may create a deposit fund for redemption of such loans.

- (10) Zila Parishad, on the basis of specific schemes as may be prepared by the Zila Parishad for fulfillment of its purposes may take loans from the Government or with prior permission of the Government.

### **Section 87**

#### **(i) Assignment of funds to Panchayat -**

For such purposes and subject to such conditions and limits as the State Government may consider fit, the State Government may assign to any Gram Panchayat, Panchayat Samiti and Zila Parishad such taxes, tolls and fees as levied and collected by the State Government, and may give grants out of the consolidated fund of the State.

#### **(ii) Use of Panchayat Fund -**

- (a) Subject to the provisions of this Act and the rules made there under, all the properties vested in the Panchayat and the Panchayat Fund shall be used for the purposes of this Act or for other purposes appertaining to activities related to general development of a Panchayat or for such other expenses as the State Government may, either on petition of a Panchayat or otherwise, approve in public interest. The Panchayat Fund shall be kept in the nearest Government Treasury or Sub treasury or Post Office or Nationalised Bank or Scheduled Bank or Regional Gramin Bank or its Branch;
- (b) The sums allocated to a Panchayat by the State Government or any other person or local Authority for any specific work or purpose shall be used exclusively for that very work or purpose and as per such instructions as the State Government may issue generally or especially in this behalf;
- (c) In the case of Gram Panchayat, Panchayat Samiti or Zila Parishad, all the sums shall be withdrawn for the purpose of providing for an extensive work plan exclusively from the annual budget with prior approval of the General Administrative Committee of the Gram Panchayat, Panchayat Samiti or Zila Parishad, as the case may be;

Provided that information with regard to all receipts in and withdrawals from the Panchayat Fund shall be placed before the next meeting of the Panchayat.

### **Section 88**

#### **(1) Grant in aid to Panchayat -**

The State Government shall give to the Gram Panchayat, the Panchayat Samiti and the Zila Parishad such grant, in aid as may be determined on the basis of the recommendations of the Finance Commission.

**(2) Power to give grant in aid-**

Subject to the prior sanction of the State Government or the prescribed Authority, the Gram Panchayat, the Panchayat Samiti or Zila Parishad may provide grants in aid for any work of public utility.

**Section 89**

**Transfer of immovable property -**

- (1) Any immovable property vested in or belonging to the Gram Panchayat, the Panchayat Samiti or Zila Parishad shall be sold, gifted, mortgaged or exchanged or leased or transferred on the exclusive sanction of the State Government or any officer authorised on this behalf, and not otherwise.
- (2) The procedure of transfer of an immovable property shall be such as may be prescribed by the State Government.

## Chapter IX

### Establishment of Panchayats

#### Section 90

##### **(1) Establishment of Gram Panchayat -**

- (a) The State Government or the prescribed Authority may appoint one Secretary for a Gram Panchayat or for one or more group of Gram Panchayat;

Provided that a person holding charge of Secretary of a Gram Panchayat immediately before commencement of this Act shall continue to work as such till appointment of a Secretary is made in according with this section;

Provided further that no person shall assume charge of Secretary in a Gram Panchayat if he happens to be a relative of any Office-bearer of the concerned Gram Panchayat;

- (b) The Secretary shall be In-charge of the Office of Gram Panchayat, and shall discharge all its functions and exercise all the powers conferred or imposed on him under this Act or any Rules or Bye-laws made thereunder upon;
- (c) **Gram Raksha Dal** - A Gram Raksha Dal may be organized for every Gram Panchayat under a Chief Officer appointed in the prescribed manner for patrolling and security of the village, for preventing fire and embankment or bridges form being broken, for facing spread of epidemic, theft or dacoity, for maintaining public law and order and for carrying out works entrusted form time to time by the Government and all able persons of the Village in the age group of 18 to 30 years, shall be members of that Dal.
- (d) The State Government may frame rules for organizing Gram Raksha Dal and Rules for its works and conduct.

##### **(2) Establishment of Panchayat Samiti -**

- (a) The State Government shall appoint an Executive Officer not below the rank of Deputy Collector for the Panchayat Samiti, who shall discharge the duties of Secretary of the Panchayat Samiti and shall be In-charge of the office of the Panchayat Samiti and exercise all the powers, conferred or imposed on him under this Act or any rules or bye-laws made thereunder;
- (b) The State Government shall appoint an Assistant Secretary through the Panchayat Directorate, who shall perform such functions and discharge such duties as may be entrusted by the State Government or the Executive Officer;

- (c) The Government shall make posting of officers and employees of the State Government to work under the Panchayat Samiti form time to time in such a number, as it deems necessary;
- (d) Notwithstanding anything contained in this Act or any other law for the time being in force, the Government or the other Authority authorised in this regard shall have power to transfer posted officers and employees as such from one Samiti to another;
- (e) Powers and function of the Executive Officers and other officers -
  - (i) Save as otherwise expressly provided by or under this Act, the Executive Officer shall -
    - (a) Supervise and control implementation of all works of the Panchayat Samiti;
    - (b) Determine, supervise and control the works of the officers and employees or office-bearer working under the Panchayat Samiti as per Rules framed by the Government;
    - (c) Take necessary measures to execute all works and developmental schemes of the Panchayat Samiti expeditiously;
    - (d) Secure all the papers and documents related with proceedings of the meetings of the Panchayat Samiti and its Committees.
    - (e) Withdraw and disburse money out of the fund of the Panchayat Samiti; and
    - (f) Exercise such other powers and discharge such other duties, as may be specified.
  - (ii) the Executive Officer shall participate in every meeting of the Panchayat Samiti and he shall have the right to participate in any of the committees of the Panchayat Samiti and to take part in its discussion, but he shall not have the right to move any proposal or to vote. If any proposal mooted before the Panchayat Samiti is transgressive or is not in conformity with the provisions of this Act or any other law, rule or order made thereunder, it shall be his duty to draw the attention of Panchayat Samiti to towards this.

**(3) Establishment of Zila Parishad -**

- (a) The State Government shall appoint a Chief Executive Officer of the rank of District Magistrate for every Zila Parishad, likewise the Government may appoint an Additional Chief Executive Officer for a Zila Parishad on the terms and conditions as specified and may also, as per requirement, appoint one or more than one Deputy Chief Executive Officer and Executive Officer who shall perform such functions and discharge such

duties as may be assigned to them by the State Government or the Chief Executive Officer;

- (b) The Government shall also appoint a Chief Planning Officer and a Chief Accounts Officer for every Zila Parishad;
- (c) The State Government shall make posting of officers and employees of different grades and officers also for All India Service allocated for serving under the Government from time to time in every Zila Parishad in such number the government thinks necessary;
- (d) Notwithstanding any thing contained in this Act or any other law for the time being in force, the Government or any other officer or any other Authority authorised by it in this behalf shall have the power to transfer officers and employees posted as such from one district to another;
- (e) The State Government may constitute such services that may be prescribed from a date appointed for, for every prescribed Zila Parishad;
- (f) Functions of the Chief Executive Officer and other Officers -
  - (i) Save as otherwise expressly provided by or under this Act, the Chief Executive officer shall -
    - (a) Execute the Policies and directives of the Zila Parishad and shall take necessary steps for expeditious execution of all works and development schemes of the Zila Parishad;
    - (b) Control the officers and employees of the Zila Parishad subject to the general supervision and control of the Adhyaksha and the rules as prescribed:
    - (c) Discharge the duties conferred by or under this Act or the Rules or regulations made thereunder;
    - (d) Keep in custody all the papers and documents pertaining to the Zila Parishad;
    - (e) Draw and disburse sums from the Zila Parishad funds and shall exercise such other powers and perform such other functions as may be vested in him;
  - (ii) The Chief Executive Officer shall participate in every meeting of the Zila Parishad and he shall be entitled to participate in any of its committee and take part in discussion, but he shall have no right to moot any proposal or to cast vote. If any proposal mooted before the Zila Parishad is transgressive in the opinion of the Chief Executive Officer or is not in conformity with the provisions of this Act or any other law, rule or order made thereunder, it shall be his duty to draw the attention of the Zila Parishad to wards this;

- (iii) The Chief Planning Officer shall advise the Zila Parishad in the matter of preparing a plan and shall be responsible for all the matters related with plans of the Zila Parishad in which preparation of plan for economic development and social justice and annual plan of the district is also included, and he shall be the Chief Executive Officer of the district planning unit constituted for the district planning committee.
- (iv) Chief Accounts Officer shall advise the Zila Parishad in matters of financial policy and shall be responsible for all matters concerned with accounts of the Zila Parishad in which preparation of annual account and budget is also included and shall ensure that no expenditure whatsoever is done without proper sanction, and if done, it has to be done only in accordance with this Act and the rules and regulations made thereunder, and shall disallow any such expenditure which is not supported by this Act or rules or regulations or whereof no provision has been made in the budget.
- (v) Every person in possession of fund, accounts, records or other property related with Gram Panchayat or Panchayat Samiti or Zila Parishad shall, on demand in writing being made by the Chief Executive Officer in this regard, hand over the said fund or make over the said accounts, records or other property to the Chief Executive Officer or to the person authorised, in this behalf, to receive the same;
- (vi) The Chief Executive Officer may also take action to realise any amount payable by any person in the manner in which action for realization of arrears of land revenue from defaulters is taken and may issue search warrant for the purpose of obtaining the accounts, records or other property pertaining to Gram Panchayat or Panchayat Samiti or Zila Parishad and may exercise all such powers related therewith as is lawfully exercised by a Magistrate under the provisions of chapter (vii) of the code of Criminal Procedure, 1973 (Act 2 of 1974);
- (vii) Every person having knowledge about the where about of the fund, accounts, records or other property pertaining to the Gram Panchayat or Panchayat Samiti or Zila Parishad are lying hidden, shall be bound to give the said information to the Chief Executive Officer;
- (viii) An appeal shall lie before the State Government, against an order of the Chief Executive Officer under this section.



## **Section 91**

### **Alternative arrangement in absence of Secretary, Executive Officer and Chief Executive Officer -**

1. During absence of Secretary of a Gram Panchayat, Executive Officer of a Panchayat Samiti or Chief Executive Officer of a Zila Parishad due to leave, retirement or death or resignation or transfer or otherwise, the prescribed Authority shall as soon as possible make such arrangement, to conduct the business of the office of the Secretary of the Gram Panchayat, The Executive Officer of the Panchayat Samiti and the Chief Executive Officer of the Zila Parishad respectively, as he thinks proper. A person while working in such office shall exercise all those powers which have been conferred on the Secretary of a Gram Panchayat, The Executive Officer of a Panchayat Samiti, the Chief Executive Officer of a Zila Parishad as the case may be by this Act or the rules made thereunder;
2. The Secretary of a Gram Panchayat, the Executive Officer of a Panchayat Samiti, the Chief Executive Officer of a Zila Parishad as the case may be shall be responsible for keeping and maintaining the records of the Gram Panchayat, the Panchayat Samiti and the Zila Parishad;

## **Section 92**

### **Deputation of Government servants to Panchayats and Other appointments -**

1. The State Government may depute its such servants in service of the Panchayat whom it considers necessary; service conditions of the said deputed servants as such shall be such as may be prescribed by the State Government from time to time.
2. (a) Subject to the Provisions of Section (90), every Panchayat may, with prior approval of the prescribed Authority, depute or appoint such other officers and servants whom it considers necessary for efficient discharge of its duties.  
  
(b) Qualifications, method of recruitment, salary, leave, allowance and other conditions of service including disciplinary matters of such officers and employees shall be such as may be prescribed by the State Government;

## Chapter X

### Taxation and Realisation of Claims

#### Section 93

#### Taxation -

##### (1) Taxation by a Gram Panchayat-

- (i) Subject to the rules as may be made in this behalf and the maximum rate, specified a Gram Panchayat may impose yearly :-
  - (a) Tax on occupant of a holding;
  - (b) On professions, trades, callings and employments carried on or held within the local limits of its jurisdiction, a tax on the basis of total annual income, accrued from such profession, trades, callings and employments;
- (ii) Subject to the maximum rate as the Government, may prescribe, a Gram Panchayat may realize the following fees and rates, namely -
  - (a) Fees on registration of vehicles which are not registered under any other law in force at that time;
  - (b) Fees for providing sanitary arrangement of such place of pilgrimage, hats and mela within its jurisdiction as may be specified by the Government, by notification;
  - (c) Water tax, where arrangement for the supply of water for drinking, irrigation or any other purpose is made by the Gram Panchayat within its jurisdiction;
  - (d) Lighting fees, where arrangement for lighting of public streets and places is made by the Gram Panchayat within its jurisdiction;
  - (e) Conservancy tax, where arrangement for cleaning private latrines, urinals and cesspit is made by the Gram Panchayat within its jurisdiction;
- (iii) A Gram Panchayat may impose other taxes as may be specified by the State Government;
- (iv) The State Government may withdraw any taxation right transferred to a Gram Panchayat.

##### (2) Taxation by a Panchayat Samiti -

- (i) Subject to such rules as may be made in this behalf and the maximum rates specified a Panchayat Samiti -
  - (a) May realize toll of a ferry set up by it or under its management;

- (b) May realize the following fees and rates -
  - 1) Fees on registration of such vehicles which are not registered under any other law in force at that time;
  - 2) Free for providing sanitary arrangements at such places of pilgrimages, Hats Melas within its jurisdiction as may be specified by the Government by notification;
  - 3) Fees for license of hats and Bazars;
  - 4) Water tax, where arrangement for the supply of water for drinking, irrigation or any other purpose is made by the Panchayat Samiti, within its jurisdiction;
  - 5) Lighting fees where arrangement for lighting of public streets is made by the Panchayat Samiti within its jurisdiction;
- (ii) The Panchayat Samiti, within its jurisdiction, shall not register any vehicle or shall not realise fees and shall not provide for sanitation at places of pilgrimage and Melas or shall not realise fees at those places, if the said vehicle has already been registered by any other authority under any rule for the time being in force or provision for sanitation has already been made by any local authority;
- (iii) Norms of fees or tax and terms and conditions of their imposition shall be the same as provided by the bye-laws;
- (iv) In such a bye-law, provision may be made by exempting all or any of the taxes in respect of any category;
- (v) The Panchayat Samiti may impose other tax as specified by the State Government;
- (vi) The State Government may withdraw right of any taxation transferred to a Panchayat Samiti;

### **(3) Taxation by a Zila Parishad**

- (i) Subject to the maximum rate as specified by the government, a Zila Parishad may impose the following taxes -
  - (a) May impose ferry-toll at any ferry set up by it or lying within its management;
  - (b) May impose fees and taxes on the following, namely -
    - 1) Boat or conveyance registration fees;

- 2) Fees for providing sanitary arrangements at such places of pilgrimage and Melas within its jurisdiction, as may be specified by the Government by notification;
  - 3) Fees on license for Melas etc;
  - 4) Lighting fees where arrangements for lighting on public streets and place is made by the Zila Parishad within its jurisdiction; and
  - 5) Water tax, where arrangement for supply of water for drinking, irrigation or any other purpose is made by the Zila Parishad within its jurisdiction;
- (ii) The Zila Parishad within its jurisdiction, shall not impose tax on any vehicle, which has already been registered by other authority under any rule for time being in force or if sanitation facilities has already been provided by any local authority at places of pilgrimage or Mela etc;
- (iii) Terms and condition of the taxes or fees shall be the same as provided by sub rules. Such sub-rules may provide for exemption of all taxes, or any of the taxes, in respect of fees or rate in any category;
- (iv) The Zila Parishad may impose other taxes as specified by the State Government;
- (v) The State Government may withdraw right of any taxation transferred to a Zila Parishad;

## **Section 94**

### **Panchayat Raj Fund -**

- (1) At district level, a separate fund bearing the name of Panchayat Raj Fund shall be constituted and shall be operated in the manner as may be prescribed by the State Government.
- (2) Receipts (Proceeds) of the cess under section (93) or such other taxes under the Panchayat as may be specified by the State Government shall be deposited in the said Fund, after making deduction of such collection charges as may from time to time be determined by the State Government.
- (3) Receipts of additional stamp fees if any, shall at the first, instance be deposited in the consolidated fund of the state in such a manner, as may be prescribed and the State Government may, at the commencement of every financial year, if such provision is made by appropriation (Bill) passed in this behalf by the Legislative Assembly, withdraw from the consolidated fund of the State such an amount which is equal to the receipts realised by the State Government in the preceding year.

- (4) Distribution of the amount amongst Panchayats - The consolidated amount in the Panchayat Raj Fund shall be distributed amongst the three-tier Panchayat in such manner and in such proportion as may be specified by the State Government.

### **Section 95**

- 1) Power of the State Government to regulate taxes -

The State Government may make rules for regulation of imposition, assessment, collection and distribution of the shares of the taxes under section (93).

- 2) Any objection regarding any assessment shall be entertained only in accordance with the provisions of this Act or the rules made thereunder and not otherwise, and liability of a person for his being assessed or taxed shall be questionable under this Act or under the provisions made thereunder, not otherwise.

### **Section 96**

Giving market fees etc. on contract :-

The Panchayat Raj may give on contract the work of collection of any fees specified by the Government through public auction in the prescribed manner.

### **Section 97**

Recovery of arrears -

Under this Act any arrear in respect of -

- (a) Imposed tax or
- (b) Fee and
- (c) Fine under this Act, and
- (d) Any amount due

shall be realised by the prescribed Authority, like land revenue.

### **Section 98**

**Penalty for evasion of tax, fee -**

When a person fails to pay a tax, fee, rate or any amount due, he shall be liable to pay, besides the amount due, a fine at the prescribed rate on the said amount in consequence of procrastination.

## **Section 99**

### **Power of State Government with regard to giving relief in taxes-**

- (1) If it appears to the State Government on a complaint made to it or otherwise that the burden of taxes imposed by a Gram Panchayat, Panchayat Samiti or Zila Parishad is excessive on tax payers, then after calling for a report from the Panchayat concerned, it may suspend or reduce the amount of any tax or the rate thereof.
  
- (2) The State Government, suo-motu or otherwise, after giving opportunity to the Panchayat to express its opinion on the subject, by an order may exempt wholly or partly any person or class of persons or any property or properties of any description whatsoever from payment of any tax on such conditions as may be specified in the said order.

## **Chapter XI**

### **Control**

#### **Section 100**

##### **Inspection of working of Panchayat -**

1. The State Government, for inspection of the working of Gram Panchayats, the Panchayat Samitis or the Zila Parishad, may duly authorize any such officers to inspect their working, subject to the specific rules.
2. The Officer authorized under sub-section (1), for the purposes of inspection of Gram Panchayats, the Panchayat Samitis, the Zila Parishads, shall exercise such powers as may be prescribed.
3. The Office-bearer, officers and servants of the Gram Panchayat, the Panchayat Samiti and the Zila Parishad shall be obliged to give all such information and produce all such records as may be called for by the Inspecting Officer.

#### **Section 101**

##### **Powers to suspend the execution of order, etc. -**

1. The State Government or the prescribed Authority, by an order in writing and for the reasons mentioned therein, may suspend, compliance of any order issued or any license or permission granted in view of resolution passed by a Panchayat or may prohibit performance of any function by a Gram Panchayat, if in his opinion -
  - (a) Such resolution, order, license, permission or work has not been lawfully passed, issued, sanctioned or authorized; or
  - (b) Such resolution, order, license, permission or work differs from the powers conferred by this Act or contravenes any law; or
  - (c) By compliance of such resolution or order or by continuous in force of such license or permission or by doing so -
    - (i) Loss, wastage or misuse of any sum vested in the Gram Panchayat, the Panchayat Samiti or Zila Parishad or damage of any property vested therein is expected.
    - (ii) Adverse effect on public health, safety or convenience is expected;
    - (iii) Injury or grievance to public or any class or body of persons is expected; or
    - (iv) Breach of order is expected.
2. Whenever any order under sub-section (1) is passed by the prescribed Authority, he shall, immediately and in every case within a maximum period of 10 days from the date of the order, forward a copy of the said order stating therein the details or

the reasons thereof for doing so to the State Government or the Authority prescribed by the State Government so in the behalf and the State Government or the Authority prescribed by it may confirm the said order or cancel the same or revise the same or amend the same, or he may direct that the said order, with or without amendment, shall perpetually continue to be in force for such a period as envisaged by him.

Provided that no order under sub-section (1) passed by the prescribed Authority shall be confirmed, cancelled, revised or amended by the State Government or the prescribed Authority unless reasonable opportunity of hearing against the proposed order is given to the concerned Gram Panchayat, Panchayat Samiti or Zila Parishad.

## **Section 102**

### **Power of the State Government to pass order for execution of works of the Panchayats in certain cases -**

(1) The State Government or the prescribed Authority, by an order in writing may give direction for performance of any of such duties or in respect of any of such works imposed on any of the Gram Panchayats, Panchayat Samitis and Zila Parishads by or under this Act or by or under any other law for the time being in force, which is not performed or executed accordingly by any of them and the performance or execution whereof by the said Gram Panchayat, Panchayat Samiti or Zila Parishad is necessary in public interest in the opinion of the State Government or the prescribed Authority.

(2) The Gram Panchayat, Panchayat Samiti or the Zila Parishad shall be bound to comply the directions issued under sub- Section(1); and if it fails comply, the State Government or the prescribed Authority shall have all the powers to get those directions complied at the cost of the Panchayat, if any, and in exercise of the said powers he shall be entitled to the same protection and same limitation as is exercised in the case of the Gram Panchayat, the Panchayat Samiti or the Zila Parishad or its officers or servants.

## **Section 103**

### **Direction from Government-**

(1) Notwithstanding any thing contained in this Act, it shall be lawful for the Government to issue directions in matters of State and National policies and such directions shall be binding on the Gram Panchayats, Panchayat Samities and Zila Parishads.

(2) The State Government -

- (a) May call for records or registers or other documents in possession or under the control of any Panchayat;
- (b) May require any Panchayat to furnish its returns, plans, estimates, stagnate accounts or statistics; and



- (c) May require any Panchayat to furnish any information or report on any matter connected with such Panchayat.

#### **Section 104**

##### **Enquiry in to the affairs of Panchayat by the State Government -**

- (1) The Government may, at any time for the reasons to be recorded, cause an inquiry to be made by any of its officers in regard to any Gram Panchayat, Panchayat Samiti or Zila Parishad on any matters with respect to which the sanction approval, consent or orders of Government is required under this Act.
- (2) The officer holding such inquiry shall have the powers of the Civil Court under the Code of Civil procedure, 1908, to take evidence and to compel attendance of witnesses and production of documents for the purpose of inquiry.
- (3) The Government may make orders as to the cost of the 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 orders may, on the application of the commissioner of any person named therein be executed as if, it were a decree of a Civil Court.

#### **Section 105**

##### **Inspection of development schemes -**

- (1) For the purposes of efficient and economical execution of the construction works or development - Schemes - undertaken by a Gram Panchayat, Panchayat Samiti, Zila Parishad, an officer or person authorized by any general or specific order of the Government considers it necessary for that purpose to give technical guidance or assistance to any officer of or under the Gram Panchayat, Panchayat Samiti or Zila Parishad, who is charged with the execution or maintenance of any such construction works or development scheme, then the officer or person so authorized may for rightly inspect such construction works or development schemes to give such guidance, assistance or advise as he thinks necessary in relation to such construction works or development schemes and shall forward to the Gram Panchayat, Panchayat Samiti or Zila Parishad a report on the inspection made pointing out there is in any irregularities noticed and this suggestions for improvement.
- (2) In implementing the plans or schemes all the rules of implementation applicable to Government Departments such as the purchase, tender, quality control, technical sanction accounts and audit and supervision shall mutatis mutandis be applicable.

#### **Section 106**

##### **Restrictions on withdrawal of powers and functions from the Panchayat -**

- (1) Not with standing the Transfer of any powers, functions and duties in respect of any matters to a Panchayat under this Act, the Government on proposal

from the Gram Panchayat, Panchayat Samiti, Zila Parishad in that behalf or where it is satisfied that by reason of a change in the nature of the matter such as conversion of a primary health centre into a secondary health centre or hospital or conversion of a road into a high-way, the matter would cease to be a matter in the relevant Panchayat - functions- list and it is necessary to withdraw from the Panchayat the powers, functions or duties in respect of such matters, may, by notification in official Gazette, withdraw such powers, functions and duties with effect from the date specified in the notification and make such incidental and consequential orders as may be necessary to provide for matters including the taking over of the rights and liabilities if any vested in the Gram Panchayat, Panchayat Samiti, Zila Parishad, and of the staff if any which may have been transferred to the Panchayat, as the case may be.

(2) The Government may, by notification in the official Gazette, amend or add any activity, programme or scheme assigned to a Gram Panchayat, Panchayat Samiti or Zila Parishad under this Act. On the issue of such notification, the relevant Panchayat- functions list shall be deemed to have been amended accordingly. Every such notification shall be placed before the State Legislative Assembly.

## **Section 107**

### **Dissolution of Panchayats -**

(1) If at any time it appears to the State Government or the Prescribed Authority that a Gram Panchayat, Panchayat Samiti or Zila Parishad is persistently defaulting in performance of the duties imposed on it by or under this Act or any other Law for the time being in force or exceeds abuses its powers or does not obey any order of the State Government or the competent authority, then the authority as prescribed by the State Government, on holding such inquiry as he deems proper, may by an order dissolve the said Gram Panchayat, Panchayat Samiti or Zila Parishad and may order to constitute the same de novo.

(2) No order under sub-section (1) shall be passed until (The Gram Panchayat, Panchayat Samiti or Zila Parishad), as the case may be, has been provided with reasonable opportunity to submit its explanation. A notice calling for explanation shall be addressed to the Mukhia, Pramukh or Adhyakesha of the Gram Panchayat, Panchayat Samiti or Zila Parishad respectively and shall be served as per provisions of section (148). Reply of the Panchayat as to the notice shall be submitted by a resolution of the Gram Panchayat, Panchayat Samiti or Zila Parishad.

(3) On dissolution of a Gram Panchayat, Panchayat Samiti or Zila Parishad under sub-section (1) the following consequences, shall follow, such as:-

- (a) All the office - bearers shall vacate their respective office with effect from the date of such order;

- (b) All the powers and the duties of the Gram Panchayat, Panchayat Samiti or Zila Parishad shall, till its reconstitution, be exercised and performed by such person or such committee of persons as the State Government or prescribed Authority may appoint for this purpose, and where a committee of persons is so constituted a Chairperson (head) of the said committee shall also be appointed by the State Government or the prescribed Authority;
- (c) Where a committee is appointed under clause (b) of this sub-section, a member of the said committee duly authorised by it may file a suit or institute a proceeding on behalf of the Gram Panchayat, Panchayat Samiti or Zila Parishad or may enter defence in any suit filed or any legal proceeding instituted against them.

(4) Any such person appointed to exercise the powers and perform the duties of the Gram Panchayat, Panchayat Samiti or Zila Parishad during the period of its dissolution may receive such payment for his services from the respective fund concerned as may be determined by the State Government by order.

(5) A Gram Panchayat, Panchayat Samiti or Zila Parishad dissolved under sub-section (1) shall be reconstituted within a period of six months of its dissolution, such reconstituted Gram Panchayat, Panchayat Samiti or Zila Parishad, as the case may be shall function for its remaining tenure;

Provided that if the remaining tenure of a Gram Panchayat, Panchayat Samiti or Zila Parishad is less than six months, it shall not be reconstituted for the said tenure.

## **Section 108**

### **Liability of the members of Panchayat for its loss, misuse -**

(1) Every member, Office-bearer, officer or servant of a Gram Panchayat, Panchayat Samiti and Zila Parishad shall be personally responsible for any such loss, wastage or misappropriation of any fund or other property belonging to them, wherein he has been a party or which has been caused due to his Act of misconduct or gross negligence towards his duty. The amount required for compensating the said loss, wastage or misappropriation shall be recovered by the prescribed authority;

Provided that no recovery under this section shall be made unless the person concerned has been given a reasonable opportunity of hearing.

(2) If the person concerned fails to pay the amount, action for recovery of the said amount will be taken accordance to the prescribed procedure.

## **Section 109**

### **Dispute between Panchayats and other local authorities -**

(1) In case of any dispute arising between two or more Gram Panchayats or Panchayat Samitis or Zila Parishads on one side and any other local authority on the other in respect of such a matter in which they are jointly interested, the said dispute shall be referred to the State Government and the decision of the State Government thereto shall be final;

Provided that if the dispute is between the Gram Panchayat, Panchayat Samiti and Zila Parishad on the one side and the cantonment Board on the other, then the decision of the State Government shall be subject to approval by the Central Government.

(2) The State Government, by the rules made under this Act, may regulate among the Panchayats and between Gram Panchayat, Panchayat Samiti or Zila Parishad and other local authorities, the relations regarding the matters in which they are jointly interested.

## **Section 110**

### **Appeal and revision -**

Appeal or revision against orders or proceedings of Gram Panchayats, Panchayat Samitis or Zila Parishads as well as that of other authorities shall lie to such an Authority and in such a manner as may be prescribed.

## **Section 111**

### **Power to get back records and articles and to realise money -**

(1) Where the prescribed Authority is of the opinion that any person is keeping in his custody any record or articles or fund of a Gram Panchayat, Panchayat Samiti or Zila Parishad, in an unauthorized manner then he may, by an order in writing, require the said record or articles or fund to be delivered or paid immediately to the Panchayat in presence of such an officer as the prescribed Authority may appoint in this regard.

(2) If a person does not deliver the records or articles or does not pay the fund as directed under sub-section(1) or denies so to do so, the prescribed Authority may punish him in the manner as may be prescribed by the State Government.

(3) No action under subsections (1) and (2) shall be taken unless the concerned person is given a reasonable opportunity to show cause in this regard as to why such an action be not taken against him.

(4) Any such person, against whom any action under this section is taken, shall be disqualified to be a member of a Panchayat for a period of six years from from the date of commencement of such action.

## **Section 112**

### **Delegation of Power -**

(1) The State Government may, by notification, delegate to its any subordinate officer or to any Panchayat all or any of the powers conferred on it by or under this Act, save the powers relating to making of rules.

(2) Powers delegated under sub-section (1) shall be exercised according to the general or special orders issued by the State Government in this connection.

(3) Various authority may prescribed by the State Government under this Act.

## **Section 113**

### **General Power of Control -**

All the officers, in all the matters concerned with this Act or the rules made thereunder, who are empowered to function by or under this Act, shall be under the control of the same authority under whose administrative control they usually perform the functions of their offices.

## **Section 114**

### **Finance Commission for Panchayats -**

(1) The State Government shall as soon as possible and thereafter on the expiration of every five years, constitute a Finance commission in the prescribed manner to review the financial position of the Gram Panchayats, Panchayat Samitis and Zila Parishads and to advice and make recommendations to the Government on financial matters, which shall make recommendations on the following matters -

- (a) The Principles which should govern -
  - (i) The distribution between the State and the Zila Parishads, Panchayat Samitis and Gram Panchayat of the net proceeds of the taxes, duties, tolls and fees be livable by the Government which may be decided between them and allocation between Zila Parishads, Panchayat Samitis and Gram Panchayats of their respective shares of such proceeds;
  - (ii) The determination of the taxes, duties and fees which may be assigned to or appropriated by the Zila Parishads, Panchayat Samitis and Gram Panchayats;

- (iii) The Grants - in - aid to Zila Parishads, Panchayat Samites and Gram Panchayats from the consolidated fund of the State;
- (b) The measures needed to improve the financial position of the Zila Parishads, Panchayat Samitis and Gram Panchayats;
- (c) Any other matter referred to the financial commission by the Governor in the interest of sound finance of the Zila Parishads, Panchayat Samitis and Gram Panchayats;

(2) The Finance Commission shall consist of a Chairman and two other members;

(3) The Chairman and members of the Finance Commission shall possess such qualification and shall be appointed in such manner as may be prescribed by the Government;

(4) The Finance Commission shall determine its own procedure;

(5) The Chairman or a member of the Finance Commission may resign his office by writing under his hand and addressed to the Finance Secretary to the Government, but he shall continue in office until his resignation is accepted by the Government;

(6) The causal vacancy created by the resignations of the member or Chairman under sub-section 5 or for any other reason may be filled by fresh appointment and a member or Chairman so appointed shall hold office for the remaining period for which the member or Chairman, in whose place he was appointed, would have held the office.

(7) The Commission shall have the following powers in the performance of its functions; namely

- (a) To call for any record from any officer or Authority;
- (b) To summon any person to give evidence or to produce records;
- and
- (c) Such other powers as may be prescribed.

(8) The Governor shall cause every recommendation made by the Finance Commission under this section, together with an explanatory memorandum as to the action taken thereon, to be laid before the Legislative Assembly.

## **Chapter - XII** **Penalty**

### **Section 115**

Penalty for functioning as member of a regional area of Gram Panchayat, as member of a regional constituency of Panchayat Samiti / Zila Parishad, as Mukhia / Up- Mukhia of Gram Panchayat, as Pramukh / Up- Pramukh of Panchayat Samiti, as Adhyaksha / Upadhyaksha of Zila Parishad, when disqualified -

(1) If a member of any regional area of the Gram Panchayat or a member of any regional constituency of the Panchayat Samiti / Zila Parishad having knowledge of the fact that he is not entitled to hold the office or has ceased entitlement to hold office in that capacity, functions as a member of the regional area of the Gram Panchayat (or) as a member of the regional constituency of the Panchayat Samiti / Zila Parishad, he, on conviction, shall be penalized by the prescribed authority with such fine as may be prescribed by him for each day on which he sits in his official capacity or votes.

(2) If a Mukhia or Up- Mukhia, Pramukh or Up- Pramukh, Adhyaksha or Up- Adhyaksha having knowledge of the fact that he is not entitled to hold office or has ceased being entitlement to hold office in that capacity, functions in that capacity, he, on conviction, shall be penalized by the prescribed authority with such fine as may be determined by him for each day on which he works or functions in the said capacity.

### **Section 116**

#### **Provision of Penalty against voting by interested members -**

If any member, despite being interested in the matter under consideration before the Panchayat, votes in the said matters, he, on conviction, shall be penalized with such fine as may be prescribed by the prescribed authority.

### **Section 117**

#### **Provision of Penalty against acquisition of interest by a member office-bearer or servant in any agreement -**

If a member or office - bearer or servant of a Panchayat knowingly acquires directly or indirectly any personal; share or interest in an agreement entered into or any employment made with or by or on behalf of the Panchayat without being allowed or permitted by the prescribed authority, then as to him it shall be held that he has violated the contract and shall be penalized for this under the Indian Penal Code.

## **Section 118**

### **Provision of Penalty for causing obstruction in official duty -**

If a person deprives any officer or servant of the Panchayat or any such person whom the said officer or servant has law fully delegated his powers of going to or into any place, building or land, of his lawful rights of going to or enter the said place; building or land, it shall be held that he has committed an offence under the Indian Penal Code and shall be awarded such punishment as may be determined by the prescribed authority.

## **Section 119**

### **Provision of Penalty for obliteration of official notice, signal or sign.**

Any person, who removes, destroys, defaces or otherwise obliterates any notice published or any signal or any sign made by the Panchayat or its officer or under its orders without permission of an authority in that behalf, shall be penalized under the Indian Penal Code.

## **Section 120**

### **Provision of Penalty for giving false information or for not giving information.**

Any such person who is required by or under this Act or the rules made thereunder or by any notice or by any other process issued thereunder to give any information, withholds such information or deliberately gives false information, on being proved guilty shall be punished.

## **Section 121**

### **Restriction on bidding and provision of Penalty -**

Any member or servant of the Panchayat or any such officer thereof, who has to discharge any duty in respect of sale of movable, immovable property under this Act is restricted to bid directly or indirectly for any property to be sold and he shall not acquire any interest therein. The person found guilty of such act shall be punished.

## **Section 122**

### **Provision of compensation for damages to the Panchayat -**

If by any default or negligence in duty any person has done any such work against the provisions of this Act which has caused any damage to the property of the Panchayat, he shall be under obligation to compensate for such damage, moreover he may be punished in the prescribed manner by the prescribed authority.



**Chapter - XIII**  
**District Planning Committee**

**Section 123**

(i) In the light of the Provisions of Articles 243ZD of the constitution of India, there shall be constituted in every district a District Planning committee to consolidate the plans Prepared by the Panchayats and the Municipalities in the district and to prepare a draft development plan for the district as a whole and to exercise such other powers as may be assigned to it from time to time by the State Government.

(ii) Every Committee shall, in preparing the draft development plan, have regard to :

- (a) Matters of mutual general importance between the municipal bodies and the Panchayats;
- (b) Planning accordingly to regional speciality;
- (c) Mutual Sharing of water and other physical and natural resources;
- (d) Integrated development of infrastructure and environmental and its Conservation;
- (e) Extent and type of available resources whether financial or otherwise;

(iii) The Committee may obtain advice from such institutions and organisations as the State Government may specify.

**Section 124**

**Powers of the Committee -**

- (a) The Committee shall, with regard to the functions of the Government, exercise such powers as may be notified or allocated to it by the state Government under this Act;
- (b) The State Government may prescribe and notify the manner in which such powers, notified or allotted as such to the committee, may be exercised;
- (c) While exercising the said powers the committee shall be deemed to be a bodies subordinate to the State Government and it shall exercise these powers on behalf of and for the state government.

## Section 125

### Composition of the District planning committee

- (a) The district planning committee of different districts shall consist of such number of members as may be specified by the state government by notification.
- (b) (i) Three - fourth members of the total number of members shall be elected in the prescribed manner by the elected members of the Zila Parishad and Municipal Bodies as the case may be, of the district from amongst them.
- (ii) The number of members to be elected from within the rural and urban areas shall bear the same possible nearest proportion, as the population of the rural and urban areas, as the case may be, bears the proportion in the district.
- (c) The remaining members of the committee shall be -
- (i) A minister of the Jharkhand State, who will be nominated by the State Government, shall be the chairman of the committee;
- (ii) District Magistrate / Deputy Commissioner of the district who shall be the Member secretary of the committee;
- (iii) Chief Executive Officer of the Zila Parishad, who shall be the member - cum - additional Secretary;
- (iv) Chief Planning Officer - member;
- (v) Where the number of the members specified by the state Government, in the committee is -
- (a) 15, then 1 (one) member , and
- (b) 20, then 2 (two) members shall be nominated by the state government ;
- Provided that the tenure of office of such members shall be such as may be determined by the state government.
- (vi) Specially invited permanent members-
- (a) Such members of Lok Sabha and the State legislative Assembly whose constituencies fall in that district;
- (b) Member of the Rajya Sabha, registered as a voter in the district.

- (c) Adhyaksha of the Zila Parishad and the chairman / mayor of the Municipal Bodies shall also be permanent specially invited members in case they have not been elected as member of the committee;
- (vii) Specially invited temporary members, The committee may nominate experts of its own field as specially invited members;  
Provided that such invited members may give suggestions in their field of expertise alone and they shall not have the right to vote on any issue.

## **Section 126**

### **Tenure of office of the elected members**

- (i) As soon as an elected member of the District Planning Committee ceases to be a member of the municipal body or the Zila Parishad, he shall cease to be a member of the committee;
- (ii) If any vacancy occurs due to above mentioned sub - section (i) or death or resignation, the same shall be filled up in the prescribed manner.

## **Section 127**

### **Functions of the Committee -**

The District Planning Committee shall perform the following functions:-

- (a) Identification of local needs and objectives within the perspective of national and state goal;
- (b) Collection, compilation and updating of statistics of the natural and human resources of the district so that preparation of a decentralized plan on the basis of solid data base and preparing a blueprint of the resources of the district and blocks may be facilitated;
- (c) Tabulation and mapping of the facilities available at village, block and district levels;
- (d) Policy - making and fixing of programmes and priorities for rational exploitation, use and development of the natural and human resources available in the district;
- (e) Preparing blueprints of five year and annual plans for the district, consolidating the plans prepared by the Panchayat and the municipal bodies and assigning the same to the state government for inclusion in the state - plan;
- (f) Preparing employment scheme for the district;
- (g) Estimating financial resources for funding the district plan ;

- (h) Making provision for funding of regional and sub - regional plans under the blue print of the comprehensive district development plan;
- (i) Persuasion, evaluation and review of plans of the central domain, centre sponsored plan, plan of the State domain and the local area development schemes of funded by Member of Parliament and Legislator in the district;
- (j) Submission of progress reports of the plans within the district to the State Government;
- (k) Ensuring cooperation of non government organisations in the process of all around development of the district;
- (l) Identifying plans and programmes relating institutional finance and tagging them with the district development plan and providing necessary financial support;
- (m) Advising the State Government regarding the important plans of the State domain in the process of the overall development of the district;
- (n) Other functions assigned by the State Government, besides this.

## **Section 128**

### **Secretary and Assistant Secretary of the Committee -**

- (a) District Magistrate / Deputy Commissioner shall be the ex-officio secretary of the District Planning Committee, who shall be responsible for preparing records of important matters presenting if before the Committee, and for issuing notices of decision and for doing causal ancillary functions;
- (b) The State Government may appoint the Chief Executive officer of the Zila parishad as Assistant Secretary who shall discharge the functions and duties as per direction of the Secretary and, in his absence, that of the Secretary.

## **Section 129**

### **Constitution of Sub- Committees -**

- (i) Keeping the functions of the District Planning Committee in view, the following Sub- Committees consisting of members from amongst the members of the District Planning Committee shall be constituted in the prescribed manner:
  - (a) Rural development Sub- Committee;
  - (b) Agricultural Development Programme Sub- Committee;
  - (c) Urban Development Sub-Committee;
  - (d) Irrigation Development Programme Sub-Committee;
  - (e) Scheduled Castes, Scheduled Tribes, Other Backward Classes and weaker section development and women and child development programme persuasion Sub-Committee;

- (f) Employment generation and availability Sub-Committee;
  - (g) Public Health and family welfare Sub-Committee;
  - (h) Education Sub-Committee;
  - (i) Water supply Sub-Committee;
  - (j) Road and Transport, development Sub-Committee;
  - (k) Sub Committee for determining use of land situated in investment area;
  - (l) Sub-Committee for persuasion of the development work of the M.P.s. and Legislators Area Development Schemes;
- (ii) The District Planning Committee may nominate expert of a field as a member in every Sub-committee;
- (iii) Every Sub-Committee may give suggestions only to the District Planning Committee on the subjects concerned;

### **Section 130**

#### **Meeting of the Committee -**

- (a) The meeting of the committee shall be held at least once in every two months or as the State Government may specify;
- (b) Meeting of the Committee shall be held at district head quarters at an appointed date and time;
- (c) The Chairman or in his absence the member elected by a majority votes by the members shall preside over the meeting';
- (d) The Committee may invite the experts in its meeting;
- (e) Travelling and other allowance shall be paid to the non - Government expert members as prescribed by the State Government;
- (f) The Committee may determine its own working procedure subject to the rules made therefore by the State Government and the guide - lines issued by the State Government;
- (g) Briefs of the matters to be placed before the Committee shall be Prepared by the district heads of the concerned departments as that in the case of cabinet meetings;
- (h) District level officers /district heads of all departments shall positively participate in the meetings of the District Planning Committee and shall perform the functions and duties specified by the State Government;
- (i) The orders issued on behalf of the State Government on the decisions taken by the District Planning Committee may be issued under the specified rule at the district level itself, the State Government may make appropriate rules

in this regard and may also withdraw the rights delegated accordingly if it thinks proper in the interest of the nation and the State;

- (j) A cell / unit shall be set up under the control of the chief planning officer for conducting business relating to the District Planning Committee;
- (k) The State Government, under the process of administrative decentralization and with the object of removing the intricacy of administrative work, may, besides the functions, duties and rights transferred to the three - tier Panchayats and Municipal bodies, delegate such functions, duties and rights of the State Government as it (the State Government,) deems proper, and may make rules in this behalf;
- (l) An executive Committee of the District Planning Committee shall be constituted in the prescribed manner for prescribed functions, which shall be presided by the District officer who happens to be the Secretary of the District Planning Committee, and the members of this committee shall be the heads of all the departments posted in the district and others as may be prescribed. The Chief Planning officer shall be the member-Secretary of the said executive Committee.

**Chapter-XIV**  
**Rules and Bye-laws.**

**Section 131**

**Power of Government to make rules -**

- (1) The Government may after previous publication of the draft for not less than one month by notification in the official gazette make rules to carry out the purposes of this Act.
- (2) A rule under this Act may be made with retrospective effect and when such a rule is made the reasons for making the rule shall be specified in a statement and laid before the legislative Assembly. Subject to any notification made under this Act, every rule made under the Act shall have effect as if enacted in this Act.
- (3) In making a rule under this section the Government may provide that a person guilty of breach thereof, on conviction, be punished with fine which may extend to five hundred rupees and where the breach is a continuing one, with further fine which may extend to twenty five rupees for every day on and after the first day on which the breach continues.

**Section 132**

**Power of Gram Panchayats to make bye-laws -**

- (1) A Gram Panchayat may, subject to the provisions of this Act and the rules made thereunder and with the precious sanction of the Zila Parishad, make bye-laws to carry out the purposes of this Act in so far as it relates to its powers and duties.
- (2) In particular and without prejudice to the generality of the foregoing powers, a Gram Panchayat may make such bye-laws as may be required to discharge the functions and duties entrusted to it under this Act.
- (3) In course of making any by-laws under sub-sections (1) and (2) the Gram Panchayat may provide that a contravention thereof shall be punishable with such fine as may be prescribed.
- (4) Any such bye-laws may also provide that a person contravening the same shall be required to remedy the mischief, if any, caused by such contravention, so far as it lies in his power.
- (5) All bye-laws made under this section shall be subject to the condition of previous publication and such publication shall be such as may be prescribed.

### **Section 133**

#### **Power of Panchayat Samiti to make regulations -**

- (1) A Panchayat Samiti may, subject to the provisions of this Act and the rules made under and with the previous sanction of the Government, by notification, make regulation to carry out the purposes of this Act in so far as it relates to its powers and duties.
- (2) The regulations made under sub-section (1) shall be subject to the condition of previous publication and such publication shall be in such manner as may be prescribed.

### **Section 134**

#### **Power of Zila Parishad to make regulations -**

- (1) A Zila Parishad may subject to the provisions of this Act and the rules made thereunder and with the previous sanction of the Government, by notification, make regulation with a view to carry out the purposes of this Act in so far as it relates to its powers and duties.
- (2) The regulations made under sub - section (1) shall be subject to the condition of previous publication and such publication shall be in such manner as may be prescribed.

### **Section 135**

#### **Power to make model bye-laws -**

- (1) The Government may, subject to the Provisions of this Act and the rules made thereunder and after previous publication of the draft for not less than one month, make model regulations and bye-laws for Gram Panchayats, Panchayat Samitis and Zila Parishads.
- (2) A Gram Panchayat, Panchayat Samiti or Zila Parishad shall, by passing a resolution, adopt the model bye-laws or regulations, as the case may be, made under sub-section (1), and such bye-laws and regulations shall come into force within the justification of the Gram Panchayat, Panchayat Samiti or Zila Parishad from such date as the Gram Panchayat, Panchayat Samiti or Zila Parishad, as the case may be, may specify in a notice published in the prescribed manner.



**Chapter - XV**  
**Budget, Account and Audit**

**Section 136**

**Budget and accounts of Panchayats -**

- (1) Every Panchayat shall in such form and in such manner and by such date, as may be prescribed, prepare every year a budget estimate of its receipts and expenditure for the following year.
- (2) The budget estimate prepared under sub-section (1) shall be approved by such authorities and in such manner, as may be prescribed.
- (3) The annual accounts and administrations report shall be presented to the prescribed authority in the prescribed manner.

**Section 137**

**Audit of Panchayats -**

- (1) The State Govt. shall select or constitute an institution for audit of accounts of the Panchayats.
- (2) The audit fee, if any, to be paid for audit of accounts of the Panchayats and the manner of action on audit reports shall be such as may be prescribed.

**Chapter - XVI**  
**Miscellaneous**

**Section 138**

**Determination of Elected member after census -**

Upon the publication of figures of each census, the number of elected members of a panchayat shall be determined by the State Government on the basis of the population of the Panchayat area as ascertained at that census.

Provided that the determination of the number as aforesaid shall not affect the then composition of the Panchayats until the expiry of the term of office of the elected members then in office.

**Section 139**

**Bar on any suit against Panchayat or its any committee or its office-bearer, officer or servant.**

No suit shall be brought against any Panchayat or its any Committee or any office-bearer, officer or servant or against any person working under the direction of any such Panchayat, its Committee, Office-bearer, officer or servant in respect of any thing which has been done bonafide or has been required to be done bonafide under this Act or any rule or bye-laws made thereunder.

**Section 140**

**Renunciation of suit for want of notice -**

- (1) No suit can be brought against any Panchayat or its any office-bearer, officer or servant or any person working as per the direction of any of the authorities mentioned in this Act in respect of any such suit which has been brought or is required to be brought under this Act until a lawful notice has been duly served.
- (2) Every such suit shall be dismissed unless the alleged suit has been lodged within six months from the date of the occurrence.
- (3) On non-compliance of the procedure formulated under sub-sections (1) and (2), the suit lodged shall not be deemed to be pending.

**Section 141**

**Bar to other action as to taxes, etc. -**

- (1) Any objection regarding evaluation, assessment or levy shall not be done in a manner other than the manner provided in this Act or the rules made thereunder.

- (2) No suit shall be brought against any Panchayat or its any Office-bearer, officer or servant for loss or for specific compliance on the ground that any duty specified in this Act was not complied with.

### **Section 142**

#### **Members or servants of Panchayat shall be public servants-**

Every officer - bearer of the Panchayat and its every officer or servant shall be considered public servant under section (21) of the Indian Penal Code, 1860.

### **Section 143**

Work of Panchayat shall not to be unlawful due to vacancy or defect in constitution procedure -

No work of the Panchayat shall be deemed to be illegal on the ground that -

- (a) There is any vacancy or there is any defect in its constitution; or
- (b) There is any defect in election, association or appointment of any person functioning as an officer bearer; or
- (c) There is any such irregularity in its procedure which does affect disposal of the matter.

### **Section 144**

#### **Acquisition of land-**

- (1) Where any land is required for this purpose and the Panchayat is unable to acquire the same by an agreement, then the State Government, on request of the said Panchayat and on recommendation of the District Magistrate, may take action to acquire the same under the relevant provisions of the land Acquisition Act, and on payment of the compensation adjudged under the said Act and of all other charges incurred by the State Government with respect to those proceedings, by the Panchayat, the said land shall rest in the Panchayat for which it was so acquired.
- (2) The Panchayat shall not, without prior permission of the State Government, transfer any such land, which has been acquired under sub-section(1), nor shall it use the said land for any purpose other than the purpose for which it was acquired.

### **Section 145**

#### **The Central Government or the State Government shall not obtain any license or permission -**

Notwithstanding any thing contained in this Act or any rule or bye-law made thereunder, the Central or State Government shall not be required to obtain, in particular, any permission or license with respect to any property of the said Government or any place in occupation or under control of the said Government.

## **Section 146**

### **Bar on remuneration to members, etc. -**

- (1) Any remuneration or allowance whatsoever to any member of the Panchayat shall be paid only in accordance with the rules made in this regard, and not otherwise.
- (2) Allowances to Pramukh, up- Pramukh and other members :-  
The Pramukh, the up-Pramukh and every member of the Panchayat Samiti shall be entitled to get meeting fees and allowances as prescribed.
- (3) Allowances to Adhyaksha, up- Adhyaksha and other members :-  
The Adhyaksha, the up-Adhyaksha and every member of the Zila Parishad shall be entitled to get meeting fees and allowances as prescribed.

## **Section 147**

### **Record, etc. of the Panchayat may be inspected :-**

Subject to the rules made under this Act and on payment of such fees as may be prescribed, the records of the Panchayat and its any committee may be examined by the persons who desire to do so, and certified copies thereof shall be supplied to the persons who apply therefore, on payment of such fees, as may be prescribed.

## **Section 148**

### **Mode of serving documents, etc :-**

Save provided otherwise in this Act, any notice or other document shall be served in the prescribed manner under this Act or any rule, bye-law or order made thereunder.

## **Section 149**

### **Entry etc. for purposes of the Act :-**

It shall be lawful for the officers of a Panchayat or an officer authorised on its behalf by the said Panchayat that he/ along with such Assistants whom he deem necessary, enter any land or building or in respect of any work relating to the said Panchayat, between sun-rise and sun-set;

Provided that any building, which is in occupation of that time shall be entered into until a twenty four hour notice in writing has been served;

Provided further also that in case of a building used as human - dwelling, the social and religious customs of the occupants shall be duly kept in mind.

## **Section 150**

### **Bar to interference by courts in electoral matters :-**

The validity of any law relating to the delimitation of constituencies or the allotment of seats to such constituencies made or purporting to be made under this Act shall not be called in question in any court.

## **Section 151**

### **Election Petition :-**

- (1) An election held under this Act shall be called in question only by filing a petition in the prescribed manner and not otherwise, to -
  - (i) The sub divisional officer in matters of a Gram Panchayat;
  - (ii) The District magistrate/ Deputy Commissioner in matters of a Panchayat Samiti; and
  - (iii) The Divisional Commissioner in matters of a Zila Parishad.
- (2) No such petition shall be entertained unless it is filed within a period of thirty days from the date on which the election in question was notified.
- (3) Such petition shall be examined and disposed of according to the procedure, as may be prescribed.

## **Section 152**

### **Grounds for declaring election to be void :-**

- (1) Subject to sub-section (2), if the prescribed authority is of opinion-
  - (a) That on the date of his election, a returned candidate was not qualified, or was disqualified, to be chosen as a member under this Act; or
  - (b) That any corrupt practice has been committed a returned candidate or his agent, or with the consent of a returned candidate or his agent; or
  - (c) That any nomination paper has been improperly rejected; or
  - (d) That the result of the election, in so far as it concerns a returned candidate, has been materially affected-
    - (i) by the improper acceptance of any nomination; or
    - (ii) by any corrupt practice committed in the interest of the returned candidate by an agent; or
    - (iii) by the improper reception, refusal or rejection of any vote or reception of any vote which is void; or

(iv) by any non-compliance with the provisions of this Act or of any rules or order made thereunder; the prescribed authority shall declare the election of the returned candidate to be void.

- (2) If in the opinion of the prescribed Authority any agent of a returned candidate has been guilty of any corrupt practice, but the prescribed Authority is satisfied-
- (a) That no such corrupt practice was committed at the election by the candidate and every such corrupt practice was committed contrary to the orders and without the consent of the candidate;
  - (b) That the candidate took all reasonable measures for preventing the commission of corrupt practices at the election; and
  - (C) That in all other respect the election was free from any corrupt practice on the part of the candidate or any of his agent;

Then the prescribed authority may decide that the election of the returned candidate is not void.

### **Section 153**

**Grounds on which a candidate other than the returned candidate may be declared to have been elected -**

- (1) If any person, who has, filed an election petition had in addition to calling in question election of the returned candidate claims a declaration that he himself or any other candidate has been duly elected and the prescribed authority is of opinion -
- (a) That in fact the petitioner or such other candidate received a majority of the valid votes; or
  - (b) That but for the votes obtained by the returned candidate by corrupt practices the petitioner or such other candidate would have obtained a majority of valid votes;

The prescribed Authority shall, after declaring the election of the returned candidate to be void, declare the petitioner or such other candidate, as the case may be, to have been duly elected.

- (2) The decision of the prescribed Authority shall be final.

### **Section 154**

**Corrupt practices - The following shall be deemed to be corrupt practice for the purposes of this Act -**

- (i) Bribery as defined in clause (1) of section 123 of the representation of the people Act, 1951 (Central Act 48 of 1951) for the time being in force;
- (ii) Undue influence as defined in clause (2) of the said section for the time being in force;

- (iii) appeal by a candidate or his agent or by any other person with the consent of the candidate or his agent to vote or refrain from voting for any person on the ground of his religion, race, caste, community or language or the use of, or appeal to religious symbols or the use of or appeal to national symbols such as the national flag or the national emblem, as the furtherance of the prospects of the election of that candidate for prejudicially affecting the election of any candidate;
- (iv) Promotion of or attempt to promote feelings of enmity or hatred between different classes of the citizens of India on grounds of religion, race, caste, community or language by a candidate or his agent or any other person with the consent of a candidate or his election agent for the furtherance of the election of that candidate to or for prejudicially affecting the election of any candidate;
- (v) The publication by a candidate or his agent or by any other person with the consent of the candidate or his agent of any statement of fact which is false and which he either believes to be false or does not believe to be true in relation to the personal character or conduct of any candidate or in relation to the candidature or withdrawal of any candidature being statement reasonably calculated to prejudice the prospects of that candidate's election.
- (vi) The hiring or fuelling, whether on payment or otherwise, any vehicle or vessel by a candidate or his agent or by any other person with consent of a candidate or his agent, or the use of such vehicle or vessel for free conveyance of any voter (other than the candidate himself, the members of his family or his agent) to or from any polling station provided in accordance with the rules made under this Act;

Provided that the use of any public transport vehicle or vessel or railway carriage by any voter at his own cost for the purpose of going to or coming from any such polling station or places fixed for the poll shall not be deemed to be a corrupt practice under this clause.

Explanation - In this clause, the word vehicle means any 'vehicle' used or capable of being used for the purpose of road transport, whether propelled by mechanical power or otherwise whether used for the drawing of other vehicles or otherwise;

- (vii) The holding of any meeting at which intoxicating liquors are served;
- (viii) The issuing of any circular, placard or poster having reference to the election which does not bear the name and address of the printer and publisher thereof;
- (ix) Any other practice which the government by rule specify to be a corrupt practice.

## **Section 155**

### **Order as to corrupt practices -**

The corrupt practices referred to under this Act shall entail disqualification for membership of any local authority for a period of 5 years counting from the date on which the finding of the prescribed authority as to such practices takes effect under this Act.

## **Section 156**

### **Communication of orders -**

The prescribed authority shall after announcing the order under this Act send a copy thereof to the District Magistrate.

## **Section 157**

### **Changing the head quarters of a Gram Panchayat and division, amalgamation and alteration of a Gram Sabha :-**

- (1) The governor or the authority authorized by him may, by an order in writing, change the head-quarters of a Gram Panchayat, or may bring about changes in the limits of a Gram Panchayat by including any adjoining area or local area or by excluding there from any such local area which is included in it, or may amalgamate two or more Gram Panchayats and may instead of them constitute one Gram Panchayat, or may divide any Gram Panchayat area and may instead of it constitute two or more Gram Panchayat areas;

Provided that no order under this section shall be made unless an advertisement inviting suggestions and objections regarding this in the manner as may be prescribed is published and the objections are considered into.

- (2) On an order under sub-section (1) having been issued, the governor or prescribed authority shall pass such consequential orders as may be imperative.

## **Section 158**

### **Disestablishment of a village :-**

- (1) The Governor or the authority authorised by him may, by an order in writing, disestablish a village;

Provided that such order shall not be made unless such notice of the proposal, inviting objections by the date specified therein from the persons likely to be affected thereby, is published in the prescribed manner and the objections received are considered into.

- (2) On an order under sub-section (1) having been issued, the governor or prescribed authority may pass such consequential order as may be necessary.



## **Section 159**

### **Alteration in limits of a Panchayat Samiti and a Zila Parishad :-**

- (1) The governor may, by notification, bring about changes (in the head quarter of any Panchayat Samiti) or its limits by including any local area which is situated nearby or by excluding any such local area which is included therein.

Provided that no such notification shall be issued unless a notice to this effect inviting objections from the persons likely to be affected by the changes to be brought about in the limits of the Panchayat Samitis, by the date to be specified therein, is published in a prescribed manner and the objections received are considered into;

Provided further also that any such notification regarding change in the head quarters of a Panchayat Samiti shall be issued only for the purpose of a change of the head quarters situated outside the limits of the Panchayat Samiti to leaving it with in place the limits of the Panchayat Samiti and not otherwise.

- (2) On a notification under sub-section (1) having been issued, the governor or the authority prescribed by him may pass such consequential orders as are necessary.
- (3) On any change in the limits of a district, the State Government may pass such consequential orders about the Zila Parishad, as be needed.

## **Section 160**

### **Power of Government to dissolve and reconstitute Panchayats when the limits of panchayat areas are altered -**

- (1) When on account of the reason that the limits of a Panchayat area are altered, the Government may, by order published in the official gazette, dissolve such Panchayat from a date specified in the order and direct that the Gram Panchayat, Panchayat Samiti or Zila Parishad concerned -
  - (i) Be reconstituted for the Panchayat area of which the Gram Panchayat or the Block of which the Panchayat Samiti, Or the District of which the Zila Parishad has been dissolved; or
  - (ii) Be established for a Panchayat area, Block or District which has been newly constituted.
- (2) The members of the dissolved Gram Panchayat, Panchayat Samiti or Zila Parishad, under sub-section (1), shall vacate their respective offices from the date specified in the order of the government.
- (3) The Gram Panchayat, Panchayat Samiti or Zila Parishad reconstituted or established under the provisions of sub-section (1) shall consists of members nominated by the government and such members shall as far as may be practicable

the persons who were members of the Gram Panchayat, Panchayat Samiti or Zila Parishad which has been dissolved under sub-section (1).

- (4) The Mukhia / Pramukh or Adhyaksha of Gram Panchayat / Panchayat Samiti or Zila Parishad shall be elected in the manner provided for in this Act.
- (5) The term of the Gram Panchayat, Panchayat Samiti or Zila Parishad so reconstituted or established shall be for such period not exceeding six months as the government shall by order specify.
- (6) Before the expiry of the term of the Gram Panchayat, Panchayat Samiti or Zila Parishad constituted under sub- section (5), every Gram Panchayat, Panchayat Samiti or Zila Parishad shall be constituted in the manner as provided by this Act.

Provided that where the remainder of the period for which the dissolved Gram Panchayat, Panchayat Samiti or Zila Parishad would have continued, is less than six months, it shall not be necessary to hold an election under this section for constituting a Gram Panchayat, Panchayat Samiti or Zila Parishad for such period.

- (7) A Gram Panchayat, Panchayat Samiti or Zila Parishad constituted under sub-section (6) shall continue only for the remainder of the period for which the dissolved Gram Panchayat, Panchayat Samiti or Zila Parishad would have continued had it not been so dissolved.
- (8) When a Gram Panchayat, Panchayat Samiti or Zila Parishad has been dissolved and reconstituted or established under this section, such of the Gram Panchayat, Panchayat Samiti or Zila Parishad fund and other property vested in the Gram Panchayat, Panchayat Samiti or Zila Parishad which has been dissolved shall vest in and such portion of the debts and obligations shall be transferred to the Gram Panchayat, Panchayat Samiti or Zila Parishad reconstituted or established under this section as the Government may by order in writing direct.
- (9) The rights and liabilities of the Gram Panchayat, Panchayat Samiti or Zila Parishad which has been dissolved, in respect of civil and criminal proceedings, contracts, agreements and other matters or things arising in and relating to any part of the area subject to the authority of the Gram Panchayat, Panchayat Samiti or Zila Parishad reconstituted or established shall vest in such Gram Panchayat, Panchayat Samiti or Zila Parishad.
- (10) Any appointment, notification, notice, tax, order, scheme, license, permission, rule, regulation or form made, issued, imposed or granted by the Gram Panchayat, Panchayat Samiti or Zila Parishad, which has been dissolved in respect of any part of the area subject to the authority of the Gram Panchayat, Panchayat Samiti of Zila Parishad which has been reconstituted or established, shall be deemed to have been made, issued, imposed or granted by such Gram Panchayat, Panchayat Samiti or Zila Parishad unless and until it is suspended by any appointment, notification, notice, form, order, scheme, license, permission, rule, regulation or form made,

issued, imposed or granted by such Gram Panchayat, Panchayat Samiti or Zila Parishad.

- (11) If any difficulty arises in giving effect to the provisions of the preceding subsections, the government may, by order published in the official gazette, as the occasion may require, do any thing which appears to it to be necessary to remove the difficulty.

## **Section 161**

### **Management of Government lands -**

Any Government lands transferred to a Panchayat shall be managed by the said Panchayat according to such rules as the government may make in this behalf.

## **Section 162**

### **Administrative control of Panchayats over projects, schemes etc. :-**

- (1) Subject to any general or special order of the State Government notified in the official gazette, the function and administrative control of all State Government institutions, projects, schemes and offices located within the Gram Panchayat, shall vest in the Gram Panchayat.
- (2) Where the institutions, projects, schemes and offices serve the areas of more than one Gram Panchayat, their function and administrative control shall vest in the Panchayat Samiti.
- (3) Where the institutions, projects, schemes and offices serve the area beyond that of a Panchayat Samiti, their function and administrative control shall vest in the Zila Parishad.

Illustrations:-

- (a) Function and administrative control of the primary, middle and secondary Schools, health sub- centers, hand pumps, irrigational tube wells etc., which serve within the area of one Gram Panchayat shall vest in a Gram Panchayat;
- (b) Function and administrative control of the Health sub-centres etc., which serve in areas of more than one Gram Panchayat, shall vest in a Panchayat Samiti;
- (c) Function and administrative control of the referral Hospitals etc., which serve an area extending to more than one Panchayat Samiti, shall vest in the Zila Parishad;
- (d) Functions of the officers and employees of the State Government and the power of administrative control over those serving in these institutions, projects and schemes as well as offices shall vest in the Panchayat concerned but for their dismissal, removal or reduction in rank. The State Government shall specify a clear mechanism relating to such administrative control.

## **Section 163**

### **Removal of difficulties :-**

If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order published in the official Gazette, as the occasion may require, do anything which appears to it to be necessary to remove the difficulty.

**Chapter - XVII**  
**Repeal and Savings**

The Bihar Panchayat Raj Act, 1947 (Bihar Act 7 of 1948), the Bihar Panchayat Samiti and Zila Parishad Act, 1961 (Bihar Act 6 of 1962) and the Bihar Panchayat Raj Act, 1993, are hereby repealed.

**Provided that such repeal shall not affect -**

- (1) The previous operations of the said enactments or any thing duly done or suffered thereunder ; or.
- (2) Any right, privilege, obligation or liability acquired, accrued or incurred under the said enactments; or
- (3) Any penalty, forfeiture or punishment incurred in respect of any offence committed against the said enactments ; or
- (4) Any investigation, legal proceeding or remedy in respect of such right, privilege, obligation, liability, forfeiture or punishment as afore said and any such investigation, legal proceeding or remedy that might have been instituted, continued or enforced, and any such penalty, forfeiture or punishment that might have been imposed, as if this Act has not been passed;
- (5) Notwithstanding such repeal, anything done or any action taken in exercise of any power conferred by or under the said Acts, shall be deemed to have been done or taken in exercise of the powers conferred by or under this Act, as if this Act were in force on the day on which such thing or action was done or taken.

**Schedule 1.**

- (1) Agriculture with agriculture extension.
- (2) Land development and land conservation.
- (3) Minor irrigation, water management and water shed development.
- (4) Animal husbandry, dairy and poultry.
- (5) Pisciculture.
- (6) Social forestry and farm forestry.
- (7) Minor forest produce.
- (8) Small industry with food processing industry.
- (9) Khadi, Village industry and cottage industry.
- (10) Rural housing.
- (11) Drinking water.

- (12) Fuel and fodder.
- (13) Roads, culverts, bridges, ferry, water - ways and other means of communication.
- (14) Rural electrification including electricity distribution
- (15) Non - conventional sources of energy.
- (16) Poverty alleviation programme.
- (17) Education including Primary and Secondary schools.
- (18) Technical training and professional education.
- (19) Adult and non-formal education.
- (20) Library.
- (21) Cultural activities.
- (22) Markets and fairs.
- (23) Health and hygiene with hospitals, primary health centres and dispensaries.
- (24) Family welfare.
- (25) Women and child development.
- (26) Social welfare with welfare of disabled and mentally retarded persons
- (27) Welfare of weaker sections particularly of the Scheduled Castes and the Scheduled Tribes.
- (28) Public Distribution system.
- (29) Maintenance of community assets.

**By the order of Governor of Jharkhand,  
Prasant Kumar,  
Joint Secretary to the Government.**