

## **MANIPUR PANCHAYATI RAJ ACT, 1975**

**12 of 1976**

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## **MANIPUR PANCHAYATI RAJ ACT, 1975**

**12 of 1976**

[ ]

An Act to provide for construction and organisation of Panchayat as units of local self-government in rural areas of Manipur and for matters connected therewith and/or included thereto Be it enacted by the Legislature of Manipur in the Twenty-seventh year of the Republic of India as follows :-

### CHAPTER 1

Preliminary

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

(1) This Act may be called the Manipur Panchayati Raj Act, 1975.

(2) It extends to the whole of Manipur excepting any area to which the Manipur (Hill Areas) District Council Act, 1971 or the Manipur (Village Authorities in Hill Areas) Act, 1956 extends, or which has been or may hereafter be declared as, or included in a municipality, a town area or a notified area under any law for the-time being in force, or which has been or may hereafter be declared as or included in a cantonment under the Cantonment Act, 1924 (11 of 1924) : Provided that the provisions of this Act shall extend to the wards which are already covered by the provisions of the U. P. Panchayat Raj Act, 1947 extended to the valley area of the State of Manipur and also those villages in Hill areas of Manipur State where Panchayat system is already in vogue by the orders of the Government.

(3) It shall come into force on such date as the State Government may, by notification in the official Gazette, appoint ; and different dates may be appointed for different areas and for different provisions of the Act.

#### **2. Definitions :-**

In this Act, unless the context otherwise requires

(i) "adult" means a person who has attained the age of twenty- one years ;

(ii) "block" means an area constituted by the State Government by notification in the official Gazette to the development block ;

(iii) "building" includes a hut, shed, or other enclosure whether used as human dwelling or any other purpose whatsoever and includes walls, verandahs, fixed platforms, plinths, doorsteps and the like, but does not include a tent or a temporary shed erected on ceremonial or festive occasions ;

(iv) "Chief Executive Officer" means the Chief Executive Officer of Zila Parishad ;

(v) "circle" means the area within which a Nyaya Panchayat exercises jurisdiction ;

(vi) "civil case" means a civil suit triable by a Nyaya Panchayat :

(vii) "criminal case" means a criminal proceeding in respect of a case triable by a Nayaya Panchayat ;

(viii) "Deputy Commissioner" means the Duputy Commissioner having territorial jurisdiction over the Gram Sabha area or circle or block, as the case may be, and includes the Additional Deputy Commissioner;

(ix) "Development Department" under the provisions of this Act includes the Departments of Agriculture, Veterinary and Animal Husbandry, Co-operation, Panchayat and Community Development, Education, Health, Public Health and Family Planning, Industries (including Khadi and Village Industries), P. W. D., Sericulture and Weaving, Social Welfare and Welfare of Backward classes, Social Conservation, Fisheries and Forest;

(x) "District" means a district formed under the Manipur Land Revenue and Land Reforms Act, 1960 (No. 39 of 1960) ;

(xi) "District Judge" means the District Judge in whose territorial jurisdiction the Nyaya Panchayat is situated ;

(xii) "Endowments" means any property dedicated for religious or charitable purpose, such as the worship of an idol, the performance of religious ceremonies, or all property belonging to or given or

endowed for the support of the devasthanams or for the performance of any service or charity connected therewith and includes the temple and any offering made to the idols therein ;

(xiii) "Executive Officer" means the Executive Officer of Panchayat Samiti ;

(xiv) "Financial year" means the year commencing on the 1st day of April or on such other date as the State Government may by notification appoint ;

(xv) "Gram Panchayat" means the Gram Panchayat constituted under S. 14 ;

(xvi) "Gram Sabha" means the Gram Sabha established under S. 3 ;

(xvii) "Gram Sabha area" means the area comprising the village or villages for which a Gram Sabha is established ;

(xviii) "Land" includes benefits arising out of land, houses and things attached to the earth, or permanently fastened to anything attached to the earth ;

(xix) "Legislative Assembly" means the Legislative Assembly of Manipur ;

(xx) "Member of Gram Panchayat" includes Pradhan and Up-Pradhan :

(xxi) "Member of Panchayat Samiti" includes Pramukh and Up-Pramukh ;

(xxii) "Member of Zila Parishad" includes President and Vice-President ;

(xxiii) "Minor" means a person who has not completed the age of eighteen years ;

(xxiv) "Munsiff" means the Munsiff having territorial jurisdiction over the Gram Sabha area, circle or block, as the case may be;

(xxv) "Nyaya Panchayat" means a Nyaya Panchayat established under this Act ;

(xxvi) "Official Gazette" means the Manipur Gazette ;

(xxvii) "Panch" means a member of a Nyaya Panchayat, and includes Sarpanch and Up-Sarpanch ;

(xxviii) "Panchayat Samiti" means a samiti constituted under S. 52 ;

(xxix) "Prescribed" means prescribed by this Act or rules made thereunder ;

(xxx) "Prescribed authority" means an authority to be notified as such by the State Government whether generally or for a particular purpose or provisions of this Act ;

(xxxii) "Public property" means any property belonging to or held by the Government or by public or any local authority ;

(xxxiii) "Public place" means any public building, park or garden or any other place to which members of the public have or are for the time being permitted to have access whether on payment or otherwise ;

(xxxiv) "Public servant" means a public servant as defined under S. 21 of the Indian Penal Code (45 of 1860) ;

(xxxv) "Public street" means any road, bridge, land, square, court, alley or passage which the public has right to pass along, and includes on either side the drains or gutters and the land up to the defined boundary or any abutting property notwithstanding the projection over such land or any verandah or other superstructure ;

(xxxvi) "Revenue case" means a case under any law relating to land revenue triable by a Nyaya Panchayat ;

(xxxvii) "Sessions Judge" means the Sessions Judge within whose sessions division the Nayaya Panchayat is situated ;

(xxxviii) "Standing Committees" means standing committees of a Panchayat Samiti and "Sub-Committee" means a sub-committee of a Zila Parishad constituted under Ss. 68 and 111, as the case may be;

(xxxix) "State Government" means the State Government of Manipur;

(xl) "Sub-divisional Officer" means the Sub-divisional Officer of the Revenue Department having territorial jurisdiction over the Gram Sabha area, circle or block, as the case may be, and the Sub-divisional Magistrate means accordingly;

(xli) "Tax" includes a toll, cess, rate, fee or other impost leviable

under this Act, but does not include a fine ;

(xli) "Trust" means an obligation annexed to the ownership of property and arising out of a confidence reposed in and accepted by the owner, or declared and accepted by the owner, or declared and accepted by him for the benefit of another, or of another and the owner ;

(xlii) "Vehicle" includes a bicycle, rickshaw, tricycle, motor car and every wheeled conveyance which is used or is capable of being used on public street and road ;

(xliii) "Village" means any local area, recorded as a village in the revenue records of the district in which it is situated ;

(xliv) "Water-course" includes river, stream or channel whether natural or artificial ;

(xlv) "Zila Parishad" means a Parishad constituted under S. 93 ; and

(xlvi) "Judicial Magistrate" means a Presiding Officer of a Court of Judicial Magistrate constituted under the Code of Criminal Procedure, 1973.

## CHAPTER 2

### Gram Sabhas

#### **3. Establishment of Gram Sabha :-**

(1) The State Government shall, by notification in the official - Gazette, establish a Gram Sabha for a village or a part thereof or group of adjoining villages having population of not less than four thousand and not more than eight thousand subject to such variation not being larger than two thousand, as may be necessary on consideration of local conditions.

(2) A notification under this section shall specify the name of the Gram Sabha by which it shall be known and shall define the limits of the area within its jurisdiction.

Explanation. In this section, the expression "population" means the population as ascertained at the latest census of which the relevant figures have been published.

#### **4. Incorporation :-**

Every Gram Sabha shall, by the name notified in the official Gazette under S. 3, be a corporate body having perpetual

succession and a common seal, with power to acquire, hold and dispose of property and to enter into contracts, and shall, by the said name sue and be sued.

#### **5. Membership of Gram Sabha and disqualification :-**

(1) A Gram Sabha shall, subject to sub-S. (2), consist of all the persons whose names are included in the list of voters referred to in S. 7 within the area of such Gram Sabha :

Provided that no person shall be a member of more than one Gram Sabha.

(2) A person shall be disqualified for being a member of the Gram Sabha, if

(a) he is not a citizen of India ; or

(b) he is of unsound mind and stands so declared by a competent court ; or

(c) he is for the time being disqualified from voting under the provision of any law relating to corrupt practices and other offences in connection with election.

#### **6. Cessation of membership :-**

(1) A member of a Gram Sabha shall cease to be a member, if

(a) he is disqualified under sub-S. (2) of S. 5 ; or

(b) the area where he resides has been excluded from the existing Gram Sabha area ; or

(c) he has ceased to be ordinarily resident within the Gram Sabha area.

(2) Where any person ceases to be a member of a Gram Sabha under sub-S. (1), he shall also cease to hold any office to which he may have been elected, co-opted or appointed by virtue of being a member thereof.

#### **7. The list of voters of Gram Panchayat :-**

The electoral roll of the Manipur Legislative Assembly, prepared under the provisions of the Representation of the Peoples Act, 1951 (43 of 1951) and as in force on such date as the State Government may by general or special order notify in this behalf for such part of the constituency of the Assembly as is included in the Gram Sabha,

shall be the list of voters for such Gram Panchayat.

**8. Publication and revision of list of voters for Gram Panchayat :-**

(1) The list of voters referred to in S. 7 shall be published in such manner and by such authority as may be prescribed.

(2) Any person whose name is not included in the list of voters published under the preceding sub-section may apply within 10 days from its publication to the officer publishing the same for inclusion of his name therein and the officer concerned shall, if he is satisfied that the applicant fulfils the condition mentioned in sub-S.

(3) and is not disqualified from being included in the list of voters under S. 5, after making such enquiry as may be prescribed, direct his name to be included in the list of voters.

(3) Every person shall be entitled to be included in the list of voters of Gram Panchayat if he is not less than 21 years of age on the date of its publication under sub-S. (1) and is ordinarily resident within the ward of the Gram Panchayat :

Provided that no person shall be entitled to be included in the list of voters for more than one Gram Panchayat and no person shall be entitled to be included in the list of voters of any Gram Panchayat for more than once ;

Provided further that if the applicant is included in the list of voters of any other Gram Panchayat, the officer who includes his name shall inform the officer publishing the list of voters of that other Gram Panchayat and that other officer shall, on receipt of the information, strike-off the applicant's name from that list.

Explanation. For the purposes of this sub-section, the expression "ordinarily resident" shall have the same meaning as has been given in S. 20 of the Representation of Peoples Act, 1951 subject to the condition that the expression "constituency" appearing therein shall be deemed to refer to the ward of the Gram Panchayat for which the list of voters is prepared.

(4) The name of any person included in the list of voters who becomes disqualified at any time after his name was entered in the list shall forthwith be struck-off by the officer revising the list under sub- S. (3) from the list in which it is included :

Provided that the name of any person struck-off the list of voters

by reason of disqualification under sub-S. (2) (c) of S. 5 shall forthwith be reinstated in the list if such disqualification is. during the period such list is in force, removed under any law authorising such removal.

(5) An appeal shall lie within such time and in such manner and to such authority as may be prescribed against any order passed under sub-Ss. (2) and (4).

**9. Pradhan and Up-pradhan :-**

There shall be a Pradhan and an Up- pradhan for every Gram Sabha.

**10. Election and term of Pradhan :-**

(1) The Pradhan shall be elected by direct election by secret ballot by the members of the Gram Sabha from amongst themselves in such manner as may be prescribed :

Provided that in case a Gram Sabha has failed to elect a Pradhan, when called upon by the prescribed authority to do so, it shall be lawful for the State Government to appoint as Pradhan a member of the Gram Sabha qualified to be elected as Pradhan and the Pradhan so appointed shall be deemed to have been duly elected under the provisions of this Act.

(2) The term of the Pradhan shall commence on the date of the constitution of the Gram Panchayat and unless otherwise determined under the provisions of this Act, shall expire with the term of the Gram Panchayat.

**11. Election and term of Up-pradhan :-**

(1) The Up-pradhan of the Gram Sabha shall be elected by the members of the Gram Panchayat of the Gram Sabha from amongst its member in such manner as may be prescribed.

(2) The term of office of the Up-pradhan shall, unless otherwise determined earlier, be co-terminus with the term of the Gram Panchayat.

**12. Meeting of Gram Sabha :-**

(1) There shall be held at least one meeting of a Gram Sabha every year on such date and at such time and place as may be prescribed :

Provided that the Pradhan may, at any time on his own motion, call a meeting of the Gram Sabha and shall, upon a requisition in writing of not less than one-fifth of the total number of members of the Gram Sabha or if required by the Panchayat Samiti or the Deputy Commissioner or the Director of Panchayats, call such a meeting within thirty days from the receipt of the requisition, or within the period directed by the Panchayat Samiti or the Deputy Commissioner, as the case may be.

(2) For any meeting of the Gram Sabha, one hundred members of the Gram Sabha shall form the quorum. In the absence of quorum the meeting shall be adjourned to a date not later than 15 days from the date of its meeting.

Provided that no quorum shall be necessary for the meeting adjourned for want of quorum.

(3) Any officer authorised in this behalf by the Deputy Commissioner or the Director of Panchayats by general or special order shall have the right to speak in, and otherwise to take part in, the proceedings of a meeting of the Gram Sabha, but shall not be entitled to vote.

(4) Unless otherwise provided in this Act, the Pradhan, and in his absence, the Up-pradhan, shall preside over every meeting of the Gram Sabha. In the absence of both the Pradhan and the Up-pradhan, the members present shall choose for the purpose one of the members of the Gram Panchayat. In the absence of both the Pra'dhan, Up-pradhan, or any member of the Gram Panchayat the persons present shall choose any member of the Gram Sabha to preside over the meeting.

(5) If any question arises as to whether a person is entitled to attend a meeting of the Gaon Sabha, the decision of the person presiding shall be final, and in giving decision on such question, the person presiding shall have regard to the latest revised entry in the list of voters of the Gram Sabha area concerned.

### **13. Panchayat to convene meeting of the Gram Sabha :-**

(1) Every Panchayat shall convene a meeting of the Gram Sabha as prescribed under S. 12.

(2) On such meetings, programmes and works undertaken by the Panchayat and their progress shall be explained and the views of

the members of the Gram Sabha thereon shall be reported to the Panchayat at its next meeting.

### CHAPTER 3

#### Gram Panchayats

#### **14. Establishment of Gram Panchayats :-**

For every Gram Sabha, there shall be constituted an executive committee called the Gram Panchayat.

#### **15. Composition of Gram Panchayat :-**

(1) A Gram Panchayat shall consist of the Pradhan and such number of elected members not exceeding 13.

(2) Seats shall be reserved for Scheduled Castes and Scheduled Tribes in the Gram Panchayat and the number of seats so reserved shall bear as nearly as may be the same proportion to the total number of seats in the Gram Panchayat as the population of the Scheduled Castes and Scheduled Tribes in the area of the Gram Sabha bears to the total population of such area :

Provided that such reservation of seats for Scheduled Castes and Scheduled Tribes members shall continue only as long as special representation for the Scheduled Castes and Scheduled Tribes continues to be provided for in the Constitution of India ; Provided further that nothing in the preceding proviso shall affect any representation in the Gram Panchayat until the dissolution thereof;

Provided also that for purposes of determining the due representation of Scheduled Castes and Scheduled Tribes in any Gram Panchayat any person elected to a seat reserved for such castes but who may have been subsequently appointed to the Nyaya .Panchayat under S. 133 (4) shall be taken into account.

(3) Any one of such wards referred to in S. 16 shall be reserved by lot for electing one woman member of the Gram Panchayat. Such reserved ward shall be rotated for every election held for a new term.

(4) The State Government may appoint any Government officer as ex officio member of the Gram Panchayat.

#### **16. Division of Gram Sabha area into wards :-**

(a) The Deputy Commissioner shall divide a Gram Sabha area into a number of wards as he may determine :

Provided that the number of members to be allotted to each ward shall, as far as practicable, be in the same proportion to the total number of persons to be elected for the Gram Panchayats as the population of the ward bears to the total population of the Sabha.

(b) The list of wards to be determined shall be prepared in such form as may be prescribed.

(c) The list of wards shall be published in the prescribed manner.

(d) If for any reason a ward fails to elect a member when called upon to do so by the prescribed authority, it shall be lawful for the State Government to appoint as member, a member of the Gram Sabha in the ward qualified to be elected as member, and the member so appointed shall be deemed to have been duly elected under the provisions of this Act.

**17. Manner, time and mode of elections of members and Pradhan :-**

(1) The election of the Pradhans and members of Gram Panchayats shall be held in accordance with the rules made under this Act.

(2) The election of the Pradhan and members of Gram Panchayats shall be held simultaneously.

(3) The Pradhan and members of the Gram Panchayat shall be elected by direct election and secret ballot by the members of the Gram Sabha.

(4) Immediately after the election under sub-S. (1) the State Government shall by notification publish the names of the persons elected and date of publication of the notification shall be treated as date of constitution of the Gram Panchayat.

**18. First meeting of the Gram Panchayat :-**

Notwithstanding any vacancy in the membership of the Gram Panchayat, the Deputy Commissioner or the Sub-divisional Officer, as the case may be, shall immediately after but before the expiration of thirty days from the date of publication of the notification under sub-S. (4) to S. 17, call a meeting of the Gram Panchayat members (which meeting shall be called as the first meeting of the Gram Panchayat) for electing an Up-pradhan of the Gram Panchayat by such members from amongst themselves in the manner prescribed.

**19. Persons qualified to vote :-**

Every member of the Gram Sabha shall, unless disqualified under this Act or under any other law for the time being in force, be qualified to vote at the election of the members of a Gram Panchayat and the Pradhan of the Gram Sabha.

**20. Qualification of candidate :-**

Every member of the Gram Sabha shall, unless disqualified under this Act or under any other law for the time being in force, be qualified to -be elected, or appointed, as the case may be, under this Act as a Pradhan and Up-pradhan or a member of a Gram Panchayat.

**21. Disqualification for being member, Pradhan or Up-pradhan :-**

(1) No person shall be eligible to be a member, Pradhan or Up-pradhan, if he

(a) has, whether before or after the commencement of this Act, been convicted

(i) of an offence involving moral turpitude or convicted for any other offences, if the sentence awarded is an imprisonment for one year or more or convicted for an offence under the Protection of Civil Rights Act, 1955 unless a period of four years has elapsed on the date fixed for holding election from the date of his release in case of sentence of imprisonment and in the case of sentence other than imprisonment from the date of conviction ; or

(ii) has been ordered to give security for good behaviour under S. 110 of the Code of Criminal Procedure, 1973 unless a period of three years has elapsed on the date fixed for holding the election from the date of release from such order.

(b) is of unsound mind and stands so declared by a competent court ; or

(c) is an undischarged insolvent ; or

(d) holds an office of profit under a Gram Panchayat or is in the service of any other local authority or the Central Government ; or

(e) has been dismissed from the service of the State Government or any local authority for corruption or disloyalty to the State, unless a period of five years has elapsed since his dismissalal ; or

(f) has not paid all due taxes payable by him to a Gram Panchayat or State Government at the end of the financial year previous to the year in which the election is held or appointment is made ;

(g) has directly or indirectly any share or interest in any contract with, by or on behalf of the Gram Sabha, while owning such share or interest ; or

(h) is suffering from a variety of leprosy which is infectious ; or

(i) has ceased to be a citizen of India or is under any acknowledgement of allegiance or adherence to a foregoing State :

Provided that the disqualification under Cl. (f) shall be deemed to have been automatically removed as soon as he has paid due taxes in full ;

Provided further that a person shall not be deemed to have incurred disqualification, under Cl. (g) by reason of his having a share or interest in any registered co-operative society which contracts with, or is employed by or on behalf of, the Gram Sabha.

(2) If a member, Pradhan or Up-pradhan

(a) subsequently becomes subject to any of the disqualifications mentioned in sub-S. (1) ; or

(b) accepts employment as a legal subject practitioner against the Gram Sabha ; or

(c) absents himself from three consecutive meetings of the Gram Panchayat without the leave of the Gram Panchayat ; or

(d) fails to pay arrears of any kind of due payable by him to the Gram Panchayat in spite of demand notice or' not less than thirty days made therefor ; he shall, subject to the provisions of sub-S. (3), cease to be a member or Pradhan or Up-pradhan and his office shall become vacant :

Provided that where an application is made by a member, Pradhan, or Up-pradhan to the Gram Panchayat for leave to absent himself under Cl. (c) and the Gram Panchayat fails to inform the applicant of its decision thereon within a period of one month from the date of receipt of the application, the leave applied for shall be deemed to have been granted by the Gram Panchayat.

(3) The question whether a vacancy has occurred under sub-S. (2)

shall be decided by the prescribed authority either on application made to him by any person or on his own motion, and until such a prescribed authority decides the vacancy has arisen, the person shall not cease to be a member, Pradhan or Up-pradhan, as the case may be :

Provided that no order shall be passed under this sub-section by the prescribed authority against any member, Pradhan or Up-pradhan without giving him a reasonable opportunity for being heard.

(4) Any person aggrieved by the decision of the prescribed authority under sub-S. (3) may, within a period of thirty days from the date of such decision, appeal to the prescribed appellate authority and orders of such prescribed appellate authority shall be final.

Explanation. A person who ceases to be an Up-pradhan under this section shall cease to be a member also.

## **22. Term of Gram Panchayat :-**

The term of Gram Panchayat, unless sooner dissolved, shall be five years from the date of its constitution and the expiry of the said period of five years shall operate as dissolution of the Gram Panchayat :

Provided that the State Government may, by notification, extend the term from time to time for a total period not exceeding one year in the aggregate.

## **23. Power to supersede Gram Panchayat in certain cases :-**

(1) If at any time, the State Government is satisfied that a Gram Panchayat is incompetent to perform, or persistently makes default in the performance of the duties imposed on it by or under this Act or by or under any law for the time being in force, or has exceeded or abused its powers there under the State Government may, after giving such Panchayat an opportunity of being heard, and after consulting the Panchayat Samiti concerned, by notification in the official Gazette, supersede such Gram Panchayat for a period not exceeding one year from a specified date.

(2) When a Gram Panchayat is superseded under sub-S. (1), the following consequences shall ensue :

(a) the Pradhan, the Up-pradhan and all members shall forthwith

vacate their respective offices but without prejudice to their eligibility for re-election or re-appointment;

(b) all powers and duties of such Gram Panchayat shall, during the period of supersession specified under sub-S. (1), be exercised by a person to be appointed by the State Government from time to time ;

(c) all property vested in such Panchayat shall, during such period, vest in the State Government; and

(d) the Gram Panchayat shall be reconstituted in accordance with the provisions of this Act before expiry of such period and shall start functioning immediately upon such expiry.

**24. Term of Gram Panchayat reconstituted upon supersession :-**

Notwithstanding anything contained in S. 22 or in any other provision of this Act the term of office of a Gaon Panchayat reconstituted upon supersession of an earlier Gram Panchayat under S . 23 shall be residue of the term of the superseded Gram Panchayat.

**25. Term of office of members :-**

Save as otherwise provided in this Act the term of office of the members of a Gram Panchayat shall be co-extensive with the term of the Gram Panchayat.

**26. Resignation :-**

(1) A member may resign his office by giving fifteen days' notice in writing to the Pradhan, who shall forward it to the authority prescribed to accept the resignation.

(2) The Pradhan or Up-pradhan may resign his office by giving notice in writing to the Pramukh of the Panchayat Samiti having jurisdiction over the Gram Panchayat, who shall forward it to the authority prescribed to accept it, but the resignation shall not take effect until it is accepted by the prescribed authority.

**27. Removal of Pradhan, Up-pradhan, or member of a Gram Panchayat :-**

A Pradhan or Up-pradhan or member of the Gaon Panchayat shall immediately cease to hold office, if

(a) he suffers from any of the disqualifications mentioned in S. 21 ;

or

(b) remains absent in three consecutive meetings of the Gram Panchayat without assigning any reason therefor in writing :

Provided that the Gram Panchayat concerned after holding an enquiry of the matter, and giving a reasonable opportunity of showing cause and of being heard against the action proposed to be taken against such person, may give an order to him to vacate his office forthwith ;

Provided further that any aggrieved person on such order may file an appeal to the State Government within thirty days after receiving the order and the decision of the State Government in this regard shall be final.

**28. No-confidence motion against Pradhan or Up-pradhan :-**

(1) On a motion of no-confidence of which at least 15 days' previous notice shall be given, being carried by a resolution passed by a majority of not less than two-thirds of the members of a Gaon Sabha present and voting at a meeting convened in the prescribed manner for the purpose, the Pradhan or the Up-pradhan against whom such motion is directed shall cease to hold office from the date immediately next after the date on which such motion is passed unless he has resigned his office earlier.

(2) Notwithstanding anything contained in this Act or the rules made thereunder, a Pradhan or Up-pradhan shall not preside over a meeting in which a motion of no-confidence is discussed against him, but such a meeting shall be presided over by such officer of the State Government as the prescribed authority may appoint for the purpose :

Provided that such officer appointed by the prescribed authority shall not cease to vote on such motion.

(3) The Pradhan or the Up-pradhan, as the case may be, shall have the right to speak in, or otherwise to take part in, the proceedings of such a meeting for the discussion of a motion of no-confidence against him, but he shall not be entitled to vote on such motion.

(4) A meeting for the purposes of this section shall be called by the prescribed authority on a requisition made to him by not less than half the total number of the members of the Gram Panchayats.

### **29. Filling in of casual vacancies :-**

Whenever there is a casual vacancy as a result of death, resignation, removal or disqualification of a member, a Pradhan or an Up-pradhan, such a vacancy shall be filled in, as soon as as may be, by the election or appointment, as the case may be, of a person as a member, Pradhan or Up-pradhan, who shall take office forthwith and shall hold such office for the unexpired term of his predecessor :

Provided that no election for filling in of a casual vacancy shall be held if the vacancy occurs within a period of six months preceding the date on which the term of office of the person concerned expires.

### **30. Meetings of Gram Panchayat :-**

(1) A Gram Panchayat shall meet for transaction of its business at least once in every month at the office of the Gram Panchayat and at such time as the Pradhan may determine.

(2) The Pradhan may, whenever he thinks fit, in the public interest or shall upon a written requisition of less than one half of the total number of members of the Gaon Panchayat or if directed by the Panchayat Samiti or the Director of Panchayats, call a special meeting of the Gram , Panchayat within 15 days of the receipt of the requisition or direction, as the case may be :

Provided that if the Pradhan fails to call such special meeting within thirty days from the date of requisition or direction, the Director of Panchayat may direct the Secretary or any member of the Gram Pan- chayat to call such meeting.

(3) Notice of every meeting specifying the time and place thereof and the business to be transacted thereat shall be despatched to every member and exhibited at the office of the Gram Panchayat seven days before an ordinary meeting and three days before a special meeting.

(4) The quorum for a meeting of the Gram Panchayat shall be one of the total number of members. If less than one half of the total number of members be present at the meeting at any time from the beginning to the end thereof, the presiding authority shall, after waiting for not less than thirty minutes, adjourn the meeting to such time of the following or some other future date as it may reasonably fix. A notice of such adjournment shall be affixed in the

Gram Panchayat office, and the business which would have been brought before the original meeting, had there been a quorum thereat, shall be brought before the adjourned meeting and may be disposed of at such meeting or at any subsequent adjourned meeting whether there be a quorum present or not.

(5) At every meeting of the Gaon Panchayat the Pradhan, and in his absence, the Up-pradhan, shall preside, and in the absence of both, the members present shall choose one from amongst themselves to preside over the meeting.

(6) All questions shall, unless otherwise specially provided, be decided by a majority of votes of the members present and voting.

(7) The Pradhan or any person presiding in the absence of the Pradhan shall not vote in the first instance, but shall have and exercise a casting vote in the case of an equality of votes.

(8) No member shall vote on, take part in the discussion of, any question coming up for consideration at a meeting of Gram Panchayat, if the question is one in which he has any direct or indirect pecuniary interest other than an interest as a member of the public.

(9) If it appears to any member present at the meeting that the person presiding over the meeting has any such pecuniary interest in any matter before the meeting for discussion as is referred to in sub-S. (8) and a motion brought by him to that effect is carried, such a person shall not preside over such meeting during the discussion of the particular matter and shall not take part therein, and for the purposes of sub-S. (5) such person shall be deemed to be absent during the discussion of the particular matter.

### **31. Reconsideration of questions disposed of by Gram Panchayat :-**

No subject once finally disposed of by the Gram Panchayat shall be reconsidered by it within six months unless the recorded consent of not less than three-fourths of its members has been obtained thereto.

### **32. Powers and duties of Pradhan :-**

(1) The Pradhan shall be directly responsible for carrying out the resolution of the Gram Panchayat, passed by it in accordance with the provisions of this Act.

(2) Subject to the provisions of this Act and the rules made thereunder the Pradhan shall

(a) regulate the meetings of the Gram Sabha and the Gram Panchayat;

(b) keep the records and registers of the Gram Sabha and the Gram Panchayat in his custody ;

(c) exercise supervision and control over the acts done and action taken by all the employees of the Gram Panchayat ;

(d) operate jointly with the Gram Panchayat Secretary the fund of the Gram Sabha including authorisation of payment, issue of cheques and refunds ;

(e) issue receipts under his signature for sums of money received by him on behalf of the Gram Panchayat ;

(f) cause preparation of all statements and reports required by or under this Act ;

(g) exercise all such other powers and discharge such other functions as may be conferred or assigned to him by this Act or rules made thereunder.

### **33. Powers and duties of Up-pradhan :-**

The Up-pradhan of a Gram Panchayat shall

(a) in the absence of the Pradhan, regulate the meetings of the Gram Sabha and the Gram Panchayat ;

(b) exercise such of the powers and perform such of the duties of the Pradhan as the Pradhan may, from time to time, delegate in writing to him ;

(c) pending the election of the Pradhan in the case of a vacancy under S. 28, or whenever the Pradhan has been continuously absent from the village for more than fifteen days or is incapacitated, or elected as the Pramukh of the Panchayat Samiti, exercise the powers and perform the duties of the Pradhan.

## **CHAPTER 4**

Powers and functions of Gram Panchayat

### **34. Duties and functions of Gram Panchayat :-**

Subject to the rules framed in this behalf a Gram Panchayat may, within the limit of funds and resources at its disposal, provide for

the requirement of the area under its jurisdiction in respect of the matters as specified below :

- (1) Cleaning and lighting of streets.
  - (2) Sanitation and conservancy of the Gram Panchayat area and the prevention of public nuisance therein.
  - (3) The opening and regulating of burial and cremation ground for the dead bodies of human beings and regulating places for disposal of dead animals and other offensive matters.
  - (4) Supply of water for drinking and domestic use.
  - (5) Maintenance of Panchayat roads, drains, bunds, tanks, wells and other public places or works.
  - (6) The layout and maintenance of play-grounds for village children and of public garden.
  - (7) The construction and maintenance of public latrines.
  - (8) Taking of measures of assisting in the programme for prevention of the outbreak, spread of or recurrence of any infectious disease.
  - (9) The removal of rubbish heaps, jungle growth, the filling in disused wells, unsanitary ponds, pools, ditches, etc., the prevention of water logging, and water hyacinth in irrigated areas, and other improve- ment of sanitary condition.
- (1) The control, regulation and development of grazing grounds, village common and other community property vested in it.
  - (2) Controlling and maintaining buildings, institutions and property belonging to or vested in or which may be transferred to it for management.
  - (3) The planting of trees along roads and public places, and maintenance thereof.
  - (4) To establish, maintain and manage cattle pounds and to perform such functions as may be transferred to it by Notification under S. 31 of the Trespass Act, 1971 and improvement.
  - (5) Destruction of stray and ownerless dog.
  - (6) Control, maintenance and regulation of bus stands, carriage or cart stands.

(7) Construction, maintenance and repair of buildings, water-ways, public roads, drains, embankments, bunds, bridges and culverts.

(8) Excavation, cleaning and maintenance of tanks and ponds for pisciculture or supply of water to animals.

(9) Maintenance and regulation of the use of public buildings, grazing lands, forest lands assigned under S. 28 of the Indian Forest Act, 1927, tanks, wells and fisheries vesting in or under the control of the Gram Panchayats.

(1) Maintenance of public radio sets for benefit of rural population, organising forums of rural listeners and running of community centres and reading rooms.

(2) Establishment and maintenance of libraries and adult literary centres.

(3) Establishment and maintenance of theatres and other recreation centres for promotion of art and culture.

(4) Popularisation of sports and games and establishment of clubs, Gymnasiums, playgrounds, parks etc.

(5) Observance of National weeks or days.

(1) Assistance in the organisation of the village volunteer force and the village defence parties for watch and ward of the villages and for other public welfare activities.

(2) Rendering assistance in extinguishing and protecting life and property when fire occurs.

(1) Survey and maintenance of statistics, and doing census as may be assigned by the Government or by the higher Panchayati Raj body.

(2) Distribution of relief as may be granted by Government or other agencies.

(3) Supplying local information as required by the Government or any other statutory authority and carrying out instructions of such authorities.

(4) Acting as executing agency of the Panchayati Samiti and Zila Parishad as and when assigned for specific purpose.

(5) Preparation, organisation and implementation of production plans

for the villages both the agricultural and non-agricultural produces.

(6) The control or cattle stands, threshing grounds and community wastelands.

(7) Establishment, maintenance and regulation of fairs, pilgrims and festivals.

(8) Preparation of development plans for the areas and statements showing the requirement of supplies and finance required for implementation of such plans.

(9) Registering births, death and marriages.

(1) Organisation of welfare activities for women, children, and backward classes.

(2) To assist in relief of distress caused by flood, draught, earthquake, scarcity condition and other calamities.

(3) Organise and assist the youth organisations, co-operative societies, village volunteer force, fields management committee, village production committees and any other associated voluntary organisation for public farewel activities.

(4) Construction and maintenance of village markets, public places of worship.

(1) Development of Agriculture, Horticulture and Pisciculture.

(2) Construction and maintenance of places for the storage of cow-dung and regulating its collections, removal and proper use in the agriculture field.

(3) Arrange agricultural finance to the cultivators with the assistance of Government, Co-operative societies and Banks.

(4) Bringing under cultivation waste and fallow lands vested in Gram Panchayats.

(5) Encouraging improved methods of cultivation and use improved inputs.

(6) Ensuring conservation of manurial resources, preparing of compost and selling of manures.

(7) Establishment and maintenance of nurseries for supply of improved seeds and seedling and provision for supply of improved tools and implements as may be assigned by the Government.

(8) Encouraging soil conservation, land reclamation and tree plantation and maintenance of village forests.

(9) To encourage improvement of cattle and improved methods of poultry keeping, piggery etc.

(10) Crop protection and crop experiments.

(11) To encourage for consideration of land holding, to promote co-operative farming and agricultural farming corporations and establishment of granaries.

(1) Promotion, improvement and encouragement or establishment of cottage and village industries.

(2) A Gram Panchayat may also make provision for carrying out within the Gram Sabha area any other work or measure which is likely to promote the health, safety, education, comfort, convenience, social or economic, or cultural well being of the inhabitants.

(3) A Gaon Panchayat may, by a resolution passed by a majority of two-thirds of the total number of members, make provision for any public reception, ceremony or entertainment within the Gram Sabha area or may without prejudice to the provisions of S. 46 make contribution towards an annual gathering or other gathering of the Gram Panchayats in the District or the State :

Provided that except with the previous sanction in writing of the prescribed authority, the Gaon Panchayat shall not incur expenditure exceeding one hundred rupees on any such reception, entertainment or gathering.

(4) Any other duties and functions assigned to it by the Panchayat Samiti and Zila Parishad and the State Government.

(5) The Gram Panchayat shall have the power to receive and invest money or enter into contract with any person, on behalf of the Gram Sabha.

### **35. Improvement of sanitation :-**

(1) For the improvement of sanitation, the Gram Panchayat may require, by notice, the owner or occupier of any land or building

(a) to close, remove, alter, repair, cleans, disinfect or put in good order any latrine, urinal, water-closet, drain, cesspool or other

receptacle for filth, sullage-water, rubbish or refuse pertaining to such land or building or to remove or alter any door or trap or construct any drain for any latrine, urinal or water-closet which opens on to a street or drain or to shut off such latrine, urinal or water-closet by a sufficient roof and wall or fence from the view of persons passing by or dwelling in the neighbourhood ;

(b) to cleans, repair, cover, fill up, drain off, deepen, or remove water from a private well, tank, reservoir, pool, pit, depression or excavation therein which may appear to the Gram Panchayat to be injurious to health or offensive to the neighbourhood ;

(c) to clear off any vegetation, undergrowth, prickly pear or scrub jungle therefrom :

(d) to remove any dirt, dung, night soil, manure or any obnoxious or offensive matter therefrom and to cleanse the land or building ;

(e) to remove water hyacinth or any water weed from any collection of water in its premises ;

(f) a notice served under sub-S. (1) shall, in consideration of the financial position of the owner or occupier, give him reasonable time for compliance thereof.

(2) Whoever without any sufficient cause, fails to comply with the requisition made under sub-S. (1) shall be punished with fine which may extend to fifty rupees.

### **36. Power to contract for collection of taxes and other dues**

:-

A Gram Panchayat may, in relation to any part of the Gram Sabha area, enter into a contract in the prescribed manner with the Government or any local authority

(a) to collect any taxes or dues payable to the Government or the local authority upon payment of such collection charge as may be prescribed ; or

(b) for carrying out any work on such terms as may be agreed upon.

### **37. Right of individual members :-**

A member of a Gram Panchayat may, at any meeting of it, move any resolution and put questions to the Pradhan or the Up-pradhan on matters connected with the administration of the Gram

Panchayat in the manner prescribed.

**38. Power to borrow money :-**

With the previous sanction of the Panchayat Samiti and subject to such conditions as may be prescribed, a Gram Panchayat may borrow money from the Government or any local authority to carry out the purposes of this Act.

CHAPTER 5

Gram Panchayat establishment

**39. Appointment of the Secretary and other officers and employees of Gram Panchayat :-**

(1) Every Gram Panchayat shall have a Secretary, who shall be appointed to the Director of Panchayats.

(2) The Secretary so appointed shall also be ex-officio Secretary to the Gram Sabha concerned.

(3) Subject to the provisions of sub-S. (1) a Gram Panchayat may, with the previous sanction of the Panchayat Samiti, appoint such other officers and employees as may be necessary for carrying out and discharging its duties under this Act.

(4) The duties of the Secretary and other officers and employees of the Gram Panchayat, their qualifications, salaries, leave allowances and other conditions of service shall be such as may be prescribed.

(5) Any disciplinary action against the Secretary or other officers or employees of the Gram Panchayat shall be taken in the prescribed manner by the Executive Officer having jurisdiction :

Provided that an order of removal or dismissal passed by the Executive Officer shall be appealable to the Director of Panchayats within thirty days from the date of the order.

**40. Government employees at the disposal of Gram Panchayat :-**

The State Government may put at the disposal of a Gram Panchayat such employees of the State Government on such terms and conditions including disciplinary matters as it may consider necessary.

**41. Deputation of Gram Sevak :-**

A Panchayat Samiti may depute a Gram Sevak to a Gram Panchayat or a group of Gram Panchayats within its jurisdiction, to

assist the Gram Panchayat or the group of Gram Panchayats, as the case may be, in implementation of development programmes.

## CHAPTER 6

Gram fund and property

### **42. Property vested in Gram Panchayat :-**

(1) The State Government may allocate to the Gram Panchayat any public property situated within its jurisdiction whereupon such property shall vest in or belong to and come under the control of such bodies.

(2) The State Government may resume any immovable property transferred to the Gram Sabha under sub-S. (1) without payment of any compensation other than the amount paid by the Gram Sabha for such transfer and the market value at the date of resumption of any building or work subsequently erected or executed thereon by the Gram Panchayat :

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

### **43. Restriction on transfer of immovable property of Gram Sabha :-**

No immovable property vested in or belonging to a Gram Sabha shall be transferred by sale, gift, mortgage, exchange or by lease exceeding a period of three years except with the sanction of the State Government.

### **44. Gram Fund :-**

(1) Every Gram Sabha shall constitute a fund called the Gram Fund.

(2) The following shall form part of, and be paid into, the Gram Fund namely :

(a) the proceeds of any tax, cess, fee, toll etc., imposed by the Gram Panchayat ;

(b) the amount which may be allotted to the Gram Sabha by the State Government;

(c) all sums ordered by the Court to be placed to the credit of the Gram Fund ;

- (d) the sale proceeds of all dust, dirt, dung or refuse including the dead bodies of animals collected by the Gram Panchayat ;
- (e) income from cattle pounds ;
- (f) such portion of the rent or other proceeds of the property of the State Government as it may direct to be placed at the credit of the Gram Fund ;
- (g) sums contributed to the Gram Fund by the Panchayat Samiti ;
- (h) all sums received by way of loans from the State Government or the Panchayat Samiti or by way of gift ;
- (i) the income from or sale proceeds of any property vesting in the Gram Sabha ;
- (j) such other sums as may be assigned to the Gram Fund by special or general orders of the State Government ; and
- (k) all sums payable to the Gram Fund under this Act.

**45. Vesting of Gram Fund and administration thereof :-**

(1) The Gram Fund shall vest in the Gram Sabha and be held by the concerned Gram Panchayat and the administration of Gram Fund shall, subject to the general control of the Panchayat Samiti, be in the hands of the Gram Panchayat.

(2) All moneys at the credit of Gram Fund shall be kept in the name of the Gram Sabha in the nearest Government Treasury or Post Office Savings Bank or the State Bank of India or any other nationalised Bank or Co-operative Bank :

Provided that where there is no Government Treasury or such Bank, the moneys shall, subject to such terms and conditions as may be prescribed, be deposited with the local banker or any other persons approved by the State Government.

**46. Application of Gram Fund :-**

(1) Subject to the provisions of this Act and the rules made thereunder, all property and fund vested in the Gram Sabha under this Act shall be utilised for carrying out the functions and obligations imposed upon the Gram Sabha or the Gram Panchayat or any committee thereof, by this Act or any other" enactment.

(2) Any amount allotted to the Gram Sabha by the State

Government or any other person or local authority for any specified work or purpose shall be applied exclusively for such work or purpose and in accordance with such instructions and the State Government may either generally or specially, issue in this behalf.

**47. Accounts and audit :-**

(1) Accounts of receipt and expenditure of every Gram Panchayat shall be kept in such forms and in such manner as may be prescribed, by the State Government.

(2) An Officer appointed by the Director of Panchayat shall audit the accounts of a Gram Panchayat as soon as may be after the end of each financial year and such auditing official shall send a copy of the audit report to the Panchayat concerned.

(3) The Gram Panchayat shall comply with such directions as the Panchayat Samiti may issue as it deems fit, after going through the audit report mentioned in sub-S. (2).

(4) The Gram Panchayat shall pay out of the Gram Panchayat Fund such sum as may be determined by the State Government by way of charges for such audit.

**48. Annual budget :-**

(1) Every Gram Panchayat shall prepare a budget statement of Receipt and Expenditure in such form and manner as may be prescribed for the next financial year and submit the same to the Panchayat Samiti.

(2) Every such budget shall, after scrutiny and such modifications, if any as may be necessary, be approved by the Panchayat Samiti within a period of one month of its receipt.

(3) No expenditure, which is not provided for in the budget approved as aforesaid, shall be incurred without the previous sanction of the Panchayat Samiti.

(4) In approving the budget under sub-S. (2) and any extra expenditure under sub-S. (3) the Panchayat Samiti shall be governed by such general or special directions as the State Government may from time to time issue in that behalf.

(5) If in the course of the financial year the Gram Panchayat finds it necessary to make any alteration in the budget with regard to the receipt or to the distribution of the amounts to be expended for

the purposes of this Act, supplementary budget may be prepared and approved in the manner provided in sub-Ss. (1) and (2) and the provisions of sub-Ss. (3) and (4) shall mutatis mutandis apply to such supplementary budget.

#### **49. Annual Administration Report :-**

(1) A Gram Panchayat shall prepare an annual administration report in respect of the Gram Panchayat including details of investment and implementation of programmes and shall place it for approval before the Gram Sabha at its meeting.

(2) The annual administration report thus approved together with the annual audit report, if any, shall be sent to the Panchayat Samiti on or before such date and in such manner as may be prescribed.

#### **CHAPTER 7**

Taxation and recovery of claims by Gram Panchayat

#### **50. Taxation :-**

(1) For the purposes of this Act and with the previous sanction of the State Government a Gram Panchayat may, from time to time, impose and levy within the limits of the Gram Sabha area, all or any of the following taxes, fees, tolls, and rates, namely :

(a) house tax which is considered locally suitable ;

(b) tax on -daily, bi-weekly or weekly markets, whether located on private land or otherwise ;

(c) tax on carriages, carts, bicycles, rickshaws, boats and packs of animals ;

(d) octroi or terminal tax ;

(e) conservancy tax ;

(f) water rate where drinking water is supplied by the Gram Panchayat;

(g) lighting rate where the Gram Panchayat has made lighting arrangement;

(h) fee from cattle pounds maintained by the Gram Panchayat;

(i) fees to be charged for registration of animals sold within the Gram Sabha area ;

(j) fees for use of Dharamsala or slaughter house ; and

(k) fees for use of grazing grounds vested in the Gram Sabha.

(2) The procedure for levying -any tax, toll, fee, rate, referred to in sub-S. (1) shall be such as may be prescribed.

**51. Recovery of arrear :-**

Any arrear tax and other dues payable to Gram Sabha under this Act shall be recovered as arrears of land revenue if the concerned Gram Panchayat passed a resolution to that effect.

**CHAPTER 8**

**Panchayat Samiti**

**52. Constitution of Panchayat :-**

(1) The State Government shall, by notification in the official Gazette and with effect from such date as may be specified in the notification, constitute a Panchayat Samiti for each block bearing the name of the Block and having jurisdiction over it.

(2) If, after a Panchayat Samiti has been constituted for a Block under sub-S. (1) or the Block is reconstituted, the State Government may reconstitute the Panchayat Samiti for the reconstituted Block under the sub-section and make such consequential orders as may be necessary for effecting the change.

**53. Incorporation :-**

Every Panchayat Samiti shall be a body corporate by the name of its Block, having perpetual succession and a common seal, and shall by its corporate name sue and be sued and shall, subject to the provisions of this Act and the rules made thereunder, have power to acquire, hold or transfer property movable and immovable, to enter into contracts and do all other acts necessary for the purposes of this Act.

**54. Composition of Panchayat Samiti :-**

(1) A Panchayat Samiti shall consist of the following members, namely :

(a) all Pradhans of all the Gram Sabhas in the block ; provided that if the office of Pradhan of any Gram Sabha referred to in S. 9 is vacant, the Up-pradhan of the Gram Sabha shall, until the vacancy is filled in under this Act, be a member of the Panchayat Samiti :

Provided that if the offices of both the Pradhan and the Up-

pradhan are vacant, any person elected by the members of the Gram Panchayat from amongst themselves shall, until either of the two vacancies is filled in, be the member of the Panchayat Samiti ; and

(b) all members of the Legislative Assembly whose respective constituencies wholly or partly fall within the block :

Provided that such member shall have right to attend the meeting of the Panchayat Samiti of which he is a member or of any Standing Committee thereof and to take part in the deliberation thereof but shall not have the right to vote or to be elected as Pramukh or Up-pramukh of such Panchayat Samiti or as member or Chairman of any Standing Committee thereof.

(2) The members mentioned in sub-S. (1) shall, subject to the provisions of this Act and as soon as may be after the constitution or reconstituted of the Panchayat Samiti under sub-S. (1), co-opt the following as additional members of the Panchayat Samiti, who shall have right to vote :

(a) if the members mentioned in sub-S.- (1) do not include a woman or include less than two women, such number of women as will make their number two in all :

(b) one person belonging to the Scheduled Caste, if no such person is a member of the Panchayat Samiti by virtue of sub-S. (1) ;

(c) one person belonging to the Scheduled Tribe, if no such person is a member of the Panchayat Samiti by virtue of sub- S. (1) and the population of such tribes in the block exceeds five per cent of the total population of that block ;

(d) one member as representative of the co-operative society with the Block to be nominated by the Registrar, Co-operative Societies.

#### **55. Special meeting for co-option :-**

(1) Whenever the co-option of a member or members under sub-S. (2) of S. 54 is necessary, the Deputy Commissioner shall, on a date previous to the date appointed for constitution of a Panchayat Samiti under sub-S. (1) of S. 52, convene for such co-option at the office of the Panchayat Samiti at the appointed time, a special meeting of the members specified in sub-S. (1) of S. 54 after giving them a notice of not less than 7 days of such meeting.

(2) The Deputy Commissioner or a person appointed by him shall preside at such meeting.

(3) If, for want of the necessary quorum or for any other sufficient reason the members of the Panchayat Samiti referred to in sub-S. (1) failed to co-opt members specified in sub-S. (2) of S. 55, the Deputy Commissioner or the person presiding over the meeting shall adjourn the same to any other date not less than 7 days after the date appointed under sub-S. (1) and the presence of the necessary quorum shall not be required at such adjourned meeting.

(4) A notice of the date fixed for the adjourned meeting shall be affixed on the Notice Board of the office of the Panchayat Samiti and be despatched to the members specified in sub-S. (1) of S. 54 immediately after the adjournment of the previous meeting under sub-S. (3) and upon such despatch the notice shall be regarded as having been served on the members.

(5) The Deputy Commissioner or a person appointed by him shall preside at such adjourned meeting also and, if at such meeting the members of the Panchayat Samiti specified in sub-S. (1) of S. 54 failed to co-opt any of the members specified in sub-S. (1) of that section, the State Government shall nominate such member or members and every member so nominated shall be deemed to have been duly co-opted.

**56. Term of a Panchayat Samiti :-**

The term of a Panchayat Samiti, unless otherwise terminated under the provisions of this Act, shall be five years with effect from such date as may be notified by the State Government in this behalf.

**57. Pramukh and Up-pramukh and, their election :-**

(1) Every Panchayat Samiti shall have a Pramukh or an Up-pramukh who shall be elected by the members of the Panchayat Samiti from amongst themselves in the prescribed manner :

Provided that no person shall be elected Pramukh or Up-pramukh of the Panchayat Samiti for more than two consecutive terms.

(2) As soon as may be after the constitution or reconstitution of a Panchayat Samiti under the provisions of S, 52 and subject to any order made under sub-S. (2) of that section, the Deputy Commissioner shall convene the first meeting of the Panchayat Samiti on such date as may be fixed by him for election of its

Pramukh and Up-pramukh, and the meeting shall be presided over by such officer not below the rank of Sub-divisional Officer as may be appointed by the Deputy Commissioner in that behalf.

(3) If at the election under this section there is an equality of votes, the result of the election shall be decided by lot drawn in the presence of the presiding officer.

(4) Where the members fail to elect Pramukh or an Up-pramukh under this section the State Government shall appoint any member of the Panchayat Samiti qualified to be Pramukh or Up-pramukh to act as Pramukh or Up-Pramukh, as the case may be.

(5) If the Pradhan of the Panchayat is elected as the Pramukh of a Panchayat Samiti

(i) he shall, on and from the date of his election as such Pramukh, nominally continue to be the Pradhan of that Panchayat for so long as he would have but for such election held the office of such Pradhan ;

(ii) during that period he shall neither have any hand in the administration of the affairs of the Panchayat nor participate in the meeting thereof ;

(iii) he shall hand over charge of all papers and properties pertaining to his office as Pradhan to the Up-pradhan of the Panchayat who shall thereafter act and exercise the powers and perform the duties of the Pradhan as provided under S. 33 (c) for all purposes and represent the Panchayat on the Panchayat Samiti concerned as a member of the latter ;

(iv) fresh election to the office of the Pradhan of that Panchayat shall not be held during the period ;

(v) if during that period he vacates office of the Pramukh upon resignation, he will resume charge of the office of the Pradhan and shall such replace the Up-pradhan as a representative of the Panchayat on the Panchayat Samiti :

Provided that when the Pramukh is removed from his office he shall cease to hold the office of the Pradhan also and in such cases the vacancy caused shall be treated as casual vacancy.

**58. Notification of election, co-option etc :-**

Every election, co-option, and appointment of a member of

Panchayat Samiti or a Pramukh or an Up-pramukh shall be notified in the official Gazette.

**59. Disqualification for membership :-**

The provisions of S. 21 shall apply in the case of a member, a Pramukh or an Up-pramukh of a Panchayat Samiti as they apply in the case of a member of a Gram Panchayat and a Pradhan, or an Up-pradhan of a Gram Sabha.

**60. Term of office of members and Pramukh and Up-pramukh :-**

(1) Save as otherwise provided in this Act, the term of office of the members of the Panchayat -Samiti, the Pramukh and the Up-pramukh shall be co-terminus with the term of the Panchayat Samiti :

Provided that a member under Cls. (a) and (b) of sub-S. (1) of S. 54 shall cease to be a member if he ceases to hold the office by virtue of which he was eligible to a member of the Panchayat Samiti.

(2) After expiry of his term the Pramukh shall continue to carry on the current duties of his office until a new Pramukh is elected and takes over the charge of the office.

**61. Resignation of Pramukh and Up-pramukh :-**

(1) The Pramukh may resign his office by tendering his resignation in writing to the Deputy Commissioner, but the resignation shall not take effect until it is accepted by the Deputy Commissioner.

(2) The Up-pramukh or any other member of a Panchayat Samiti may resign his office by tendering his resignation in writing to the Pramukh, who shall forward it to the Deputy Commissioner and the resignation shall take effect from the date on which it is accepted by the Deputy Commissioner.

**62. No-confidence motion against Pramukh and Up-pramukh :-**

(1) A motion of no-confidence may be moved by a member of a Panchayat Samiti against its Pramukh or Up-pramukh after not less than fifteen days' notice of the intention to make the motion in writing and signed by not less than one-third of the total number of members of the Panchayat Samiti, has been given to the Deputy

Commissioner.

(2) On such a motion, at a meeting specially convened for the purpose and being passed by a resolution of the Panchayat Samiti by a majority of not less than two-thirds of the total number of the members present and voting and such majority is more than one-half of the total number of members of the Panchayat Samiti for the time being, the Pramukh or the Up-pramukh against whom the motion is directed, as the case may be, shall cease to hold office with effect from the date next after the date on which the resolution is passed unless he has resigned his office earlier.

(3) For the purpose of sub-Ss. (1) and (2), the Deputy Commissioner shall convene a meeting of the Panchayat Samiti in the following manner :

(a) fifteen clear days' notice of such a meeting shall be given to every member ;

(b) the Pramukh or the Up-pramukh, as the case may be, against whom a motion of no-confidence is discussed, shall not preside over the meeting, but he shall have the right to speak, or otherwise in the proceedings of the meeting ;

(c) the meeting shall be presided over by such officer of the Government as is appointed by the Deputy Commissioner in this behalf, and the presiding officer shall have no right to vote thereat ;

(d) in no case the debate on the motion shall be adjourned and on the conclusion of the debate, the motion shall be put to vote which shall be held by secret ballot.

(4) The removal of the Pramukh or Up-pramukh under sub-S. (2) shall be intimated to the Deputy Commissioner, Director of Panchayats and the State Government and notified in the official Gazette.

### **63. Filling in of casual vacancy :-**

In the event of any vacancy due to death, resignation, removal or otherwise, in the office of a member, Pramukh or Up-pramukh of a Panchayat Samiti, or of his becoming incapable of acting before the expiry of his term of office, a casual vacancy shall be deemed to have occurred in such office and such vacancy shall be filled in by election, co-option or appointment, as the case may be, of a person

thereto as a member, Pramukh or Up-pramukh who shall take office forthwith and shall hold such office for the un- expired term of his predecessor :

Provided that no casual vacancy except that of the Pramukh shall be filled in, which occurs within a period of six months preceding the date on which the term of office of incumbent concerned expires.

**64. Removal of Pramukh, Up-pramukh or a member :-**

(1) If in the opinion of the State Government, Pramukh or Up-pramukh or a member of a Panchayat Samiti wilfully omits or refuses to carry out the orders of the State Government for the proper working of the Panchayat Samiti or abuses the powers vested in him, or is found to be guilty of misconduct in discharge of his duties, the State Government, after giving the Pramukh or Up-pramukh or the member, as the case may be, a reasonable opportunity for explanation, may, by an order, remove such Pramukh, Up-pramukh or member, as the case may be, from the office.

(2) The State Government may at any time suspend a Pramukh or Up-Pramukh, or a member pending his removal if his continuance in office is considered inadvisable under sub-S. (1).

(3) A Pramukh or an Up-pramukh or a member removed from his office under this section, shall not be eligible for re-election to the vacancy so created.

**65. Exercise of powers and functions of Pramukh etc., when offices of Pramukh and Up-Pramukh are vacant :-**

If, for any reason, the offices of both the Pramukh and Up-pramukh become vacant for the time being, the Sub-Divisional Officer or such other person as the State Government may appoint in this behalf shall, pending the election of the Pramukh and Up-pramukh, exercise the powers and perform all the functions of the Pramukh but shall not have right to vote in any proceeding of the Panchayat Samiti.

**66. Powers and functions of Pramukh and Up-pramukh :-**

(1) The Pramukh of a Panchayat Samiti shall

(a) convene, preside over and conduct the meetings of the Panchayat Samiti except that referred to in sub-S. (2) of S. 62 ;

(b) watch over the financial and general administration of the Panchayat Samiti and exercise general supervision and administrative control over the B.D.O. and other staff working in the Block in relation to the implementation of the decision and observation of the Panchayat Samiti and the Standing Committee there of;

(c) submit to the Panchayat Samiti all cases which require decision and sanction ; and

(d) perform all such functions and exercise all such powers as are imposed or conferred on him by or under this Act or as are delegated to him.

(2) In case of emergency, the Pramukh, in consultation with the B.D.O.

(a) direct the execution of any work or doing of any act which requires the sanction of the Panchayat Samiti or any Standing Committee thereof and the immediate execution or doing of which is in his opinion necessary for the maintenance of services and the safety of general public ;

(b) stay the execution of any such work or doing of any such act for reasons to be recorded in writing ;

(c) subject to the approval of the Zila Pan shad, change any programme of the Panchayat Samiti :

Provided that

(a) he shall not direct or stay the execution of any such work or doing of any such act or change any such programme in contravention of the orders of the State Government; and

(b) he shall report the action so taken to the Panchayat Samiti or the Standing Committee, as the case may be, at its next meeting.

(3) The Pramukh shall, at the end of every year, send a confidential report as to the working of the B.D.O. during, that year to the Deputy Commissioner who shall send a copy of that report to the State Government along with his own confidential report

(4) The Up-Pramukh of a Panchayat Samiti shall

(a) in the absence of the Pramukh, preside over the meetings of the Panchayat Samiti ;

(b) exercise such powers and perform such duties of Pramukh as the Pramukh may, from time to time, delegate to him ;

(c) exercise powers and perform duties of the Pramukh, pending the election of the Pramukh, during the absence of the Zila Parishad or otherwise :

Provided that the Up-pramukh is to take over the charge and hold the office of the Pramukh when the Pramukh is elected, or appointed as a President of the Zila Parishad, he shall cease to hold the office of the Pradhan or Up-pradhan by virtue of his becoming a Pramukh. The subsequent vacancy so caused to the office of the Up-pradhan shall be filled in as provided under S. 11, in case of Up-pradhan.

### **67. Meeting of Panchayat Samiti :-**

(1) A Panchayat Samiti shall meet for transaction of its business at least once in every two months at its office and at such time as the Pramukh may specify : Provided that the Pramukh may, for such specified reason as he thinks fit, and shall, upon a written requisition by not less than one half of the total number of its members, call a special meeting.

(2) Notice of every meeting specifying the time and place thereof and the business to be transacted thereat, shall be despatched to every member and exhibited at the Panchayat Samiti office seven clear days before an ordinary meeting and three clear days before a special meeting.

(3) No business other than that specified in the notice relating thereto, shall be transacted at a meeting except with the consent of two- thirds of members present.

(4) The quorum for a meeting of the Panchayat Samiti shall be one- third of the total number of members. If less than one-third of the total number of members be present at any meeting at any time from the beginning to the end thereof, the presiding authority shall, after waiting for not more than thirty minutes, adjourn the meeting to such time of the following or some other future day as - may be reasonably fixed. A notice of such adjournment shall be affixed in the Panchayat Samiti office, and the business which would have been brought before the original meeting, had there been a quorum thereat, shall be brought before the adjourned meeting and may be disposed of at such meeting or at any

subsequent adjourned meeting, whether there be a quorum present or not.

(5) At every meeting of a Panchayat Samiti the Pramukh and in his absence, the Up-pramukh shall preside and in the absence of both, the members present shall choose one from amongst themselves to preside over the meeting.

(6) All questions shall, unless otherwise specifically provided, be decided by majority of votes of the members present and voting. The Pramukh or any person presiding in the absence of the Pramukh shall not vote in the first instant, but shall have and exercise a casting vote in the case of an equality of votes.

(7) No member shall vote or take part in the discussion of any question coming up for consideration at a meeting of a Panchayat Samiti, if the question is one in which he has any direct or indirect pecuniary interest other than an interest as a member of the public.

(8) If it appears to any member present at a meeting that the person presiding over the meeting has any such pecuniary interest in any matter before the meeting for discussion as is referred to in sub-S. (7) and a motion brought by the member to that effect is carried, such person shall not preside over such meeting during the discussion and the meeting shall be presided over by any person who would have presided, had the person so presiding been absent.

### **68. Standing Committees :-**

(1) Every Panchayat Samiti shall from amongst members, constitute the following standing committee to exercise such of its powers and to perform such of its functions as it may assign to each of such standing committee, namely :

- (a) Standing Committee for production ;
- (b) Standing Committee for works ;
- (c) Standing Committee for finance ;
- (d) Standing Committee for co-operation and industries ; and
- (e) Standing Committee for Education and Social Welfare.

(2) Each standing committee shall consist of not less than three but

not more than five members, who shall be nominated by the Pramukh :

Provided that the standing committee for finance shall include the Pramukh and the standing committee for education and social welfare a woman ; Further, provided that no member shall be nominated to more than one committee.

(3) The members of the standing committee shall elect from amongst themselves a Chairman :

Provided that where the Pramukh is a member of any standing committee he shall be ex-officio Chairman thereof;

Provided further that the Up-pramukh if he is a member of a standing committee of which the Pramukh is not a member, shall be the ex- officio Chairman thereof.

(4) A standing committee shall, if its Chairman does not attend any meeting thereof, elect one of its members to be Chairman for such meeting.

(5) Subject to the approval of the Government a Panchayat Samiti may constitute any such additional committee or committees to execute any work or scheme which the Panchayat Samiti may assign to it.

### **69. Term of standing committee, its meeting and selection**

:-

The term of office -and conduct of business of a standing committee, the manner of selection and term of its members and Chairman, shall be such as may be provided by bye-laws which may be framed by the Panchayat Samiti and approved by the State Government.

### **CHAPTER 9**

Powers and functions of Panchayat Samiti

### **70. Duties and functions of Panchayat Samiti :-**

Subject to rules framed in this behalf a Panchayat Samiti may, within the limits of funds and resources at its disposal, provide for the requirements of the area under its jurisdiction in respect of the manners specified below :

(1) Public health and rural sanitation, including taking curative and preventive measures in respect of an epidemic.

(2) Medical relief including establishment and maintenance of dispensaries.

(3) To establish and maintain maternity and child welfare, and family planning 'centres.

(4) Encouragement of human and animal vaccination.

(5) Organisation and maintenance of School Health services.

(6) Facilities for Health Education.

(7) Establishment and maintenance of Ayurvedic, Unani and homoeopathic dispensaries in villages and giving aids to such institutions.

(8) To organise and assist rural medical relief centres.

(9) To plan and implement water supply schemes.

(1) Construction and maintenance of buildings, roads, bridges embankments, drains, waterways or any other works or schemes.

(2) Establishment, improvement and regulation of bazars, melas and construction of stalls on the bazar lands or on any other lands of the Gram Panchayat and Panchayat Samiti.

(3) Controlling and maintaining of buildings, institutions and any other properties belonging to or vested in it or which has been transferred to it for management.

(4) Establishment and maintenance of any institution, farm or industry or undertaking or any scheme for making provisions of rural employment.

(5) Establishment and maintenance of ware-house, trading centres, workshops of repair of agricultural implements and machineries.

(6) Management of community lands.

(1) Management and administrative control of primary school.

(2) Establishment and maintenance of theatres or centres for promotion of art and culture.

(3) Construction and improvement of school building and provision of equipments and playgrounds for schools.

(4) School feeding programme and establishment of horticultural

and vegetable gardens in the school companies.

(5) Observance of National weeks and days.

(6) Other educational objects, including exhibition, educational tours, seminars, etc.

(1) To scrutinise and approve the budgets of the Gram Panchayat in accordance with the directions issued by the State Government and then to issue necessary instructions to the Gram Panchayat concerned for modifications of their budgets, where considered necessary.

(2) To supervise, guide and co-ordinate the activities of the Gram Panchayats.

(3) To settle Bazars and public ferries by inviting tenders and fix and revise rents and tolls thereof.

(4) To regulate, maintain and improve the Bazar and public ferries.

(5) To settle the fisheries vested in it, by sale on inviting tenders including control and improvement of such fisheries.

(6) Administration of the employees of both Gram Panchayat and Panchayat Samiti in the manner prescribed.

(7) To co-ordinate and consolidate the plan prepared in respect of the Gram Panchayat and to prepare plans in respect of the Block and implementation thereof as may be entrusted by the Zila Parishad and the State Government.

(8) To distribute funds to Gram Panchayat as may be entrusted by the Zila Parishad and the State Government.

(9) To scrutinise and approve the bye-laws prepared by the Gram Panchayats and approval thereof.

(10) To execute or maintain works of developmental scheme either originally undertaken by it or transferred to it by the Zila Parishad and the State Government, so far as they relate to the functions enumerated in this section.

(11) To exercise general control and supervision over the works of the officers placed at its disposal by the State Government and to make recommendations to the State Government for appropriate disciplinary actions, where necessary.

- (1) To undertake special programme for welfare of backward area and classes.
  - (2) Mobilisation of local resources and utilise the same for rural development activities.
  - (3) Assisting in the relief of distress caused by floods, draught, earthquake, scarcity conditions and other natural calamities.
  - (4) To organise welfare activities among youths, women and children.
  - (5) Prevention of offensive and dangerous trades and practices.
  - (6) Construction and maintenance of Dharamshalas, sarais, rest houses and camping grounds.
- (1) Development of agriculture and horticulture including preparation of Agricultural Development Plan for the Panchayat Samiti area and implementation thereof.
  - (2) Construction and maintenance of minor irrigation works.
  - (3) Agriculture extension programme.
  - (4) Crop protection.
  - (5) Crop campaigns (including Kharif and Rabi Crop campaigns) and intensive paddy cultivation including crop competition.
  - (6) Distribution of agricultural implements fertilisers and other inputs.
  - (7) To arrange agricultural finance for the cultivators with assistance from Government, co-operative institutions and banks.
  - (8) Establishment and maintenance of agriculture and horticulture farms.
  - (9) To undertake measures for encouraging soil conservation and land reclamation.
  - (10) Construction and maintenance of fishery tanks including development of pisciculture.
  - (11) Establishment and maintenance of godowns.
- (1) To assist public in receiving veterinary aids and services, including establishment and maintenance of veterinary dispensaries

and veterinary aids centres.

(2) Improvement of breeds of cattle and including artificial insemination centres and key village centres.

(3) Distribution of improved poultry and poultry feeds, improved breeds of cattle or sheep.

(4) Organisation of cattle-shows and rallies.

(5) Establishment and maintenance of cattle, poultry, goat and piggery farms.

(1) Promotion and development of small scale or cottage and village industries, including grants or subsidy or loan for such production centres.

(2) Establishment and maintenance of small scale or cottage industries based on local raw materials including training cum-production centres.

(3) Establishment and maintenance of Sericulture farms, the production of Tasar, Eri, Muga and Pat cocoons and to popularise cultivation of cotton.

(4) To organise and assist industrial co-operatives including the Co-operative Weaving Societies.

(5) Assisting in providing of marketing facilities for cottage industries and village industries products.

(1) To organise and assist co-operative societies for credit consumers and marketing and to bring about an effective link between credit and marketing facilities.

(2) To organise co-operative farming societies.

(1) Propagation of land reform measures and undertaking of land management.

(2) Organisation and supervision of Gramdan villages.

(3) Development of village forests and village grazing reserved and control thereof.

(4) Undertaking measures for afforestation and road-side plantation.

(5) A Panchayat Samiti may, subject to the conditions as it may

deem fit to impose, make grant or loans out of its funds, to Gram Panchayat within its jurisdiction for carrying out the purposes of this Act.

**71. Entrustment of certain functions by the State Government :-**

(1) The State Government may entrust, either conditionally or unconditionally, to a Panchayat Samiti functions in relation to any matter to which the executive authority of the State Government extends or in respect of functions which have been entrusted to the State Government by the Central Government and the Panchayat Samiti shall be bound to perform such functions.

(2) Where functions are entrusted to a Panchayat Samiti under sub- S. (1), the Panchayat Samiti shall, in the discharge of those functions, act as an agent of the State Government.

(3) Where by virtue of this section, powers and duties have been conferred or imposed upon a Panchayat Samiti, there shall be paid by the State Government to the Panchayat Samiti such sum as may be determined by the State Government in connection with the exercise of those powers and duties.

(4) In so far as the Panchayat Samiti is required to act under this section, it shall comply with such directions as may, from time to time, be given to it by the State Government or any other authority appointed by the State Government in this behalf.

**72. General powers :-**

Subject to the provisions of this Act and the rules made thereunder, and the provisions of any other law for the time being in force, a Panchayat Samiti shall have power to do all acts necessary for or incidental to the performance of the duties provided under S. 70 :

Provided that where the State Government undertake to perform any of the functions enumerated in S. 70 nothing in that section shall be deemed to impose any duty or confer any power on a Panchayat Samiti for performance of such function, unless the State Government by general or special order entrust such duty or delegates such power in respect thereof to the Panchayat Samiti.

**73. Power to divert, close road etc :-**

A Panchayat Samiti may, with the sanction of the Deputy

Commissioner, turn, divert, discontinue or permanently close any road which is under the control and administration of or is vested in the Panchayat Samiti.

**74. Supervision and control over Gram Sabhas and power to call for records :-**

(1) Subject to the control of the State Government, Gram Sabha in a Block shall be subordinate to the Panchayat Samiti of the Block.

(2) The Panchayat Samiti shall have power to call for any record, return, statement of account or report from a standing committee or a Gram Panchayat subordinate to it and such committee or Gram Panchayat shall comply with every such requisition.

**75. Power to revise decision of Standing Committee :-**

(1) A Panchayat Samiti may, on application made to it or otherwise, examine the record of any decision of any of its standing committees and may confirm or revise such decision.

(2) The order of the Panchayat Samiti under sub-S. (1) revising a decision of a standing committee must be supported by a majority of not less than two-thirds of the total number of members present and voting failing which the decision of the standing committee shall stand.

**76. Power of Panchayat Samiti to require attendance of officers :-**

If it appears necessary to a Panchayat Samiti or a standing committee thereof that the presence of any officer is desirable at any of its meeting for the purpose of obtaining his views or any information from him on any point or points having a bearing on the duties and functions of the Panchayat Samiti under this Act, such Panchayat Samiti may, by a letter addressed to such officer through his head of office/Department concerned not less than fifteen days previous to the intended meeting, request his presence thereat.

**CHAPTER 10**

Establishment of a Panchayat Samiti

**77. Executive Officer :-**

(1) There shall be one Executive Officer for every Panchayat Samiti.

(2) The Block Development Officer of the block for which Panchayat

Samiti is constituted shall be ex-officio Executive Officer and Secretary of the Panchayat Samiti.

**78. Powers and functions of Executive Officer :-**

(1) The executive power of a Panchayat Samiti shall vest in the Executive Officer, who shall perform all the duties imposed and exercise all the powers conferred on him by or under this Act or under any other Law for the time being in force and shall assign the duties of all officers and employees of the Panchayat Samiti with the approval of the Pramukh of the Panchayat Samiti.

(2) Subject to the provisions of this Act and the rules made thereunder, the Executive Officer shall

(a) be entitled to attend the meetings of the Panchayat Samiti or of any of its standing committees or other committee, and to call for any information, returns, statement of accounts or report from any officer or employees of the Panchayat Samiti ;

(b) supervise and control the execution of all works and other activities of the Panchayat Samiti ;

(c) draw and disburse money out of the Panchayat Samiti fund ;  
and

(d) exercise such other powers and perform such other functions as may be prescribed.

(3) The Pramukh shall have direct control over the Executive Officer, and all other officers and employees of the Panchayat Samiti shall work under direct control of the Executive Officer.

**79. Officers and employees of Panchayat Samiti :-**

(1) Subject to the provisions of other sub-section of this section, the qualifications, pay- scales, number and conditions of service of officers and employees to be employed in each Panchayat Samiti to enable it to carry out its functions under this Act, shall be such as the Panchayat Samiti with the approval of the Zila Parishad may determine.

(2) The services of officers and staff employed for the time being at the development block in each district of Manipur shall be placed, at the disposal of the Panchayat Samiti having jurisdiction over the block on such terms and conditions as may be specified by the State Government in this behalf.

## CHAPTER 11

### Panchayat Samiti Property and Fund

#### **80. Property vested in the Panchayat Samiti :-**

(1) For the purpose of this Act, the State Government may, by notification and subject to such conditions and restrictions as it may think fit to impose, transfer to a Panchayat Samiti open sites, vacant lands, grazing grounds, public roads, streets, bridges, ditches, trees, wells, river-beds, tanks, streams, nullahs, canals, and any other property of the Government situated in the Block and all such property shall with all other property which may become vested in the Panchayat Samiti by acquisition, by gift or otherwise belonging to the Panchayat Samiti, be under its direction, management and control.

(2) The State Government may resume any immovable property transferred to a Panchayat Samiti under sub-S. (1) without payment of any compensation other than the amount paid by the Panchayat Samiti for such transfer and the market value at the date of resumption of any building or works subsequently constructed or executed thereon, by the Panchayat Samiti :

Provided that no amount shall be payable for buildings or works constructed or executed in contravention of the terms of the transfers.

#### **81. Restriction on transfer of immovable property :-**

No immovable property vested in or belonging to a Panchayat Samiti shall be transferred by sale, gift, mortgage or exchange, or by lease for a period exceeding three years or otherwise except with the previous sanction of the State Government.

#### **82. Contract :-**

(1) Subject to the provisions of this Act, a Panchayat Samiti shall have power to enter into contracts which may be necessary or expedient for the purposes of this Act.

(2) All matters relating to the sanction, execution and variation of contracts, including the preparation of plans and estimates therefor shall be regulated as may be prescribed.

#### **83. Panchayat Samiti Fund :-**

(1) There shall be constituted for each Panchayat Samiti a fund called the Panchayat Samiti Fund, and it shall vest in and be held

by the Panchayat Samiti.

(2) The Panchayat Samiti Fund shall consist of the following sums and which shall be paid into it :

(a) all sums received on account of institutions and schemes transferred by the State Government to the Panchayat Samiti ;

(b) all sums allotted by the State Government for implementation of the Community Development Programmes in the block ;

(c) all sums donated or contributed to the Panchayat Samiti by the Central Government, State Government and public Institution or the public ;

(d) such percentage of land revenue, other taxes or fees as may be payable by the State Government to the Panchayat Samiti as prescribed by or under any other law for the time being in force ;

(e) the proceeds of any tax, fee, rate etc. which the Panchayat Samiti may, under any law, levy ;

(f) surcharge on duty on transfer of immovable property ;

(g) rents and profits from property vested in the Panchayat Samiti;

(h) proceeds from periodical fairs and exhibitions organised by the Panchayat Samiti within the block ;

(i) share of the motor vehicle tax ;

(j) all sums ordered by the court to be credited to the Panchayat Samiti fund ; and

(k) all sums payable to the Panchayat Samiti fund under this Act.

**84. (1) Subject to the provisions of this Act and the rules made thereunder, all property vested in a Panchayat Samiti and the Panchayat Samiti fund, shall be applied for the purposes of this Act and for meeting expenditure on execution of such schemes as the State Government may, on the application of the Panchayat Samiti or otherwise, entrust to the Panchayat Samiti in public interest. :-**

(2) Any sum allotted to the Panchayat Samiti by the State Government or any person or local authority for any specific work or purpose shall be applied exclusively to such work Or purpose and in accordance with such instructions as the State Government may

either generally or specially issue in this behalf.

**85. Annual budget :-**

(1) Every Panchayat Samiti shall prepare on or before such date in each year and in such form and manner as may be prescribed, its budget for the next financial year and a statement of receipt and expenditure and forward it to the Zila Parishad, the Deputy Commissioner and the Director of Panchayats.

(2) If it appears to the Zila Parishad, the Deputy Commissioner or the Director of Panchayats that the budget is in any way contrary to the provisions of this Act or the rules made thereunder, it shall require the Panchayat Samiti to modify it in 'conformity with such provisions and send it back to Panchayat Samiti within one month of its receipt, and the Panchayat Samiti shall comply with such requisition.

(3) The Panchayat Samiti shall, before the beginning of the financial year to which the budget relates, pass the budget after considering the requisition and shall submit a copy of the budget thus passed to the Zila Parishad, the Deputy Commissioner and the Director of Panchayat and another copy to the State Government.

(4) If in the course of the financial year, the Panchayat Samiti finds it necessary to make any alteration in the budget with regard to the receipt or to the distribution of amounts to be expended for the purpose of this Act, a supplementary budget may be prepared and pass 3d in the manner provided in sub-Ss. (1) and (2) of this section.

**86. Accounts and audit :-**

(1) A Panchayat Samiti shall maintain such accounts for every financial year in such forms and submit such statement to the Deputy Commissioner, the Director of Panchayats and State Government as may be prescribed.

(2) The Director of Panchayats shall depute a suitable official to audit the accounts of a Panchayat Samiti as soon as may be after the end of each financial year and such official shall send a copy of this report to the Director of Panchayats.

(3) The Panchayat Samiti shall comply with such directions as the Director of Panchayats may deem fit to issue after going through the audit report.

(4) The Panchayat Samiti shall pay out of the Panchayat Samiti fund such sum as may be determined by the Director of Panchayats by way of charges for such audit.

**87. Power to suspend action under the Act :-**

(1) The State Government or the Deputy Commissioner may, by an order in writing, suspend the execution of any resolution or order of a Gram Panchayat or a Panchayat Samiti, or prohibit the doing of any act which is about to be done, or is being done, in pursuance of or under cover of this Act or the rule made thereunder, if in its or his opinion, the resolution, order or act contravenes the provisions of the Constitution or any other law in force in Manipur, or the execution of the resolution or order, or the doing of the act is likely to lead to a serious breach of the peace or obstruction, annoyance or injury to the public or to a class or body of persons lawfully employed or dangerous to human life, health or safety.

(2) When the Commissioner makes any order under this section he shall forthwith forward a copy thereof, with a statement of his reasons for making it to the State Government, which may thereupon revise the order or direct that it continues in force with or without modification, permanently or for such period as it deems fit.

**88. Power to supersede Panchayat Samiti in case of incompetence, default or abuse of powers :-**

(1) If, at any time, upon representation made, or otherwise, it appears to the State Government that a Panchayat Samiti is incompetent to perform or persistently makes default in performance of the duties imposed on it by or under this Act or otherwise by any other law, or exceeds or abuses its powers, the State Government, after giving the Panchayat Samiti an opportunity for submitting an explanation in that regard, may, by notification in the official Gazette stating the reason<sup>5</sup> for so doing, supersede the Panchayat Samiti for a period to be specified in the order and thereupon all members of the Panchayat Samiti including the Pramukh and the Up-pramukh shall, on a date to be specified in the order, vacate their respective offices :

Provided that on the expiry of the period of supersession specified in the order, the State Government may extend the period of supersession for such further term as it may consider necessary in the public interest but not exceeding a period of one year at a

time.

(2) The Panchayat Samiti shall be reconstituted so as to take charge of office on the expiry of the period of supersession.

(3) During the supersession of the Panchayat Samiti, the State Government shall by notification appoint a person in that behalf and he may exercise all powers and functions of the Panchayat Samiti and its committees and shall be deemed to be Panchayat Samiti for all purposes.

### **89. Power to dissolve Gram Panchayat and Panchayat Samiti**

:-

(1) Where all members of a Gram Panchayat or all the members of a Panchayat Samiti without exception, have failed to attend a meeting of the Gram Panchayat or the Panchayat Samiti without any reasonable cause, or all of them without exception have tendered resignation, or some of them have failed to attend a meeting and the rest have tendered resignation, the State Government shall, by notification, dissolve the Gram Panchayat or the Panchayat Samiti, as case may be, and order the reconstitution thereof.

(2) When a Gram Panchayat or a Panchayat Samiti is dissolved under sub-S. (1), the State Government shall, by notification, appoint a person in that behalf, and he may exercise all powers and shall perform all functions of the Gram Panchayat or the Panchayat Samiti and any of its committees and shall be deemed to be the Gram Panchayat or the Panchayat Samiti, as the case may be, for all purposes.

(3) The person appointed under sub-S. (2) shall hold office of the Gram Panchayat or the Panchayat Samiti, as the case may be, until the Gram Panchayat or the Panchayat Samiti is reconstituted and a new Pradhan or Pramukh is elected.

### **90. Term of office of Panchayat Samiti reconstituted upon supersession** :-

Notwithstanding anything contained in S. 56 or in any other provision of this Act the term of office of a Panchayat Samiti reconstituted upon supersession of an earlier Panchayat Samiti under S. 88 shall be the remaining period of the term of the superseded Panchayat Samiti.

## CHAPTER 12

### Taxation and levy of fees by Panchayat Samiti

#### **91. Taxation and levy of fees by Panchayat Samiti :-**

. (1) For the purposes of this Act and with the previous sanction of the State Government, a Panchayat Samiti may, from time to time, impose and levy within the limits of its jurisdiction, all or any of the following taxes, fees, rates and tolls, namely :

(a) tax on land, not more than fifteen paise in a rupee payable as land revenue thereof ;

(b) tax on professions, trades, or callings ;

(c) surcharge on duty on the transfer of immovable property :

(d) tax on tolls for market constructed by the Panchayat Samiti;

(e) tolls on roads and bridges constructed by the Panchayat Samiti;

(f) fees for ferries maintained by the Panchayat Samiti ;

(g) toll from periodical fairs, exhibition and markets organised by the Panchayat Samiti ;

(h) fees from slaughter houses ;

(i) tax from the occupiers of the buildings where the conservancy service is rendered by the Panchayat Samiti; and

(j) tax on entertainments including amusement ;

(k) any other tax, toll, rate, or fees.

(2) Nothing in this section shall authorise the imposition of any tax or fee which a State Legislature has no power to impose in a State under the Constitution.

(3) The procedure for levying any tax, toll, rate, fee or cess payable under this section shall be such as the Panchayat Samiti may lay down in its bye-laws :

Provided that without prejudice to any procedure laid down under this section, any arrears of tax or other dues shall be recoverable as arrears of land revenue if the Panchayat Saniiti passes a resolution to that effect and communicate it to the Deputy Commissioner.

#### **92. Action by the Deputy Commissioner :-**

The Deputy Commissioner, on receipt of such communication of the

sum under proviso to sub-S. (3) of S. 91 and on being satisfied with the demand, shall proceed to recover it as soon as may be thereafter.

#### CHAPTER 13

Zila Parishad

### **93. Constitution of Zila Parishad :-**

The State Government shall, by notification in the official Gazette, constitute a Zila Parishad for a district bearing the name of the District and having jurisdiction over it, with effect from such date as may be specified therein :

Provided that for this purpose Government may, by notification, group together two or more districts or parts thereof as a single district or divide a district into two or more districts.

### **94. Incorporation :-**

Every Zila Parishad shall be a body corporate by the name of its district, having perpetual succession and common seal, and shall by its corporate name sue and be sued and shall, subject to the provisions of this Act and the rules made thereunder, have power to acquire, hold or transfer property moveable or immovable, to enter into contracts and do all other acts necessary for the purpose of this Act.

### **95. Composition of Zila Parishad :-**

(1) A Zila Parishad shall consist of the following members, namely :

(a) the Pramukhs of all the Panchayat Samitis in the District ;

Provided that if the office of the Pramukh of any Panchayat Samiti in the district is vacant, the Up-pramukh of the Panchayat Samiti shall, until the vacancy is filled up, be a member of the Zila Parishad ;

Provided further that if the offices of both the Pramukh and the Up-pramukh are vacant, any person elected by the Panchayat Samiti from its members shall, until either of the two vacancies is filled in, be the Zila Parishad ;

(b) the members of the House of the People whose respective constituencies wholly or partly fall within the district ;

(c) the members of the Legislative Assembly of the State elected from a constituency which is included in or forms part of the district

;

Provided that, if any member of the House of the People or the State Legislative Assembly has been elected from a constituency which lies in more than one districts, such member shall be a member of the Zila Parishads of all such districts ;

Provided further that no Member of Parliament or Member of Legislative Assembly shall hold office of the Zila Parishad but shall have right to vote ;

Provided also that where a person ceases to be a member of the Council of States or the House of the People or the State Legislative Assembly he shall cease to be a member of Zila Parishad from the date on which he ceases to be such member of the Council of States or of the House of the People or of the State of the State Legislative Assembly ;

(d) the President of any Co-operative bank within the district to be nominated by the Registrar, Co-operative Societies, Manipur ;

(e) one representative of the District Co-operative Union, if any,

Provided that no President or representative of the District Cooperative Union shall hold the office of the Zila Parishad but shall have the right to vote.

(2) The members mentioned in sub-S. (1) shall, subject to the provisions of this Act and as soon as may be after the constitution or re- constitution of the Zila Parishad under S. 93, co-opt the following as members of Zila Parishad, who shall have the right to vote :

(a) two women, if no woman is the member of the Zila Parishad by virtue of sub-S. (1) ;

(b) one woman, if only one woman is such member ;

(c) one person belonging to the Scheduled Castes, if no such person is a member of the Zila Parishad by virtue of sub- S. (1) ;

(d) one person belonging to the Scheduled Tribes, if no such person is a member of the Zila Parishad by virtue of sub-S. (1) and the population of such tribes in the district exceeds five per cent of the total population of that district;

(e) two persons whose experience in administration, public life or

rural development would be of benefit to the Zila Parishad. Explanation. In case of a dispute whether any person co-opted under this class has experience in administration, public life, rural development beneficial to the Zila Parishad or not, the decision of the State Government thereon shall be final.

(3) Chairman of each of the Municipality and notified area within the district shall be ex-officio members of the Zila Parishad with no right to vote but to attend the meetings and participate in the deliberations of such meetings.

**96. Special meeting for co-option :-**

(1) Whenever the co-option of a member under sub-S. (2) of S. 95 is necessary, the Deputy Commissioner shall, on the date previous to the date appointed for constitution of Zila Parishad under S. 93, convene for such co-option at the office of the Zila Parishad at the appointed time, a special meeting of the members in sub-S. (1) of S. 95 after giving them a notice of not less than seven clear days of such meeting.

(2) The Deputy Commissioner or a person appointed by him shall preside at such meeting.

(3) If for want of the necessary quorum or for any other sufficient reason the members of the Zila Parishad referred to in sub-S. (1) fail to co-opt members specified in sub-S. (1) of S. 95, the Deputy Commissioner or the person presiding over the meeting shall adjourn the same to any other date not less than seven days after the date appointed under sub- S. (1) and the presence of the necessary quorum shall not be required at such adjourned meeting.

(4) A notice of the date fixed for the adjourned meeting shall be affixed on the notice board of the office of Zila Parishad and shall be despatched to the members specified in sub-S. (1) of S. 95 immediately after the adjournment of the previous meeting under sub-S. (3) and upon such despatch the notice shall be regarded as having been served on the members.

(5) The Deputy Commissioner or a person appointed by him shall preside at such adjourned meeting also and, if at such meeting the members of Zila Parishad specified in sub-S. (1) of S. 95 fail to co-opt any of the members specified in sub-S. (2) of that section, the State Government shall nominate such member or members and every member so nominated shall be deemed to have been duly

co-opted.

**97. Term of Zila Parishad :-**

The term of Zila Parishads, unless otherwise terminated earlier under the provisions of this Act shall be five years with effect from such date as may be notified by the State Government in this behalf.

**98. President and Vice-President and their election :-**

(1) A Zila Parishad shall have the President and Vice-President who shall be elected from amongst the members in the manner prescribed :

Provided that no person shall be elected President or Vice-President of the Zila Parishad for more than two consecutive terms.

(2) As soon as may be after the constitution or re-constitution of a Zila Parishad under the provisions of S. 93, a meeting of Zila Parishad for election of the President and Vice-President shall be convened by any officer specially appointed by the State Government for the purpose at which such officer himself or any other officer nominated by him shall preside.

(3) The provisions of sub-Ss. (4) and (5) of S. 57 shall apply mutatis mutandis to the election of the President and Vice-President of the Zila Parishad.

(4) When the Pramukh or Up-pramukh of a Panchayat Samiti is elected or appointed, as the case may be, as the President of a Zila Parishad, he shall, on and from the date of his election as such, cease to be, and vacate the office of the Pramukh or Up-pramukh of the Panchayat Samiti. Whenever the Pramukh is elected as the President of Zila Parishad, he shall hand over the charge of the Pramukh to the Up- pramukh and the Up-pramukh shall function as the Pramukh as pro- vided under Cl. (c) of sub-S. (4) of S. 66.

(5) For handing over the charge of the Pramukh and holding the office by the Up-pramukh the procedure laid down under sub-S. (5) of S. 57, shall apply mutatis mutandis subject to the following amendments: "whenever the term 'Pradhan, Up-pradhan, Pramukh and S. 33(c)' occurs in sub-S. (5) of S. 57, be construed as 'Pramuk, Up- pramukh, President and S. 66 (4) (c)' respectively"

**99. Notification of election, co-option etc :-**

Every election, co-option and appointment of a member of Zila

Parishad shall be notified in the official Gazette.

**100. Disqualification for membership :-**

The provisions of S. 21 shall apply in the case of a member, a President and Vice-President of a Zila Parishad.

**101. Term of office of members, President, and Vice-President :-**

(1) Save as otherwise provided in this Act, the term of office of the members of the Zila Parishad, the President and Vice-President shall be co-terminiis with the term of the Zila Parishad :

Provided that a member under sub-S. (1) of S. 95 shall cease to be a member if he ceases to hold the office by virtue of which he was eligible to be a member of the Zila Parishad.

(2) After expiry of his term the President shall continue to carry on the current duties of his office until a new President is elected and takes over the charge of the office.

**102. Resignation of President, Vice-President or certain members :-**

(1) The President may resign his office by tendering his resignation in writing to the Deputy Commissioner. The Deputy Commissioner shall forward it to the State Government with his comments, if any. The resignation shall take effect from the date on which it is sanctioned by the State Government.

(2) The Vice-President or any other member of a Zila Parishad may resign his office by tendering his resignation in writing to the President, who shall forward it to the State Government and the resignation shall take effect from the date on which it is accepted by the State Government.

**103. No-confidence motion against President and Vice-President :-**

(1) A motion of no-confidence may be moved by a member of a Zila Parishad against its President and Vice-President after not less than 15 days' notice of the intention to make the motion in writing and signed by not less than one-third of the total number of members of the Zila Parishad, has been given to the Deputy Commissioner.

(2) On such a motion, at a meeting specially convened for the

purpose and being passed by a resolution of the Zila Parishad by a majority of not less than two-thirds of the total number of members present and voting and such majority is more than half of the total number of members of the Zila Parishad for the time being, the President or Vice- President against whom the motion is directed, as the case may be, shall cease to hold office with effect from the date next after the date on which the resolution is passed, unless he has resigned his office earlier.

(3) For the purpose of sub-Ss. (1) and (2), the Deputy Commissioner shall convene a meeting of the Zila Parishad in the following manner :

(a) Fifteen clear days' notice of such a meeting shall be given to every member ;

(b) the President or Vice-President, as the case may be, against whom a motion of no-confidence is discussed, shall not preside over the meeting but he shall have right to speak or otherwise to take part, in the proceedings of the meeting ;

(c) the meeting shall be presided over by such officer of the Government as is appointed by the Deputy Commissioner in this behalf, and the presiding officer shall have no right to vote thereat ;

(d) in no case the debate on the motion shall be adjourned and on the conclusion of the debate, the motion shall be put to vote which shall be held by secret ballot.

(4) The removal of the President and Vice-President under sub- S. (2) shall be intimated to the Deputy Commissioner, Director of Panchayat and the State Government and notified in the official Gazette.

**104. Filling in of casual vacancy :-**

In the event of any vacancy due to death, resignation, removal or otherwise, in the office of a member, President or Vice-President of a Zila Parishad or his becoming incapable of acting before the expiry of his term of office, a casual vacancy shall be deemed to have occurred in such office and such vacancy shall be filled in by bye-election, co-option or appointment, as the case may be, of a person therein as a member, President or Vice-President who shall take office forthwith and shall hold such office for the unexpired term of his predecessor :

Provided that no casual vacancy except that of the President shall be filled in, which occurs within a period of six months preceding the date on which the term of office of the incumbent concerned expires.

**105. Removal of President or Vice-President or member :-**

(1) If, in the opinion of the State Government, a President or Vice-President or a member of a Zila Parishad wilfully omits or refuses to carry out the orders of the State Government for the proper working of the Zila Parishad or abuses the powers vested in him, or is found to be guilty of misconduct in the discharge of his duties, the State Government, after giving the President or Vice-President or the member, as the case may be, a reasonable opportunity for explanation, may by an order remove such President, Vice-President or member, as the case may be, from the office.

(2) The State Government may at any time suspend a President or Vice-President, or a member, pending his removal if his continuance in office is considered inadvisable under sub-S. (1).

(3) A President or a Vice-President or a member removed from his office under this section, shall not be eligible for re-election to the vacancy so caused.

**106. Exercise of functions of President etc. when offices of President etc. are vacant :-**

If, for any reason, the office of both the President and the Vice-President become vacant for the time being, the Deputy Commissioner or such other person as the State Government may appoint in this behalf shall, pending the election of the President, exercise all the powers and perform all the functions of the President but shall not have right to vote in any proceedings of the Zila Parishad.

**107. Powers and functions of President and Vice-President :-**

(1) The President of Zila Parishad shall-

(a) convene, preside over and conduct its meetings;

(b) have full access to its records;

(c) exercise administrative control over its Secretary and the staff working in its Secretarial;

(d) encourage the growth of initiative and enthusiasm in the Panchayats and provide to them guidance in the plans and production programmes, undertaken by them and the growth of co-operative and voluntary organisations therein;

(e) exercise such other powers as are conferred on him by or under this Act or as may be delegated to him under S.238.

(2) In order to enable him to assess the activities of the Panchayat Samitis in the District and study their programmes and problems, the President may from time to time-

(i) visit the Blocks in the District; and

(ii) inspect the works undertaken and the record maintained by the Panchayat Samitis in the district and generally the working thereof.

(3) The President shall at the end of year send a confidential report as to the work of the Secretary of the Zila Parishad during the year to the Director of Panchayats who shall forward the same with his remarks to the Government.

(4)

(a) When the office of the President is vacant the Vice-President of the Zila Parishad shall exercise the power and perform the functions of the President of the Zila Parishad until a new President is elected.

(b) Whenever the President of the Zila Parishad is absent on leave, his functions shall during the period of such leave, devolve on the Vice-President.

(5)

(a) When the office of the President is vacant or he is absent on leave and there is vacancy in the office of the Vice-President or the Vice-President is also on leave, the powers and functions of the President shall devolve on a member of the Zila Parishad elected by its members in the prescribed manner.

(b) The member of the Zila Parishad who is so elected shall be called the temporary President and he shall exercise the powers and perform the functions of the President subject to such restrictions and conditions as may be prescribed until a new President or Vice-President is elected and assumes office or until either the President or the Vice-President returns from the leave.

**108. Meeting of Zila Parishad :-**

The Zila Parishad shall meet as often as may be necessary ; provided that not more than two months shall elapse between any two meetings of Zila Parishad :

Provided that the President may, for such specified reason as he thinks fit, and shall upon a written requisition by not less than one half of the total number of its members, call a special meeting.

**109. Power to call officers to tender advice etc :-**

A Zila Parishad may call any officer of a Government Department serving in the District to attend any meeting of Zila Parishad and tender advice in respect of any matter which concerns the department to which such officer belongs and every such officer shall comply with such requisition.

**110. Rules for conduct of business :-**

Every Zila Parishad shall, in regard to the conduct of business at its meetings, follow such procedure as may be prescribed.

**111. Sub-committees of the Zila Parishad :-**

Every Zila Parishad may constitute for the performance of its functions under this Act such sub-committees as it may deem necessary.

CHAPTER 14

Powers and functions of Zila Parishad

**112. Powers and functions of Zila Parishad :-**

A Zila Parishad shall have power to

(i) examine and approve the budget of the Samitis in the district according to rules and supervise their activities to such extent and in such manner as may be prescribed ;

(ii) distribute among the Panchayat Samitis funds allotted to the district by the Government ;

(iii) co-ordinate and consolidate the plans prepared by Panchayat Samitis in respect of the entire district ;

(iv) co-ordinate the works of the Panchayats and Panchayat Samitis ;

(v) supervise generally the activities of the Panchayat Samitis in the districts to such extent as may be prescribed ;

(vi) manage trusts, endowments, and other institutions, under any

law for the time being in force or under orders of Government ;

(vii) exercise and perform such other powers and functions in relation to any development programme as the Government may by order confer on or entrust to the Zila Parishad ;

(viii) exercise and perform such powers and functions as conferred on and delegated or entrusted to it by or under this Act;

(ix) advise the State Government on all matters concerning the activities of Panchayats and Panchayat Samitis ;

(x) advise the State Government on matters concerning the implementation of any statutory or executive order specially referred by the State Government to the Zila Parishad ;

(xi) advise the State Government on all matters relating to all development schemes which are under the administrative control of Government ;

(xii) watch over all agricultural and production programmes, construction programmes, employments, small saving and other targets laid down for the district and see that they are being properly carried out ;

(xiii) classify fairs, festivals, markets, other than those that are or may hereafter be managed by the State Government as Panchayat fairs, festivals, markets and Panchayat Samitis fairs, festivals and markets ;

(xiv) classify roads (other than national highways, States highways and major district roads) as Panchayat Samiti roads and village roads.

### **113. Transfer of scheme for Development Departments :-**

(1) The State Government may transfer as and when and under such condition as it considers necessary and expedient to do so any of its institutions, works or development scheme of different development departments together with the fund, officers and staff provided thereof to the Zila Parishad. On such transfer, the institutions, works or development schemes shall vest in the Zila Parishad and all rights and liabilities which are enforceable by or against the State Government in relation to such institutions, works or schemes under any contract or agreement or otherwise shall be enforceable by or against the Zila Parishad.

(2) From and after transfer of any -institution, works or schemes under Cl. (1), the Zila Parishad shall be charged with the control and administration of the same and maintenance thereof.

(3) The State Government shall vest in the Zila Parishad its financial powers in respect of utilization of the funds of any institution, work or scheme transferred to the Zila Parishad under Cl. (1) and for payment of salaries and allowances to the officers and staff entertained therein.

**114. Other functions :-**

(1) For the purpose of efficiently performing its functions under this Act, every Zila Parishad may, within the limits of its jurisdiction

(a) collect such data as it deems necessary ;

(b) publish statistics or any other information relating to Gram Panchayats and Panchayat Samitis in the district ;

(c) require Gram Panchayats and Panchayat Samitis to furnish such information as may be considered necessary by it in respect of activities and such other matters as may be. prescribed ;

(d) organise cais ps, conferences and seminars of all Pradhans, Pramukhs and other members of Pancnayats and Panchayat Samitis in the District.

(2) The President and every other non-official member of the Zila Parishad shall, subject to such restrictions as may be prescribed, have power to inspect and supervise the primary educational institutions, hospitals and dispensaries, agricultural farms and veterinary dispensaries and hospitals situated within the jurisdiction of the Zila Parishad and shall submit his report along with his suggestions to the Zila Parishad which shall, after examining the same, advise the Government as to the course of action to be adopted.

**115. Power to revise decisions of sub-committees :-**

(i) A Zila Parishad may, on application made to it or otherwise, examine the record of any decision cf any of its sub-committees and may confirm or revise such decision.

(ii) The order of the Zila Parishad under sub-S. (1) revising a decision of a sub-committee must be supported by a majority of the total number of members present and voting, failing which the

decision of the sub-committee shall stand.

## CHAPTER 15

Establishment of Zila Parishad

### **116. Chief Executive Officer :-**

(1) There shall be one Chief Executive Officer of every Zila Parishad.

(2) The Chief Executive Officer of the Zila Parishad shall be a member of the Manipur Civil Service of the status of selection grade. He will act as Secretary to Zila Parishad.

(3) Every Chief Executive Officer shall be a person holding a post under the State Government and shall be liable to transfer by the State Government in consultation with the President of the Zila Parishad.

### **117. Powers and functions of Chief Executive Officer :-**

The Chief Executive Officer of a Zila Parishad, subject to the provisions of this Act and rules made thereunder, shall

(a) issue under instruction of the President, notices for the meeting of the Zila Parishad and the sub-committees thereof ;

(b) shall attend the meetings of Zila Parishad or of any of its sub-committees or other committees and to call for any information, returns, statements and reports from any officer or employee of the Zila Parishad ; He will also act as Secretary to the sub-committees or other committees and in the capacity shall record the proceedings of the meetings thereof including those of the Zila Parishad ;

(c) carry out the decisions and resolutions of the Zila Parishad and its sub-committees ;

(d) draw and disburse money out of the Zila Parishad fund ; and

(e) exercise such other powers and perform such other functions as may be prescribed.

### **118. Officers and employees of Zila Parishad :-**

(1) The Government may at any time create such posts for the Zila Parishad as it may consider necessary to carry out the functions and purposes under this Act.

(2) The Zila Parishad shall have the power to create, with the

previous approval of the Government, such post of officers and other employees of Zila Pan'shad which may be considered necessary for carrying out the functions under this Act.

(3) The President of the Zila Parishad, subject to conditions as may be prescribed, appoint such officers and other employees and determine their functions.

(4) The mode of recruitment of the employees of the Zila Parishad, their qualifications, grade and conditions of service shall be as may be prescribed.

**119. Powers of Deputy Commissioner :-**

The Deputy Commissioner shall have power

(a) to examine the extent of progress achieved in the execution of various schemes and the implementation of the decisions and resolutions of Zilla Parishad and to make suggestions for improvements, if any ;

(b) to co-ordinate the work of various Development Departments of the State Government at the District level ;

(c) to make a report to the Zila Parishad as to all matters embodied in sub-Ss. (a) and (b).

**120. Rights of District level officers and other officers :-**

All officers of the State Development • Departments shall be entitled to attend the meeting of the Zila Parishad or a sub-committee or a standing committee thereof and to participate in the deliberations of such meetings relating to matters concerning their departments.

**CHAPTER 16**

Zila Parishad Fund

**121. Zila Parishad Fund :-**

(1) There shall be constituted for each Zila Parishad a fund called the Zila Parishad Fund and it shall vest in and be held by the Zila Parishad.

(2) All moneys received by the Zila Parishad shall be lodged in the nearest Government treasury or sub-treasury or co-operative bank or post office, as the case may be.

(3) All orders or cheques for and against the Zila Parishad Fund shall be signed by the Chief Executive Officer.

## **122. Income and expenditure of Zila Parishad :-**

- (1) The sources of income of a Zila Parishad shall consist of
- (a) all sums allotted or contributed to the Zila Parishad by Central and State Government ;
  - (b) all sums received on account of endowments, trust or other institutions and schemes transferred by the State Government ;
  - (c) donations and contributions from the Samitis' Public Institutions or the public in any form ;
  - (d) such percentage or share of land revenue, cess or local cess, State taxes or fees as may be payable by the State Government to Zila Parishad as prescribed or under any law for the time being in force ;
  - (e) the proceeds of any tax, fee, rate etc. which the Zila Parishad may under law, levy ;
  - (f) rents and profits from property vested in the Zila Parishad ;
  - (g) grants from All India Bodies and Institutions for any development programme ;
  - (h) proceeds from periodical fairs, exhibitions organised by Zila Parishad in District ;
  - (i) all sums payable to the Zila Parishad Fund under this Act.
- (2) The expenses of the Zila Parishad shall include the salaries and allowances of its officers and employees, allowances to its members and any item of expenditure directed by the State Government for carrying out the purposes of this Act and such other expenses as may be necessary for such purposes :

Provided that the payment of the salaries and allowances of the officers and employees of the Zila-Parishad and all allowances to its members shall be the first charge upon the fund of the Zila Parishad and such charges shall be enforced in the prescribed manner.

## **123. Application of Zila Parishad fund :-**

- (1) Subject to the provisions of this Act and the rules made thereunder, all property vested in Zila Parishad and the Zila Parishad Fund shall be applied for the purpose of this Act and for

meeting expenditure on execution of such schemes as the State Government may, on the application of the Zila Parishad or otherwise entrust to the Zila Parishad.

(2) Any sum allotted to the Zila Parishad by the State Government or any person or local authority for any specific work or purpose shall be applied exclusively to such work or purpose and in accordance with such instructions which the State Government may either generally or specially issue in this behalf.

**124. Annual budget :-**

(1) The Chief Executive Officer shall, before the prescribed date in each year, frame and place before the Zila Parishad a complete account of the actual receipts and expenditure for the financial year ending on 1st March next following, together with budget estimates of the income, expenditure and other receipts of the Zila Parishad for the financial year to commence on the first day of April next following.

(2) The Zila Parishad shall thereupon decide upon the appropriation and the ways and means contained in budget estimates.

(3) In such estimates the Zila Parishad shall among other things

(a) make adequate and suitable provision for such services as may be required for the fulfilment of the several duties imposed on Zila Parishad by this Act or any other law ;

(b) allow for a balance at the end of the said period of not less than such sum as may, from time to time, be fixed by the State Government.

(4) The budget estimates as finally passed by the Zila Parishad shall be submitted by the Chief Executive Officer on or before such day as may be prescribed, to the State Government and if the State Government is satisfied that adequate provision has not been made therein for giving effect to the provisions of this Act, it shall have the power to suggest such modifications as may be necessary to secure such provision and return it to the Zila Parishad with its observations regarding the modifications to be made therein. The Zila Parishad shall consider such observations and pass the budget with such modifications as it deem necessary :

Provided that, if the State Government fails to return the Budget to the Zila Parishad within the time prescribed in this behalf, the Zila

Parishad may incur the expenditure on committed items.

(5) If, in the course of a year, the Zila Parishad finds it necessary to modify the figures shown in the budget estimates with regard to its receipts or to the distribution of the amounts to be expended for the purposes of this Act, a supplementary or revised budget may be prepared, approved, submitted and modified in the manner provided in sub- Ss. (1) and (4).

### **125. Accounts and audit :-**

(1) A Zila Parishad shall maintain such accounts for every financial year, in such forms and submit such statement to the State Government, the Director of Panchayats and the Deputy Commissioner, as may be prescribed.

(2) The Director of Panchayats shall depute a suitable official to audit the accounts of a Zila Parishad, as soon as may be after the end of each financial year and such official shall send a copy of this report to the State Government, the Director of Panchayats and the Deputy Commissioner.

(3) The Zila Parishad shall comply with such direction as the State Government may deem fit to issue after going through the audit report respecting it.

(4) The Zila Parishad shall pay out of the Zila Parishad fund such sum as may be determined by the State Government by way of charges for such audit.

### **CHAPTER 17**

#### **External Control**

### **126. Inspecting and Superintending Officers of Zila Parishad :-**

It shall be the duty of the State Government and the Director of Panchayats and such other officers or authorities as the State Government may authorise, to see that the proceedings of the Zila Parishad are in conformity with the provisions of this Act and the rules made thereunder.

### **127. Power of entry of Inspecting Officer :-**

The Deputy Commissioner or the Director of Panchayats and other officers or persons whom the State Government may empower in this behalf may at all times enter and inspect or cause to be entered on and inspected

(1) movable or immovable property, or any work in progress under the control of any Zila Parishad ;

(2) any school, hospital, dispensary, vaccination station, dharmashalas or other institutions maintained by or under the control of any Zila Parishad and any records or registers or other documents kept in such institutions ; and

(3) the office of the Zila Parishad and any records or registers or other documents kept therein.

**128. Power to call for reports from Zila Parishad :-**

The Deputy Commissioner or the Director of Panchayats or any person whom the State Government may empower in this behalf may

(a) call for any record, register, or other documents in the possession or under the control of any Zila Parishad ;

(b) require the Zila Parishad or their President to furnish any return, plan, estimate, statement, account or statistics ;

(c) require any Zila Parishad or their President to furnish any information or report on any matter connected with the Zila Parishad ;

(d) record in writing for the consideration of the Zila Parishad or its President any observations the Deputy Commissioner, the Director of Panchayats or such officer may think proper in regard to its proceedings or duties.

**129. Power to suspend or cancel resolution under this Act :-**

(1) The State Government may, by order in writing, cancel any resolutions or order passed by the Zila Parishad or any of the authorities of the said body, if in their opinion such resolution or order

(a) is not legally passed ; or

(b) is in excess or abuse of the powers conferred by or under this Act ; or

(c) on its execution is likely to cause danger to human life, health or safety or is likely to lead to a riot or affray.

(2) The State Government shall, before taking action under sub- S.

(1), give the Zila Parishad or any of the authorities of the said body, as the case may be, an opportunity for explanation.

(3) If, in the opinion of the Deputy Commissioner, immediate action is necessary to suspend any such resolution or order on the aforesaid ground, he may, by order in writing suspend the operation of the resolution or order and refer the matter to the Government whose decision shall be final :

Provided that where the Deputy Commissioner makes an order on the aforesaid ground he shall also record his reasons therefor in the said order.

**130. Power of Government to supersede or dissolve Zila Parishad :-**

If at any time it appears to the State Government that a Zila Parishad has failed to exercise its powers or perform its functions or has exceeded or abused any of the powers conferred upon it by or under this Act or any other law for the time being in force, the State Government may direct the Zila Parishad to remedy such failure, excess or abuse or to give a satisfactory explanation therefor, and if the Zila Parishad fails to comply with such directions, the State Government may supersede the Zila Parishad, for a period not exceeding one year from a specified date and reconstitute it either immediately or with effect from another specified date and cause any or all of the powers and functions of the Zila Parishad to be exercised and performed by such person or authority as the State Government may appoint in that behalf during the period of its supersession or until the Zila Parishad is reconstituted in accordance with the provisions of this Act and any person or authority so appointed may, if the State Government so directs, receive remuneration for the services rendered from the fund of the Zila Parishad.

**131. Extraordinary powers of the Deputy Commissioner :-**

(1) In cases of emergency the Deputy Commissioner of the district may, subject to the approval of the Government, direct or provide for the execution of any work, or the doing of any act which the Zila Parishad or its President is empowered to execute or do, and the immediate execution or doing of which is in his opinion necessary for the implementation of development plans or safety of the public and may direct that the expenses of executing such work or doing such act shall be paid out of the fund of the Zila Parishad.

(2) If the expenses are not so paid he may make an order directing the person having the custody of the fund to pay it in priority to any other charge against such fund. Such person shall, so far as the funds to the credit of the Zila Parishad admit, be bound to comply with such orders.

#### CHAPTER 18

Establishment of a Nyaya Panchayat

#### **132. Divisions of block into circles :-**

The State Government may, by notification, divide a block into circles comprising such number of Gram Sabha areas as may be specified :

Provided that the Gram Sabha areas within each circle shall, as far as possible, be contiguous.

#### **133. Establishment and constitution of Nyaya Panchayat :-**

(1) The State Government may, by notification in the official Gazette, establish a Nyaya Panchayat for a circle for the administration of justice therein.

(2) The Nyaya Panchayat shall be known by such name as may be specified in the notification.

(3) A Nyaya Panchayat shall consist of such number of Panchas as the State Government may fix, and where Nyaya Panchayat circle consists of more than one Gram Sabha, each Gram Sabha within the circle shall have its proportionate representation in the Nyaya Panchayat on the basis of population :

Provided that the total number of Panchas of a Nyaya Panchayat shall not be more than five.

(4) Every Gram Panchayat shall, in such manner as may be prescribed, elect from amongst the members of the Gram Sabha such number of persons as may be fixed under sub-S. (3) to be Panchas of the Nyaya Panchayat :

Provided that a person so elected shall be qualified to be a member of the Gram Panchayat and shall possess the qualifications laid down ;

Provided further that a member of the Gram Panchayat, Panchayat Samiti, Zila Parishad, member of the Legislative Assembly or the Parliament shall not be eligible to be elected as Panchas of the

Nyaya Panchayat.

(5) Every appointment of a Panch of a Nyaya Panchayat, under this section, shall be notified in the official Gazette by the Deputy Commissioner.

**134. Term of office of the Nyaya Panchayat :-**

The term of office of the Nyaya Panchayat shall be co-terminus with the term of the Gram Panchayat.

**135. Appointment of Sarpanch and Up-Sarpanch :-**

As soon as may be, after the election of the Panchas of the Nyaya Panchayat under S. 133, the Government in consultation with the District Judge shall appoint two Panchas as the Sarpanch and Up-Sarpanch of the Nyaya Panchayat from amongst the elected Panchas thereof and such appointment shall be notified in the official Gazette by the Deputy Commissioner.

**136. Qualifications for Panchship of Nyaya Panchayat :-**

No person shall be qualified for election as a Panch of a Nyaya Panchayat unless he

(a) has attained the age of thirty years ;

(b) is a member of a Gram Sabha within the concerned circle ; and

(c) is able to read and write Manipuri or Hindi in Devanagari script.

**137. Disqualification for being Panch, Sarpanch or Up-Sarpanch of a Nyaya Panchayat :-**

The provisions of S. 21 shall mutatis mutandis apply in the case of a Panch, a Sarpanch or an Up-Sarpanch of a Nyaya Panchayat as they apply in the case of a member of a Gram Panchayat, Pradhan or Up-pradhan.

**138. Resignation of Sarpanch, Up-Sarpanch or Panch :-**

(1) A Panch of a Nyaya Panchayat may resign by submitting his resignation in writing to the Sarpanch, who may accept the resignation. The Sarpanch may resign by submitting his resignation to the Director of Panchayats, who may accept such resignation.

(2)

(i) If, in the opinion of the Director of Panchayats, a Panch of a Nyaya Panchayat has been guilty of misconduct in the discharge of his duties or of any disgraceful conduct or neglects or refuses to

perform, or has become incapable of performing any of the duties as a Panch of the Nyaya Panchayat, the Director of Panchayats may remove such Panch after giving him an opportunity of being heard and after such enquiry as it deemed necessary.

(ii) If an enquiry is held under Cl. (i), the Director of Panchayats may suspend such Panch from being in the Nyaya Panchayat for such period as he thinks fit.

(iii) On removal of a Panch from Nyaya Panchayat under Cl. (i) his office shall become vacant and he shall be disqualified for being chosen as a member of the Gram Panchayat or Panchayat Samiti and also a Panch of the Nyaya Panchayat for a period of three years from the date of his removal or such lesser period as the Director of Panchayats may allow for any particular case.

**139. Filling in of casual vacancies :-**

A casual vacancy in the office of a Panch of a Nyaya Panchayat shall be filled in, as soon as may be, by bye-election, or appointment of a person eligible for the vacancy in the manner as provided under Ss. 133 and 135, as the case may be.

**140. Rules regarding conduct of business :-**

Save as provided for in this Act, the State Government may make rules to provide for

- (a) the conduct and distribution of business and procedure of a Nyaya Panchayat;
- (b) the time and the place at which the Nyaya Panchayat shall sit ;  
and
- (c) any other matter which in the opinion of the State Government, is necessary for the proper and efficient conduct of proceedings of the Nyaya Panchayat.

**141. Quorum for meeting :-**

The quorum for a meeting of the Nyaya Panchayat shall be one-half of the total number of Panchas constituting the Nyaya Panchayat for the time being.

**142. Presiding Officer of the Nyaya Panchayat :-**

Every meeting of the Nyaya Panchayat shall be presided over by the Sarpanch and, in his absence, by the Up-Sarpanch, and if both the Sarpanch and the Up- Sarpanch are absent at any meeting the Panchas present shall choose one from amongst themselves to

preside over such meeting.

**143. Secretary of Nyaya Panchayat and other staff :-**

(1) There shall be a Secretary for every Nyaya Panchayat, who shall be appointed by the Director of Panchayats.

(2) The Secretary of the Nyaya Panchayat shall assist the Nyaya Panchayat in the performance of its functions under this Act and shall perform such other functions as may be prescribed :

Provided that a Secretary of any of the Gram Panchayat constituting the Nyaya Panchayat may also be appointed as the Secretary to the Nyaya Panchayat in his ex-officio capacity.

(3) The Pramukh shall appoint such other staff of the Nyaya Panchayat as may be prescribed and expenses in respect of the salary and allowances of the staff other than the Secretary shall be paid out of the fund of the Panchayat Samiti concerned.

**144. Conditions of service :-**

The conditions of service and the rules of recruitment of the Secretary and other staff of a Nyaya Panchayat including disciplinary matters shall be such as may be prescribed.

**145. Bench of Nyaya Panchayat :-**

(1) No Panch, Sarpanch or Up- Sarpanch shall take part in the trial of, or inquiry into, any case in which he is in any way personally interested.

(2) Notwithstanding anything contained in this section, the State Government may make rules for the constitution of special benches for determining any dispute arising between the parties or Gram Panchayats of different circles or for any other purpose.

**CHAPTER 19**

Civil and criminal jurisdiction of Nyaya Panchayat

**146. Extent of civil jurisdiction :-**

(1) Any suit of the following description, if its value does not exceed five hundred rupees, shall be cognizable by a Nyaya Panchayat :

(a) a suit for an ascertained sum ;

(b) a suit for the recovery of movable property or for the value thereof;

(c) a suit for compensation for wrongfully taking or injuring movable property ; and

(d) a suit for damages caused by cattle trespass ;

Provided that no Nyaya Panchayat shall take cognizance of

(i) a suit for a balance due on partnership account, unless the balance has been struck by the parties or their agents ;

(ii) a suit for share or a part of a share under an intestacy or for a legacy, or part of a legacy under a will ;

(iii) a suit by or against the Government or a public servant for acts done in his official capacity or by or against any Panch of the Nyaya Panchayat before which the suit is filed ;

(iv) a suit by or against a minor or a person of unsound mind ;

(v) save as otherwise provided by this Act, a case cognizable by a Revenue Court or Tribunal or authority appointed under any Act for the time being in force ;

(vi) a suit relating to a dispute or matter in respect of which jurisdiction of a civil court is barred under any law for the time being in force.

(2) Notwithstanding anything contained in sub-S. (1) the State Government may, by notification in the official Gazette, direct that the jurisdiction of a Nyaya Panchayat shall extend to all such suits such amount or value not exceeding five hundred rupees as may be specified in the notification.

**147. Place of suing :-**

Notwithstanding anything contained in the Code of Civil Procedure, 1908 (V of 1908), every civil case under this Act shall be instituted before the Nyaya Panchayat of the circle in which the defendant or any of the defendants, where there are more than one, ordinarily resides or carries on business at the time of the institution of the case.

**148. Suit to include whole claim :-**

(1) Every suit instituted in a Nyaya Panchayat shall include the whole of the claim the plaintiff is entitled to make in respect of the same cause of action :

Provided that the plaintiff may relinquish any portion of his claim in order to bring the suit within the jurisdiction of the Nyaya Panchayat.

(2) If a plaintiff omits to sue in respect of, or intentionally relinquishes, any portion of his claim, he shall be precluded from bringing any separate action whether before a civil court or a Nyaya Panchayat for or in respect of, the portion so omitted or relinquished.

**149. Return of plaint by Civil Court to Nyaya Panchayat :-**

If the plaint of a suit triable by a Nyaya Panchayat under this Act is presented in a Civil Court, the presiding officer of that court shall return the plaint for presentation to the Nyaya Panchayat which has jurisdiction to try the suit.

**150. Limitation :-**

Every suit instituted before a Nyaya Panchayat after the period of the limitation specified in respect thereof in the First Schedule to this Act shall be dismissed, although limitation has not been set up as defence.

**151. Bar of civil jurisdiction in certain cases :-**

No Nyaya Panchayat shall try any suit in respect of any matter which is pending for decision in, or has been heard and decided by, another Nyaya Panchayat or court of competent jurisdiction in a former suit between the same parties or those under whom they claim.

**152. Incidental determination of question as to title to immovable property, etc., not binding in other action :-**

If for decision of a suit it becomes necessary to decide incidentally any question as to title to any immovable property or the legal character of either of the parties to the suit or of existence of any contract or obligation, the Nyaya Panchayat may decide such question but any such decision shall not be evidence of such title, legal character, contract or obligation in any other action.

**153. Proceedings under Manipur Land Revenue and Land Reforms Act :-**

(1) Notwithstanding anything contained in the Manipur Land Revenue and Land Reforms Act, 1960 (Central Act No. 33 of 1960) the State Government may, subject to such conditions and restrictions as may be specified, by general or special order notified

in the official Gazette, confer on a Nyaya Panchayat such powers of a Revenue court as may be specified therein.

(2) In exercising the powers conferred under sub-S. (1), the Nyaya Panchayat shall follow such procedure as may be prescribed.

**154. Place of institution of criminal proceedings :-**

Notwithstanding anything contained in the Code of Criminal Procedure, 1973, every criminal case triable by a Nyaya Panchayat shall be instituted before the Nyaya Panchayat of the circle in which the offence is alleged to have been committed.

**155. Extent of criminal jurisdiction :-**

The following offences as well as abetments thereof, and attempts to commit such offences, if committed within the jurisdiction of a Nyaya Panchayat shall be cognizable by the Nyaya Panchayat :

(a) offences under Ss. 140, 160, 172, 174, 179, 269, 277, 283, 285, 289, 290, 294, 323, 334, 341, 352, 357, 358, 374, 379, 403, 441 (where the value of the stolen or misappropriated property in cases under Ss. 379, 403 and 411 does not exceed two hundred fifty rupees) 426, 428, 430, 431, 447, 448, 504, 508, 509 and 510 of the Indian Penal Code, 1860 (XLV of 1860) ;

(b) offences under Ss. 24 and 26 of the Cattle Trespass Act, 1871 (1 of 1871) ;

(c) any other offence under the aforesaid enactments or any other enactment as may, by notification in the official Gazette, be declared by the State Government to be cognizable by a Nyaya Panchayat :

Provided that the State Government may withdraw any offence referred to in Cls. (a) and (b) from the cognizance of Nyaya Panchayats as and when it deemed expedient to do so and if necessary without assigning any reason therefor.

**156. Mode of punishment :-**

(1) No Nyaya Panchayat shall inflict a substantive sentence of imprisonment.

(2) A Nyaya Panchayat may impose fine not exceeding one hundred rupees, but no imprisonment shall be awarded in default of payment of fine.

**157. Bar of the cognizance of cases triable by Nyaya**

## **Panchayat :-**

(1) After Nyaya Panchayat has been established for any area no court, except as otherwise provided in this Act, shall take cognizance of any case triable by such Nyaya Panchayat.

(2) If a complaint of any offence, mentioned in S. 155 is made to a Magistrate, be subject to the provisions of this Act and the rules made thereunder, instead of taking cognizance of the offence, direct the complainant to present the complaint to the Nyaya Panchayat within whose jurisdiction the offence is alleged to have been committed.

## **158. Procedure by Nyaya Panchayat not competent to take cognizance :-**

(1) If a complaint is made in writing to Nyaya Panchayat which is not competent to take cognizance of the case, it shall return the complaint for presentation to the proper court with an endorsement to that effect.

(2) If the complaint is not made in writing, such Nyaya Panchayat shall direct the complainant to the proper court.

## **159. Certain persons not to be tried by Nyaya Panchayat :-**

No Nyaya Panchayat shall take cognizance of any criminal case against a person where such person

(a) is a public servant ;

(b) has been previously sentenced by any Nyaya Panchayat for theft or for dishonestly receiving stolen property ;

(c) has been bound down to be of good behaviour under S. 109 or 110 or the Code of Criminal Procedure, 1973 ; or

(d) has been convicted of an offence under the Public Gambling Act, 1867 (III of 1867).

## **160. Youthful offender :-**

(1) A Nyaya Panchayat may, instead of sentencing to fine a youthful offender,

(a) discharge him after due admonition ; or

(b) require his father or guardian to execute a bond, without sureties, for an amount not exceeding one hundred rupees, binding

- himself to prevent such youthful offender from committing the offences triable by the Nyaya Panchayat under this Act for a period not exceeding three years.

(2) The amount of such bond, if forfeited shall be recoverable by the Nyaya Panchayat as if it were a fine imposed under this Chapter.

Explanation. For the purposes of sub-S. (1), "a youthful offender" means an offender who is, on the date of commission of the alleged offence, not over eighteen years of age.

**161. Compounding of offences :-**

Notwithstanding anything contained in the provisions of the Criminal Procedure Code, 1973, every offence cognizable by a Nyaya Panchayat shall be compoundable and bailable.

**162. Persons convicted or acquitted not to be tried again for the same offence :-**

No Nyaya Panchayat shall try a person for an offence where he has already been tried by a court of competent jurisdiction or by another Nyaya Panchayat and convicted or acquitted of that offence while such conviction or acquittal remains in force.

**163. Concurrent or uncertain jurisdiction :-**

(1) Where a criminal, civil or revenue case is maintainable in more than one Nyaya Panchayats, the complainant or the plaintiff, as the case may be, may bring the criminal, or civil case in any one of such Nyaya Panchayats.

(2) Any dispute regarding jurisdiction shall be decided by the Sub-Divisional Magistrate or the Munsiff, as the case may be.

(3) Where it is uncertain in which of several circles an offence was committed or where an offence was committed partly in one circle and partly in another or where an offence is a continuing one and continues to be committed in more circles than one or where it consists of several acts done in different circles, it may be enquired into by a Nyaya Panchayat having jurisdiction in any such circle.

**CHAPTER 20**

**Procedure**

**164. Procedure in civil and criminal cases :-**

In the trial of any suit or criminal proceeding before it. the Nyaya Panchayat shall in general be guided by the principles of natural

justice.

**165. Disqualification for trying a case :-**

A Panch of a Nyaya Panchayat, who is directly and personally interested in any suit or criminal proceeding pending before it shall be disqualified from trying that case.

**166. Power of Nyaya Panchayat to regulate its own procedure in certain matter :-**

Subject to the other provisions of this Act and the rules made thereunder, a Nyaya Panchayat shall have power to regulate its own procedure including the fixing of the places and time of its sittings.

**167. Legal practitioners excluded from appearance :-**

No legal practitioner shall be permitted to appear, plead or act on behalf of any party before a Nyaya Panchayat.

**168. Appearance by agents :-**

Subject to the provisions of S. 167 any party to a suit or criminal proceeding may appear before a Nyaya Panchayat either in person or by such agent duly authorised by him as the Nyaya Panchayat may admit a fit person to represent him.

**169. Difficult cases may be referred by Nyaya Panchayats to Judicial Magistrate or Munsiff :-**

(1) When any Nyaya Panchayat is of opinion that any suit or criminal proceeding before it, is of such a nature or is so difficult or important that it ought to receive a punishment different in kind from, or more severe than that the Nyaya Panchayat is empowered to inflict, it shall stay the suit or criminal proceeding and refer the matter to the Judicial Magistrate or Munsiff, as the case may be, for orders.

(2) The Judicial Magistrate or the Munsiff after considering the case, may direct that the suit or criminal proceedings may be transferred for trial to such civil or criminal court as he may specify in this behalf or may return the suit or criminal proceedings to the Nyaya Panchayat with suitable directions for trial.

**170. Certain laws not to apply to Nyaya Panchayat :-**

The Nyaya Panchayat is required to follow the spirit of the provisions of the Criminal Procedure Code of 1973, the Indian Evidence Act, 1872 or the Code of Civil Procedure, 1908 but the

deposition of the parties or of their witness, if any, shall be recorded and kept as prescribed. Procedure for trial of suits

**171. Institution of suits :-**

Any person intending to institute a suit under this Act may take an application in that behalf in writing or orally to the Sarpanch or the Up-sarpanch of the Nyaya Panchayat of the circle in which the defendant or any of the defendants, when there are more defendants than one, ordinarily resides or carries on business at the time of the institution of the suit.

**172. Suit instituted orally :-**

(1) Where an application for the institution of a suit is made orally, the Sarpanch or the Up-sarpanch, as the case may be, shall cause the substance of the application to be recorded without delay and get the document signed by the plaintiff.

(2) In every suit, the plaintiff shall state its value.

**173. Fees in suits :-**

(1) In respect of every suit instituted under this Act, the fee specified in the Second Schedule to the Act shall be payable.

(2) The fee may be paid in the form of court fee stamps, and if court fee stamps are not available in the village where the Nyaya Panchayat sits, it may be paid in cash in which case a receipt shall be issued by the Nyaya Panchayat.

**174. Suits beyond jurisdiction :-**

If at any time it appears to the Nyaya Panchayat that it has no jurisdiction to try a suit, it shall direct the plaintiff by an order in writing to file his suit in the proper court.

**175. Summons how to be served :-**

When a suit has been duly instituted the Nyaya Panchayat may cause written summons in the prescribed form to be served personally on the defendant requiring him to attend and produce his evidence at such time and place as may be stated in the summons and shall at the same time direct the plaintiff to attend and produce his evidence at such time and place.

**176. Substituted service :-**

If the defendant cannot be found and the Nyaya Panchayat is satisfied that he is evading service or if he refused to take the

summons, the Nyaya Panchayat may order service to be made on an adult member of his family residing with him or by affixing a copy thereof upon some conspicuous part of the house in which he ordinarily resides.

**177. Service when defendant is outside jurisdiction :-**

(1) If a defendant is at the time of the issue of the summons outside the circle for which the Nyaya Panchayat is established, the summons may be served by registered post addressed to the defendant at the place where the defendant for the time being resides.

(2) An acknowledgement purporting to be signed by the defendant or an endorsement by a postal employee to the effect that the defendant refused to take delivery may be deemed to be prima facie proof of service

**178. Disposal of suit when plaintiff fails to appear :-**

If the plaintiff fails to appear on the date fixed for hearing, the Nyaya Panchayat shall dismiss the suit, unless the defendant admits all or any part of the claim in which case the suit shall be decreed accordingly.

**179. Restoration of suit dismissed for default of plaintiff :-**

Any suit dismissed under S. 178 may, on application made by the plaintiff within fifteen days of such dismissal, and on payment of one rupee as fee, be restored, if the plaintiff satisfies the Nyaya Panchayat that he was prevented by any sufficient cause from appearing.

**180. Procedure when defendant fails to appear :-**

(1) If the defendant fails to appear without sufficient cause when the suit is called on for hearing and if the Nyaya Panchayat is satisfied that the summons was duly served, the Nyaya Panchayat may proceed ex-parte.

(2) When the Nyaya Panchayat has adjourned the suit ex-parte, and the defendant at or before such hearing appears and assigns sufficient cause for his previous non-appearance, he may, upon payment of costs not exceeding ten rupees, be heard in answer to the suit as if he had appeared on the day fixed for his appearance.

**181. Setting aside decrees ex-parte :-**

(1) Any decree passed ex- parte against a defendant may, on application made by the defendant to the Nyaya Panchayat by which the decree was passed within fifteen days from the date of the decree and on payment of one rupee as fee, be set aside on payment of cost not exceeding twenty rupees if he satisfies the Nyaya Panchayat that he was prevented by any sufficient cause from appearing when the suit was called on for hearing, and the Nyaya Panchayat shall then appoint a day for proceeding with the suit.

(2) No decree shall be set aside on any such application as aforesaid, unless notice thereof has been served on the opposite party.

**182. Compromise of suits :-**

A suit may be disposed of wholly or in part, on the basis of any legal agreement, settlement, compromise or satisfaction between the parties, and in any such case the Nyaya Panchayat shall order the agreement, settlement, compromise or satisfaction to be recorded and shall pass a decree in accordance therewith in so far as it relates to the suit.

**183. Suits to be disposed of expeditiously :-**

When a suit has not been disposed of under S. 182. it shall be the duty of the Nyaya Panchayat to try the suit as expeditiously as possible, but when, in its opinion, it is unavoidable or necessary for a just and equitable decision of the suit, it shall have the power to adjourn the hearing from time to time.

**184. Power to summon witnesses :-**

(1) At the hearing of any suit, parties shall produce their own witnesses, but, for the ends of justice, a Nyaya Panchayat may, subject to such rules as may be made under this Act, issue summons requiring the attendance of any person either to give evidence or to produce a document.

(2) Any person receiving a summons or other process shall be bound to comply with the same.

**185. Exemption from personal appearance :-**

No person who is exempted from personal appearance in any court under S. 133 of the Code of Civil Procedure, 1908 shall be required to appear before a Nyaya Panchayat.

**186. Cases in which Nyaya Panchayat issue a commission**

**to examine witness :-**

A Nyaya Panchayat may, in any suit or proceeding, issue a commission for examination of any person resident within the local limits of its jurisdiction who is exempted under this Act from attending the Nyaya Panchayat or who is from sickness or infirmity unable to attend it.

**187. Evidence to be on oath and a brief memorandum to be kept :-**

Evidence given orally before the Nyaya Panchayat shall be on oath and a brief memorandum of the substance of what each person deposes shall be written and kept as part of the record.

**188. Decision on suit :-**

(1) The Nyaya Panchayat shall have power to ascertain the facts of every case by all lawful means in its power, and when all facts have been ascertained, the parties heard and the evidence considered, the Nyaya Panchayat shall pass a final order in writing, and such order shall contain the finding and a brief statement of the reasons thereof.

(2) All orders and decrees shall be dated on the day on which they were passed.

**189. Interest on decretal amounts and payment by instalment :-**

In suits for money a Nyaya Panchayat may direct payment of interest on the sum decreed at a rate not exceeding twelve per cent per annum from the date of the decree until the date of payment and may also direct that the decretal amount be paid by such instalments as may be specified.

**190. Decrees or orders passed not to be altered by Nyaya Panchayat :-**

Subject to the provisions of this Act a Nyaya Panchayat shall have no power to cancel, revise or alter any decree or final order passed by it :

Provided that clerical or arithmetical mistakes in decrees or orders or errors arising therein from any accidental slip or omission may at any time be corrected by the Nyaya Panchayat either of its own motion or on the application of any of the parties.

**191. Execution of decrees :-**

(1) A decree or order passed by a Nyaya Panchayat shall be executed by it in such manner as may be prescribed.

(2) If a Nyaya Panchayat finds any difficulty in executing a decree or order, it may forward the same to the munsiff or the Sub-divisional Magistrate, as the case may be, who shall then execute the same as if it were a decree or order passed by him. Procedure for trial of criminal cases.

**192. Cognizance of criminal cases :-**

(1) Any person intending to institute a criminal proceeding before a Nyaya Panchayat may make a complaint orally or in writing to the Sarpanch or the Up-Sarpanch of the Nyaya Panchayat of the circle in which the offence is alleged to have been committed.

(2) When a complaint is made orally the Sarpanch or the Up-Sarpanch, as the case may be, shall draw up a statement recording the name of complainant and the name of the person against whom the complaint is made, the nature of the offence and such other particulars as may be required for ascertaining the accusation, and the signature of the complainant shall be taken thereon.

**193. Fee on complaints :-**

(1) On every complaint a fee of one rupee shall be payable.

(2) The fee may be paid in the form of court fee stamps and if court fee stamps are not available in the village where the Nyaya Panchayats sit it may be paid in cash, in which case a receipt shall be issued by the Nyaya Panchayat.

**194. Complaints beyond jurisdiction :-**

If at any time it appears to the Nyaya Panchayat that it has no jurisdiction to try the offence, it shall, by an order, direct the complainant to the proper court.

**195. Issue of summons :-**

The Nyaya Panchayat may, after examining the complainant and after such further inquiry, if any, as it thinks fit to make, cause a written summons in the prescribed form to be served on the accused requiring him to attend and produce his evidence at such time and place as may be stated in the summons and shall at the same time, direct the complainant to attend and produce his evidence at such time and place.

**196. Service of summons :-**

The provisions of Ss. 176 and 177 shall mutis mutandis apply to the service of summons issued under S. 195.

**197. Dismissal of complaint for want of prosecution :-**

If the complainant fails to appear on the date fixed for hearing, the Nyaya Panchayat may dismiss the complaint.

**198. Restoration of complaint :-**

If the complainant satisfies the Nyaya Panchayat that his absence was due to some unvoidable cause and that he could not inform the Nyaya Panchayat thereof in time, the Nyaya Panchayat may restore the proceeding, but no such restoration shall be made without giving notice to the accused if the order for dismissal had been passed after the appearance of the accused before the Nyaya Panchayat.

**199. Procedure where accused cannot be found or fails to appear :-**

(1) If the accused cannot be found or fails to appear on the date fixed for hearing, the Nyaya Panchayat shall report the fact to the Sub-divisional Magistrate.

(2) The Sub-divisional Magistrate shall thereupon issue a warrant for the arrest of the accused and shall direct, by endorsement on the warrant, that if such person executes a bond with sufficient sureties for his attendance before himself in the manner provided by S. 71 of the Code of Criminal Procedure, 1973, he shall be released from custody.

(3) When the accused appears before the Sub-divisional Magistrate he shall direct him to execute a bond with or without sureties to appear before the Nyaya Panchayat on such date as he may direct and thereafter to continue to appear before the Nyaya Panchayat as directed by it.

(4) On his failure to execute such bond the Sub-divisional Magistrate shall order that the accused be produced in custody before Nyaya Panchayat on such date as he may direct.

**200. Procedure where accused fails to appear even after executing bond :-**

If the accused fails to appear before the Nyaya Panchayat after executing a bond under sub-S. (2) of S. 199 the Nyaya Panchayat

shall report the fact to the Sub-divisional Magistrate before whom the bond was executed and such Magistrate shall proceed in accordance with the provisions of Chapter XXXIII of the Code of Criminal Procedure, 1973.

**201. Substance of accusation be stated :-**

(1) When the accused appears or is brought before the Nyaya Panchayat, the particulars of the offence of which he is accused shall be stated to him, and shall be asked if he has any cause to show why he should not be convicted.

(2) If the accused admits that he has committed the offence, his admission shall be recorded as nearly as possible in the words used by him ; and, if he shows no sufficient cause why he should not be convicted, the Nyaya Panchayat may convict him accordingly.

**202. Power to receive evidence :-**

(1) When the accused does not admit the commission of the offence or the offence is not compounded, the Nyaya Panchayat shall receive such evidence as may be produced and may call for such further evidence as in its opinion may be necessary for the proper determination of the proceeding or may enter upon any land for inspection or do any other act which it may consider necessary.

(2) Any person receiving a summons or other process shall be bound to comply with the same.

(3) The provisions of S. 185 shall apply to criminal proceedings as they apply to suits.

**203. Procedure in trial :-**

(1) Evidence given orally by witnesses before the Nyaya Panchayat shall be on oath, and a brief memorandum of the substance of what each person deposes shall be written and kept as part of the record.

(2) The Nyaya Panchayat need not frame a formal charge but the plea of the accused and his statement, if any, shall be recorded.

(3) No oath be administered to the accused when he gives his plea and statement under sub-S. (2), if any.

(4) The Nyaya Panchayat shall have power to ascertain the facts of every case by all lawful means in its power and when all the facts

have been ascertained, parties heard and the evidence considered, the Nyaya Panchayat shall pass a final order and such order shall contain a brief statement of the reasons therefor and the amount of the fine, if imposed.

**204. Power to direct payment of compensation out of fine :-**

When a Nyaya Panchayat imposes a fine it may, while passing the order, direct that the whole or any part of fine recovered shall be applied in payment of compensation to the complainant or to any other person for any loss or injury caused by the offence.

**205. False, frivolous or vexatious complaints :-**

(1) If a Nyaya Panchayat considers that a complaint is false and either frivolous or vexatious it may call upon the complainant to show cause why he would not pay compensation to the accused.

(2) The Nyaya Panchayat may, after considering any cause which the complainant may show, if it is satisfied that the complaint was false, and either frivolous or vexatious, for reasons to be recorded, direct that such compensation not exceeding twenty five rupees as may be specified by the Nyaya Panchayat shall be paid by the complainant to the accused, and any such compensation may be recovered as if it were a fine imposed by the Nyaya Panchayat.

**206. Recovery of fine and compensation :-**

Where a Nyaya Panchayat imposes a fine or compensation and such fine or compensation is not paid as required, it shall record an order specifying the amount of the fine or compensation and that it has been paid and shall forward the same to the nearest Sub-Divisional Magistrate, who shall proceed to execute it as if it were an order passed by himself, and such Magistrate may sentence the accused to imprisonment in default of payment.

CHAPTER 21

Control of Nyaya Panchayat

**207. Power to transfer criminal or civil proceedings :-**

If it appears to the Judicial Magistrate, First class or the Munsiff that in the interest of justice it is necessary, it may on application made to it in this behalf, transfer any criminal proceeding pending before a Nyaya Panchayat to another Nyaya Panchayat or to a court subordinate to it, and the Nyaya Panchayat or the court to which any such criminal or civil proceedings stand transferred, shall proceed to try, hear and determine the matter as if it had been

instituted therein for the first time.

**208. Revision in civil cases :-**

The Munsiff may, on its own motion or on application made by an aggrieved person within sixty days of the passing of any decree in a civil suit by a Nyaya Panchayat call for and examine the record of the case for the purpose of satisfying itself as to correctness, legality or propriety of the decree, and may, after giving a reasonable opportunity to the parties to be heard, pass such order thereon as the Munsiff thinks fit.

**209. Revision in criminal cases :-**

The Judicial Magistrate, First class may, on its own motion or on application made by an aggrieved person within sixty days of the passing of any order or sentence by a Nyaya Panchayat in a criminal case, call for and examine the record of the case for the purpose of satisfying itself as to the correctness, legality or propriety of the order or sentence and may, after giving a reasonable opportunity to the parties to be heard, pass such order thereon as he thinks fit.

**210. Decree, etc., not to be modified if substantial justice has been done :-**

Notwithstanding anything contained in Ss. 208 and 209 no decree, order or sentence of a Nyaya Panchayat shall be varied or revised merely on the ground of some irregularity or illegality, if in the opinion of the Judicial Magistrate, First Class or Munsiff, as the case may be, substantial justice has been done to the parties by the Nyaya Panchayat.

**211. Power to stay further proceedings :-**

The Judicial Magistrate, First Class or Munsiff, as the case may be, may, pending the disposal of any proceeding before it under this Chapter, direct that

(i) the execution of any decree be stayed ; or

(ii) further proceedings in respect of any criminal proceeding be stayed or the execution of any sentence be suspended.

**212. Orders in revision to be final :-**

Any order passed in revision under the provisions of this Chapter shall be final and no further application for revision or appeal shall lie.

**213. Finality of decrees, etc. of the Nyaya Panchayat :-**

Except as provided in this Chapter, every decree, order or sentence of a Nyaya Panchayat shall be final.

**214. Inspection of Nyaya Panchayats and training of members thereof :-**

The State Government may authorise any Judicial Officer for the inspection of Nyaya Panchayats and for the purpose of guiding and training them in the performance of their duties.

**215. Application of Judicial Officers Protection Act, 1850 :-**

The provisions of the Judicial Officers Protection Act, 1850 (XVIII of 1850) shall apply to Panchas of Nyaya Panchayats in the discharge of their official duties as they apply to Judges and Magistrates.

**216. Removal of Panchas in certain cases :-**

(1) If, in the opinion of the Director of Panchayats, a Panch

(a) has been guilty of misconduct in the discharge of his duties or of any disgraceful conduct ; or

(b) has absented himself without sufficient cause from meetings of a Nyaya Panchayat so as to render his continuance in office undesirable or has otherwise neglected or refused to perform, or has become incapable of performing any of the duties as a Panch ; or

(c) has rendered himself unfit to perform the duties of his office by reason of his active association with any political party or with any religious, racial, language or caste ; or

(d) should be removed from office for any other reason in the public interest ; he may, after giving the Panch an opportunity of being heard and after such enquiry as he thinks fit to make, remove him from Panchship.

(2) Pending such enquiry, the Panch shall be suspended from office for such period as the District Judge thinks fit.

(3) A Panch removed from office under this section shall be disqualified from being chosen as a Panch of any Nyaya Panchayat for such period as the Director of Panchayats may, in the order of removal or in any subsequent order passed in this behalf, specify.

**217. Power to dissolve Nyaya Panchayat :-**

(1) If, in the opinion of the State Government, a Nyaya Panchayat has abused its power or has made a persistent default in the performance of its duties or is for any other reason unable to discharge its functions, the Government may, after giving the Nyaya Panchayat an opportunity of furnishing an explanation, by order notified in the official Gazette, dissolve the Nyaya Panchayat.

(2) Where a Nyaya Panchayat is dissolved, every member thereof shall, from the date of the order, be deemed to have vacated his office.

(3) Where a Nyaya Panchayat is dissolved under this section, a new Nyaya Panchayat shall be established as soon as practicable in the manner provided in this Act.

### **218. Legal proceedings on dissolution of a Nyaya Panchayat**

:-

(1) As from the date of dissolution of a Nyaya Panchayat, all civil or criminal proceedings pending before the Nyaya Panchayat shall, on that date, stand transferred to the Judicial Magistrate, First Class or the Munsiff, as the case may be.

(2) The Judicial Magistrate, First Class or the Munsiff shall thereafter transfer all civil or criminal proceedings, as the case may be, to any court subordinate to it and competent to try such proceedings and such court shall proceed to try, hear and determine the matter as if every such proceeding has been instituted therein for the first time.

### **CHAPTER 22**

Rules, bye-laws, procedure and penalties

### **219. Power of State Government to make rules :-**

(1) The State Government may, by notification in the official Gazette, make rules for the purpose of carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for

(i) any matter in respect of which power to make rules is conferred expressly or by implication on the State Government by this Act ;

(ii) procedure for election of Pradhans and Up-pradhans of Gram

Sabha and members of Gram Panchayats and Panchas of Nyaya Panchayat, member of Panchayat Samiti and members of Zila Parishad ;

(iii) form and procedure for taking oath of office by a member, Pradhan, Up-pradhan, Pramukh and Up-pramukh, President and Vice-President and member of Nyaya Panchayat and the authorities before whom the oath is to be taken

(iv) manner of convening the meeting for moving a no-confidence motion against Pradhan, Up-pradhan, Pramukh and Up-pramukh, President and Vice-President ;

(v) procedure by which a Gram Panchayat or a Panchayat Samiti or a Zila Parishad may enter into a contract ;

(vi) procedure for conduct of business of the meetings of Gram Sabha, Gram Panchayat, Panchayat Samiti, Zila Parishad and Nyaya Panchayat including the language in which the proceedings are to be recorded ;

(vii) terms and conditions under which the Gram Panchayat and Panchayat Samiti and Zila Parishad may take loan ;

(viii) duties of the employees and other staff, their qualifications, salaries, allowances, leave and other service conditions including disciplinary matter of the Gram Panchayat, Panchayat Samiti, Zila Parishad and Nyaya Panchayat ;

(ix) form and manner in which accounts of receipts and expenditure of a Gram Panchayat, Panchayat Samiti, Zila Parishad and Nyaya Panchayat are to be kept ;

(x) form and manner in which the annual budgets of Gram Panchayat, Panchayat Samiti, and Zila Parishad are to be prepared ;

(xi) dates, forms and manner of submitting annual administration reports by a Gram Panchayat and a Panchayat Samiti and Zila Parishad ;

(xii) dates, forms and manner for submitting periodical statements, returns and reports by Gram Panchayat, Panchayat Samiti and Nyaya Panchayat ;

(xiii) procedure for levying tax, toll, or rate by Gram Panchayat, Panchayat Samiti and Zila Parishad ;

- (xiv) sanction, execution, variation of contracts including the preparation of plans and estimates under S. 82 ;
- (xv) registers to be maintained by a Nyaya Panchayat, the forms of registers, and manner of maintaining the registers ;
- (xvi) procedure for execution of decrees and orders passed by Nyaya Panchayat and the transfer thereof ;
- (xvii) principles governing the distribution of the share of land revenue amongst the Panchayat Samiti under S. 231 ;
- (xviii) fees for inspection of records under S. 237 ;
- (xix) fees for obtaining certified copies under S. 238 ;
- (xx) procedure to be followed in the hearing of election petition under this Act.

(3) Every rule made under this Act shall be laid as soon as may be after it is made, before the Legislative Assembly of Manipur while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the sessions immediately following, the Legislative Assembly makes any modification in the rules or decide that any such rules should not be made, that rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

**220. Power of Gram Panchayat and Panchayat Samiti, or Zila Parishad to frame bye-laws :-**

(1) A Gram Panchayat or a Panchayat Samiti or a Zila Parishad may, and if so required by the State Government shall, frame bye-laws consistent with this Act and the rules made thereunder for carrying out provisions and intentions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power any Gram Panchayat or a Panchayat Samiti or Zila Parishad may frame bye-laws for the matter specifically mentioned for the making of bye-laws in this Act.

(3) The power to frame bye-laws in this Act shall be subject to the condition of previous notification in the official Gazette.

(4) No such bye-laws shall come into force until it has been confirmed by the Government :

Provided that the State Government may withhold the confirmation in respect of any bye-laws.

(5) Every bye-laws shall, after confirmation, be published by notification in the official Gazette.

**221. Penalty for infringement of the provisions of the Act :-**

Whoever contravenes any provision of this Act shall, unless otherwise provided, be punishable with fine which may extend to one hundred rupees, and when the breach is a continuing one, with a further fine which may extend to ten rupees for every day after the first conviction during which an offender is proved to have persisted in the commission of the offence.

**222. Penalty for failure to hand over records, cash, etc. belonging to Gram Panchayat, etc :-**

(1) It shall be an offence under this Act if a person fails to hand over the custody of books, records, cash, security and other property belonging to a Gram Panchayat, a Panchayat Samiti, Zila Parishad or a Nyaya Panchayat when he is required to hand over the same to such a Gram Panchayat or a Panchayat Samiti or Zila Parishad or a Nyaya Panchayat.

(2) An offence under sub-S. (1) shall be punishable with simple imprisonment which may extend to one month or with fine which may extend to five hundred rupees or with both.

(3) The Court trying an offence under this section may recover any book, record, cash, or other property mentioned in sub-S. (1) in accordance with the provisions of the Code of Criminal Procedure, 1973.

**223. Court competent to try offences under the Act :-**

(1) No court inferior to that of a Magistrate of the first class shall try any offence under this Act.

(2) No court shall take cognizance of any offence under this Act save and except on a complaint made by the prescribed authority.

**224. Offences under the Act compoundable :-**

(1) All offences under this Act shall be compoundable.

(2) All sums paid by way of compensation under this section shall be carried to the Gram Panchayat Fund or Panchayat Samiti Fund or a Zila Parishad Fund, as the case may be.

(3) The court trying an offence under this section may recover any book, record, cash, or property mentioned in sub-S. (1) in accordance with the provisions of the Code of Criminal Procedure, 1973.

**225. Entry and inspection :-**

The Pradhan of Gram Sabha or the Pramukh of a Panchayat Samiti or President of Zila Parishad if authorised in this behalf by the Gram Panchayat, Panchayat Samiti or Zila Parishad, as the case may be, may enter into or upon any building or land, with or without assistants or workmen, in order to make an inspection or survey or to execute a work which the Gram Panchayat or the Panchayat Samiti or Zila Parishad is authorised by this Act or the rules, or bye-laws made thereunder, to make or execute or which it is necessary for a Gram Panchayat or Panchayat Samiti or a Zila Parishad for any of the purposes or in pursuance of any of the provisions of this Act or of the rules, or of the bye-laws to make or execute :

Provided that

(a) save as otherwise expressly provided in the rules or bye-laws made under this Act

(i) no such entry shall be made between sunset and sunrise ;

(ii) no building which is used as a human dwelling shall be so entered without the consent of the occupier thereof and without giving the said occupier not less than four hours previous written notice of the intention to make such entry ;

(b) sufficient notice shall in every instance be given even when any person can otherwise be entered without notice, to enable the inmates of an apartment appropriated for females to remove to some other place where their privacy shall not be disturbed ; and

(c) due regard shall always be had to the social and religious usages of the occupants of the premises entered.

**226. Mode of disposal in the event of dispute about jurisdiction :-**

If any dispute arises as to the jurisdiction between two or more Gram Sabhas, or between a Gram Sabha and a town committee, or

municipal board or Panchayat Samiti, it shall be referred to the Deputy Commissioner whose decision thereon shall be final and shall not be questioned in any court of law.

#### CHAPTER 23

#### Miscellaneous

#### **227. Validity of acts and proceedings :-**

No act or proceeding of the Gram Panchayat, Panchayat Samiti and Zila Parishad shall be questioned on account of any vacancy in the membership or any defect or irregularity in any such Act or proceedings not affecting the merits of the case.

#### **228. Taking of oath :-**

Every member, President or Vice-President of the Zila Parishad and every member, Pramukh or Up-Pramukh of Panchayat Samiti and every member of a Gram Panchayat and every member of Nyaya Panchayat shall, before taking his seat, make at a meeting of the Zila Parishad or Panchayat Samiti or Gram Panchayat or Nyaya Panchayat, as the case may be, an oath or affirmation of his allegiance to the Constitution of India in the following term, namely :

"I,..... being member/President/Vice-President / Pramukh / Up - pramukh/Pradhan/Up-pradhan/Sarpanch/Up-Sarpanch of the....of.....do swear in the name of God (or solemnly affirm) that I will bear true faith and allegiance to the Constitution of India as by law established and that I will faithfully discharge the -duty upon which I am about to enter."

#### **229. Decision of Nyaya Panchayat to be by majority :-**

Any decision of Nyaya Panchayat, if it is not unanimous, shall be in accordance with the opinion of the majority. In the event of equal voting, the record shall be forwarded to the Chief Judicial Magistrate, First class or Munsiff, as the case may be, for decision.

#### **230. Contempt of Nyaya Panchayat :-**

(1) If any person intentionally offers insult to a Nyaya Panchayat or any member thereof, while it is sitting in any stage of judicial proceedings in its or his view or presence, or refuses to take oath duly administered or sign a statement made by the said person when he is legally required to do so the Nyaya Panchayat may at any time before rising on the same day take cognizance of the offence and sentence the offender to a fine not exceeding twenty five rupees.

(2) The fine imposed under sub-S. (1) shall be deemed to be a fine imposed in a criminal case.

**231. Power of Zila Parishad, Panchayat Samiti or Gram Panchayat to enter into contract with the State Government for collection of taxes or revenue :-**

A Zila Parishad, Panchayat Samiti or Gram Panchayat may, in accordance with rules made in this behalf, enter into a contract in respect of their respective areas with the State Government to collect all or any class of the tax or revenue or fee or dues payable to the Government on being allowed a prescribed percentage of collection charges.

**232. Salaries and allowances first charge on the Fund :-**

The payment of salaries, allowances, honoraria etc. of the members, officers and employees of Gram Panchayats, Panchayati Samiti and the Zila Parishad shall be the first charge upon the funds of the Gram Panchayats, Panchayat Samitis and Zila Parishad respectively.

**233. Members of Panchayats, etc. to be public servants :-**

Every member of a Gram Panchayat or a Panch of a Nyaya Panchayat, every member of Panchayat Samiti, every member of a Zila Parishad and every officer or employee of such Gram Panchayat, Panchayat Samiti and Zila Parishad shall be deemed to be -public servant within the meaning of S. 21 of the Indian Penal Code (45 of 1860).

**234. Salary and allowances to members of Gram Panchayat, Panchayat Samiti and Zila Parishad :-**

(1) The President and Vice-President of Zila Parishad and the Pramukh and Up-pramukh of the Panchayat Samiti shall be entitled to such salary and allowances as may be fixed by the Government.

(2) The non-official members of Zila Parishad, Panchayat Samiti, Gram Panchayat and Nyaya Panchayat including Pradhan and Up-pradhans of Gram Panchayats and member of a sub-committee shall be paid such honoraria or allowances, at such rates and on such conditions as may be prescribed.

(3) There shall also be paid to the President, Vice-President of the Zila Parishad, Pramukh and Up-pramukh of Panchayat Samiti in respect of the tour in the district and the Block such allowances as may be prescribed.

**235. Fines to be credited to Panchayat Samiti Fund :-**

All fines imposed by Nyaya Panchayat shall be credited to the Panchayat Samiti Fund.

**236. Power to invest surplus fund :-**

It shall be lawful for a Zila Parishad, Panchayat Samiti, Gram Panchayat, with the sanction of the State Government, to invest any surplus fund in its hands, which may not be required for current charges, in public securities in the name of the Zila Parishad, Panchayat Samiti, Gram Panchayat, as the case may be.

**237. Record of Panchayats, etc. open to inspection :-**

Subject to rules made under this Act and on the payment of such fees as may be prescribed, the records of Gram Panchayat, Panchayat Samiti and Zila Parishad and any committee thereof shall be open to inspection to such persons as may desire it.

**238. Certified copies and their admissibility :-**

(1) Certified copies of the records of a Gram Panchayat, a Nyaya Panchayat or Panchayat Samiti or Zila Parishad shall be issued to such persons as may apply for them on payment of such fees as may be prescribed.

(2) Such copies issued under sub-S. (1), if duly certified by the Secretary of the Gram Sabha or of the Nyaya Panchayat or the Chief Executive Officer of the Zila Parishad or the Executive Officer of the Panchayat Samiti shall be admissible in evidence.

**239. Issue of order and removal of difficulties :-**

(1) The Government may, from time to time, with a view to ensure the proper functioning of the Zila Parishad, Panchayat Samiti, Gram Panchayat and the proper implementation of the provisions of this Act, issue such administrative orders, directions and the rule made thereunder for the guidance of the Zila Parishad, Panchayat Samiti and Gram Panchayat.

(2) Without prejudice to the provisions of sub-S. (1), if any doubt or difficulty arises in giving effect to the provisions of this Act, the Government may, as occasion may require, do anything which appears to them necessary for the purpose of removing the doubt or difficulty.

**240. Inspection and enquiry by State Government :-**

The State Government or any officer generally or specially

authorised by it in this behalf may

(a) inspect or cause to be inspected any immovable property owned and used or occupied by a Gram Panchayat, a Nyaya Panchayat or a Panchayat Samiti or a Zila Parishad or any work in progress under the direction of such Gram Panchayat, Nyaya Panchayat or Panchayat Samiti or a Zila Parishad ;

(b) require a Gram Panchayat, a Nyaya Panchayat or a Panchayat Samiti or Zila Parishad to furnish such statement, reports or copies of documents relating to the proceedings or the duties of such Gram Panchayat, Nyaya Panchayat or Panchayat Samiti of the Zila Parishad as it thinks fit;

(c) record in writing for the consideration of a Gram Panchayat, a Nyaya Panchayat or Panchayat Samiti or a Zila Parishad or any observation which it thinks proper in regard to the proceedings or the duties of such Gram Panchayat, Nyaya Panchayat Samiti or Zila Parishad ;

(d) institute an enquiry against the Pradhan, Up-pradhan or any member of a Gaon Panchayat, or against the Pramukh or the Up-pramukh or any member of a Panchayat Samiti, President or Vice-President or any member of the Zila Parishad in respect of any matter relating to a Gram Panchayat or a Panchayat, Panchayat Samiti or a Zila Parishad.

**241. Power of revision and review by Government :-**

(1) The State Government may, either suo motu or on an application from any person interested, call for and examine the record of a Zila Parishad, a Panchayat Samiti, a Gram Panchayat in respect of any proceeding of the correctness, legality or propriety of any decision or order passed therein and if, in any case, it appears to the Government that any such decision or order should be modified, annulled or reversed or remitted for reconsideration they may pass orders accordingly :

Provided that the Government shall not pass any order prejudicial to any party unless such party has had an opportunity of making a representation.

(2) The Government may stay the execution of any such decision or order pending the exercise of their powers under sub-S. (1) in respect thereof.

(3) The State Government may, suo moto at any time or on an application received from any person interested within 90 (ninety) days of the passing of an order under sub-S. (1), review any such order if it was passed by them tinder any mistakes, whether of fact or of law, or in ignorance of any material fact. The provisions contained in the proviso to sub-S. (1) and in sub-S. (2) shall apply in respect of any proceeding under this sub-section as they apply for a proceeding under sub-S. (1).

(4) Every application preferred under sub-S. (1) and sub-S. (3) of this section shall be accompanied by a fee of 15 (fifteen) rupees.

**242. Suits etc. against Zila Parishad, Panchayat Samiti, Gram Pan- chayat, any member, officer or employee :-**

(1) No suit or other civil proceedings against a Zila Parishad, Panchayat Samiti, Gram Panchayat or against any member, officer or employee thereof or against any person acting under the direction of the Zila Parishad, Panchayat Samiti, Gram Panchayat or any member or employee thereof for anything done or purporting to be done under this Act or the rules or the bye-laws made thereunder in its or his official capacity

(a) shall be instituted until the expiration of 60 (sixty) days after notice in writing, stating the cause of action, the name and place of abode of the intending plaintiff and the nature of the relief which he claims, has been, in the case of a Zila Parishad, Panchayat Samiti, Gram Panchayat, delivered or left at their respective offices and, in the case of a member, officer, employee or person as aforesaid, delivered to him or left at his usual place of abode and the plaint shall in each such case contain a statement that such notice has been so delivered or left ; or

(b) shall be instituted, unless it is a suit for the recovery of immovable property or for a declaration of title thereto, otherwise than within six months next after the accrual of the alleged cause of action :

Provided that no suit, prosecution or other legal proceedings shall lie or be instituted against any of the above institutions, member, officer, employee or person for anything which is in good faith done or intended to be done under this Act as mentioned in sub-S. (1) or under the rules or bye-laws made thereunder.

(2) The notice referred to in sub-S. (1), shall be addressed to the

Chief Executive Officer or Executive Officer or the Secretary of the Zila Parishad or Panchayat Samiti or Gram Panchayat, as the case may be.

**243. Penalty for causing loss, waste or misapplication of money or property of the Gram Panchayat, etc :-**

Every member of a Gram Panchayat or the Pradhan, or every member of a Panchayat Samiti or every member of a Zila Parishad, any committee constituted under this Act shall be liable for the loss, waste or misapplication of any money or property belonging to the Gram Sabha, or the Panchayat Samiti, Zila Parishad if such loss, waste or misapplication is a direct consequence of his neglect or misconduct while such member or Pradhan was in service of the Gram Sabha or Panchayat Samiti, Zila Parishad and a civil case for compensation and/or a criminal case may be instituted against him by the Gram Sabha or Panchayat Samiti, Zila Parishad with the previous sanction of the prescribed authority.

**244. Election rules :-**

The State Government shall, without prejudice to any other provisions of this Act, make rules for elections under this Act.

**245. Application for questioning election :-**

The election of a person as Pradhan of a Gram Sabha or as member of a Gram Panchayat including the election of a person as a Panch of Nyaya Panchayat under S. 133 and a Pramukh or Up-pramukh of Panchayat Samiti or President or Vice-President of Zila Parishad shall not be called in question except by an application presented to such authority within such time and in such manner as may be prescribed on the ground

(a) that the election has not been a free election by reason of the corrupt practice or bribery or undue influence has extensively prevailed at the election, or

(b) that the result of the election has been materially affected

(i) by the improper acceptance or rejection of any nomination ; or

(ii) by gross failure to comply with the provisions of this Act or the rules framed thereunder ;

(c) that the election of a person as Pramukh or Up-pramukh under S. 57 shall not be questioned in any court of law.

**246. Dispute at election :-**

(1) The election of a person as a Pradhan or an Up-pradhan or a member of the Gram Panchayat, a member of the Nyaya Panchayat, a Pramukh or an Up-pramukh or a member of the Panchayat Samiti and a President or a Vice-President or a member of the Zila Parishad may be called in question by any member thereof by presenting in the prescribed manner to such authority as may be prescribed a petition in this behalf on the prescribed ground and within the prescribed period.

(2) The petition presented under sub-S. (1) shall be heard and disposed of in the prescribed manner and the decision of such authority thereon shall be final.

**247. Bar of jurisdiction of Civil Courts in election matters :-**

No civil court shall have jurisdiction to question the legality of any action taken or any decision given by an officer or authority appointed under this Act, in connection with the conduct of elections thereunder.

**248. Delegation of powers :-**

The State Government may, by notification, delegate all or any of their powers under this Act, as may be desired to any person or authority subordinate to them and may, in like manner withdraw any power so delegated. The exercise of any powers delegated under this section shall be subject to such restrictions, limitations and conditions and to such control and revision by such authority as may be specified in the notification.

CHAPTER 24

Repeal and savings

**249. . :-**

(1) On and from the date on which this Act comes into force in any area the United Provinces Panchayat Raj Act, 1947 (U. P. Act No. 27 of 1947) as extended to Manipur shall be repealed :

Provided that the said repeal shall not affect

(a) the previous operation of any such enactment or anything duly done or suffered thereunder ;

(b) any right, privilege, obligation or liability acquired, accrued or incurred under any such enactment ;

(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against any such enactment ; and

(d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid.

(2) Notwithstanding anything contained in sub-S. (1)

(a) all Gram Sabhas, Gram Panchayats, and Nyaya Panchayats established or constituted under the United Provinces Panchayat Raj Act, 1947 (U. P. Act No. 27 of 1947) as extended to Manipur shall subject to the provisions of this Act, continue to function for the remaining period of their terms as if they were established or constituted under this Act unless the Government by notification in the official Gazette dissolves them or terminates earlier ; and

(b) all jurisdiction declared, offices filled, rules, orders, appointments, divisions and assessments made, bye-laws framed, notifications, licences and notices issued, taxes, rates and fees imposed or assessed, budget passed, plans approved, permissions and sanctions granted, contracts entered into, suits, cases, appeals and revisions instituted or filed and proceedings and other actions taken under the United Provinces Panchayat Raj Act, 1947 (U. P. Act No. 27 of 1947) as extended to Manipur and in force immediately before commencement of this Act, shall continue to be in force and in so far as they are not inconsistent with this Act, shall be deemed to have been respectively declared, filled, made, framed , issued, imposed, assessed, passed, approved, granted, entered into, instituted, filed and taken, under this Act until other provisions are made under this Act.

SCHEDULE 1

Limitation for suits

<b>SCHEDULE 1</b>			
<b>Limitation for suits</b>			
Description of suit		Period of limitation	Time from which period begins to run
1.	For money due on contracts	Three years	When the money become due to the plaintiff.
2.	For the recovery of movable property or the value thereof	Three years	When the plaintiff become entitled to the delivery of movable property.
3.	For compensation	Three	When the movable property

3.	For compensation for wrongfully taking or injuring any movable property	Three years	when the movable property was wrongfully taken or when injury was done to it.
4.	For damages by cattle trespass	Six months	When the damage was caused.
5.	Any suit for which no period of limitations is provided elsewhere in this Act	Three years	When the right to sue accrues.

SCHEDULE 2  
SCHEDULE

**SCHEDULE 2**

Value of claim	Fee to be paid
Up to Rs. 50	Re. 1
Exceeding Rs. 50 but not exceeding Rs. 100	Rs. 2
Exceeding Rs. 100 but not exceeding Rs. 200	Rs. 4
Exceeding Rs. 200 but not exceeding Rs. 300	Rs. 6
Exceeding Rs. 300 but not exceeding Rs. 400	Rs. 8
Exceeding Rs. 400 but not exceeding Rs. 500	Rs. 10