

Bihar Panchayat Raj (Amendment) Act, 2011

11 of 2011

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AN ACT To Amend the Bihar Panchayat Raj Act, 2006 (Act 6, 2006) (As amended) Be it enacted by the Legislature of the State of Bihar in the sixty second year of the Republic of India as follows:-

1. Short Title, Extent And Commencement :-

- (1) This Act may be called the Bihar Panchayat Raj (Amendment) Act, 2011. (2) It shall extend to the whole of the State of Bihar. (3) It shall come into force at once.

2. Amendment Of Section 2 :-

After clause - (a n) of Section-2 of the Bihar Panchayat Raj Act, 2006 (Bihar Act 6, 2006) (hereinafter referred to as the Act) the following new clause (a o) shall be added, namely :-(a o) "Lok Prahari" means a person appointed as the Lok Prahari under sub-section (5) of Section-152.

3. Amendment Of Section 18 :-

A new proviso shall be added to the first paragraph of sub section

(5) of Section-18 of the Act as under:- "Provided when a system of Lok Prahari, instituted under sub-section (5) of Section-152 comes into force by a valid notification of the State Government, the Government may only pass order of removal of such Mukhiya or Up-Mukhiya, as the case may be, in the light of inquiry and recommendation of Lok Prahari for the removal."

4. Amendment Of Section 27 :-

After clause (b) of Sub-Section (1) of Section-27 of the Act, the following a new clause (c) shall be added, namely :- "(c) May impose property tax (tax on all type of residential and commercial holdings) within the local limits of its jurisdiction."

5. Amendment Of Section 31 :-

(i) In sub-section (1) of Section-31 of the Act, the words "authority as may be prescribed by the Government" shall be substituted by The words "Comptroller and Auditor General of India or an authority authorized by him". (ii) In sub-section (2) of Section-31 of the Act, the words "Prescribed authority" shall be substituted by The words "Comptroller and Auditor General of India or an authority authorized by him." (iii) In sub-section (3) of Section-31 of the Act, the words "Prescribed authority" shall be substituted by The words "Comptroller and Auditor General of India or an authority authorized by him." (iv) After Sub-Section-(3) of Section-31 of the Act, the following new Sub-Section (4) shall be added, namely:- "(4) Annual report of the Comptroller and Auditor General of India or an authority authorized by him shall be laid on before the both houses of the State Legislature."

6. Amendment Of Section 44 :-

A new proviso shall be added to the first paragraph of sub section (4) of Section-44 of the Act as under :- "Provided when a system of Lok Prahari, instituted under sub-section (5) of Section-152 comes into force by a valid notification of the State Government, the Government may only pass order of removal of such Pramukh /Up-Pramukh, as the case may be in the light of in inquiry and recommendation of Lok Prahari for the removal."

7. Amendment Of Section 55 :-

After clause (b) of sub -section (1) of Section-55 of the Act, the following new Sub-Section (c) shall be added, namely :- "(c) May impose property tax (tax on all type of residential and commercial holdings) within the local limits of its jurisdiction."

8. Amendment Of Section 59 :-

(i) In sub-section (1) of Section-59 of the Act, the words "authority as may be prescribed by the Government" shall be substituted by The words "Comptroller and Auditor General of India or an authority authorized by him". (ii) In sub-section (2) of Section-59 of the Act, the words "Prescribed authority" shall be substituted by The words "Comptroller and Auditor General of India or an authority authorized by him." (iii) In sub-section (3) of Section-59 of the Act, the words "Prescribed authority" shall be substituted by The words "Comptroller and Auditor General of India or an authority authorized by him." (iv) After sub-section (3) of Section-59 of the Act, the following new sub-section (4) shall be added, namely:- "(4) Annual report of the Comptroller and Auditor General of India or an authority authorized by him shall be laid on before the both houses of the State Legislature."

9. Amendment Of Section 70 :-

A new proviso shall be added to the first paragraph of sub-section (5) of Section-70 of the Act as under:- "Provided when a system of Lok Prahari, instituted under sub-section (5) of Section-152 comes into force by a valid notification of the State Government, the Government may only pass order of removal of such Adhyaksha or Upadhyaksha, as the case may be in the light of inquiry and recommendation of Lok Prahari for the removal."

10. Amendment Of Section 82 :-

After clause (b) of sub-section (1) of Section-82 of the Act, the following new Sub-Section (c) shall be added, namely :- "(c) May impose property tax (tax on all type of residential and commercial holdings) within the local limits of its jurisdiction."

11. Amendment Of Section 86 :-

(i) In sub-section (1) of Section-86 of the Act, the word "authority as may be prescribed by the Government" shall be substituted by "Comptroller and Auditor General of India or an authority authorized by him". (ii) In sub-section (2) of Section-86 of the Act, the words "Prescribed authority" shall be substituted by The words "Comptroller and Auditor General of India or an authority authorized by him." (iii) In sub-section (3) of Section-86 of the Act, the words "Prescribed authority" shall be substituted by The words "Comptroller and Auditor General of India or an authority authorized by him." (iv) After sub-section (3) of Section-86 of the Act, the following new sub-section (4) shall be added, namely:- "

(4) Annual report of the Comptroller and Auditor General of India or an authority authorized by him shall be laid on before the both houses of the State Legislature."

12. Amendment Of Section 97 :-

A new proviso shall be added to the first paragraph of sub section (5) of Section-97 of the Act as under:- "Provided when a system of Lok Prahari, instituted under sub-section (5) of Section-152 comes into force by a valid notification of the State Government, the Government may only pass order of removal of such Sarpanch or Up-Sarpanch, as the case may be in the light of inquiry and recommendation of Lok Prahari for the removal."

13. Amendment Of Section 152 :-

After sub-section (3) of Section-152 of the said Act, the following new sub sections (4) and (5) shall be added, namely :- "(4) Inquiry report in respect of the inquiry conducted under sub-section-(1) shall be submitted before the Lok Prahari constituted under sub-section-(5) for consideration and appropriate decision." "(5) Lok Prahari - (i) The Government shall establish a system of Lok Prahari for Panchayat and Gram Kutchahary. (ii) Appointment, service conditions, functions and powers etc. of the Lok Prahari shall be such as it may be prescribed. (iii) The system of Lok Prahari shall deemed effective from the date on which a valid notification in respect of the system of Lok Prahari becoming functional is issued by the State Government."

14. Amendment Of Section 168 :-

(i) The sentence "The Chairman and members of the Finance Commission shall be appointed in such manner as may be prescribed" in sub-section (3) of Section-168 of the Act, shall be substituted by the sentence "qualification and disqualification of the Chairman and the members of the Finance Commission shall be as follows and their appointment shall be in such manners as may be prescribed." (ii) In sub-section (3) of Section-168 of the said Act, the following new clauses (a) and (b) shall be added, namely : (a) Qualifications of Chairman and Members of Commission : The Chairman of the Commission shall be such person who shall have the experience of social activities and the other two Members shall be appointed from among such persons who, (i) Possesses special knowledge of Finance and Accounts of the government, or (ii) Possesses wide experience of financial matters and administration, or who (iii) is an expert in Panchayat Raj Administration, Urban

Local Bodies and its functions. (iv) has an specialization in economics. (b) disqualifications for Chairman or Members of the Commission: A person shall be ineligible for appointment as Chairman or Member or to continue as such, if such person : (i) is of unsound mind, (ii) has been declared bankrupt, (iii) has been punished for the charge of moral turpitude, (iv) have economic or other interest which affects improperly in performance of duty as Chairman or Member.

15. Amendment Of Section 170 :-

Section-170 of the aforesaid Act shall be substituted by the following, as : "170. Public Servant - All members, Up-Mukhiya, Mukhiya of the Gram Panchayat, all members, Up Pramukh and Pramukh of the Panchayat Samiti, all members, Upadhyaksha and Adhyaksha of the Zila Parishad and all Panches, Upsarpanch and Sarpanch of the Gram Kutchahary and all officers and employee of the aforesaid institutions shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860 (Act, 45 of 1860), when acting or purporting to act in pursuance of the discharge of their duties, or in the exercise of their powers under this Act or under the rules or bye-laws made thereunder."