

Jharkhand Panchayat Raj Act, 2001

06 of 2001

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Jharkhand Panchayat Raj Act, 2001

06 of 2001

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

CHAPTER 1

SHORT TITLE AND DEFINITIONS

1. Short Title, Extent And Commencement :-

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

2. Definitions :-

In this Act unless there is anything repugnant in the context : (i). "Population" means the population as ascertained at the last preceding census of which the relevant figures have been published; (ii) "Village" means a village specified by the State Government, by notification in the official gazette to be a village for the purposes of this Act, and includes a village or a group of villages/ Tolas so specified. The word "village" includes a revenue village; but in the scheduled area, a village means any such village in The scheduled area in which there will ordinarily be a residence or a group of residences, or a tola or a group of tolas, comprising such community as manages its activities according to its customs and usages; (iii) "Gram Sabha" means a body consisting of persons registered in the electrol rolls relating to a village comprised within the area of the Gram Panchayat and constituted under section 3; (iv) "Gram Panchayat" means a Gram Panchayat constituted under section 12; (v) "Panchayat Area" means territorial area of a Panchayat constituted under this act; (vi) "Member" means an elected/nominated member of any territorial/local constituency of a Gram Panchayat, Panchayat Samiti or Zila Parishad; (vii) "Mukhia" means a Mukhia of a Gram Panchayat elected under the provisions of this Act; (viii) "Up-Mukhia" means an Up-Mukhia of a Gram Panchayat elected under this Act; (ix) "Panchayat Samiti" means a Panchayat Samiti constituted under section 32 of this Act; (x) "Block" means such local area in a district as the State Government may constitute to be a Block; (xi) "Pramukh" means a Pramukh of Panchayat Samiti elected under this act; (xii) "Up-Pramukh" means an Up-Pramukh of Panchayat Samiti elected under this Act; (xiii) "District" means a district as notified by the State Government to be a district; (xiv) "Zila Parishad" means a Zila Parishad of a district constituted under section 47 of this Act; (xv) "Adhyaksha" means

an Adhyaksha of Zila Parishad elected under the provisions of this Act; (xvi) "Upadhyaksha" means an Upadhyaksha of Zila Parishad elected under the provisions of this Act; (xvii) "Election" means an election to fill up a seat or seats in a Panchayat; (xviii) "Election Proceedings" means proceedings starting with issuance of notification for election and ending with declaration of result thereof; (xix) "State Election Commission" means a State Election Commission constituted by the Governor under section 66 of this Act in the light of Article 243 K (1) of the constitution; (xx) "Secretary" means Secretary appointed in prescribed manner by the prescribed authority for Gram Panchayat, Panchayat Samiti and Zila Parishad under this Act; (xxi) "Assistant Secretary" means an officer especially appointed by the State Government through the Panchayat Raj Directorate to carry on functions to be prescribed; (xxii) "Block Development Officer" means an officer appointed as such by the State Government; (xxiii) "Sub Divisional Officer" means the Magistrate-in-Charge of a sub division in which a Gram Panchayat has been established and includes any other Magistrate who may be specially appointed by the Government to discharge all or any of the functions of (The Sub Divisional) Magistrate under this Act; (xxiv) "Executive Officer" means an Executive Officer of a Panchayat Samiti, appointed under the provisions of this Act; (xxv) "District Panchayat Raj Officer" means an officer appointed as such by the State Government; (xxvi) "Chief Planning Officer" means a District Planning Officer appointed as such by the State Government; (xxvii) "Chief Executive Officer" means a Chief Executive Officer of a Zila Parishad appointed by the State Government under the provisions of this Act; (xxviii) "District Magistrate" means a District Magistrate or a Deputy Commissioner of a District so appointed by the State Government and includes any other officer, who may be especially appointed by the State Government to discharge all or any of the functions of the District Magistrate under this Act; (xxix) "Commissioner" means the Divisional Commissioner or such other officer as may be especially appointed by the State Government to exercise the powers of a Commissioner under this Act; (xxx) "Director" means a Director employed as such by the State Government; (xxxi) "Government" means the State Government of Jharkhand; (xxxii) "Prescribed" means prescribed under this Act or Rules made hereunder; (xxxiii) "Prescribed Authority" means an officer of a particular rank and designation appointed by the State Government under this Act or Rules made thereunder; (xxxiv) "Notification" means a notification

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

CHAPTER 2

GRAM SABHA

3. Section 3 :-

(i) For the purposes of this Act, a District Magistrate on direction of the State Government may, by notification in the District Gazette, specify a village or 1[a group of villages Gram Sabha] as gram but, where a Gram Sabha is constituted for a group of villages, name of the village having the largest population shall be specified (prefixed to) as that Gram Sabha; (ii) GRAM SABHA means a body consisting of persons registered in the electoral rolls relating to a revenue village comprised within a Gram Panchayat area; (iii) GRAM SABHA in a scheduled area:- Ordinarily there shall be one GRAM SABHA for a village but if members of a Gram Sabha in a scheduled area so desired more than one Gram Sabha may be constituted in the manner to be prescribed, and in the area of each such Gram Sabha there shall be a residence or a group of residences or group of small villages or villages/tolas comprising communities which shall manage their activities according to customs and usages. 1. Substituted by the Jharkhand Panchayat Raj (Amendment) Act, 2001 (Act No. 7 of 2002) for the following : - "a group of villages Gram"

4. Electoral Roll :-

(a) Electoral Roll (Voters List)- There shall be a voters list for each village specified under 1[section-2(ii)], which shall be prepared

according to the provisions of this Act and Rules made thereunder. (b) Registration of Voters - (i) Every such person, who is eligible to be registered in the electoral Roll of the legislative Assembly relating to that village or whose name is entered therein and who is an usual resident of that village, shall be entitled to be registered in the voters list of that village; (ii) Provided that, no person shall be entitled to be registered in more than one villages voters list. (iii) Provided that no person shall be entitled to be registered in the voters list if he is registered in the Electoral Roll relating to any other spatial authority. (C) Voters of a Panchayat - All the persons whose names are entered as voter in that much part of the then in force voters list or lists of the state Legislative Assembly constituency, as is related to the territorial constituency of a Gram Panchayat, shall be voters in the Panchayat election concerned. 1. Substituted by the Jharkhand Panchayat Raj (Amendment) Act, 2003 (Act No. 12 of 2002) for the following :- "section 3"

5. Meetings Of Gram Sabha :-

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

6. Convening Of Meetings :-

(i) A notice of the meeting shall be pasted on the notice-board of the Gram Panchayat Office and the same shall adequately be brought to the notice of the public by means of publicity (such as Dugdugi, drum and amplifiers); (ii) It shall be the responsibility of the Mukhia to convene and conduct the meetings of the Gram Sabha. If 1[Mukhia] this fails to convene the meeting as specified under this Act, the Executive Officer of the Panchayat Samiti and the Prescribed Officer of the Panchayat authorised by him shall convene such meeting; Provided that in case he fails to call meetings at intervals prescribed under this Act, he shall be deprived of holding the post of Mukhia; Provided also that no order shall be passed by the officer prescribed under this sub-section against the Mukhia unless he is given reasonable opportunity of hearing. 1. Inserted by the Jharkhand Panchayat Raj (Amendment) Act, 2001 (Act No. 7 of 2002).

7. Quorum :-

(i) The quorum for a meeting shall be 1/10th of the total members of the Gram Sabha, out of which at least 1/3rd should be women; Provided that in a scheduled area, the quorum for a meeting shall be 1/3rd of the total members of the Gram Sabha, out of which at least 1/3rd should be women. (ii) If at the time appointed for the meeting, members in requisite numbers for the quorum are not present, the person presiding the meeting shall adjourn the meeting to such a future date and time as he may appoint and a fresh notice shall be given in the prescribed manner and quorum shall not be required for holding such an adjourned meeting; Provided that no new subject shall be taken into consideration in such a meeting.

8. Presiding Officer :-

(i) Every meeting of the Gram Sabha shall be presided over by the Mukhia of the concerned gram Panchayat and in his absence by the up-Mukhia; (ii) In case of absence of both the Mukhia and the Up-Mukhia in the meeting, the meeting of the Gram Sabha shall be presided over by such member of the Gram Sabha who would be elected for the purpose by a majority of votes of the member present; (iii) Presiding over of meetings of Gram Sabhas in scheduled area - Meeting of Gram Sabha in scheduled did area shall be presided over by such, a member of the scheduled tribes who is not the Mukhia, Up-Mukhia or member of the Panchyat, and such meeting shall be presided over by a respected 1[is] person according to the custom usage traditionally prevalent in that area such as Gram Pradhan, Manjhee, Munda, Pahan, Mahto or one Khown by any other name, or by a person proposed by them or 2[by a majority of votes] by nominated/ supported by the members present in the meeting. 3[Provided also that in a Gram Sabha in which there is a respected person according to the custom and usage prevalent from traditions who is the Gram Pradhan (Head of the village) and called as Manjhi, Munda, Pahan, or by such other name and is a member of the Scheduled tribe, then a meeting of the Gram Sabha in the Scheduled areas shall be presided over by him, or if there be any member of the Scheduled tribe in the said area, then by such person on being proposed by the Gram Pradhan or nominated/ supported by a majority of votes of the members present in the meeting, and if there be no members of the Scheduled tribe then, by a person not belonging to the Scheduled tribe, who is proposed or nominated / supported

therfor.] 1. Inserted by the Jharkhand Panchayat Raj (Amendment) Act, 2001 (Act No. 7 of 2002). 2. Substituted by the Jharkhand Panchayat Raj (Amendment) Act, 2003 (Act No. 12 of 2002) for the following :- "unanimously" 3. Inserted by the Jharkhand Panchayat Raj (Amendment) Act, 2003 (Act No. 12 of 2002).

9. Section 9 :-

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

10. Powers And Functions Of Gram Sabha And Its Annual Meeting :-

1. Under Rules to be made by The State Government in this regard and subject to such general or specific orders as may time-to-time be issued by the State Government, the Gram Sabha shall perform the following functions, namely - (a) (i) Identification of economic developmental schemes for the village and formulation of criteria for fixing their priorities. (ii) Approval of schemes for social and economic development including all the annual schemes pertaining to the Gram Panchayat, before implementation of programmes and projects; (iii) Discussions on annual budget of the Gram Panchayat and making recommendations thereto; (iv) Deliberations on audit report and annual accounts of the Gram Panchyat; (v) Determination and confirmation of appropriate utilization of funds for the schemes, programmes and projects specified under section 10(1) (a) (2) by the Gram Panchayat; (vi) Identification and selection of persons as beneficiaries under poverty alleviation and other programmes; (vii) Assuring distribution of funds or resources among beneficiaries and their proper use; (viii) Activating people towards community welfare programmes and receiving contributions in cash or kind or in both and participation of voluntary worker; (ix) Enhancing general conscience unity and amity among people in general; (x) Keeping control through Gram Panchayat over such organizations and such functionaries in social sectors, as have been transferred to the Gram Panchayat or appointed by the Gram Panchayat; (xi) Managing natural sources such as land, water, forest falling within the limits of the village area according to the constitution and other relevant laws then in force; (xii) Giving advice of the Gram Panchatyat as to regularization and utilization of small reservoirs; (xiii) Keeping

watch over local schemes and over sources and expenditure of the said schemes; (xiv) Sanitation and conservancy as well as prevention and solution of nuisance; (xv) Construction, repairs and maintenance of public wells and ponds as well as making available drinking water for domestic use; (xvi) Making available and maintaining water sources for bathing, washing and for drinking purposes of domestic animals; (xvii) Construction and maintenance of rural roads, culverts, bridges, embankments and other works and buildings of public utility. (xviii) Construction, maintenance and conservancy of public roads, cesspits, drains and other public places; (xix) Filling up of wells not in use Insanitary ponds, ditches and holes; (xx) Providing light on village paths and other public places; (xxi) Removal of hindrances and projections to public streets and places as well as the spaces which are not private properties or which are open for public use whither such places are vested in the Panchayat or belong to the State Government; (xxii) Regulating and controlling recreations, games-shows, shops, eating houses and vendors of beverage, sweets, fruits, milk and similar other articles; (xxiii) Regulating construction of houses, cess-pits urinals, drains and flush latrines; (xxiv) Management of public land and management, extension and development of village site; (xxv) Disposal of corpses, carcasses (including those unclaimed) and other obnoxious articles in such a way that the same may not be injurious to health; (xxvi) Providing places separately for dumping rubbish; (xxvii) Responsibility for sale and Test of meat; (xxviii) Taking care of the Gram Sabha-properties; (xxix) Establishment and management of pounds and maintenance of records regarding cattle; (xxx) Taking care of ancient and historical monuments excepting those which have been declared to be of national importance and maintaining grazing grounds and other lands lying within control of the Gram Sabha; (xxxi) Maintaining records of births, deaths and marriages; (xxxii) Assisting in census or other surveys done by centre, state or other organizations constituted lawfully; (xxxiii) Giving assistance in control of contagious disease, vaccination etc. work; (xxxiv) Helping the disabled and destitutes (including women and children); (xxxv) Expansion of youth welfare, family welfare and sports; (xxxvi) Afforestation and conservation of village forestry; (xxxvii) Abolition of dowry like social evils; (xxxviii) Implementation of orders of the State Government or other competent officers to improve the condition of scheduled castes, scheduled tribes, backward classes and to prevent untouchability; (xxxix) Preparing schemes for basic

amenities and making arrangements therefor; (xL) Helping disabled women/children; (xLi) Execution of work assigned by Panchyat Samiti, Zila Parishad; (xLii) Execution and supervision of construction work as per specified schemes within the Gram Sabha area; (xLiii) Exercise and discharge of powers and functions assigned by the State Government under this Act or any other law in force in the State for the time being. (b) For discharging these functions and duties the Gram Sabha may constitute the following standing committees, namely :- (i) Village Development committee, (ii) Government estate committee, (iii) Agriculture committee, (iv) Health Committee, (v) Village Defense Committee, (vi) Infrastructure committee, (vii) Education committee and social justice committee, (viii) Vigilance committee. (c) Reservation of seats, term of office, resignation, procedure for removal, conduct of business, members, eligibility for membership, meeting, manner of filling vacancy, selection of Secretary and procedure of Standing Committees shall be as may be prescribed by the prescribed officer; (d) Village Development committee shall prepare a scheme for all-round development of the village and shall put up the same before the Gram Sabha for its approval; (e) Every Gram Sabha may set up a fund which, consisting of the following four parts, shall be known as Gram Kosh (Village Fund) :- (i) Grain Kosh, (ii) Labour Kosh, (iii) Commodity Kosh, (iv) Cash Kosh, In which the following shall be deposited :- (a) Donations, (b) Incentive amounts, (c) Other income. (f) Gram Kosh shall be kept in such a manner and maintained in such a way and form as the prescribed. 2. Annual Meeting of Gram Sabha : - Gram Panchayat shall put up before the annual meeting of the Gram Sabha, which shall be held at least three months before the start of the next financial year, the following matters :- (i) Annual Return of account, administrative report of the preceding financial year, last audit report and reply given relating thereto, if any; (ii) Programme relating to development and other works proposed for the next financial years; (iii) Annual budget of the Gram Panchayat and annual scheme for the next financial year; (iv) Report of the vigilance committee; (v) Explanation called for from Mukhia and members of the Gram Panchayat in respect of any particular activities, scheme, income and expenditure; 3. Gram Panchayat Shall also place before the Gram Sabha the matters which may be required by the Panchayat Samiti, Zila Parishad, Deputy Commissioner/District Magistrate or any other officer authorized in this behalf, to be placed before such a meeting; 4. Gram Panchayat shall under this section implement

the recommendation made by the Gram Sabha in respect of the matters before it, if any, in the light of the rules of the State Government in force for the time being. 5. Extra powers and functional of Gram Sabha in scheduled area - (i) It shall protect and preserve the traditions and customs of persons their cultural identity and community means (Sarna, Masna, 1[Jaher-Than] etc.) and their customary manners of disposal of disputes, which are not inconsistent with constitutional view-point, and when needed may for the sake of extending co-operation in this regard, duly bring proposals before the Gram Panchayat, Panchayat Samiti and Zila Parishad as well as the State Government; (ii) It may manage the natural sources including land, water and forest within the village areas according to its tradition but in tandom with the provision of the constitution and duly keeping in view the spirit of other relevant laws in force for the time being; (iii) It may provide for local schemes including tribal sub-schemes and sources and costs for such schemes; (iv) It shall exercise such other powers and discharge such functions as the State Government may assign or delegate to it under any law in force for the time being; (v) Gram Sabha, through the Gram Panchayat, Shall manage Bazaars of the villages, and fairs including cattle fair, irrespective of their name. 6. In addition to functions specified under section 10 (1) (a) and extra powers and functions of Gam Sabha in scheduled area mentioned under section 10(5), the State Government may time to time ascertain other extra powers and functions for Gram Sabha in scheduled area. 7. Gram Sabha shall be free to consider any subject related with the functions of the Gram Panchyat and the Gram Panchayat shall implement its recommendations in the light of then prevalent rules. 8. Functions of the Gram Sabha mentioned in Section 10(1) (a) and section 10 (5) shall not effect the Acts/Rules of the Government then Prevalent and it jurisdiction. 9. The State Government may, by general or special order increase the functions and duties delegated to the Gram Sabha or may withdraw the same. 1. Substituted by the Jharkhand Panchayat Raj (Amendment) Act, 2001 (Act No. 7 of 2002) for the following : - "Johar-Sthan"

CHAPTER 3

CONSTITUTION OF PANCHAYATS

11. Constitution Of Panchayats :-

For the purposes of this Act their shall be constituted - 1. Gram Panchayat for a village, 2. Panchayat Samiti for a Block, and 3. Zila

Parishad for a district.

12. Gram Panchayat :-

1[Every such village, which has been specified as a village for the purposes of this Act under section 2 (ii) shall be under a Gram Panchayat.] 1. Substituted by the Jharkhand Panchayat Raj (Amendment) Act, 2003 (Act No. 12 of 2002) for the following :- "There shall be a Gram Panchayat for each village which has for the purposes of this Act been specified as a village under section (3)."

13. Declaration Of Gram Panchayat Area :-

1. Subject to the general or special orders of the State Government, the District Magistrate may, by notification in the District gazette, declare any local area comprising a village or a group of contiguous villages or parts thereof to be a Gram Panchayat area with a population within its territory, as nearly as five thousand, in perspective of the entire State. 2. The Gram Panchayat Shall be specified by the name of the village having the largest population. 3. The district Magistrate may, at the request of the Gram Panchayat concerned or otherwise and after pre-publication of the proposal, by a notification, at any time. (a) Bring about changes in the area of any Panchayat by including or excluding any village or group of villages/ portions thereof; (b) Change the name of Panchayat area or declare that a particular area is no longer a part of the Panchayat area. 4. If the State Election Commission suo motu or on receipt of a written representation from an aggrieved person is of opinion that there is sufficient reason for doing so, it may review the legality and propriety of any Gram Panchayat declared under sub-section (1), (2) and (3) and may call for the relevant records for the purpose, and subject to the provisions of this Act, may pass such order which the commission deems proper and reasonable; Provided that after notification of the date of Panchayat Election by the Governor under section 66 (4) of the Act, the Commission shall not consider any such new case.

14. Incorporation Of Gram Panchayat :-

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

the Acts for the time being in force, and may in its corporate name sue and be sued.

15. Composition Of Gram Panchayat :-

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

16. Division Of Gram Panchayat Into Territorial Constituencies (Wards) :-

1[(i)] For the convenience of election, the District Magistrate shall, in accordance with such rules as may be prescribed by the state government, divide the area of the Gram Panchayat into territorial constituencies (wards) in such a manner that the population of each territorial constituency possibly be near about 500 and so far as practicable be the same throughout the panchayat area. 2[(ii) One member shall be elected from every territorial constituency of the Gram Panchayat by direct election in the prescribed manner.]

1. Renumbered by the Jharkhand Panchayat Raj (Amendment) Act, 2001 (Act No. 7 of 2002). 2. Inserted by the Jharkhand Panchayat Raj (Amendment) Act, 2001 (Act No. 7 of 2002).

17. Reservation Of Seats In The Gram Panchayat :-

(A) For members of the Gram Panchayat (in general area) 1. In each Gram Panchayat, for (a) Scheduled castes and (b) Scheduled tribes, seats shall be reserved, and the number of seats so reserved shall as far as practicable bear the same proportion to the number of seats to be filled by direct election in the said Gram Panchayat as the population of scheduled castes and scheduled tribes in the said Gram Panchayat area bears to the proportion of the total population of that area, and such seats shall be allotted by rotation to different territorial constituencies (wards) in the Panchayat by the State Election Commission. 2. In case of the overall reservation for scheduled castes and scheduled tribes being less than 50 percent of the total number of members in a Gram Panchayat, the reservation falling short of 50% shall be made for other backward classes in proportion to their population, provided that overall reservation for scheduled castes, scheduled tribes and other backward classes shall not exceed 50% of the total number of posts. 3. In every Gram Panchayat, out of the seats reserved for scheduled castes, scheduled tribes and other backward classes, at

least one - third seats shall be reserved for women belonging to, as the case may be, scheduled castes, scheduled tribes and other backward classes. 4. In every Gram Panchayat, out of the total number of seats to be filled by direct election, at least one-third seats (including the number of seats reserved for women belonging to scheduled castes, scheduled tribes and other backward classes) shall be kept reserved for women and such seats shall be duly allotted by rotation by the state election Commission. 5. The territorial constituencies (wards) which have not any population of scheduled castes, scheduled tribes or other backward classes, shall, as the case may be, 1[excluded from allotment in the prescribed manner] of seats reserved for scheduled castes, scheduled tribes and other backward classes. (B) For members of the Gram Panchayat (in Scheduled area)- 1. In each Gram Panchayat in the Scheduled area, reservation of seats for scheduled castes and scheduled tribes shall be made according to their respective population in the Panchayat; Provided that reservation for scheduled tribes shall not be less than one -half of the total number of seats, 2. In a scheduled areas Gram Panchayat, seats for persons belonging to other backward classes shall, in proportion to their population, be reserved in such number that the same together with the number of seats reserved for Scheduled castes and scheduled tribes, if any, does not exceed eighty per cent of the overall seats of the said Gram Panchayat. 3. Out of the seats reserved by virtue of subsections (1) and (2) the one-third seats shall be reserved for women belonging to scheduled castes, scheduled tribes and other backward classes, as the case may be. 4. Out of the total seats of the Gram Panchayat concerned, one - third seats (including the seats reserved for women belonging to scheduled castes, scheduled tribes and other backward classes) shall be reserved for women. 5. Reservation of posts under the aforesaid subsections shall be allotted by rotation by the state election commission, in the prescribed manner. 6. As to a Gram Panchayat within the scheduled area, in which there is no scheduled tribes population, the same shall be excluded from allotment of seats reserved for members of the scheduled tribes, in the prescribed manner. 7. As to the territorial constituencies (wards) of a Gram Panchayat, in which there is not any population of scheduled castes, scheduled tribes or other backward classes, the same shall duly be excluded from seats reserved for scheduled castes, scheduled tribes or other backward classes, as the case may be. 1. Substituted by the Jharkhand Panchayat Raj (Amendment)

Act, 2001 (Act No. 7 of 2002) the following : -"defeated from allotment"

18. Eligibility To Vote And Be A Candidate :-

(i) Every such person whose name is included in the voters list of a village, shall be qualified to vote in the election of Office-bearers of the Panchayat in which the said village is included. (ii) Every such person, unless he is declared disqualified under this Act or any other law in force for the time being, 1[shall be eligible to be elected as an office - bearer of the Panchayat or its territorial constituency in the electoral roll of which his name is entered.] (iii) Bar to concurrent membership- No person shall be eligible to stand in more than one constituency (ward) for being elected as an Office-bearer of a Panchayat as the case may be. 1. Substituted by the Jharkhand Panchayat Raj (Amendment) Act, 2001 (Act No. 7 of 2002) for the following : -"shall be eligible to be elected as an Office-bearer of a Panchayat."

19. Disqualifications For Being An Office-Bearer Of A Gram Panchayat No Person Shall Be Qualified For An Office-Bearer Of The Gram Panchayat :-

(A) Who is not a citizen of India; (B) Either before commencement of this Act or thereafter- (1) Who has been convicted of any offence under the Civil Services Conduct Rules, (Civil Services Conduct Act) in force for the time being or under any law relating to use, consumption or sale of intoxicants or under any law in force for the time being in any part of the state unless a period of five years or such a lesser period as the State Government may determine in a particular case, has expired since the date of his conviction; (2) Who is a person of unsound mind and has been so declared by a competent court; (3) Who is a declared bankrupt; (4) Who holds a post of gain under any Panchayat or is in service in any other local authority or in any Cooperative Society or in the State Government or the Central Government or in State Government or Central Governments Public Sector undertaking; (5) Who has been removed from a post in service under the State Government or the Central Government or any Panchayat, any other authority or any Cooperative Society or any public sector undertaking of the Central or State Government on the ground of corruption or dereliction of duty; (6) Who holds any share or interest directly or indirectly in any contract entered into with or by the Panchayat or on behalf of that; Provided that no person shall be deemed disqualified under clause (6) of sub-section (B) only because – a) He has a share in a

Joint Stock Company, he has any share or interest in any such organisation or cooperative society registered under the States Society Registration Act in force for the time being which will enter into a contract with the Panchayat or which will be employed by or on behalf of the Panchayat; or b) He has a share or interest in any such newspaper in which any advertisement regarding activities of the Panchayat is given; or c) He holds a debenture by or on behalf of the Panchayat or is otherwise concerned with any loan taken by or on behalf of the Panchayat; (7) Who has been declared disqualified by or under any law, for the time being in force, for the purposes of election of the State Legislature; Provided that if a person has attained 21 years of age, he shall not be declared disqualified on the ground that his age is less than 25 years; (8) Who has, by any Criminal Court in India or abroad, been sentenced to imprisonment for a period exceeding six months or to penalty for an offence other than a political offence, been ordered to produce security against bad behaviour under section 109 or 110 of the Criminal Procedure Code, 1973 (Act 2 of 1974) and the order has not been reversed subsequently.

20. Election Of Mukhia :-

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

21. Reservation Of Posts Of Mukhia And Up-Mukhia :-

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

caused in such post. (3) Notwithstanding anything contained in this section, the Mukhia shall be deemed to be a member of the Gram Panchayat for all the purposes of this Act. (B) Reservation of Posts of Mukhia and Up-Mukhia in Gram Panchayat (In scheduled area) - 3[The posts of Mukhia of Gram Panchayats in the Scheduled areas shall be reserved for the scheduled tribes : Provided also that the Gram Panchayats lying within the Scheduled areas where there is no population of the Scheduled tribes shall be excluded from allotment of posts of Mukhia reserved for the Scheduled tribes in the prescribed manner.] 2[(ii) Not less than one- third of the 4[shall be substituted by "total posts of Mukhia of the Gram Panchayats] in every Panchayat Samiti in the scheduled areas shall be reserved for the women belonging to the Scheduled tribes and such seats shall be allotted by the state election Commission by rotation in the manner as prescribed.] 1. Renumbered by the Jharkhand Panchayat Raj (Amendment) Act, 2001 (Act No. 7 of 2002). 2. Inserted by the Jharkhand Panchayat Raj (Amendment) Act, 2001 (Act No. 7 of 2002). 3. Substituted by the Jharkhand Panchayat Raj (Amendment) Act, 2003 (Act No. 12 of 2002) for the following :- "1[(i)] Post of Mukhia and Up-Mukhia of the Gram Panchayats in the scheduled areas shall be reserved for the scheduled tribes; Provided also that the Gram Panchayats, in the scheduled areas, wherein there is no population of scheduled tribes, shall be duly excluded from allotment of reserved posts of Mukhia and Up-Mukhia of scheduled tribes." 4. Substituted by the Jharkhand Panchayat Raj (Amendment) Act, 2003 (Act No. 12 of 2002) for the following :- "total posts Mukhia and up -Mukhia of the Gram Panchayat"

22. Election Of Up-Mukhia :-

(a) The prescribed authority shall at the earliest possible after every election, call a meeting of elected members and Mukhia, and in the meeting so called; The Gram Panchayat shall, subject to the provisions of sub-section (c) and (d), elect by a majority of votes an Up-Mukhia from amongst its elected members. (b) Mukhia of the Gram Panchayat shall not be a voter in election of Up-Mukhia, but in case of equality of votes he may exercise casting vote. (c) If the Up-Mukhia becomes a member of any house of Parliament or a member of the State Legislature or Chairman or Vice Chairman of any Cooperative Society, then as regards him it shall be deemed that he has vacated his post from the date on which he has become a member or Chairman/ Vice Chairman, as the case may be, and it

shall be deemed that a casual vacancy has occurred in the office for the purposes of section 63. 1[(d) Steps shall be taken in accordance with the provisions of section 21 (A) in election of an up Mukhia in general areas and in accordance with the provisions of Section 21 (B) in election of an up- Mukhia in the scheduled areas.] 1. Substituted by the Jharkhand Panchayat Raj (Amendment) Act, 2001 (Act No. 7 of 2002). "(d) Post of Up-Mukhia being a single post, it shall be kept unreserved or shall be dealt with in accordance with the provisions made by the State Government."

23. Notification As To Publication Of Names :-

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

24. First Meeting, Oath Of Office And Tenure :-

(1) First meeting of the Gram Panchayat may be held within 30 days from the date of publication under section (23). Such meeting shall be called by the prescribed Authority and provisions of section (69) concerning meeting shall apply to the meeting as far as practicable. 2 (a) Oath of Office - Every person before entering upon the Office notified by section (23), shall make and subscribe in the presence of the prescribed Authority, an oath or affirmation in the prescribed manner. (b) If any member denies to make and subscribe an oath or affirmation in the proper manner or refuses otherwise so to do, it shall be deemed that he has vacated his office forthwith. 3. Office-bearers of the Gram Panchayat shall hold office for a term of five years from the date of its first meeting and no longer; Provided that notwithstanding any thing contained in this subsection, every person entering upon an office of the Gram Panchayat shall immediately cease to hold his office - (a) In case he ceases to be a voter of the said Gram Panchayat; or (b) In case he becomes a member of the Legislature of the said state or a member of any house of the Parliament; (c) Every Up-Mukhia, if he ceases to be a member of the Gram Panchayat for any reason, shall vacate his office. 4. If the Gram Panchayat is not reconstituted before the expiry of the term mentioned in sub-section(3), it shall stand dissolved on the expiry of the term, and the provisions of section (107) shall apply to the said Panchayat for a term exceeding six months within which the Gram Panchayat shall be reconstituted according to the provisions of this Act.

25. Term Of Gram Panchayat :-

(i) Every Gram Panchayat unless sooner dissolved under any law for the time being in force shall continue for a term of five years from the date appointed for its first meetings and no longer. (ii) Election to constitute a Panchayat shall be completed - (a) Before expiry of its term specified in such section (1), and (b) In case of its dissolution, before expiry of the period of six months from the date of its dissolution, Provided that where the remainder of the period for which the dissolved Gram Panchayat would have continued is less than six months, it shall not be necessary to hold any election under (this) such section for constituting the Gram Panchayat for such period. (iii) A Gram Panchayat constituted upon the dissolution of a Gram Panchayat before the expiration of its term, shall continue only for remainder of the period for which the dissolved Gram Panchayat would have continued under sub-section (1), had it not been so dissolved.

26. Non-Confidence Motion Against A Mukhia Or A Up-Mukhia :-

1. If the Gram Panchayat passes a motion of no-confidence by a resolution passed by not less than a three-fourth majority of votes of the members attending the meeting especially called for this purpose and taking part in voting, which (member) comes to more than two-third of the total member of members constituting the Gram Panchayat for the time being, the said Mukhia or Up-Mukhia, against whom such motion is passed, shall be deemed to have vacated his office forthwith. 2. Notwithstanding any thing contained in this Act or the Rules made thereunder, no Mukhia or Up-Mukhia shall preside over the meeting called for discussion of no confidence motion against him and the said meeting shall be convened in the prescribed manner and it shall be presided over by the Government Officer appointed by the Authority prescribed. Mukhia or Up-Mukhia, as the case may be, shall have the right to speak or otherwise participate therein. 3. No-confidence motion against a Mukhia or Up Mukhia - (a) Shall not be brought during the first year of his tenure; (b) Shall not be brought within a period of six months remaining for expiration of his tenure; (c) Shall not be brought within a period of one year from the date of rejection of a preceding no confidence motion; (d) If the Mukhia or the Up-Mukhia, as the case may be, wants to challenge the legality of the motion passed under sub-section (1), he shall refer the dispute to the 1[State Election Commission constituted by the state government] within a period of 10 days from the date on which the

said motion was passed, who shall decide the same, as far as possible, within a period of 30 days from the date of its receipt and his decision shall be final. 1. Substituted by the Jharkhand Panchayat Raj (Amendment) Act, 2001 (Act No. 7 of 2002) for the following : - "District Magistrate/ Deputy Commissioner"

27. Simultaneous Vacancy In The Offices Of Mukhia And Up-Mukhia :-

1. If the offices of Mukhia and Up-Mukhia simultaneously fall vacant in a Gram Panchayat, the Executive Officer concerned shall, within fifteen days of occurrence of such situation, call a meeting of the members to elect an Up-Mukhia. 2. The said meeting shall be presided over by the Executive Officer, but he shall have no right to vote. 3. In case of equality of votes in election of the Up-Mukhia, the result shall be determined by lot.

28. Recall Of Office :-

bearer of Gram Panchayat 1. The Mukhia of a Gram Panchayat may be recalled, in a secret voting, by a majority of votes of more than half the total number of members constituting the Gram Sabha within the Gram Panchayat, in the manner prescribed; and the Mukhia shall be deemed to have vacated his office forthwith; Provided that any such procedure for recalling shall be initiated only when not less than one third of the total members of the gram Sabha has presented a written representation to the District Magistrate/ Deputy Commissioner; Provided also that any such procedure shall not be initiated till - (a) An elected Mukhia has not completed two and a half years of his tenure; (b) A Mukhia elected in a by-election has not completed his term. 2. An elected member of a Gram Panchayat shall be deemed to have vacated his post forthwith if more than half of the total number of members of the Gram Sabha constituting the said territorial constituency (Ward), wherefore the member has been elected, has in a secret voting, voted in majority for his recall. 3. Provisions of sub-section (1) relating to recall of a member shall mutatis mutandis be applicable. 4. If any Mukhia or any member, as the case may be, wants to call in question the validity of his recall (under the foregoing sub-section), he shall put up his dispute before the District Magistrate within 10 days from the date of vacation of his office, who shall decide the same within 30 days of the receipt and his decision shall be final.

29. Resignation By Mukhia, Up-Mukhia Or Member :-

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

30. Removal Of Mukhia And Up-Mukhia :-

Without any prejudice to the provisions of this Act, the Mukhia/Up-Mukhia may be removed from his office by the State Government on being found guilty of misconduct or negligence in his duties, dereliction or continuous slackness in discharge of his duties or any mean behavior and on such removed the Mukhia/ Up-Mukhia shall not be eligible to be re-elected as Mukhia or Up-Mukhia during his remaining tenure in the said Gram Panchayat; Provided that such any Mukhia/Up-Mukhia shall not be removed from his office unless he is given a reasonable opportunity to submit his explanation.

31. Making Over Of Charge By The Outgoing Mukhia :-

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

disqualification may be abolished or short termed for the reasons to be recorded by the State Government. Panchayat Samiti – In the three tier Panchayat Raj rule Panchayat Samiti is the intermediary link under section (11).

32. Panchayat Samiti :-

The Governor may divide a district into blocks by a notification. Name of each such block, its head quarters and area comprised therein shall be specified in the notification. There shall be a Panchayat Samiti for every block, which shall be known by the name of the said Block, and no area of the Block lying under any municipal corporation, municipality, notified area or cantonment board shall be included within its jurisdiction.

33. Constitution Of Panchayat Samiti :-

1. Every Panchayat Samiti shall consist of - (a) Directly elected members from the Panchayat Samitis territorial constituencies, as determined under the Act; (b) Members of the Lok Sabha and the State Legislative Assembly, representing constituencies which fall wholly or partly within the Panchayat Samiti; Provided such member of the Lok Sabha or the Legislative Assembly whose constituency falls entirely in the urban area, shall not be a member of the Panchayat Samiti; Provided also that if any such member of the Lok Sabha or the Rajya Sabha, or the State legislative Assembly, who is a member of Panchayat Samiti, is unable to attend any meeting of the Panchayat Samiti due to absence, illness or any other cause, he may nominate his such representative to attend the meeting of the Panchayat Samiti. Who has the qualifications as prescribed. (c) Such member of the Rajya Sabha whose name is entered as voter within the Panchayat Samitis area. (d) 1/5th of Mukhias of the territorial area comprising the Panchayat Samiti by rotation for a period of one year as determined by drawing of lots by the prescribed officer, Provided that no Mukhia who is a member under the Panchayat Samiti for one term, shall be eligible to be a member for other terms: Provided also that no Mukhia who is a member under the Panchayat Samiti, shall be a member of the standing committees of the Panchayat Samiti under section (72). (e) An outstanding person of the area of the Panchayat Samitis jurisdiction, who is nominated by notification by the State Government. Provided that the term of such member shall be ascertained by the State Government; Provided that the State Government shall also be competent to annul the nomination of such nominated member; Provided that such nominated member

can not be an Office-bearer of the Panchayat Samiti. 2. All the members of the Panchayat Samiti shall have the right to vote in the meetings of the said Samiti. 3. If any constituency does not elect a member, then in order to fill in such seat a fresh election proceeding in the said constituency shall be started within six months; Provided that further proceedings of the election of Pramukh / Up-Pramukh of the Panchayat Samiti shall not be stopped due to the election of any member being pending according to this sub-section; Provided further also that if any constituency does not again elect a member, then proceedings of fresh election in such constituency shall be started only after satisfaction of the State Election commission to the effect that there is the possibility of a member being elected from the said constituency.

34. Incorporation Of The Panchayat Samiti :-

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

35. Division Of The Panchayat Samiti Into Territorial Constituencies :-

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

36. Reservation Of Seats Of The Panchayat Samiti :-

(A) Reservation of seats of the Panchayat Samiti (in general area) -
1. In every Panchayat Samiti there shall be reserved seats for (a)

Scheduled Casts, and (b) Scheduled tribes, and The number of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of seats to be filled up by direct election in that Panchayat Samiti as the population of the scheduled castes in that Panchayat Samiti area or of the scheduled tribes in that Panchayat Samiti area or bear to the total population of that area and such seats shall be allotted by rotation to different constituencies in a Panchayat Samiti by the State Election Commission in the prescribed manner; Provided that for the purposes of calculation of number of seats to be reserved for the scheduled tribes in a Panchayat Samiti in an area, other than the scheduled areas, becoming a part of the said Panchayat Samiti the total population of the scheduled areas falling within the said Panchayat samiti as well as the population of the scheduled tribes therein shall be excluded. 2. In case of the reserved seats for the scheduled castes and scheduled tribes taken together in a Panchayat Samiti being less than 50 percent of the total number of members, reservation of the posts falling short of 50 percent shall be reserved for the other backward classes in proportion to the population of the other backward classes of the Panchayat Samiti area, which may be allotted by the State Election Commission by rotation in the prescribed manner; Provided that the overall reservation for the scheduled castes, the scheduled tribes and the other backward classes shall not be more than 50 per cent of the total number of posts. 3. Not less than one-third of the total number of seats reserved under subsections (1) and (2) shall be reserved for women belonging to the scheduled castes, the scheduled tribes or the other backward classes, as the case may be. 4. Not less than one third (including the number of seats reserved for women belonging to the scheduled castes, scheduled tribes and other backward classes) of the total number of seats to be filled up by direct election in 1[every Panchayat Samiti] shall be reserved for women and such seats may be allotted by the State Election Commission by rotation in the prescribed manner. 5. Such territorial constituencies wherein there is no population of the scheduled castes, scheduled tribes or other backward classes, 2[shall in the prescribed manner be excluded for allotment] of reserved seats for the scheduled castes, scheduled tribes and other backward classes, as the case may be. 6. The State Government may, by notification, nominate an outstanding person of the Panchayat area concerned as member at the Panchayat Samiti level; Provided that the term of office of such member shall be

ascertained by the State Government; Provided that the State Government shall also be competent to cancel the nomination of such nominated member 3[;] Provided that such nominated member can not be an Office-bearer of the Panchayat Samiti. (B) Reservation of Seats in Panchayat Samiti (In scheduled area) - 1. In every Panchayat Samiti of the scheduled area, reservation of seats for the scheduled castes and scheduled tribes in the said Panchayat Samiti shall be made according to their respective population; Provided that the reservation for scheduled tribes shall not be less than one-half of the total number of seats. 2. In a scheduled areas Panchayat Samiti, seats for persons belonging to other backward classes shall, in proportion to their population, be reserved in such number that the same together with the number of seats reserved for the scheduled castes and scheduled tribes does not exceed eighty percent of the total number of seats in the said Panchayat Samiti. 3. Out of the seats reserved under sub-section (1) and (2), one-third seats shall be reserved for women belonging to scheduled castes, scheduled tribes and other backward classes, as the case may be. 4. Out of the total seats of the Panchayat Samiti concerned, one-third seats (including the seats reserved for the women belonging to scheduled castes, scheduled tribes and other backward classes) shall be reserved for women. 5. Reserved posts under the aforesaid sub-section shall be allotted by rotation by the State Election Commission in the prescribed manner. 6. Such constituency of the Panchayat Samiti, which has not any population belonging to scheduled castes, scheduled tribes or backward classes, shall, as the case may be, be excluded from allotment of reserved seats for persons belonging to scheduled castes, scheduled tribes and other backward classes in the prescribed manner. 7. The State Government may nominate such scheduled tribes which have no representation, in Panchayat Samiti of the scheduled areas; Provided that such nomination shall not be more than one-tenth of the total number of members to be elected to the said Panchayat Samiti. 8. The State Government may nominate a distinguished person of the Panchayat area concerned as member at the Panchayat Samiti level, by notification. Provided that the term of office of such member shall be ascertained by the State Government; Provided that the State Government shall also be competent to cancel the nomination of such nominated member. Provided that such nominated member can not be an Office-bearer of the Panchayat Samiti. 1. Substituted by the Jharkhand Panchayat Raj (Amendment) Act, 2001 (Act No. 7

of 2002) for the following : - "every Gram Panchayat Samiti" 2. Substituted by the Jharkhand Panchayat Raj (Amendment) Act, 2001 (Act No. 7 of 2002) for the following : - "shall be excluded from allotment" 3. Substituted by the Jharkhand Panchayat Raj (Amendment) Act, 2001 (Act No. 7 of 2002) for the following : - "."

37. Eligibility To Vote And Be A Candidate :-

1. Every such person whose name is included in the voters list of any village, is entitled to vote in election of an Office-bearer of the Panchayat Samiti of the Panchayat, in the area whereof the said village lies. 2. Every such person 1[shall be qualified to be elected as office - bearer of the Panchayat Samiti or its territorial constituency in the voters list of which his name is entered], unless he is declared disqualified under this act or any other law in force for the time being. 3. Bar to concurrent membership - No person shall be eligible to stand for election of an Office-bearer of a Panchayat Samiti from more than one constituency, as the case may be. 1. Substituted by the Jharkhand Panchayat Raj (Amendment) Act, 2001 (Act No. 7 of 2002) for the following : - "shall be qualified to be elected as Office-bearer of a Panchayat Samiti"

38. Disqualifications For An Office-Bearer Of The Panchayat Samiti :-

No Person shall be qualified to be an Office-bearer of the Panchayat Samiti, (A) Who is not a citizen of India; (B) Who, either before the commencement of this Act or thereafter, 1. Has been convicted of any offence under the Civil Services Conduct Rules (Civil Services Conduct Act) in force for the time being or under any law relating to use, consumption or sale of intoxicants or under any law in force for the time being in any part of the state unless a period of five years or such a lesser period as the State Government may determine in a particular case, has expired since the date of his conviction; 2. Who is a person of unsound mind and has been so declared by a competent court, 3. Who is a declared bankrupt, 4. Who holds a post of gain under any Panchayat or is in service in any other local authority, or in any cooperative society or in the state or central government or in public sector undertakings of the central or state government; 5. Who has been removed from any office while in service under the State Government or the Central Government or any Panchayat, any other authority or any cooperative society or any public sector undertaking of the Central or State Government on the ground of corruption or dereliction of

duty; 6. Who holds any share or interest directly or indirectly in any contract entered into with or by the Panchayat or on behalf of that; Provided that no person shall be deemed disqualified under clause (6) of sub-section (B) only because - (a) He has a share in a Joint Stock Company, he has any share in any such Organisation or Cooperative Society registered under the States Society Registration Act in force for the time being which is likely to enter into a contract with the Panchayat or which is likely to be employed by or on behalf of the Panchayat; or (b) He has a share or interest in any such newspaper in which any advertisement regarding activities of the Panchayat is given; or (c) he holds a debenture by or on behalf of the Panchayat or in otherwise concerned with any loan taken by or on behalf of the Panchayat; 7. Who has been declared disqualified by or under any law, in force for the time being, for the purposes of election of the State Legislative Assembly. Provided that no person shall be disqualified on the ground that he is less than 25 years of age, if he has attained the age of 21 years. 8. Who has, by any Criminal Court in India or abroad, been sentenced to imprisonment for a term of more than six months or to penalty for an offence other than a political offence, been ordered to produce security against bad behaviour under section 109 or 110 of the Criminal Procedure Code, 1973 (Act 2 of 1974) and the sentence has not been struck off subsequently.

39. Election Of Pramukh And Up-Pramukh :-

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

40. Reservation Of Post Of Pramukh And Up-Pramukh :-

(A) Reservation of Post of Pramukh and Up-Pramukh (In general area) - 1. Post of Pramukh and post of Up-Pramukh being single post, shall remain unreserved or shall be dealt with in accordance with the provisions made therefore by the State Government. 2. The State Government shall be competent to make lawful provisions relating to reservation. 3. Subject to sub-section (1) and (2), Pramukh and Up-Pramukh of the Panchayat Samiti shall be elected by its elected members and from amongst them in the prescribed manner. 4. If the Pramukh/Up-Pramukh of a Panchayat Samiti becomes a member of any house of the Parliament or a member of the State Legislature or Adhyaksha / Upadhyaksha of a Co-operative Society, then as to him it shall be deemed that he has

vacated his office of Pramukh/Up-Pramukh, as the case may be, from the date on which he has become such member or Adhyakha or Upadhyakha and for the purposes of section (63), it shall be deemed that a casual vacancy has occurred in such office. (B) Reservation of Posts of Pramukh and Up-Pramukh in Panchayat Samiti (In the scheduled area) - 2[Posts of Pramukh in the Panchayat Samitis in the Scheduled areas shall be reserved for members belonging to the Scheduled tribes] 1[Provided that not less than one - third of the 3[total number of offices of Pramukhs] of every district in the scheduled area shall be reserved for women belonging to the scheduled tribes and such seats shall be allotted by the state election commission in different Panchayat Samitis of the district by rotation in the manner as prescribed.] 1. Inserted by the Jharkhand Panchayat Raj (Amendment) Act, 2001 (Act No. 7 of 2002). 2. Substituted by the Jharkhand Panchayat Raj (Amendment) Act, 2003 (Act No. 12 of 2002) for the following :- "Posts of Pramukh and Up-Pramukh in Panchayat Samitis in the scheduled areas shall be reserved for the members belonging to the scheduled tribes." 3. Substituted by the Jharkhand Panchayat Raj (Amendment) Act, 2003 (Act No. 12 of 2002) for the following :- "total member of the office of Pramukhs and up- Pramukhs"

41. Notification Of Publication Of Names Of Members, Pramukh And Up-Pramukh Of Panchayat Samiti :-

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

42. First Meeting Of Panchayat Samiti, Oath Of Office And Office-Bearer :-

1. First meeting of the Panchayat Samiti shall be held within 30 days from the date of publication under section (41), such meeting shall be called by the prescribed Authority and the provisions of section 69 as to meeting shall apply to the said meeting as far as practicable. 2 (a) Oath of Office - Every person before entering upon the office notified by section (41) shall make and subscribe in presence of the prescribed Authority an oath or affirmation in the prescribed manner. (b) If any member denies to make and subscribe an oath or affirmation in a proper manner or refuses otherwise so to do, it shall be deemed that he has vacated his office forthwith. 3. An Office-bearer of the Panchayat Samiti shall hold office for five years from the date of the first meeting and no longer, unless otherwise provided in this Act; Provided that

notwithstanding any thing contained in this subsection, an Office-bearer of the Panchayat Samiti shall forthwith cease to hold his office if he ceases to be a voter of the Gram Panchayat area within the block. 4. In case a Panchayat Samiti is not constituted in a new form before expiration of the period prescribed under sub-section (3), the same shall get dissolved on expiry of the said period and the provisions of section (107) shall apply thereto for a period not exceeding six months within which the said Panchayat Samiti shall be reconstituted in keeping with the provisions of this Act.

43. No-Confidence Motion Against Pramukh And Up-Pramukh :-

1. If the Panchayat Samiti passes a motion of no-confidence by a resolution passed by not less than the three-fourth majority of votes of the members attending the meeting, especially called for the purpose, and taking part in the voting, which (number) comes to more than two-third of the total number of members constituting the Panchayat Samiti for the time being, the said Pramukh or Up-Pramukh, against whom such motion is passed, shall with immediate effect cease to continue in his office. 2. Notwithstanding any thing contained in this Act or the Rules made thereunder, no Pramukh or Up-Pramukh shall preside over the meeting called for discussion of no-confidence motion against him, and the said meeting shall be convened in the prescribed manner and shall be presided over by the government officer appointed by the prescribed Authority. The Pramukh or the Up-Pramukh, as the case may be, shall have the right to speak or participate otherwise in the said meeting. 3. No-confidence motion against a Pramukh or Up-Pramukh - (a) Shall not be brought during the first year of his tenure; (b) Shall not be brought within a period of six months remaining for expiration of his tenure; (c) Shall not be brought within a period of one year from the date of rejection of the proceeding of no-confidence motion; (d) If the Pramukh or the Up-Pramukh, as the case may be, wants to challenge the legality of the motion passed under sub-section (1), he shall refer the dispute to the 1[State Election Commission constituted by the state Government] within a period 10 days from the date on which the said motion was passed, who shall decide the same, as far as possible within a period of 30 days from the date of its receipt, and his decision shall be final. 1. Substituted by the Jharkhand Panchayat Raj (Amendment) Act, 2001 (Act No. 7 of 2002) for the following : - "commissioner"

44. Resignation Of Pramukh, Up-Pramukh And Members :-

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

45. Removal Of Pramukh/Up-Pramukh :-

Without prejudice to the provisions of this Act a Pramukh/Up-Pramukh may be removed from office by the State Government on his being found guilty of misconduct in discharge of his duties or neglect or incapacity to perform his duties or being persistently remiss in discharge thereof or of any disgraceful conduct, and the Pramukh or Up-Pramukh so removed shall not be eligible for re-election as member thereto during the remaining term of office of such Panchayat Samiti area; Provided that no such Pramukh or Up-Pramukh shall be removed from office unless he has been given a reasonable opportunity to submit his explanation.

46. Term Of Panchayat Samiti :-

1 . Save as provided in this Act, every Panchayat Samiti shall continue for a term of five years from the date appointed for its first meeting and no longer. 2. By virtue of any amendment in any law in force for the time being, a Panchayat Samiti, which has been functioning since immediately before such amendment, shall not be dissolved till expiry of the period specified in sub-section (1). 3. Election work concerning constitution of a Panchayat Samiti shall be completed as follows : (a) Before expiry of the term of office of the Panchayat Samiti mentioned in sub-section (1); (b) In case of

dissolution, before the expiry of the period of six months from the date of dissolution of the Panchayat Samiti; Provided that should the remaining term of office of the dissolved Panchayat Samiti be less than a period of six months, it will not be necessary to hold any election under this section for constitution of the Panchayat Samiti. 4. If a Panchayat Samiti is dissolved before expiry of its term of office and another Panchayat Samiti is constituted, the said constituted Samiti shall function till the remaining term of the dissolved Samiti during which the same would have functioned under sub-section (1). Zila Parishad Zila Parishad is the highest link of the three tier Panchayat Raj rule.

47. Section 47 :-

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

48. Incorporation Of Zila Parishad :-

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

49. Composition Of Zila Parishad :-

(1) Every Zila Parishad shall consist of - (a) The members directly elected from territorial constituencies in the district as determined under the Act; (b) The Pramukhs of all Panchayat Samitis in the district, provided that the Pramukh of a Panchayat Samiti, who is a member under the Parishad, shall not be a member of the standing committee under section (72); (c) Such members of the Lok Sabha and the State Legislative Assembly who represent any part or the whole of the district and whose constituency falls within the district; (d) The members of the Rajya Sabha who are registered as electors within the district; Provided that if any such member of the Parliament or the State Legislature who is member of a Zila

Parishad, is unable to attend any meeting due to absence, illness or any other cause, he may nominate his such representative to attend the meeting who has such qualifications as be prescribed therefore. (e) One distinguished person of the Zila Parishad area to be nominated by the State Government by means of notification; Provided that the term of office of such member shall be determined by the State Government; Provided that the State Government shall also be competent to cancel the nomination of such member; Provided that such nominated member can not be an Office-bearer of the Zila Parishad. 2[(2) All members of a Zila Parishad shall have the right to vote in meetings of the Zila Parishad.] 1[(3)] If a constituency does not elect any member, then fresh election proceedings to fill up the said seat shall be started in the constituency within six months; Provided that further proceedings of electing an Adhyaksha/ Upadhyaksha of the Zila Parishad shall not be stopped due to pendency of election of any member according to this sub-section; Provided also that if any constituency does not again elect a member, proceedings of a fresh election in such constituency shall be started only after satisfaction of the State Election Commission to the effect that a member of the said constituency is likely to be elected. 1. Renumbered by the Jharkhand Panchayat Raj (Amendment) Act, 2001 (Act No. 7 of 2002) for the following : - "2." 2. Inserted by the Jharkhand Panchayat Raj (Amendment) Act, 2001 (Act No. 7 of 2002).

50. Division Of Zila Parishad Into Territorial Constituencies :-

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

51. Section 51 :-

(A) Reservation of Seats of Zila Parishad (In general area) - 1. In

every Zila Parishad there shall be reserved seats for - (a) Scheduled Castes and (b) Scheduled Tribes, And the number of seats so reserved shall, bear as nearly as possible the same proportion to the total number of seats to be filled up by direct election in that Zila Parishad as the population of the scheduled castes in that Zila Parishad area or of the scheduled tribes in that Zila Parishad area bear to the total population of that area, and such seats shall be allotted by rotation to different constituencies in a Zila Parishad by the State Election Commission in the prescribed manner.

2. In case of reserved seats for the scheduled castes and the scheduled tribes taken together in a Zila Parishad being less than 50 percent of the total number of members, reservation of posts falling short of 50 percent shall be reserved for the other backward classes in proportion to the population that bears to the population of the other backward classes of the Zila Parishad area, which shall be allotted by the State Election Commission by rotation in the prescribed manner. Provided that overall reservation for the scheduled castes and the scheduled tribes and the other backward classes shall not be more than 50 percent of the total number of the posts. Provided that for the purposes of calculation of number of seats to be reserved for the scheduled tribes in a Zila Parishad in an area, other than the scheduled areas, becoming a portion of the said district, the entire population of the scheduled areas falling within the said district and the population of the scheduled tribes therein shall be excluded.

3. Not less than one-third of the total number of seats reserved under subsection (1) and (2) shall be reserved for women belonging to the scheduled castes, the scheduled tribes or the other backward classes, as the case may be.

4. Not less than one third, including the seat reserved for women belonging to the scheduled castes, the scheduled tribes and other backward classes, of the total number of seats to be filled up by direct election in every Zila Parishad shall be reserved for and such seats may be allotted by rotation by the State Election Commission in the prescribed manner.

5. Territorial constituencies of such Zila Parishad, wherein there is no population of scheduled castes, scheduled tribes or other backward classes, 1[shall in the prescribed manner be excluded for allotment] of reserved seats for scheduled castes, scheduled tribes and other backward classes, as the case may be.

6. The State Government may, by notification, nominate a distinguished person of the Panchayat area concerned as member at the Zila Parishad level: Provided that the term of office of such member shall be ascertained by the State

Government; Provided that the State Government shall also be competent to cancel the nomination of such nominated member. Provided that such nominated member cannot be an Office-bearer of the Zila Parishad. (B) Reservation of seats in Zila Parishad (In scheduled area) - 1. In every Zila Parishad of the scheduled areas, reservation of seats for the scheduled castes and the scheduled tribes in the said Zila Parishad shall be made on the basis of their respective population. Provided that reservation for the scheduled tribes shall not be less than one half of the total number of seats. 2. In a Zila Parishad of the scheduled area, seats for persons belonging to other backward classes shall, in proportion to their population, be reserved in such number that the same together with the number of seats reserved for the scheduled castes and scheduled tribes does not exceed eighty percent of the total number of seats in the said Zila Parishad. 3. Out of the seats reserved under sub-sections (1) and (2), one third seats shall be reserved for women belonging to scheduled castes, scheduled tribes or other backward classes, as the case may be. 4. One third of the total seats in the Zila Parishad (including the seats reserved for the women belonging to scheduled castes, scheduled tribes, other backward classes) shall be reserved for women. 5. Reservation of the posts under the foregoing sub-section shall be allotted by rotation by the State Election Commission in the prescribed manner. 6. Territorial constituencies of such Zila Parishad wherein is no population of scheduled castes, scheduled tribes or other backward class shall be excluded from allotment of reserved seats for scheduled castes, scheduled tribes and other backward classes, as the case may be. 7. The State Government may nominate members of the such scheduled tribes which have no representation in the Zila Parishad in the scheduled area: Provided that the maximum number of members to be nominated in the said Zila Parishad shall not exceed one-tenth of the total number of members to be elected therein. 8. The State Government may nominate a distinguished person of the Panchayat area as member at Zila Parishad level by notification: Provided that the term of office of such member shall be determined by the State Government; Provided that the State Government shall also be competent to cancel the nomination of the said nominated member; Provided that the said nominated member cannot be an Office-bearer of the Zila Parishad. 1. Substituted by the Jharkhand Panchayat Raj (Amendment) Act, 2001 (Act No. 7 of 2002) for the following : - "shall be excluded from allotment"

52. Eligibility To Vote And Be A Candidate :-

1. Every such person whose name is entered in the voters list of a village,¹[shall be eligible to be elected as Office-bearer of the Zila Parishad or its territorial constituency, in the electoral roll of which his name is entered] of the area within which the said village is included. 2. Every such person shall be eligible to be elected as Office-bearer of a Zila Parishad unless he is declared disqualified under this Act or any other law in force for the time being. 3. Bar to concurrent membership - No person shall be eligible to stand for election of an Office-bearer of a Zila Parishad from more than one Zila Parishad territorial constituency, as the case may be. 1. Substituted by the Jharkhand Panchayat Raj (Amendment) Act, 2001 (Act No. 7 of 2002) for the following : - "shall be eligible to vote in election of an Office-bearer of the Zila Parishad"

53. Disqualification Of Office-Bearer Of A Zila Parishad :-

No person shall be qualified for election as Office-bearer of a Zila Parishad - (A) Who is not a citizen of India; (B) Either before commencement of this Act or thereafter - 1. Who has been convicted of any offence under the Civil Services Conduct Rules (Civil Services Conduct Act) in force for the time being or under any law relating to use, consumption or sale of intoxicants or under any law in force for the time being in any part of the state unless a period of five years or such a lesser period as the State Government may determine in a particular case, has expired since the date of his conviction; 2. Who is a person of unsound mind and has been so declared by a competent court; 3. Who is a declared bankrupt; 4. Who holds a post of gain under any Panchayat or is in service in any other local authority or in any cooperative society or in the State Government or the Central Government or in State Governments or Central Governments Public Sector undertaking; 5. Who has been removed from a post in service under the State Government or the Central Government or any Panchayat, any other Authority or any Cooperative Society or any public sector undertaking of the Central or State Government on account of corruption or dereliction of duty; 6. Who holds any share or interest directly or indirectly in any contract entered into with or by the Panchayat or on behalf of that; Provided that no person shall be deemed disqualified under clause (6) of sub-section (B) only because - (a) He has a share in a Joint Stock Company, he has any share or interest in any such organisation or cooperative society under the State Society Registration Act in force for the time being

which is likely to enter into a contract with the Panchayat or which is likely to be employed by or behalf of the Panchayat, or (b) He has a share or interest in such newspaper in which any advertisement regarding activities of the Panchayat is given, or (c) He holds a debenture by or on behalf of the Panchayat or in otherwise concerned with any loan taken by or on behalf of the Panchayat,. 7. Who has been declared disqualified by or under any law in force for the time being, for the purposes of election of the State Legislature: Provided that he shall not be disqualified on the ground that he is less than 25 years of age, if he has attained the age of 21 years. 8. Who has been sentenced by a criminal court within or out of India to imprisonment for an offence, other than a political offence, for a term exceeding six months or has owing to bad behaviour been ordered to furnish security under section 109 or 110 of the code of Criminal Procedure 1973 (Act 2 of 1974), the order not having been set aside subsequently.

54. Election Of Adhyaksha And Upadhyaksha Of Zila Parishad :-

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

55. Section 55 :-

(A) Reservation of Posts of Adhyaksha and Upadhyaksha of Zila Parishad (In general area) - 1. Post of Adhyaksha and Upadhyaksha, being single post, shall be unreserved or shall be dealt with as per provisions prescribed by the State Government. 2. Subject to the provisions of section 54 and section 55(1), Adhyaksha and Upadhyaksha shall be elected from amongst them by its elected members in the prescribed manner. 3. If the Adhyaksha/Upadhyaksha of a Zila Parishad becomes a member of any house of the Parliament or a member of the State Legislative Assembly or Adhyaksha/Upadhyaksha of a Cooperative Society, then as to him it shall be deemed that he has vacated his office of Adhyaksha or Upadhyaksha, as the case may be, from the date on which he has become such member or (Cooperative Societys) Adhyaksha or Upadhyaksha and for the purposes of section (63) it shall be deemed that a casual vacancy has occurred in the said office. 1[(B) Reservation of posts of adhyaksha and upashyaksha of Zila Parishad (in scheduled area) :- the 2[Posts of Adhyaksha of Zila Parishad in Scheduled areas shall be reserved for members of

the Scheduled tribes] Provided that not less than one- third of the total number of posts of adhyakshas and upadhyakshas of scheduled areas at the state level shall be reserved for women belonging to the scheduled tribe and such seats shall be allotted by the state Election Commission by rotation in such various Zila Parishads in the manner as prescribed.] 1. Substituted by the Jharkhand Panchayat Raj (Amendment) Act, 2001 (Act No. 7 of 2002) for the following : - "(B) Reservation of Posts of Adhyaksha and Upadhyaksha in Zila Parishad (In scheduled area) - The post of Adhyaksha of Zila Parishads in scheduled areas shall be reserved for the members of the scheduled tribes." 2. Substituted by the Jharkhand Panchayat Raj (Amendment) Act, 2003 (Act No. 12 of 2002) for the following :- "posts of adhyaksha and upadhyaksha of Zila Parishad in scheduled areas shall be reserved for the members of the scheduled tribes;"

56. Publication Of Names Of Members, Adhyaksha And Upadhyaksha Of Zila Parishad :-

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

57. First Meeting Of Zila Parishad, Oath Of Office And Term Of Office :-

1. First meeting of the Zila Parishad shall be convened within a period of 30 days from the date of publication under section (56), such meeting shall be called by the prescribed Authority, and as to the said meeting the provisions of section (69) shall be applicable as far as practicable. 2. (a) Oath of Office - Every person before entering upon the office (notified by section 56) shall make and subscribe in presence of such an Authority, as may be prescribed, a n Oath or affirmation in the prescribed manner; (b) If any member denies to make and subscribe an oath or affirmation in an appropriate manner or otherwise refuses so to do, it shall be deemed that he has vacated his office forthwith. 3. An Office-bearer of the Zila Parishad shall hold office for five years from the date of the first meeting and no longer, unless otherwise provided in this Act; Provided that notwithstanding any thing contained in this sub-section, an Office-bearer of the Zila Parishad shall forthwith cease to hold his office if he ceases to be voter of the Gram Panchayat area within the district. 4. In case a Zila Parishad is not constituted in a new form before expiration of the period prescribed under sub-section (3), the same shall get dissolved on

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

58. No-Confidence Motion Against Adhyaksha And Upadhyaksha :-

1. If the Zila Parishad passes a motion of no-confidence by a resolution passed by not less than three fourth majority of votes of the members attending the meeting especially convened for the said purpose and taking part in voting, which (number) comes to more than two third of the total number of members constituting the Zila Parishad for the time being, the said Adhyaksha or Upadhyaksha, against whom such motion is passed Shall with immediate effect cease to continue in his office. 2. Notwithstanding any thing contained in this Act or the Rules made thereunder, no Adhyaksha or Upadhyaksha shall preside over the meeting convened for discussion of no confidence motion against him and the said meeting shall be presided over by the Government Officer appointed by the prescribed Authority. The Adhyaksha or the Upadhyaksha, as the case may be, shall have the right to speak or take part otherwise in the said meeting. 3. No-confidence motion against an Adhyaksha or Upadhyaksha - (a) Shall not be brought during first year of his term of office; (b) Shall not be brought within a period of six months remaining for expiration of his term of office; (c) Shall not be brought within a period of one year from the date of rejection of an earlier no-confidence motion. (d) If the Adhyaksha or the Upadhyaksha, as the case may be, wants to challenge the legality of the motion passed under sub-section (1), he may refer the dispute to 1[The State Election Commissioner constituted by the State Government] within a period of 10 days from the date on which the said motion was passed, which shall decide it, as far as possible, within a period of 30 days and its decision shall be final. 1. Substituted by the Jharkhand Panchayat Raj (Amendment) Act, 2001 (Act No. 7 of 2002) for the following :
- "the State Government"

59. Resignation Of Adhyaksha, Upadhyaksha And Members :-

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

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

60. Action Or Misbehaviour Or Negligence In Duty And On Incompetency :-

Without prejudice to the provisions of this Act, the Adhyaksha/Upadhyaksha may be dismissed by the State Government on his being found guilty of misbehaviour or negligence in his duties or incompetency in performance of his duties or continuous slackness in performance or any disgraceful behaviour, and the Adhyaksha/Upadhyaksha so dismissed shall not be eligible for re-election as member during the remaining term of the said Zila Parishad. Provided that any such Adhyaksha or Upadhyaksha shall not be dismissed unless he is given a reasonable opportunity to furnish his explanation.

61. Duration Of Zila Parishad :-

(a) 1[Every Zila Parishad] save as otherwise provided in this Act, shall continue for a term of five years from the date of its first meeting and no longer. (b) No amendment of any law for the time being in force shall have the effect of causing dissolution of a 2[Zila Parishad] which is functioning immediately before such amendment, till the expiration of its duration as specified in sub-section (a). 3[(c) Election for constituting a Zila Parishad shall be got completed before the expiry of the term of office of a Zila Parishad specified in sub-section (a), and in case of its dissolution, before the expiry of a period of six months from the date of dissolution of the Zila Parishad; Provided that if the remaining

period of the dissolved Zila Parishad, during which it would have been functional, is less than six months, then no election whatsoever shall be necessary under this section; Provided also that a Zila Parishad constituted on dissolution of a Zila Parishad before the expiry of the period of the term of the eatter Zila Parishad shall be functional only for that remaining portion of the period during which the dissolved Zila Parishad, had it not been dissolved so, would have been functional under sub-section (a).] 1. Substituted by the Jharkhand Panchayat Raj (Amendment) Act, 2001 (Act No. 7 of 2002) for the following : - "Every Panchayat Samiti" 2. Substituted by the Jharkhand Panchayat Raj (Amendment) Act, 2001 (Act No. 7 of 2002) for the following : - "Panchayat Samiti" 3. Inserted by the Jharkhand Panchayat Raj (Amendment) Act, 2001 (Act No. 7 of 2002).

62. Correction Of Clerical Errors Or Omissions :-

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

63. Filling Up Of Vacancies :-

1. In the event of death of no-confidence motion passed against or removal or resignation of an Office-bearer of the Panchayat or his becoming a member of the State Legislative Assembly or a member of any house of the Parliament before expiry of his tenure, it shall be deemed that a casual vacancy has been caused in such office, and such vacancy shall as soon as possible be filled up by election according to the provisions of the Act and the Rules made thereunder. 2. In the event of casual vacancy occurring in the office of the Mukhia in a Gram Panchayat, as the case may be, the Executive Officer of the Panchayat Samiti shall forthwith call an especial meeting of the Gram Panchayat, preside over the same bareft of his voting right, but the said meeting should not be held 15 days after the date of receipt of information from the prescribed Authority; and the members shall elect one member from amongst them who shall temporarily hold the office until a new Mukhia is elected in accordance with the provisions of this Act and the rules made thereunder; and such being the case the said officiating Mukhia shall, during pendency of the election, discharge all the

duties of a Mukhia and exercise all his powers. 3. If the outgoing Office-bearer does not make over any record, material, wealth or property of the Panchayat to his successor forthwith, the prescribed officer may by an order in writing direct him to make over the same, and on his failure to comply with the said order, the prescribed Authority may take action against him under section (111) and may take necessary steps under section (115) to prosecute him.

64. Suspension Of Office-Bearer Of The Panchayat :-

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

65. Bar To Hold More Than One Post :-

1. If a person gets elected in more than one Panchayat Office, he may by giving a notice in writing under his signature to the prescribed Authority within 10 days from the date on which he has

been elected or if elected on different dates, then from those subsequent dates, inform him as to which of the Panchayat he wants to serve as Office-bearer and thereupon his seat shall fall vacant in other Panchayat in which he does not want to serve. 2. In absence of option in accordance with sub-section(1) within the period mentioned above, it shall be deemed that option for one of the offices has been made in the following order : (a) Member of Zila Parishad, (b) Member of Panchayat Samiti, (c) Mukhia of Gram Panchayat, (d) Member of Gram Panchayat. Provided that if any such person has attended any meeting of a Panchayat before giving the notice, it shall be deemed with respect to him that he has expressed his option for an office in the said Panchayat. 3. An option under the sub-section (1) shall be final and irrevocable. 4. For the purposes of this Section, a person shall be deemed elected on the date of declaration of result.

CHAPTER 4

CONDUCT OF ELECTION

66. State Election Commission :-

1. State Election Commission - There shall be a State Election Commission constituted by the Governor for superintendence, direction and control of the preparation of electoral rolls for, and the conduct of all elections to the Panchayats. All the powers regarding election shall be vested in the State Election Commission constituted by the State Government. 2. There shall be an Election Commissioner in the State Election Commission, who will be appointed by the Governor. 3. Service-conditions and term of office of the State Election Commissioner shall be prescribed by the Governor. Provided that the State Election Commissioner may only be removed from his office by adopting the procedure prescribed by the State Government and the conditions of service of the State Election Commissioner shall not be varied to his disadvantage after his appointment. 4. The Governor, on recommendation of the State Election Commission, for the purposes of constituting Panchayat, shall appoint a date or dates and notify the same in the official gazette and it shall be required thereby that the voters should elect the Office-bearers of the Panchayats in keeping with the provisions of this Act; Provided that no such notification may be issued before six months remaining for the appointed date of election.

67. Power To Recruit Officers And Employees And To Assign Their Duties And Functions :-

1. In exercise of the powers under section (66), the State Election

Commission in consultation with the State Government may appoint officers and employees to conduct election of the Panchayats. 2. The State Election Commission may assign such duties and functions to the officers and employees appointed under sub-section (1) and vest in them such powers and in respect of such areas as it thinks necessary or thinks proper as to conduct of election and matters related and ancillary thereto. 3. Administrative machinery for conduct of election - (i) When required, the State Government make available to the State Election Commission the services of the regional staff and officers for conducting election of Panchayats; (ii) For conduct of election of Panchayats the State Election Commission may, for every district, designate or nominate the Deputy Commissioners/ District Magistrate as District Election Officer (Panchayat), and to help the District Election Officer (Panchayat) it may designate or nominate one District Deputy Election Officer (Panchayat) or more who will be either a District Panchayat Raj Officer or an Officer not lower in rank than that of a Deputy Collector, Provided that subject to the direction, control and supervision of the State Election Commission, the District Election Officer(Panchayat) shall coordinate and supervise all the work concerning conduct of election within his jurisdiction. (iii) The State Election Commission, or on being authorized by it the District Election Officer (Panchayat) may, for election in Panchayats, appoint Returning Officer (Panchayat) who will not be lower in rank than that of Block Development Officer/Anchaladhikari/Deputy Collector; (iv) The State Election Commission or on being authorized by it, the District Election Officer (Panchayat) may appoint one or more than one Assistant Returning Officer (Panchayat) to help the Returning Officer (Panchayat) discharge his functions, who will be officers of the State Government; (v) The District Election Officer (Panchayat) shall appoint a presiding officer (Panchayat) for each polling booth and to help the presiding officer (Panchayat) as many polling Officer or Officers as he may consider necessary; Provided that any person in service of government or public company or government aided organisation may be appointed as polling officer by the Presiding Officer (Panchayat). Provided further that in the event of any Polling Officer being absent from the polling booth, the Presiding Officer (Panchayat) may appoint, under the foregoing proviso, any such person as Polling Officer who is present at the polling booth and is other than such a person who has been engaged in election or thereabout by or on behalf of any candidate or is otherwise working for him, and

shall inform the District Election Officer (Panchayat) of this accordingly; Provided further also that the Polling Officer, on being authorised by the Presiding Officer (Panchayat) subject to directions of the State Election Commission, shall discharge all or any of the functions of the Presiding Officer (Panchayat) under this Act and the Rules made thereunder. (vi) If due to illness or any other unavoidable cause, the Presiding Officer (Panchayat) is compelled to be absent from the polling booth, then his functions shall be discharged by such a Polling Officer as has been earlier authorized by the Returning Officer (Panchayat) to discharge such functions. (vii) It shall be the general duty of a Presiding Officer (Panchayat) to maintain order in the polling booth and see that voting is going on properly. (viii) It shall be the duty of the polling officer to assist the Presiding Officer (Panchayat) in discharge of his functions in the polling booth as such.

68. Power To Make Election Rules :-

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

CHAPTER 5

PROCEDURE OF WORKING AND MEETING OF PANCHAYATS

69. Procedure Of Meeting :-

1. Subject to the provisions of this Act, the procedure of conduct of working and meeting of a Panchayat shall be such as be prescribed.

2 . The Adhyaksha of a Panchayat and other members of a Panchayat, irrespective of their having been elected by direct election from territorial constituencies or not, shall have the right to vote in meetings of the Panchayats.

3. Quorum for a meeting of a Zila Parishad and a Panchayat Samiti shall consist of one-third of the members constituting the Panchayat concerned for the time being and quorum for a meeting of a Gram Panchayat shall consist of one half of the members constituting the Panchayat concerned. If there will be no quorum of the members present in the meeting, the Presiding Authority shall adjourn the meeting to such work and date as may be fixed by him. A notice of the meeting fixed as such shall be pasted in the office of the Panchayat. Such an adjourned meeting will not need any quorum and no fresh subject will be placed before the meeting for consideration.

4. Adhyaksha, Pramukh or Mukhia shall convene meeting of Zila Parishad, Panchayat Samiti or Gram Panchayat, as the case may be, at least once a month. If Adhyaksha, Pramukh or Mukhia fails in convening

a meeting in any month, then the Chief Executive Officer or the Executive Officer of the Zila Parishad or the Panchayat Samiti respectively or the Secretary of the Gram Panchayat, as the case may be, shall issue a notice to hold a meeting 25 days after expiration of the date of the preceding meeting. 5. Report of income and expenditure for the period intervening the preceding meeting and the current meeting of the Gram Panchayat along with report of cumulative income and expenditure up to the current meeting in the current financial year together with other matters, if any, shall be placed before the Gram Panchayat by the secretary of the Gram Panchayat and such reports shall be discussed by the gram Panchayat. In the case of Panchayat Samiti and Zila Parishad, such a report shall be placed in their meeting once in three months by the Executive Officer and the Chief Executive Officer respectively. The report shall be prepared in the manner as be prescribed. 6. If more than 50 percent members of a Panchayat submits a representation in writing for an especial meeting, then the Adhyaksha, the Pramukh and the Mukhia, as the case may be, shall convene a such meeting within 7 days of receipt of the said representation. If the Adhyaksha, or the Pramukh or the Mukhia, as the case may be, fails in convening such meeting on the said representation, then the members, who submitted the representation for convening an especial meeting, may themselves call a meeting and the Chief Executive Officer or the Executive Officer of Zila Parishad or Panchayat Samiti respectively or the Secretary of Gram Panchayat shall issue a notice of meeting in this regard. 7. As the case may be, if the Adhyaksha or the Pramukh or the Mukhia fails on not less than three occasions in performing the task according to subsection (4) or (6), he will be liable to be removed from his office under section (60), (45) or (30) respectively and the provisions of section (60), section (45), section (30) respectively shall be applicable to the incumbent who has been removed so. 8. Full 7 days notice for an ordinary meeting and full 3 days notice for an especial meeting, in which place, date and time of the meeting as well as the matters to be dealt with in the meeting, will be mentioned, shall be given to the members and the Government Officers prescribed as such by the Secretary, and the same shall be placed on the Notice Board of the Gram Panchayat, the Panchayat Samiti and the Zila Parishad, as the case may be. 9. The Authorities who are given notice under sub - section (8) as well as the other government officers having jurisdiction over the Panchayat area concerned or any portion thereof shall be entitled to

participate in each meeting of the Panchayat and the proceeding thereof but they shall not have voting right.

70. Reconsideration Of Matters Finally Disposed Of By The Panchayat :-

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

71. Standing Committees Of Gram Panchyat :-

1. A Gram Panchayat may constitute seven standing committees for discharge of its functions and duties, and such committees shall be under general contral of the Gram Panchayat and such committees shall exercise such powers as may be conferred on them by the Gram Panchayat - (a) General Administration Committee, (b) Development Committee, (c) Women, children and social welfare Committee, (d) Health, education and environment Committee, (e) Village Defence Committee, (f) Government Estate Committee, (g) Infrastructure Committee. 2. Five members of each of the Committees shall be elected by the members of the Gram Panchayat from amongst them in an especial meeting convened by it; Provided that no members shall be member of more than two standing Committees simultaneously 3. The Mukhia and the up-Mukhia shall be ex-officio members of these committees. 4. The Gram Sabha in its first meeting may elect by majority of votes and nominate an experienced and knowledgeable person of the particular field from amongst its members for each standing committee, provided that member so nominated shall have no voting right; Provided further also that after the expiry of a period of one year, the Gram Sabha by a majority of votes may recall the so nominated member and may make a fresh nomination. 5. The term of office of the members of the standing committees, the procedure of conduct of their business shall be such as may be prescribed. 6. Secretary- the Secretary of the Gram Panchayat shall be ex-officio secretary of the standing committee.

72. Standing Committees Of Panchayat Samiti And Zila Parishad :-

1. Every Panchayat Samiti and every Zila Parishad shall constitute, from amongst its elected members, the following standing

committees :- (a) General Administration Committee, (b) Agriculture & Industries Committee, (c) Health & Education Committee, (d) Finance, Audit and Planning & Development Committee, (e) Cooperative Committee, (f) Women, children and social welfare committee, (g) Forest and environment committee, (h) Communication and works committee. 2. General Administration Committee shall comprise all the chair-persons of the standing committees constituted as specified in sub-section (1).

3. Save the general Administration Committee, each committee shall consist of at least six members who shall be elected in the prescribed manner by the members of the Panchayat Samiti or the Zila Parishad, as the case may be, from amongst them; but the Education Committee and the Women, Children & Social Welfare Committee shall include at least one woman and one person belonging to scheduled caste or scheduled tribe.

4. Every such member of the Legislative Assembly, who is member of the Panchayat Samiti, shall be an ex-officio member of each committee of the said Panchayat Samiti.

5. Every such member of the Parliament who is member of the Zila Parishad, shall, if he opts, be ex-officio member of any two committees of the said Parishad.

6. With the exception of the General Administration Committee and the Education Committee, every committee shall elect a chairperson from amongst its members in the prescribed manner.

7. Pramukh or Adhyaksha of Zila Parishad shall be ex-officio member and chairperson (Adhyaksha) of the general Administration Committee and the Finance, Audit and Planning & Development Committee.

8. Up-Pramukh or Up-Adhyaksha shall be ex-officio member and Chairperson of the Education Committee and the Women, Children and Social Welfare Committee.

9. No member of either the Panchayat Samiti or the Zila Parishad shall be eligible to serve in more than two standing committees.

10. The Executive Officer or the chief executive officer shall be ex-officio secretary of all the committees of the Panchayat Samiti or the Zila Parishad, as the case may be.

11. The business of the standing committees constituted under sub-section (1) shall be such as may be prescribed by the competent Authority.

12. In addition to the standing committees mentioned under sub-section (1), the Panchayat Samiti or the Zila Parishad, on approval of the prescribed Authority, may constitute one committee or more than one for such matters which do not come within the business ambit of the committees mentioned in sub-section (1).

73. Powers, Functions And Liabilities Of Mukhia, Up-Mukhia, Pramukh, Up-Pramukh, Zila Parishads Adhyaksha And Up-Adhyaksha :-

(A) Powers, function and liabilities of Mukhia and Up-Mukhia - (i) Powers function and liabilities of the Mukhia - The Mukhia Shall - 1) Be responsible for convening meetings of Gram Sabha and preside over the meetings Sabha and preside over the meetings save in the scheduled areas. 2) Be responsible for convening meetings of Gram Panchayat and shall preside over the meetings. 3) Ensure proper custody of records and registers of the Gram Panchayat and shall maintain them. 4) Exercise administrative control and supervision over the work of the employees of the Gram Panchayat as well of such employees whose services have been made over to the Gram Panchayat by any other Authority. 5) For the transaction of business connected with this Act or for the purposes of making any order authorized thereby, exercise such powers, perform such functions and discharge such duties as may be exercised, performed or discharged by the Gram Panchayat under this Act or the rules made thereunder; Provided that the Mukhia shall not exercise such powers, perform such functions or discharge such duties as may be required by the rules made under this Act to be exercised, performed or discharged by a meeting of the Gram Panchayat. 6) Exercise such other powers, perform such other functions and discharge such other duties as the Gram Panchayat may, by general or special resolution, direct or as the State Government may, by the rules made in this regard, prescribe. 7) Be responsible for safe custody of the Gram Panchayat fund. 8) Conduct the Gram Panchayat Fund, wherein issuance of authority (slips) and cheques etc. for payment and withdrawal of the same are included, according to provision of the Act. 9) Get prepared all the returns and reports required by this Act or thereunder. 10) Be directly responsible for performing or getting performed all the functions assigned to the Gram Panchayat under section (75) of this Act. (ii) Powers, functions and liabilities of up-Mukhia - The Up-Mukhia shall- 1) Exercise such of the powers, perform such of the functions and discharge such of the duties of Mukhia as the Mukhia may from time to time, subject to the rules made in this behalf by the Government, delegate him by order in writing: Provided that (the Mukhia) may at any time withdraw all or any of the powers, functions and duties so delegated to the up-Mukhia. 2) During

absence of the Mukhia, preside over the meetings of the Gram Panchayat and conduct the proceedings, 3) Exercise all the powers, perform all the functions and discharge all the duties of the Mukhia during pendency of election of Mukhia or during his absence for any reason, 4) Exercise such other powers, perform such other functions and discharge such other duties as the Gram Panchayat may, by general or special resolution, direct or as the Government may, by rules made in this behalf, prescribe. (B) Powers, functions and liabilities of Pramukh and up-Pramukh - (i) Powers, function and liabilities of Pramukh - The Pramukh Shall - 1) be responsible for convening meetings of the Panchayat Samiti and shall preside over and conduct the meetings, 2) Ensure proper custody of the records and registers of the Panchayat Samiti and shall maintain them, 3) Supervise and control the business transacted by the employees of the Panchayat Samiti, 4) Be responsible for safe custody of the Panchayat Samiti Fund, 5) Conduct the Panchayat Samiti fund wherein issuance of authority (slips) and cheques etc. for payment and withdrawal of the same are included, according to the provisions of this Act, 6) Get prepared all the statements and reports required by and under this Act, 7) Exercise overall control over the financial and executive administration of the Panchayat Samiti and place before the Panchayat Samiti all issues connected therewith so that necessary orders of the Samiti may be obtained, and for this purpose may call for records of the Samiti. 8) Have power to accord sanction up to a total sum of 25 thousand rupees in a year for the purposes of providing immediate relief to those who are affected by any natural calamity in the Panchayat Samiti area: Provided that the Pramukh shall place at the next meeting of the Panchayat Samiti the details of such sanctions for its ratification, 9) Exercise supervision and control over the Executive Officer for securing implementation of resolutions or decisions of the Panchayat Samiti or of the standing committees, which are not inconsistent with the provision of this act or any general or special direction issued under this Act, 10) Produce before the Panchayat Samiti, all the issues in which its sanction is required, 11) Be directly responsible for discharging or complying all the functions assigned to the Panchayat Samiti under section (76) of the Act, 12) Comply with all the directives issued by the State Government or any Authority authorized by the State Government under this Act. (ii) Powers, functions and liabilities of up-Pramukh: The Up-Pramukh Shall - 1) Preside over and conduct proceedings of meetings of the Panchayat Samiti in absence of the Pramukh, 2)

Exercise the powers of the Pramukh and discharge his functions during pendency of election or absence of the Pramukh due to any cause, 3) Exercise such powers and perform such duties of the Pramukh of the Panchayat Samiti as the Pramukh, from time to time may, subject to the rules made by the Government in that behalf, delegate to him by an order in writing. (C) Powers, functions and liabilities of Zila Parishad Adhyaksha and Up-Adhyaksha : (i) Powers, functions and liabilities of the Zila Parishad Adhyaksh - The Adhyaksha of the Zila Parishad shall - 1) Convene meetings of the Zila Parishad and shall preside over and conduct the same, 2) Shall ensure proper custody of the records and registers of the Zila Parishad and shall maintain them, 3) Exercise supervision and control over the chief Executive Officer and through him all officers and other employees of the Zila Parishad and the officers and employees whose services may be placed at the disposal of the Zila Parishad by the State Government, 4) Be responsible for safe custody of the Zila Parishad Fund, 5) Conduct the Zila Parishad Fund, wherein issuance of Authority (slips) and cheques, etc., for payment and withdrawal of the same are included, according to the provisions of this Act, 6) Get prepared all the Statements and reports required by this Act or thereunder, 7) Produce before the Zila Parishad all the matters wherein its sanction is required, 8) be directly responsible for compliance and execution of the resolutions of the Zila Parishad passed by it for the purpose of compliance and execution of the provisions of this Act, 9) Be directly responsible for compliance and execution of all the directives issued by the State Government or by any other authority authorized by the State government, under this Act, 10) Exercise overall control over the financial and executive administration of the Zila Parishad and place before the Zila Parishad all issues connected therewith which shall appear to him to require its orders and for this purpose may call records of the Zila Parishad, 11) Have power to accord sanction up to a total sum of rupees one lakh in a year for the purpose of providing immediate relief to those who are affected by natural calamities in the district; Provided that the Adhyaksha shall place at the next meeting of the Zila Parishad for its ratification the details of such sanction. 12) Be directly responsible for compliance and performance of all the functions assigned to the Zila Parishad under section (77) of this Act. (ii) Powers, functions and liabilities of the Up-Adhyaksha- The Up-Adhyaksha shall - 1) Preside over and conduct the proceedings of the meetings of the Zila Parishad in absence of the Adhyaksha,

2) Exercise the powers and perform the duties of the Adhyaksha pending the election of an Adhyaksha or during his absence from the district or due to his leave for a period exceeding 30 days, 3) Exercise all such powers and discharge all such functions and liabilities as may from time to time be delegated to him by orders in writing by the Adhyaksha or the State Government under this Act or subject to its rules.

74. Section 74 :-

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

CHAPTER 7

FUNCTIONS OF PANCHAYATS

75. Functions Of Gram Panchayat :-

(A) Functions of Gram Panchayat - subject to such conditions as may be specified by the Government from time to time, the Gram Panchayat shall perform the functions specified below: (1) General functions - (i) Preparation of annual plans for development of the Panchayat area; (ii) Preparation of annual budget; (iii) Organizing voluntary labour and voluntary contribution for community works; (iv) Removal of encroachments on public properties; (v) Undertaking relief work during natural calamities; (vi) Maintenance of essential statistics of villages. (2) Agriculture, including Agriculture Extension - (i) Execution of plans for development of agriculture and horticulture; (ii) Execution of plans for reclamation of wasteland; (iii) Development and maintenance of grazing lands and preventing their unauthorized alienation and use. (3) Cooperation with Government and the Panchayat Samiti in land development, land reclamation and land conservation works. (4) Implementation of minor irrigation, water management and water coverage development plans. (5) Animal husbandry, dairy farming and poultry - (i) Implementation of schemes for improvement of breed of cattle, poultry and other livestock ; (ii) Implementation of the Scheme for promotion of dairy farming, poultry and piggery. (6) Fisheries - Implementation of scheme for development of fisheries in villages, (7) Social and farm forestry - (i) Plantation and preservation of trees on the sides of roads and other public lands under its control ; (ii) Implementation of social and farm forestry schemes ; (iii) Plantation for fuel and implementation of schemes for fodder -development. (iv) Carrying out of programme for

development and promotion of sericulture. (8) Minor forest produce - (i) Providing for collection, processing, storage and marketing of minor forest produce. (9) Khadi, Village and cottage industries - (i) Implementation of schemes for development of village and cottage industries ; (ii) Making schemes for development of agricultural and commercial industries and implementing them; (iii) Organising awareness camps, seminars and training programmes, agricultural and industrial exhibitions for benefit of rural areas. (10) Rural Housing - (i) Implementation of rural housing schemes ; (ii) Distribution of house - sites within its jurisdiction; (iii) Maintenance of records relating to building sites and other private and public properties. (11) Drinking water facilities - (i) Construction, repair and maintenance of public wells, ponds and hand - pumps for drinking water, washing clothes and bathing; (ii) Taking measures for prevention and control of water pollution ; (iii) Conducting and maintaining rural water supply scheme ; (iv) Management of water sources. (12) Roads, buildings, bridges, culverts, water ways and other means of communication - (i) Construction and maintenance of rural roads, drains and bridges -culverts. (ii) Maintenance of the building under its control or transferred by the Government or any public Authority. (iii) Maintenance of boats, ferries and water - ways. (13) Rural Electrification - (i) Provision for and maintenance of lighting public streets and other places ; (ii) Helping rural electrification. (14) Non - conventional energy source - (i) Promotion and development of non- conventional energy - sources; (ii) Maintenance of community non - conventional energy sources including bio - gas plants ; (iii) Propagation and publicity of improved ovens and other energy means. (15) Poverty alleviation programme - (i) Promotion of public awareness and participation in poverty alleviation programmes for full employment and creation of productive assets; (ii) Selection of beneficiaries under various programmes through Gram Sabhas; (iii) Ensuring effective implementation and monitoring of schemes. (16) Education, including primary and secondary schools - (i) Promotion of public awareness and participation in primary and secondary education; (ii) Ensuring full enrollment and attendance in primary schools and their management; (iii) Providing for education guarantee; (iv) Management of secondary schools. (17) Adult and non - formal education carrying out of programmes for promotion of adult literacy. (18) Technical training and professional education - Village arts and selection and training of artisans. (19) Establishment and maintenance of libraries and reading rooms. (20) Sports and

cultural activities - (i) Encouragement of sports and cultural activities, and establishment and maintenance of village clubs; (ii) Arranging cultural seminars. (21) Markets and fairs - Management of fairs (including cattle fair), markets and haats in Panchayat area. (22) Hygiene and Sanitation (i) Promotion of village sanitation. (ii) Cleaning of public streets, ponds, wells and roads; (iii) Construction and maintenance of public latrines; (iv) Management and control of bathing and washing ghats; (v) Vaccination; (vi) Prevention and remedial measures against epidemics; (vii) Maintenance and regulation of burning and burial grounds; (viii) Disposal of unclaimed corpses and carcasses; (ix) Preventive measures against stray animals. (23) Welfare of weaker sections and in particular the scheduled castes and scheduled tribes - (i) Implementation of specific programmes for scheduled castes, scheduled tribes and weaker sections of the society; (ii) Programmes against exploitation of and injustice to weaker sections of the society. (24) Health and family welfare - (i) Management of health and family welfare programmes; (ii) Measures for prevention and control of mal nutrition; (iii) Encouraging small family norm. (25) Social welfare and social security including women welfare - (i) Making and implementing schemes for mentally and physically handicapped persons; (ii) Provision of pension for the old, the disabled and the destitute; (iii) Specific programmes for social development of women and children. (26) Maintenance and preservation of community assets - (i) Specific provision for community assets created by the Government, local authority and other agencies and arrangements for their proper use; and (ii) Encouraging peoples participation in this. (27) Public distribution system - (i) Arousing social consciousness regarding distribution of essential commodities; (ii) Management of public distribution system and constant supervision for making it efficient and transparent. (28) Management of Child Development Programme. (29) Enlarging Cooperative activities - (i) Management of cooperative - based agriculture, dairy, pisciculture and forest and environment programmes; (ii) Encouragement to cooperative - based handicraft, handloom, tasar, lac and Malwari production. (iii) Development of Cooperative marketing system. (30) Encouraging the common people towards saving and promoting collective saving system. (31) Organising self-help groups and activating villagers towards a self dependant village. (32) Maintenance of records of birth, death, marriage etc. and arousing awareness in people to register birth and death. (33) Others - (i) Substantial provision to meet

unforeseen situation or natural calamity; (ii) Provision for casual medical aid to the poorest and cremation of the destitute; (iii) Cooperation in affairs of national interest such as cooperating in census, collection of desirable information; (iv) To do work as specified by the State Government, Zila Parishad, Panchayat Samiti; (B) Additional functions of Gram Panchayat in Scheduled Area - Without prejudice to the generality of the powers conferred by this Act, a Gram Panchayat, in the scheduled area, subject to the support, control and instruction of the Gram Sabha, shall have the following powers:- 1. To manage the village market, fairs including cattle fair, by any name whatever the same be known; 2. To have control over the sources and expenditure of the local scheme including the tribal sub scheme; and 3. To exercise such other powers and discharge such functions as the State Government may endow or entrust it under any law in force for the time being. (C) The functions of the Gram Panchayat mentioned in sub-section (A) and (B) of section (75) shall not affect the other Acts/ Rules of the Government in force for the time being, nor their jurisdiction. (D) The government may delegate powers by varying the Acts/ Rules in force for the time being relating to the functions of the Gram Panchayat or its additional functions mentioned in sub-section (A) and (B) of section (75) after due deliberation.

76. Functions Of Panchayat Samiti :-

(A) Functions of Panchayat Samiti - Subject to such conditions as may be prescribed by the Government from time to time, as far as in keeping with the Panchayat Samiti Fund, the Panchayat Samiti shall perform in its area the functions enumerated as follows :- (i) It shall make schemes for its balanced uplift and for ensuring their implementation in the following fields :- (a) Integrated rural development; (b) Integrated agriculture development; (c) Integrated social forestry; (d) Integrated animal husbandry and pisciculture; (e) Integrated health and sanitation; (f) Integrated education and adult education; (g) Integrated cooperative; (h) Integrated village and cottage industry; (i) Integrated welfare (women, children, weaker section the disabled and destitute); (j) Integrated employment programme; (k) Integrated recreation and sports; (l) Integrated road and building construction; (m) Integrated minor irrigation. (ii) General Work - (a) Preparation of the Annual Plans for development of the Panchayat Samiti area and submission thereof to the Zila Parishad for inclusion in the District Plan; (b) Preparation of annual budget of the Panchayat Samiti; (c)

Preparation of plans for relief work during natural calamities and their implementation; (d) Maintenance of essential statistics; (iii) Agriculture, including extension of agriculture - (a) Development and promotion of agriculture and horticulture (gardening); (b) Maintenance of Agricultural Seed farms and Horticultural Nurseries; (c) Storage and distribution of insecticides and pesticides; (d) Encouraging dry farming and marketing of vegetables, fruits and flowers; (e) Management of activities regarding training to farmers and their extension; (f) Integrated management of waste lands; (g) Development and maintenance of grazing grounds and preparation of integrated plans for prevention of their unauthorized alienation and use, and supervision of the affairs of Gram Panchayats. (iv) Assistance to the Government and the Zila Parishad in land development, land reclamation and land conservation. (v) Development of minor irrigation, water management and water shed as well as drainage of slanting water - (a) Assistance to Government and Zila Parishad in providing minor irrigation works; (b) Preparation of integrated plan for community and private minor irrigation and ensuring implementation thereof. (vi) Animal husbandry, Dairy and Poultry - (a) Maintenance of animal husbandry and veterinary services; (b) Causing execution of keeping supervision over integrated plan for improved breeding of domestic cattle, poultry and other live stock; (c) Promotion of Dairy, Poultry and Piggery etc; (d) Prevention and control of epidemics and contagious diseases. (vii) Pisciculture - (a) Integrated development of fisheries in villages; (b) Promoting marketing facilities. (viii) Social and farm forestry and minor forest produce - (a) Preparation of an integrated plan for plantation and preservation of trees on the sides of roads and other public lands under its control, and for their preservation, implementation thereof and constant supervision; (b) Integrated development and promotion of social and farm forestry and sericulture; (c) Plantation for fuel and fodder development programme and extensive publicity and propagation for environment preservation; (d) Integrated management and supervision of collection, storage, processing and marketing management of minor forest products; (ix) Khadi, village and cottage industry - (a) Aiding and encouraging development of village and cottage industries; (b) Aiding development of agricultural and commercial industries; (c) Arranging at Panchayat Samiti level agricultural and industrial exhibitions along with awareness camps, seminars and training programmes for benefit of rural areas. (x) Rural Housing - (a)

Ensuring supervision and balanced development of rural housing programmes; (b) ensuring supervision and balanced distribution of building sites within its jurisdiction; (c) Ensuring maintenance of records concerning houses, sites and other private and public properties. (xi) Drinking water facility - (a) Control and prevention of water pollution; (b) Integrated provision for rural water supply schemes, their repairs and maintenance; (c) Integrated management of drinking water sources. (xii) Roads, buildings, bridges and culverts, water - ways and other means of communication - (a) Ensuring construction and maintenance of village roads, drains and bridges culverts benefiting two or more than two villages within its jurisdiction. (b) Preservation of buildings under its control or those transferred by the Government or any Public Authority; (c) Helping integrated development of boats, ferries and water ways. (xiii) Rural electrification - (a) Helping Gram Panchayats in providing light at public streets and other places and in its maintenance; (b) Helping rural electrification. (xiv) Non - conventional sources of energy - (a) Endeavouring for integrated promotion and development of non - conventional energy schemes; (b) Development and extension of community non - conventional energy sources including bio - gas plants; (c) Extensive publicity and circulation of improved ovens and other programmes of energy sources. (xv) Poverty alleviation programme - (a) Preparation of plans for full employment and creation of productive assets et al and taking action with respect to their implementation; (b) Cooperation in effective implementation and monitoring. (xvi) education including Primary and Secondary Schools - (a) Development of infrastructure for primary, secondary and high school education. (b) Taking necessary steps relating to education - guarantee after preparing a plan therefore. (xvii) Adult and non formal education - (a) Execution of integrated plan for hike in adult literacy. (xviii) Technical training and professional education. (a) Encouraging village arts and artisans. (xix) Helping libraries for their development. (xx) Sports and cultural activities - (a) Encouraging sports and cultural activities and assistance to establishment of village - clubs; (b) Arranging for cultural seminars at Panchayat Samiti level. (xxi) Hygiene and Sanitation - (a) Helping and guiding Gram Panchayats by making an integrated plan for encouraging village sanitation, for cleanliness of public streets, ponds, wells and roads, for construction and maintenance of public lavatories, for management and control of bathing and washing ghats, for vaccination, for prevention and control of

epidemics, for preservation and operation of burning and burial grounds, for disposal of unclaimed corpses and carcasses, for preventive measures against stray animals. (xxii) Welfare of weaker sections, particularly scheduled castes and scheduled tribes - (a) Preparation of an integrated plan and ensuring implementation thereof in respect of specific programmes for scheduled castes, scheduled tribes and weaker sections of the society; (b) Preparation of an integrated plan and ensuring implementation thereof, in respect of programmes against exploitation of and injustice to weaker sections of the society; (c) Ensuring strict compliance of directions and orders issued regarding prevention of untouchability. (xxiii) Health and family welfare - (a) Integrated extension of health and family welfare programmes; (b) Integrated measures for prevention and control of mal nutrition; (c) Carrying out of extensive programmes for encouraging small family norm. (xxiv) Social welfare and social security including womens welfare - (a) Preparation and implementation of an integrated plan for welfare of the people mentally and physically retarded; (b) Helping Gram Panchayats in providing pension to the old, the disabled and the destitute; (c) Management of an specific integrated programme for social development of women and children. (xxv) Preservation and maintenance of community assets - (a) Specific provision for community assets created by the Government, local authority and other agencies and ensuring measures for their proper use; (b) Awarding incentive amounts to the Gram Panchayats successful in this regard with the object of encouraging peoples participation in this behalf. (xxvi) Public distribution system - (a) Ensuring distribution of essential commodities as per rules and ensuring identification and evaluation of persons living below the poverty line, constantly in this regard; (b) Constant supervision for making the Public Distribution System efficient and transparent. (xxvii) Supervision of Child Development Programme and helping and guiding Gram Panchayats in this programme and preparing a programme for integrated development and getting the same implemented. (xxviii) Enlarging cooperative activities - (a) Management of an integrated programme as to cooperative based agriculture, dairy, pisciculture and forestation & environment programmes; (b) Preparing an integrated plan for encouraging cooperative based -handicraft, handloom, Tasar, lac and Malwari production and cause its implementation; (c) to help developing a cooperative marketing system. (xxix) To encourage the common people to savings and to help the Gram Panchayat develop a group

saving scheme. (xxx) Help to Gram Panchayats for Organising self - help groups and for activating the villagers towards a self dependant village. (xxxi) Maintenance of records of birth, death, marriage etc. and arousing awareness in people for registration of births and deaths and helping Gram Panchayats in this behalf. (xxxii) Others - (a) Substantial provision to deal with an unforeseen situation or natural calamity; (b) Casual medical aid to the poorest and help to Gram Panchayats in arranging cremation of the destitute. (c) Cooperation in affairs of national interest such as cooperating in census, collection of desirable information; (d) Preparation of annual plans for economic growth and social justice of the district and ensuring implementation of such plans by the Panchayats; (e) Preparation of annual plan respecting the plans entrusted to it by any law as well as respecting the plans entrusted to it by the Central Government or the State Government. (f) Coordination, evaluation, persuasion of activities of the Gram Panchayats and to guide them; (g) Ensuring thorough supervision, coordination and integration of the plans prepared by the Gram Panchayats. (h) Ensuring implementation of the plans entrusted to it by any law as well as of the plans entrusted to it by the Central Government or the State Government; (i) Ensuring execution of functions, programmes, plans and projects transferred or delegated to it by the Central Government or the State Government; (j) Re-allocation of the funds made available by the Central or State Government in respect of the functions, programmes, plans and projects transferred or delegated to it by them, to the Gram Panchayats according to the criteria fixed by the Central or State Government; (k) To coordinate and forward to the Zila Parishad the resolutions for grants for some specific purpose received from the Gram Panchayats; (l) Ensuring execution of such plans, such projects and such other works as belong to two or more Gram Panchayats jointly; (m) To make all out efforts to have resources by exercise of the powers endowed to it by any law or by the Central or State Government; (n) To advise the Zila Parishad about activities related with development, preservation of environment, social forestry, family welfare and welfare of weaker sections, destitute, women, youths and children; (o) The Panchayat Samitis shall control and supervise the administration within their jurisdiction; and the functions conferred on and the plans entrusted to the Blocks by the State Government shall be executed under supervision, guidance and control of the Panchayat Samitis according to such directions as the State Government may from

time to time give; (p) To take all necessary measures, in exercise of the powers endowed to it by any law or by the Central or State Government, for raising resources; (q) To exercise such other powers and to discharge such other functions as may from time to time be conferred on or entrusted to it by the State Government; (r) Maintenance of essential statistics; (s) To take up regional plans and development plans for basic amenities within the Panchayat Samiti; (t) Preparation of plans for basic civil amenities and their management; (u) Implementation, execution and supervision of the schemes and construction works within Gram Panchayats; (v) Control and persuasion of the specific plans prepared for the beneficiaries; (w) Rise voluntary labour and community - ownership sense pertaining to community work; (x) Ensuring execution of schemes, projects and programmes entrusted by the Central or State Government or the Zila Parishad or the Panchayat Samiti; (y) Control over the personnel posted within the Gram Panchayat area; (z) Letting of minor water bodies for pisciculture and other commercial purposes. (B) Additional powers of Panchayat Samiti in scheduled area - Without prejudice to the generality of the powers endowed by this Act, a Panchayat Samiti in any of the scheduled areas shall have the following powers :- 1. Preparing a plan for minor reservoirs belonging up to a specified water area, owning and managing the same; 2. Controlling the organisations and works transferred to them in all social fields; 3. Control over the local plan, in which the tribal sub - plan, its sources and expenditure are included; and 4. Exercising such other powers and performing such other functions as the State Government may, under any law for the time being in force, confer on it or vest in it; 5. The functions of the Panchayat Samiti mentioned in sub-sections (A) and (B) of section (76) shall not affect the other enactments/rules of the government for the time being in force, and their jurisdiction; 6. The Government may delegate powers by bringing about changes, after due deliberation, in the enactment rules in force for the time being as regard the functions of the Panchayat Samiti or its additional functions mentioned in sub - section (A) and (B) of section (76).

77. Functions Of Zila Parishad :-

(A) Functions of Zila Parishad - Subject to such conditions as may be prescribed by the Government from time to time, the Zila Parishad shall perform the following functions: (i) General Functions - (a) Preparing annual plans for economic development and social justice

of the district and ensuring coordinated execution thereof; (b) Preparing annual plans for the schemes entrusted to it by any law and for the schemes entrusted to it by the Central or State Government, and ensuring coordinated execution thereof; (c) Preparing annual budget of the district; (d) Coordinating, evaluating, persuading and guiding the activities of Panchayat Samitis and Gram Panchayats; (e) Ensuring execution of the schemes, functions and works as well as the projects entrusted by any law or entrusted or transferred or delegated by the Central or State Government; (f) Re-allotment of the funds made available by the Central or State Government appertaining to the transferred functions, work, schemes and projects, to the Panchayat Samitis and Gram Panchayats according to their criteria; (g) Coordinating and forwarding to the State Government the resolutions of grants for any specific purpose received from Panchayat Samitis; (h) Ensuring execution of plans, projects and other works for benefit of two or more than two Panchayat Samitis; (i) Executing the works, schemes and projects, which have been transferred to the State Government, through Gram Panchayats or through acting agencies, regardless of sources of their fund; (j) Taking necessary steps to raise resources, in exercise of the powers conferred by any law or by the Central or State Government; (k) Power to do relief work during natural calamity; (l) Maintenance of essential statistics. (ii) Agriculture, in which extension of agriculture is included - (a) Popularising use of improved agricultural implements and to adopting improved agricultural practices to increase agricultural production; (b) Opening and managing agricultural seed farms and commercial farms; (c) Conducting agricultural fairs & exhibitions; (d) Preparing plans for integrated extension of agriculture and horticulture, and executing the same; (e) Preparing a plan for integrated extension of land reclamation and soil conservation, and executing the same; (f) Establishing training centres and providing for training of farmers. (iii) Land development, and land improvement and soil conservation - (a) Developing and extending soil conservation activities; (b) Making an integrated plan for development of waste land and implementing the same. (iv) Minor irrigation, water management and water shed - development - (a) Construction and management of lift irrigation; (b) Extension of water shed programme; (c) Maintenance of available water sources; (d) Development of ground level water resources; (e) Encouraging community water committees and installing community pump sets. (v) Animal Husbandry, dairy and poultry -

(a) Preparing an integrated plan for improvement in breed of domestic cattle, poultry and other live stock and executing the same; (b) Promotion of dairy industry, poultry farming and piggery, etc; (c) Establishment of veterinary hospitals and artificial insemination centres; (d) Measures for control and prevention of cattle - diseases and infections maladies; (e) Integrated development of fodder; (f) Extending and persuading for activities for rearing pigs, goats and ducks; (g) Facilities of dairy farms and cold storage. (vi) Pisciculture - (a) Production and distribution of spawns; (b) Setting up fish shopping cooperative societies; (c) Pisciculture in private and community tanks; (d) Welfare schemes for uplift of fishermen; (vii) Social and agricultural forestry - (a) Integrated management of plantation on flanks of roads and other public lands under its control; (b) Integrated management of social & agricultural forestry; (c) Integrated management of minor forest products. (viii) Khadi, village & cottage industries - (a) Aiding development of village & cottage industries; (b) Identifying traditionally expert artisans and implementing an integrated scheme of development of household industries befitting them; (c) Provision for training and financial help to craftsmen and artisans; (d) Popularising readymade products and providing for sale & purchase thereof; (e) Encouraging organisation for Khadi, handloom and handicraft industries; (f) Ascertaining the needs for raw materials and ensuring their supply; (g) Design and production in keeping with changing needs of consumers; (h) Providing for bank loans. (ix) Rural housing - (a) Integrated management of execution of rural housing programmes in the district; (b) Assisting the Gram Panchayats and the Panchayat Samitis in coordinating, supervising and maintaining distribution of building -sites within its jurisdiction; (c) Identification of homeless families and integrated management of provision for low cost houses for them. (x) Drinking water facility - (a) Control and prevention of water pollution; (b) Extension of rural water supply; (c) Management of drinking water sources. (xi) Roads, buildings, bridges - culverts, waterways and other means of communication - (a) Overall planning for roads excepting national and state highways, and bridges & culverts, getting them constructed and making provision for their maintenance; (b) Preparing a comprehensive plan for link roads to markets, educational and health centres, getting them constructed and providing for their maintenance; (c) Maintenance of boats, ferries and water ways; (d) Repairs of building lying within the Zila Parishad and construction of new buildings; (e) Organizing the

people for voluntary land acquisition for new roads and widening the existing roads. (xii) Rural Electrification - (a) Help in making available light at public streets and other places; (b) Extension of rural electrification. (xiii) Non - conventional sources of energy - (a) Conducting comprehensive programme for promotion and development of non conventional energy plans; (b) Propagation and publicity of community non conventional energy sources including bio-gas plants; (c) conducting programmes for raising public - conscience regarding improved ovens and other energy sources. (xiv) Poverty alleviation programme- (a) Preparing a time bound plan for poverty alleviation and ensuring its implementation; (b) Arousing awareness in people for full employment and creation of productive assets et al and participation in poverty alleviation programmes; (c) Supervision and monitoring of all poverty alleviation programmes. (xv) Primary, secondary, adult and non formal education - (a) Propagation and publicity of science and technical education in rural areas; (b) Ensuring layout and implementation of an incentive scheme with the object of ensuring full enrollment and attendance in primary schools; (c) Planning and implementing an education guarantee scheme; (d) Provision for hostels, hutments and stipend for poor and meritorious students; (e) Extension of adult and non formal education; (f) Survey and evaluation of educational activities. (xvi) Technical training and professional education - (a) Conducting exhibitions, fairs etc. to encourage rural art and craftsmen; (b) Propagation and publicity of computer education. (xvii) Library - (a) Aiding Gram Panchayats and Panchayat Samitis in establishment and maintenance of libraries; (b) Developing information centres at block and Panchayat levels. (xviii) Sports and cultural activities - (a) Encouragement, initiation and maintenance of sports and cultural activities; (b) Convening cultural seminars; (c) Development of sports grounds and stadium; (d) Encouraging traditional festivals, dances and other arts and giving them a new dimension by publicising them country - in and country -out. (xix) Market and fair - (a) Aids in managing fairs (cattle fair included), markets and fairs in the Panchayats areas. (xx) Hygiene and Sanitation - (a) Ensuring promotion of rural sanitation and cleanliness of public streets, ponds, wells and roads; (b) Preparing an integrated plan for public toilets, getting the same implemented and their maintenance; (c) Conducting extensive programme for disease, immunization and vaccination; (d) Preparing and implementing a comprehensive plan for control and prevention of epidemics; (e)

Establishment and maintenance hospitals, primary health centres and dispensaries save medical College hospitals, T.B. - Sanatoriums, leprosy hospitals and mental disease hospitals; (f) Activities appertaining to maternity and Child - care; (g) Convening Health-camps in coordination with Gram Panchayats and Panchayat Samitis; (h) Taking measures for safety against environmental pollution. (xxi) Welfare of weaker sections particularly Scheduled castes and scheduled tribes - (a) Making an integrated plan for specific programmes for the scheduled Castes, the scheduled tribes and the weaker sections of the society; (b) Management of integrated programme against exploitation of and injustice to the weaker sections of society; (c) Sanction of other grants for stipend, scholarships, hostel allowance to and for purchase of books and other ancillary articles for the Scheduled Castes and tribes as well as other backward classes; (d) Management of hostels for benefit of the Scheduled Castes and tribes; (e) Preparing a plan for Gram Panchayats/ Panchayat Samitis for eradication of illiteracy and for organising nursery Schools, balbaries, and Ratri Pathshalas to impart general education and getting the same implemented; (f) Conducting model welfare centres and crafts centres to impart training to the Scheduled Castes and tribes in cottage and village industries; (g) Provision for residential basic schools for the scheduled castes and tribes; (h) Providing marketing facilities for the goods produced by the members of the Scheduled Castes and the Scheduled tribes; (i) Constituting cooperative societies of Scheduled Castes and Scheduled Tribes; (j) Other welfare schemes for development and uplift of the scheduled Castes and the scheduled tribes; (xxii) Health and family welfare - (a) Extension of health and family welfare programmes; (b) Integrated measures for control and prevention of Mal nutrition; (c) Extensive encouragement to small family norm. (xxiii) Social welfare and social security including womens welfare - (a) Preparing and implementing an integrated plan for mentally and physically disabled persons; (b) Integrated management of pension for the old, the invalid and destitute, the disabled and widows; (c) Specific programmes for organisations of women and children and their development; (d) Maintenance of orphanage, reformatory home and welfare institutions; (e) Encouraging intercaste marriage and giving incentive money to the couple entering into such marriage, one of whom belongs to the scheduled caste or tribes; (f) Campaign against superstition, intoxication, untouchablity and others social evils; (g) Vigilance over theft, tax wasion,

adulteration, usury and the like crimes; (h) Identification of bonded labourers and their rehabilitation; (i) Assistance to taking back of aboriginals infected land and to development of land given to landless labourers. (xxiv) Preservation and maintenance of Community assets - (a) Integrated provision for proper use of community assets constructed by government, local authority and other agencies; (b) Encouraging peoples participation in this regard. (xxv) Public distribution system - (a) Integrated programme for arousing social consciousness pertaining to distribution of essential commodities; (b) Constant supervision for making the public distribution system efficient and transparent. (xxvi) Integrated management of child development programme - Help to Gram Panchayats / Panchayat Samitis. (xxvii) Raising cooperative activities - (a) Integrated management of programmes of cooperative based agriculture, milk production, pisciculture, forest and environment; (b) Encouraging integrated manner, the cooperative based handicraft, handloom, Tasar, lac and Malwari production; (c) Developing cooperative marketing system at the district level. (xxviii) Encouraging the common people to saving and development group saving norm. (xxix) Assistance to Gram Panchayats/ Panchayat samitis in formation of self help groups. (xxx) Preparing integrated programme to activate villager towards self dependent village. (xxxi) maintenance of records of birth, death, marriage et al and arousing awareness in people to register birth and death. (xxxii) Others - (a) Making consolidated integral provision to face unforeseen situations and natural calamities; (b) Aiding Gram Panchayats/ Panchayat Samities in providing casual medical help to the poorest; (c) (i) Cooperating in work of national interest and cooperating as desired, in census, collection of informations; (ii) Collection, compilation, analysis and timely renewal of desirable figures at Gram Panchayat, Panchayat Samiti and district levels; (d) To administer and control, as determined by the State Government by general or special orders from time to time, the personnel employed and posted in Panchayats, including the staff transferred to the Panchayats by the State Government. (B) (i) Merger of district rural development Agency into Zila Parishad of the district - Notwithstanding any thing contained in the Societies Registration Act or any other Act of the State for the time being in force, district rural development agency of the district shall be deemed merged into the Zila Parishad of the district and all assets and liabilities of the said agency and all functions thereof shall stand transferred to the concerned Zila Parishad and shall

remain vested in that and the same shall be discharged and performed by the Zila Parishad concerned; (ii) Notwithstanding any thing contained in this Act or the rural or Bye-laws made thereunder, all the employees of the District Rural Development Agency shall, on the date of commencement of this subsection, have the same salary, allowances and benefits as the salary, allowances and benefits exist at present. (c) Additional powers of Zila Parishad in Scheduled area - Without prejudice to the generality of the powers endowed by this Act, the Zila Parishad in a scheduled area shall have following powers - (1) Making a plan for minor reservoirs up to the limit of an specified area, having ownership on them and managing the same; (2) Controlling the organisations and their work, in all social fields, transferred to them; (3) Having control of the sources and expenditure of the local scheme, in which tribal sub-scheme is included; and (4) Exercise of such other powers and discharge of such functions as the State Government may, under any law for the time being in force, confer on it or Vest in it; (D) The functions of the Zila Parishad mentioned in sub-sections (A) and (C) of section (77) shall not affect other enactments/ rules of the government for the time being in force, and their jurisdiction; (E) The Government may delegate powers by bringing about changes, after due deliberation, in the enactments/ rules for the time being in force appertaining to the functions or additional functions of the Zila Parishad mentioned in sub-sections (A) and (C) of section (77).

78. Powers Of The State Government As To The Functions Of Panchayats :-

(1) (a) Subject to such conditions as may be specified by the State Government by general or special order, the Panchayats shall, at proper levels, have such powers and authority, which appertaining to the subjects listed in schedule (1) within which come the preparation of plans and implementation of schemes for economic development and social justice as well as other duties and functions conferred under section 1[10 (i) (a) and 10 (5)], sections (75), (76), (77), as may be necessary to make them capable of serving as institutions of self government. (b) The State Government, by notification, for the sake of efficient implementation of schemes, may confer on the Panchayats the powers and responsibilities at proper levels for selecting, recruiting, employing and managing any cadre or any cadres of requisite employees subject to the staffing pattern approved by the State Government and such others

conditions as it may consider proper. (2) The State Government, by general or specific order, may increase any functions of the Panchayats or may withdraw the functions and duties conferred on such Panchayats. When the State Government will take over execution of any functions conferred on a Panchayat, the Panchayat shall not be responsible for such functions so long as the State Government does not reconfer such functions on the said Panchayat. (3) The Government, by notification, subject to the conditions specified therein - (a) May transfer management and maintenance of forests situate in Panchayat area to a Panchayat; (b) May make over management of public uncultivated (Parti) land, grazing ground or vacant land situate in Panchayat area to a Gram Panchayat; (c) May make over the programme of realising rent on the behalf of the Government and of maintaining the records concerned therewith to a Gram Panchayat; Provided that no assignment under clause (c) shall be done without consent of the Gram Panchayat concerned; Provided also that when transfer of management and maintenance of any forest is done under clause (a), then the Government shall order to entrust to the Gram Panchayat a particular sum or an adequate portion of the income from the said forest for such management and maintenance. (4) The Government may, by notification, modify, change or cancel the functions assigned under sub-section (3) of this section. 1. Substituted by the Jharkhand Panchayat Raj (Amendment) Act, 2001 (Act No. 7 of 2002) for the following : - "10(6)"

79. Section 79 :-

Powers of Gram Panchayat regarding public health facilities and safety - Subject to such rules as may be made by the State Government in this behalf, a Gram Panchayat shall have powers - (1) to maintain sources of sanitation, cleanliness, water emission, water transition, water supply; (2) to regulate uses of water; (3) to ensure environmental control; (4) to remove structures and trees; (5) to regulate trade of nasty or dangerous things; (6) to regulate establishment of workshops, factories and other industrial units; (7) to perform such functions as is necessary by or under the provisions of this Act.

80. Section 80 :-

Control over construction of buildings - The Gram Panchayat may take actions in tandom with the specified rules with the object of preventing from trespass over public streets, buildings and houses in the village.

81. Section 81 :-

Powers of Gram Panchayat regarding hindrances and obstructions to and trespass over public streets and open places - (1) Any person who, within the Gram Panchayat area, will cause any obstruction and hindrance to and trespass over any public street or open places or any drain on such street. (a) by constructing or making any wall, fence, window, pillar, stall, varandah, terrace, stairs or any structure; or (b) by constructing any verandah, balcony, room or any other structure without the written order of the Gram Panchayat or contrary to the words mentioned in such order, in such a way that the same be protruding on any public street or on any drain situated at the said street; or (c) by removing earth, sand or other materials from any spot, as of crime; or (d) by doing cultivation in any grazing ground or other land in an unauthorised manner, may be punished with such fine as may be enacted by the government. (2) Notwithstanding any thing contained in the sub-section (1), The Gram Panchayat shall have power to remove any such obstruction or trespass and to remove any crop grown unauthorized on grazing ground or any land, not being private property, and shall also have the like power to remove any similar unauthorized obstruction or trespass or protruding portion in any open spot, not being private property, whether or not the said spot is vested in the Gram Panchayat, and the expenses incurred in such removals shall be paid by the person who has trespassed as such, and in case of failure to pay such expenses, the said expenses may be realised from the said person in accordance with the prescribed rules; Providing that notwithstanding any thing contained in sub-section (1) and in this sub-section, if the Gram Panchayat resolves to remove any obstruction, hindrance or trespass from the land vested in the State Government, it may intimate the Anchaladhikari for removal of such obstruction, hindrance or trespass from the said land and the Anchaladhikari shall take necessary action under the Chotanagpur Tenancy Act or the Santhal Pargana Tenancy Act or any other related rule for the time being in force. (3) Notwithstanding any thing contained in this section, the Gram Panchayat may give permission, according to the by-laws made under this Act, to use any public place or to make any construction or to construct protruding portion thereon temporarily according to necessity on the occasion of festivals and ceremonies in such a manner that the public or any person may not have any inconvenience. (4) The Gram Panchayat shall not pass any order in exercise of the powers

under this section unless the person concerned has been given reasonable opportunity of hearing.

82. Power To Compromise :-

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

83. Regulation Of Markets Or Fairs :-

(1) Save as provided in the Agricultural Market Act for the time being (in force), no person save the Gram Panchayat shall either fix or use any place within the Gram Panchayat for the purpose or establishment of any market or fairs; Provided that the State Government may declare any market or fair to be public market or public fair, and the public market or the public fair declared as such shall be vested in the Panchayat Samiti. (2) The State Government may make rules for the market or the fair specified in sub-section (1).

CHAPTER 8

FUND AND PROPERTY OF PANCHAYAT

84. Fund Of Gram Panchayat And Its Property :-

(1) Gram Panchayat shall have power to acquire, hold and dispose of property and to enter into contract with respect thereof; Provided that in every case of disposal of immovable property by the Gram Panchayat, it shall have to obtain prior permission of the Government. (2) Save that maintained by the central or State Government or the local Authority or (under) the power of any other Gram Panchayat or by (all of) them all the like properties within the local limits of the jurisdiction of the Gram Panchayat specified in this section shall vest in the Gram Panchayat and shall belong to it, and all other properties in any form or kind whatsoever that be vested in the Gram Panchayat, shall be under its direction, management and control; namely (a) all common properties; (b) all public lanes including earth, stone and other articles, and all drains, bridge-culverts, trees, building materials, implements and other things which are provided for such lanes; (c) all public sewage systems and drains as well as all constructing materials and articles appertaining thereto and other sewage works; Provided that the sub soil for the purposes of enlarging, deepening or repairing otherwise or maintaining such sewage and

drains or attached therewith shall be deemed vested in the Gram Panchayat; (d) the entire night soil, garbage and obnoxious material collected from lanes, lavatories, urinals, sewage system, cesspits and other places or dumped in lanes by the Gram Panchayat; (e) all public lights, light-poles and implements attached and related therewith; (f) all buildings constructed by the Gram Panchayat and all lands, buildings and properties transferred by the central or state government to the gram panchayat or that donated, purchased or otherwise acquired for purposes of the local people; (g) all public drains, water distributaries, springs, ponds, ghats, reservoirs, tanks, wells, water bridges, outlets, tunnels, pipes, pumps, and other public works constructed or founded or established at the cost of the gram panchayat or otherwise and all bridges, buildings, fuel, building materials and articles attached or connected therewith and any land (not being private property) adjoining a pond; Provided that water-pumps and pump-works attached or connected therewith for the foundation laying or installing whereof in any lane permission of the gram panchayat has been obtained and which have been installed by the proprietors of any mill, factory, industry, workshop or any other likewise outfit mainly for use of their employees, shall not be deemed to be public works on the count of their use by the general public. (3) The State Government may, by notification, release any lane, bridge or drain from application of this Act or any specific section of this Act; Provided that had the making cost of the structure been defrayed out of the Gram Panchayat fund, the said structure can not be released from application of this Act or any specific section of this Act unless the said resolution of the gram Panchayat is deliberated into in any meeting. (4) The State Government may allot to a gram panchayat any public property situate within its territorial jurisdiction and then the said property shall go under control of the gram panchayat. (5) The State Government may take back any property allotted to a gram panchayat under sub-section (4). For such transfer no compensation other than the amount paid by the gram panchayat or the market value, of any building erected or any work executed by the gram panchayat on the said property, prevalent on the date of the take back, shall be payable; Provided that no compensation in respect of the buildings, structures or works constructed or erected in contravention of the terms and conditions of the vesting shall be payable. (6) In every Gram Panchayat a gram panchayat fund shall be constituted in the name of the gram panchayat and the following shall be deposited therein

- (a) Contributions and grants made by the central or state government, if any; (b) contributions and grants made by the Zila Parishad, Panchayat Samiti or any local Authority, if any; (c) Loans sanctioned by the central or state government, if any; (d) All amounts realised by it by way of taxcess, and fees-items; (e) All receipts connected with any of the schools, hospitals, dispensaries, buildings, institutions or works kept under control and management of the Gram Panchayat or made by it or vested in it; (f) Entire income accruing from any trust or endowment and all the amounts received by way of donation and contribution in favour of the Gram Panchayat; (g) Fines and monetary penalties imposed and realised, as specified under the provisions of this Act; (h) Other amounts to be received by the Gram Panchayat and on its behalf. (7) Every Gram Panchayat, for meeting the following requirements, shall keep apart a sum and use the same annually, which - (a) includes the expenditure of its own administration together with payment of salary, allowances, provident fund and gratuity of its officers and employees as well as secretary; (b) Every Gram Panchayat shall have the power to spend such sum as it considers proper for implementation of the objectives of this Act; (c) Gram Panchayat fund shall be vested in the panchayat and the deposit money of the fund shall be kept in a specified custody as prescribed. (8) In the case of a gram panchayat, any amount may be withdrawn from the gram panchayat fund by joint signature of the Mukhia and the Secretary.

85. Fund Of Panchayat Samiti And Its Property :-

(1) Panchayat Samiti shall have power to acquire, hold and dispose of property and to enter into contract with respect thereto; Provided that in every case of disposal of immovable property, it shall have to obtain prior permission of the government. (2) All roads, buildings or other structures constructed by a Panchayat Samiti with its funds shall vest in it. (3) The State government may allot to a panchayat Samiti any public property falling in the latter's jurisdiction and thereafter the said property shall go under control of the said panchayat Samiti; (4) The State government may take back any property allotted to a Panchayat Samiti under sub-section (3). For such transfer no compensation other than the amounts paid by the Panchayat Samiti or the market value, of any building erected or any work executed by the Panchayat Samiti on the said property, prevalent on the date of the take - back, shall be payable. Provided that no compensation in respect of the buildings,

structures or works constructed or erected in contravention of the terms and conditions of the vesting shall be payable. (5) If any Panchayat Samiti requires land to fulfill any objective of this Act, it shall negotiate with the person or persons having interest in the said land and, if consent is not arrived at, shall apply to the District Magistrate for acquisition of the said land. If the latter is satisfied that the land is required for public purposes, he will take measures to acquire the land under the relevant provisions of the Land Acquisition Act, 1894 (Act 1 of 1894), and the land having been acquired shall vest in the Panchayat Samiti. (6) Panchayat Samiti Fund - In every Panchayat Samiti, a Panchayat Samiti Fund shall be constituted in the name of the Panchayat Samiti, and the following amounts shall be deposited in its deposit accounts - (a) Contributions and grants made by the central or State Government, if any, wherein is included even such contribution of the land revenue realised in the State as the Government determines; (b) Contributions and grants made by the Zila Parishad or any other local Authority, if any ; (c) Loans sanctioned by the central or State Government or loans taken by a Panchayat Samiti against surty of its own assets, if any ; (d) All amounts realised by it by way of toll, cess and fees items ; (e) All receipts connected with any of the schools, hospitals, dispensaries, buildings, institutions or under constructions vested in the Panchayat Samiti or constructed by it or under its control and management ; (f) Entire income accruing from any trust or endowment and all the amounts received by way of donation and contribution, in favour of the Panchayat Samiti ; (g) Fines and monetary penalties, imposed and realised, as specified under the provisions of this Act or under the bye-laws made thereunder ; (h) All other amounts received by the Panchayat Samiti or on its behalf. (7) Every Panchayat Samiti, for fulfillment of the following requirements, shall keep apart such amounts and shall use the same annually; which - (a) includes the expenditure of its own administration together with payment of salary, allowances, provident fund and gratuity to its officers and employees as well as the secretary; (b) Every Panchayat Samiti shall have power to spend such an amount as it considers proper for implementation of the objectives of this Act; (c) Panchayat Samiti Fund shall be vested in the Panchayat Samiti and the deposit money of the fund shall as prescribed be kept in such a custody as the State Government may time to time direct. (8) Subject to such general control as the Panchayat Samiti may adopt from time to time, all orders and cheques for payment from the

Fund of the Panchayat Samiti shall bear the signature of the Executive Officer. (9) Subject to the provisions of any law concerned with raising of loans for the time being in force, the Panchayat Samiti through local Authorities, with the approval of the State Government, may raise loans from time to time for the purposes of this Act and may create a deposit fund for refund of the said loans. (10) Panchayat Samiti, on the basis of the specific schemes as may prepared by the Panchayat Samiti for the purpose, may take loans from the Government or with prior permission of the Government from Banks for achievement of its mission,

86. Section 86 :-

Fund of Zila Parishad and its property - (1) The Zila Parishad shall have the power to acquire, hold and dispose of property and to enter into contract in respect thereto; Provided that in all cases of acquisition or disposal of immovable properties, it shall have to obtain prior permission of the Government. (2) All the roads, buildings or other structures constructed By the Zila Parishad with its funds shall vest in it. (3) The State Government may allot to the Zila Parishad any public property situate within its jurisdictions, whatever it be, and there upon the said property shall go under control of the Zila Parishad. (4) The State Government may take back any property allotted to a Zila Parishad under sub - section (3). For such transfer, no compesation other than the amount paid by the Zila Parishad or the market value, of any building erected or any work executed by the Zila Parishad on the said property, prevalent on the date of the take - back, shall be payable; Provided that no compensation in respect of the buildings, structures or works contracted or erected in contravention of terms and conditions of the vesting shall be payable. (5) If a Zila Parishad requires land for fulfilling any purpose of this Act, it will negotiate with the person or persons having intrest in the said land and, if consent is not arrived at, will apply to the District Magistrate for acquisition of the land. If the latter is satisfied that the land is required for public purpose, he will take measures for acquisition of the Land under the relevant provisions of the Land Acquisition Act and the said land having been acquired, shall vest in the Panchayat Samiti. (6) Zila Parishad Fund - In every Zila Parishad, a Zila Parishad Fund shall be constituted in the name of the Zila Parishad, and the following amounts shall be deposited in the Deposit Account Thereof - (a) Contributions and grants made by the central or State Government, if any, wherein is included even such portions

of the land - revenue realised in the State as the Government determines; (b) Contributions and, grants made by the Zila Parishad (Sic) or any other local Authority, if any ; (c) Loans sanctioned by the central or State Government or loans taken by the Zila Parishad against surety of its own assets, if any; (d) All amounts realized by it in toll, coss and fee items; (e) All receipts connected with schools, hospitals, dispensaries, buildings, institutions or under construction works whatsoever vested in the Zila Parishad or constructed by it or coming under its control and management; (f) Entire income accruing from any trust or endowment and all the amount received by way of donation and contribution in favour of the Zila Parishad; (g) Fines and penalties imposed and realised under the provisions of this Act, as specified; (h) All other sums of money received by the Zila Parishad or from its other sources. (7) Every Zila Parishad, for meeting the following requirements, shall keep apart an amount and shall use it on annual basis - (a) Which includes the expenditure of its own administration together with payment of salary, allowances, provident fund and gratuity to its officers and employees as well as the Secretary; (b) Every Zila Parishad shall have power to spend such amount as it considers proper for achievement of the objectives of this Act; (c) Zila Parishad Fund shall be vested in the Zila Parishad and the deposit money of the Fund shall be as prescribed, kept in such a specified custody as the State Government may time to time direct. (8) Subject to such general control as the Zila Parishad may adopt from time to time, all orders and cheques to be paid out of the fund of the Zila Parishad shall bear the signature of the Executive Officer. (9) Subject to the provisions of any law concerned with raising of loans for the time being in force, the Zila Parishad through local Authorities, with the approval of the State Government, may raise loans from time to time for the purposes of this act and may create a deposit fund for refund of the said loans. (10) Zila Parishad, on the basis of such specific schemes as may be prepared by the Zila Parishad for the purpose may take loans from the Government or with prior permission of the government.

87. Section 87 :-

(i) Assignment of funds to Panchayat - For such purposes and subject to such conditions and limits as the State Government may consider proper, the State Government may assign to any Gram Panchayat, Panchayat Samiti and Zila Parishad such taxes, tolls and

fees as levied and collected by the State Government, and may give grants out of the consolidated fund of the State. (ii) Use of Panchayat Fund - (a) Subject to the provisions of this Act and the rules made thereunder, all the properties vested in the Panchayat and the Panchayat Fund shall be used for the purposes of this Act or for other purposes appertaining to activities related to general development of a Panchayat or for such other expenses as the State Government may, either on petition of a Panchayat or otherwise, approve in public interest. The Panchayat Fund shall be kept in the nearest Government Treasury or Sub treasury or Post Office or Nationalised Bank or Scheduled Bank or Regional Gramin Bank or its Branch; (b) The amount allotted to a Panchayat by the State Government or any other person or local Authority for any specific work or purpose shall be used barely for the same work or purpose and as per such instructions as the State Government may issue generally or especially in this behalf; (c) In the case of Gram Panchayat, Panchayat Samiti or Zila Parishad, all the amount shall be withdrawn for the purpose of providing for a major work plan in accordance with only the annual budget with the exclusive prior approval of the Gram Panchayat, Panchayat Samiti or Zila Parishad, as the case may be; Provided that information about all receipts into the Panchayat Fund and all withdrawals from the Panchayat Fund shall be placed before the Panchayat in its next meeting.

88. Section 88 :-

(1) Grant to Panchayat - The State Government will give to the Gram Panchayat, the Panchayat Samiti and the Zila Parishad such grant as may be determined on the basis of the recommendations of the Finance Commission. (2) Power to give grant - Subject to the prior sanction of the State Government or the prescribed Authority, a Gram Panchayat, Panchayat Samiti or Zila Parishad may give a grant for any work of public utility.

89. Transfer Of Immovable Property :-

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

CHAPTER 9

ESTABLISHMENT OF PANCHAYATS

90. Section 90 :-

(1) Establishment of Gram Panchayat - (a) The State Government or the prescribed Authority may appoint one Secretary for a Gram Panchayat or for a group of Gram Panchayat more than one: Provided that a person holding charge of Secretary of a Gram Panchayat just immediately before commencement of this Act shall continue to work as such till appointment of a Secretary is made according to this section; Provided further also that no person shall assume charge of Secretaryship in a Gram Panchayat if he happens to be a relative of any Office-bearer of the concerned Gram Panchayat; (b) The Secretary will be Incharge of the Office of Gram Panchayat, shall discharge all its functions and shall exercise all the powers under this Act or any Rules or Bye-laws made thereunder, or those conferred or imposed thereby; (c) Gram Raksha Dal - For village patrolling and guarding, for preventing fire and embankment or bridge being broken, for facing spread of epidemic, theft or dacoity, for maintaining law and order and for doing the work entrusted at times by the government, a Gram Raksha Dal may be organised for every Gram Panchayat under a Chief Officer appointed in the prescribed manner and all abled persons of the village aged 18 to 30 years will be members of that Dal; (d) The State Government may make rules for organising Gram Raksha Dal and Rules for its duties and conduct. (2) Establishment of Panchayat Samiti - (a) The State Government will appoint an Executive Officer for the Panchayat Samiti, who will not be below the rank of a Deputy collector and who will discharge the liabilities of Secretary of the Panchayat Samiti and will be Incharge of the Panchayat Samiti Office and will exercise all the powers under this Act or any rules or bye-laws made thereunder or those conferred or imposed thereby; (b) The State Government will appoint an Assistant Secretary through the medium of Panchayat Directorate, who will perform such functions and discharge such duties as may be instructed by the State Government or the Executive Officer; (c) The government will from time to time post for working under the Panchayat Samiti, officers and employees of the State Government in such a number as it deems necessary. (d) Notwithstanding anything contained in this Act or any other law for the time being in force, the Government or the other Authority authorised by it in this regard shall have power to transfer the such posted officers and employees from one Samiti to another Samiti; (e) Powers and duties of the Executive Officers and other officers - (i) Save as otherwise ostensibly provided by or under this Act, the Executive

Officer shall - (a) Supervise and control execution of all works of the Panchayat Samiti; (b) Determine, supervise and control the duties of the officers and employees or office-bearer working under the Panchayat Samiti as per Rules framed by the Government; (c) Take necessary measures to execute all works and developmental schemes of the Panchayat Samiti expeditiously; (d) Secure all the papers and documents related with proceedings of the meetings of the Panchayat Samiti and its Committees. (e) Withdraw and disburse money out of the fund of the Panchayat Samiti; and (f) Exercise such other powers and discharge such other duties, as may be specified. (ii) the Executive Officer shall participate in every meeting of the Panchayat Samiti and he shall have the right to participate in any of the committees of the Panchayat Samiti and to take part in its discussion, but he shall not have the right to move any proposal or to vote. If any proposal mooted before the Panchayat Samiti is transgressive or is not in conformity with the provisions of this Act or any other law, rule or order made thereunder, it shall be his duty to draw the attention of Panchayat Samiti to this. (3) Establishment of Zila Parishad - (a) The State Government shall appoint a Chief Executive Officer for every Zila Parishad, who will be an officer of the rank of District Magistrate. Likewise, the government may appoint an Additional Chief Executive Officer for a Zila Parishad on the terms and conditions as specified and may also, as per need, appoint one or more than one Deputy Chief Executive Officer and Executive Officer who will perform such functions and discharge such duties as may be assigned to them by the State Government or the Chief Executive Officer; (b) The Government shall also appoint a Chief Planning Officer and a Chief Accounts Officer for every Zila Parishad; (c) The State Government shall, from time to time, post officers and employees of different grades as well as All India Service Officer allotted for serving under the government, in every Zila Parishad in such number as the government thinks necessary; (d) Notwithstanding any thing contained in this Act or any other law for the time being in force, the Government or any other officer or any other Authority authorised by it in this behalf shall have the power to transfer such posted officers and employees from one district to another district; (e) The State Government may constitute such services from an appointed date for every such prescribed Zila Parishad, as may be prescribed; (f) Functions of the Chief Executive Officer and other Officers - (i) Save as otherwise specifically provided by or under this Act, the Chief Executive officer shall - (a)

Execute the Policies and directives of the Zila Parishad and shall take necessary steps for expeditious execution of all works and development schemes of the Zila Parishad; (b) Subject to the general supervision and control of the Adhyaksha and the rules as prescribed, shall control the officers and employees of the Zila Parishad; (c) Shall discharge the duties conferred by or under this Act or the Rules or regulations made thereunder; (d) Shall keep in custody all the papers and documents pertaining to the Zila Parishad; (e) Shall draw and disburse money from the Zila Parishad funds and shall exercise such other powers and shall perform such other functions as may be vested in him; (ii) The Chief Executive Officer shall participate in every meeting of the Zila Parishad and he shall be entitled to participate in any committee of its and to take part in its discussion, but he shall have no right to moot any proposal or to cast vote. If any proposal mooted before the Zila Parishad is transgressive in the opinion of the Chief Executive Officer or is not in conformity with the provisions of this Act or any other law, rule or order made thereunder, it shall be his duty to draw the attention of the Zila Parishad to this; (iii) Chief Planning Officer shall advise the Zila Parishad in matter of preparing a plan and shall be responsible for all the matters related with plans of the Zila Parishad in which preparation of plan for economic development and social justice and annual plan of the district is also included, and he shall be the Chief Executive Officer of the district planning unit constituted for the district planning committee. (iv) Chief Accounts Officer shall advise the Zila Parishad on matters of financial policy and shall be responsible for all matters concerned with accounts of the Zila Parishad wherein preparation of annual account and budget is also included and shall ensure that no expenditure whatsoever is done without proper sanction, and if done, it has to be done only in accordance with this Act and the rules and regulations made thereunder, and shall disallow any such expenditure which is not supported by this Act or rules or regulations or wherefor no provision has been made in the budget. (v) Every person in possession of money, accounts, documents or other property related with Gram Panchayat or Panchayat Samiti or Zila Parishad shall, on demand in writing being made by the Chief Executive Officer in this regard, hand over the said money or make over the said accounts, documents or other property to the Chief Executive Officer or to the person authorised, in the demand, to receive the same; (vi) Chief Executive Officer may also take action to realise any money payable by any person in

the manner in which action for realisation of arrears of land revenue from defaulters is taken and may issue search warrant for the purpose of obtaining the accounts, documents or other property pertaining to Gram Panchayat or Panchayat Samiti or Zila Parishad and may exercise all such powers related therewith as may be lawfully exercised by a Magistrate under the provisions of chapter (vii) of the code of Criminal Procedure, 1973 (Act 2 of 1974); (vii) Every person having knowledge of where the money, accounts, documents or other property pertaining to the Gram Panchayat or Panchayat Samiti or Zila Parishad are lying hidden, shall be bound to give the said information to the Chief Executive Officer; (viii) An appeal shall lie before the State Government, against an order of the Chief Executive Officer under this section.

91. Alternative Arrangement In Absence Of Secretary, Executive Officer And Chief Executive Officer :-

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

92. Deputation Of Government Servants To Panchayats And Other Appointments :-

1. The State Government may depute its such servants in service of the Panchayat who it considers necessary; service conditions of the said deputed servants shall be such as may be prescribed by the State Government from time to time. 2 (a) Subject to the Provisions of Section (90), every Panchayat may, with prior approval of the prescribed Authority, depute or appoint such other officers and servants who it considers necessary for efficient

discharge of its duties. (b) Qualifications, method of recruitment, salary, leave, allowance and other conditions of service including disciplinary matters shall be such as may be prescribed by the State Government.

CHAPTER 10

TAXATION AND REALISATION OF CLAIMS

93. Taxation :-

(1) Taxation by a Gram Panchayat- (i) Subject to the rules as made in this behalf and the assessed rate, a Gram Panchayat may impose annual tax in the following way - (a) Tax on occupant of a holding; (b) Tax on business, trades, professions and employments being carried on or situated within local limits of its jurisdiction, on such business, trades, professions and employments; (ii) Subject to the maximum rate as assessed by the Government, a Gram Panchayat may realise the following fees and rates, namely - (a) Fees on registration of such vehicles which are not registered under any Act for the time being in force; (b) Fees on management of sanitation - means in places of pilgrimage, hats and fairs lying within its jurisdiction as ascertained by the Government, by notification; (c) Water-rate at the places within its jurisdiction where supply of water for drinking, irrigation and other purposes is arranged for by a Gram Panchayat; (d) Lighting fees at the places and public streets within its jurisdiction where provision for lighting is made by a Gram Panchayat; and (e) Sanitation tax at the places where provision for sanitation of private latrines, urinals and cesspits within its jurisdiction is made by a Gram Panchayat; (iii) A Gram Panchayat may impose other taxes as may be specified by the State Government; (iv) The State Government may withdraw any taxation right transferred to a Gram Panchayat. (2) Taxation by a Panchayat Samiti - (i) Subject to the rules as made and the maximum rates as prescribed by the Government, a Panchayat Samiti - (a) May realise toll of a ferry set up by it or under its management; (b) May realise the following fees and rates - 1) Fees on registration of the vehicles which are not registered under any other Act for the time being in force; 2) Subject to that specified by a notification of the government, fees on management of sanitary means in places of pilgrimage, hats and fairs lying within its jurisdiction; 3) Fees for permission of hat and market; 4) Water rate at places within its jurisdiction where provision for water supply for drinking, irrigation or other purposes is made by a Panchayat Samiti; 5) Lighting fees where lighting arrangement in

lanes and places within its jurisdiction is made by a Panchayat Samiti; (ii) The Panchayat Samiti, within its jurisdiction, shall not register any vehicle or shall not realise fees and shall not provide for sanitation at places of pilgrimage and fairs or shall not realise fees at those places, if the said vehicle has already been registered by any other authority under any rule for the time being in force or provision for sanitation has already been made by any local authority; (iii) Norms of fees or tax as well as terms and conditions of their imposition shall be similar to those as provided by the bye-law; (iv) In such a bye-law, provision may be made by exempting all or any of the taxes in any class of matters; (v) The Panchayat Samiti may impose other tax as specified by the State Government; (vi) The State Government may withdraw any taxation right transferred to a Panchayat Samiti; (3) Taxation by a Zila Parishad (i) Subject to the maximum rate prescribed by the government, a Zila Parishad may impose the following taxes - (a) May impose ferry-toll at any ferry set up by it or lying within its management; (b) May impose fees and tax on the following, namely - 1) Boat or conveyance registration fees; 2) Fees for affording sanitation arrangements in places of pilgrimage and fairs within its jurisdiction, as prescribed by the government, by notification; 3) Fees on license for fairs et al; 4) Lighting fees where lighting arrangements on public roads and places constructed by the Zila Parishad within its jurisdiction have been done by the Zila Parishad; and 5) Water-rate in case of supply of water by the Zila Parishad within its jurisdiction for potable water supply, irrigation or any other purpose; (ii) The Zila Parishad shall not impose tax within its jurisdiction on such vehicles as have been registered by any other authority under any rule for the time being in force or on sanitation arrangements made available at places of pilgrimage or fairs etc. by any other local authority; (iii) Terms and condition of the tax or fees shall be the same that may be provided by sub rules. Such sub-rules may provide for exemption in respect of all taxes, or any one tax out of them, fees or rate in pay category; (iv) The Zila Parishad may impose other taxes as specified by the State Government; (v) The State Government may withdraw any taxation right transferred to a Zila Parishad;

94. Panchayat Raj Fund :-

(1) At district level, a separate fund known as Panchayat Raj Fund shall be constituted and it shall be operated in such a manner as may be prescribed by the State Government. (2) Receipts

(Proceeds) of the cess under section (93) or such other taxes under the Panchayat as may be specified by the State Government shall be deposited in the said Fund, after making deduction there from of such collection charges as may from time to time be determined by the State Government. (3) Receipts of additional stamp fees if any, shall firstly, be deposited in the consolidated fund of the state in such a manner, as may be prescribed and the State Government may, at the commencement of every financial year, if such provision is made by appropriation (Bill) passed in this behalf by the Legislative Assembly, withdraw from the consolidated fund of the State such an amount as will be equal to the receipts made (realised) by the State Government in the preceding year. (4) Distribution of the amount among Panchayats - The consolidated amount in the Panchayat Raj Fund shall be distributed among the three-tier Panchayat in such manner and in such proportion as may be ascertained by the State Government.

95. Section 95 :-

1) Power of the State Government to regulate taxes - The State Government may make rules to regulate imposition, assessment, collection and sharing of the taxes under section (93). 2) Any objection regarding any assessment will be entertained only in accordance with the provisions of this Act or the rules made thereunder and not otherwise, and liability of a person for his being assessed or taxed will be called in question under this Act or the provisions made thereunder, not otherwise.

96. Contracting Of Market-Fees, Etc. :-

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

97. Recovery Of Arrears :-

Any arrear amount of - (a) Imposed tax or (b) Fee and (c) Fine under this Act, and (d) Any amount due Under this act shall be realised by the prescribed Authority, as land revenue.

98. Penalty For Evasion Of Tax, Fee :-

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

99. Power Of State Government To Give Relief In Taxes :-

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

CHAPTER 11

Control

100. Inspection Of Working Of Panchayat :-

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

101. Power To Postpone Compliance Of Order, Et Al :-

1. The State Government or the prescribed Authority, by an order in writing or for the reasons mentioned therein, may postpone, compliance any order issued or any license or permission given related with any resolution passed by a Panchayat or may prohibit performance of any function by a Panchayat, if in his opinion - (a) Such resolution, order, license, permission or work has not been lawfully passed, issued, sanctioned or authorized; or (b) Such resolution, order, license, permission or work differ from the powers conferred by this Act or contravenes any law; or (c) By compliance of such resolution or order or by continuous application of such license or permission or by so doing - (i) Loss, wastage or misuse of any money vested in a Gram Panchayat, Panchayat Samiti or Zila Parishad or damage of any property vested therein is expected. (ii) Adverse effect on public health, safety or convenience is expected; (iii) Injury or grievance to public or any class or body of persons is expected; or (iv) Breach of order is expected. 2. Whenever any

order under sub-section (1) is passed by the prescribed Authority, he shall, immediately or in every event within a maximum period of 10 days from the date of the order, forward a copy of the said order and together with that a statement of the reasons for so doing to the State Government or the Authority prescribed by the State Government for this purpose and the State Government or the Authority prescribed by it may confirm the said order or cancel the same or revise the same or amend the same, or it/ he may direct that the said order, with or without amendment, shall perpetually continue to be in force for such a period as envisaged by it/him. Provided that no order under sub-section (1) passed by the prescribed Authority shall be confirmed, cancelled, revised or amended by the State Government or the prescribed Authority unless reasonable opportunity of hearing against the proposed order is given to the concerned Gram Panchayat, Panchayat Samiti or Zila Parishad.

102. Power Of The State Government To Give Order For Execution Of Works Of The Panchayats In Certain Cases :-

(1) The State Government or the prescribed Authority, by an order in writing may give direction for performance of any of such duties or in respect of any of such works imposed on any of the Gram Panchayats, Panchayat Samitis and Zila Parishads by or under this Act or by or under any other law for the time being in force, as is not being performed or executed by any of them as the case may be, and the performance or execution whereof by the said Gram Panchayat, Panchayat Samiti or Zila Parishad is necessary in public interest in the opinion of the State Government or the prescribed Authority. (2) Gram Panchayat, Panchayat Samiti or Zila Parishad shall be bound to comply the directions issued under sub-Section(1); and if it fails so to do, the State Government or the prescribed Authority shall have all the powers to get those directions complied at the cost of the Panchayat, if any, and in exercise of the said powers it/ he just like the Gram Panchayat, the Panchayat Samiti or the Zila Parishad or its officers or servants whose powers are exercised, shall be entitled to the same protection and to the same extent.

103. Direction By Government :-

(1) Notwithstanding any thing contained in this Act, it shall be lawful for the Government to issue directions related with the matters of State and National policies and the said directions shall be applicable to Gram Panchayats, Panchayat Samities and Zila

Parishads. (2) The State Government - (a) May call for records or registers or other documents in possession of a Panchayat or under its control; (b) May require presentation of returns, plans, estimates, details, accounts or statistics by a Panchayat; and (c) May call for any information from a Panchayat or report appertaining to any of its matters.

104. Inquiry By The State Government Into Panchayat Matters :-

(1) The Government may, at any time for the reasons recorded, cause an inquiry held by any of its officers in respect of any Gram Panchayat, Panchayat Samiti or Zila Parishad into the matters concerning acceptance, approval, consent or order required by the Government under this Act. (2) The Authority holding such an inquiry shall have the right of a Civil Court under the code of Civil procedure, 1908, to compel a witness to present himself and to produce evidence and documents for the purpose of inquiry. (3) The Government may give order regarding the cost of the inquiry held under sub-section(1) and also as to the parties by whom and the fund from which the same will be met and the said order, on petition of the Commissioner or any person named therein, will be implemented as it were a decree of a Civil Court.

105. Inspection Of Development Plans :-

(1) If for the purposes of efficient and economical execution of the construction works or development - plans - under taken by a Gram Panchayat, Panchayat Samiti, Zila Parishad, the officers or the person authorised by any general or special order of the Government who is in charge of execution or maintenance of the said construction - works or development plans thinks imperative to give technical guidance or help to any officer of or under the Gram Panchayat, Panchayat Samiti or Zila Parishad, then the said officer or person authorised as such may, for giving such guidance, help or advice, inspect the said works or development - plans in the manner in which he thinks imperative with respect to the said works or development - plans and shall submit his report to the Gram Panchayat, Panchayat Samiti, Zila Parishad regarding the irregularities detected therein and by giving his suggestions for their betterment. (2) All the rules applicable to a Government department such as slips, tender, quality, control, technical sanction, accounts, audit and supervision shall mutatis mutandis apply in implementation of plans and schemes.

106. Restrictions On Withdrawal Of Powers And Functions From The Panchayat :-

(1) Not with standing the Transfer of powers, functions and duties in respect of any matters to a Panchayat under this Act, the Government on a resolution from the Gram Panchayat, Panchayat Samiti, Zila Parishad in that behalf or where it is satisfied that because of a change in the nature of the matter such as conversion of a primary health centre into a secondary health centre or hospital or conversion of a road into a high-way, the mattter would cease to be a matter in the relevant Panchayat - functions- list and it is necessary to withdraw from the Panchayat the powers, functions or duties in respect of such matters, may, be issuance of a notification in official Gazette, withdraw such powers, functions and duties with effect from the date specified in the notification and may issue such incidental and consequential orders as may be necessary to provide for matters including the taking order of the rights and liabilities of any property rested in the Gram Panchayat, Panchayat Samiti, Zila Parishad, as the case may be, and of the staff which might have been transferred to the Panchayat. (2) The Government may, by notification in the official Gazette, amend or add any work, programme or scheme assigned to a Gram Panchayat, Panchayat Samiti or Zila Parishad under this Act. On the issue of such notification, the relevant Panchayat- functions list shall be deemed to have been amended accordingly. Every such notification shall be placed before the Legislative Assembly.

107. Dissolution Of Panchayats :-

(1) If at any time it appears to the State Government or the Prescribed Authority that a Gram Panchayat, Panchayat Samiti or Zila Parishad is repeatedly defaulting in performance of the duties imposed on it by or under this Act or any other Law for the time being in force or works beyond its powers or misuses its powers or does not obey any order of the State Government or the competent authority, then the authority as prescribed by the State Government, on holding such inquiry as he deems proper, may by an order dissolve the said Gram Panchayat, Panchayat Samiti or Zila Parishad and may order to constitute the same de novo. (2) No order under sub-section (1) shall be passed until (The Gram Panchayat, Panchayat Samiti or Zila Parishad), as the case may be, has been furnished a reasonable opportunity to submit its explanation. A notice calling for explanation shall be addressed to the Mukhia, Pramukh or Adhyakesha of the Gram Panchayat,

Panchayat Samiti or Zila Parishad respectively and shall be served as per provisions of section(148). Reply of the Panchayat as to the notice shall be submitted by a resolution of the Gram Panchayat, Panchayat Samiti or Zila Parishad. (3) Dissolution of a Gram Panchayat, Panchayat Samiti or Zila Parishad under sub-section (1) shall have the following consequences, namely - (a) All the office - bearers shall vacate their respective office with effect from the date of such order; (b) All the powers of the Gram Panchayat, Panchayat Samiti or Zila Parishad shall, till their reconstitution, be exercised and its duties performed by such person or such committee of persons as the State Government or prescribed Authority may appoint for this purpose, and where a committee of persons is constituted as such, a Chairperson (head) of the said committee shall also be appointed by the State Government or the prescribed Authority; (c) Where a committee is appointed under clause (b) of this subsection, a member of the said committee duly authorised by it may file a suit or institute a proceeding on behalf of the Gram Panchayat, Panchayat Samiti or Zila Parishad or may enter defence in any suit filed or any legal proceeding instituted against them. (4) Any such person appointed to exercise the powers and perform the duties of the Gram Panchayat, Panchayat Samiti or Zila Parishad during the period of its dissolution may receive such payment for his services from the respective fund concerned as may be determined by the State Government by order. (5) A Gram Panchayat, Panchayat Samiti or Zila Parishad dissolved under sub-section (1) shall be reconstituted within a period of six months of its dissolution, such reconstituted Gram Panchayat, Panchayat Samiti or Zila Parishad, as the case may be shall function for its remaining tenure; Provided that if the remaining tenure of a Gram Panchayat, Panchayat Samiti or Zila Parishad is less than six months, it shall not be reconstituted for the said tenure.

108. Liability Of Panchayat - Members, Etc. For Loss, Misuse

:-

(1) Every member, Office-bearer, officer or servant of a Gram Panchayat, Panchayat Samiti and Zila Parishad shall be personally responsible for any such loss, wastage or misappropriation of any money or other property belonging to them, whereto he has been a party or which has been caused due to his Act of misconduct or gross negligence to his duty. An amount requisite for compensating the said loss, wastage or misappropriation shall be recovered by the prescribed authority; Provided that no recovery under this section

shall be made unless the person concerned has been furnished a reasonable opportunity of hearing. (2) If the person concerned fails to pay the amount, action for recovery of the said amount will be taken according to the prescribed procedure.

109. Dispute Between Panchayats And Other Local Authorities :-

(1) In case of any dispute arising between two or more Gram Panchayats or Panchayat Samitis or Zila Parishads on one side and any other local authority on the other in respect of such a matter in which they are jointly interested, the said dispute shall be referred to the State Government and the decision of the State Government thereto shall be final; Provided that if the dispute is between the Gram Panchayat, Panchayat Samiti and Zila Parishad on the one side and the cantonment Board on the other, then the decision of the State Government shall be subject to approval by the Central Government. (2) The State Government, by the rules made under this Act, may regulate among the Panchayats and between Gram Panchayat, Panchayat Samiti or Zila Parishad and other local authorities, the relations regarding the matters in which they are jointly interested.

110. Appeal And Revision :-

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

111. Power To Get Back Records And Articles And To Realise Money :-

(1) If the prescribed Authority is of opinion that a person is unauthorizedly keeping in his custody any record or articles or money of a Gram Panchayat, Panchayat Samiti or Zila Parishad, then he may, by an order in writing, require the said record or articles or money to be delivered or paid immediately to the Panchayat in presence of such an officer as the prescribed Authority may appoint in this regard. (2) If a person does not deliver the records or articles or does not pay the money as directed under sub-section(1) or denies so to do, the prescribed Authority may punish him in the manner as may be prescribed by the State Government. (3) No action under subsections (1) and (2) shall be taken unless the concerned person is given a reasonable opportunity to show cause in this regard as to why such an action

be not taken against him. (4) A person, against whom any action under this section is taken, shall be disqualified to be a member of a Panchayat for a period of six years from initiation of such action.

112. Delegation Of Power :-

(1) If the prescribed Authority is of opinion that a person is unauthorizedly keeping in his custody any record or articles or money of a Gram Panchayat, Panchayat Samiti or Zila Parishad, then he may, by an order in writing, require the said record or articles or money to be delivered or paid immediately to the Panchayat in presence of such an officer as the prescribed Authority may appoint in this regard. (2) If a person does not deliver the records or articles or does not pay the money as directed under sub-section(1) or denies so to do, the prescribed Authority may punish him in the manner as may be prescribed by the State Government. (3) No action under subsections (1) and (2) shall be taken unless the concerned person is given a reasonable opportunity to show cause in this regard as to why such an action be not taken against him. (4) A person, against whom any action under this section is taken, shall be disqualified to be a member of a Panchayat for a period of six years from initiation of such action.

113. General Power Of Control :-

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

114. Finance Commission For Panchayats :-

(1) The State Government may as soon as possible and thereafter on the expiration of every five years, constitute a Finance commission in the prescribed manner to review the financial position of the Gram Panchayats, Panchayat Samitis and Zila Parishads and to give advice and make recommendations to the Government on financial matters, which will make recommendations on the following matters - (a) The Principles which should govern - (i) The distribution between the State and the Zila Parishads, Panchayat Samitis and Gram Panchayat of the net proceeds of the taxes, duties, tolls and fees be leviable by the Government and distribution among the Zila Parishads, Panchayat Samitis and Gram Panchayats of such proceeds proportionately; (ii) The determination of the taxes, duties and fees which may be

assigned to or appropriated by the Zila Parishads, Panchayat Samitis and Gram Panchayats; (iii) The Grants - in - aid to Zila Parishads, Panchayat Samites and Gram Panchayats from the consolidated fund of the State; (b) The measures needed to improve the financial position of the Zila Parishads, Panchayat Samitis and Gram Panchayats; (c) Any other matter referred to the financial commission by the Governor in the interest of sound finance of the Zila Parishads, Panchayat Samitis and Gram Panchayats; (2) The Finance Commission shall consist of a Chairman and two other members; (3) The Chairman and members of the Finance Commission shall possess such qualification and shall be appointed in such manner as may be prescribed by the Government; (4) The Finance Commission shall determine its own procedure; (5) The Chairman or a member of the Finance Commission may resign his office by writing under his hand and addressed to the Finance Secretary to the Government, but he shall continue in office until his resignation is accepted by the Government; (6) The caused vacancy caused by the resignations of the member or Chairman under sub-section 5 or other wise may be filled by fresh appointment and a member or Chairman so appointed shall hold office for the remaining period for which the member or Chairman, in whose place he was appointed, would have held the office. (7) The Commission shall have the following powers in the performance of its functions; namely (a) To call for any record from any officer or Authority; (b) To summon any person to give evidence or to produce records; and (c) Such other powers as may be prescribed. (1) The Governor shall cause every recommendation made by the Finance Commission under this section, together with an explanatory memorandum as to the action taken thereon, to be laid before the Legislative Assembly.

CHAPTER 12

PENALTY

115. Penalty For Functioning As Member Of A Regional Area Of Gram Panchayat, As Member Of A Regional Constituency Of Panchayat Samiti / Zila Parishad, As Mukhia / Up-Mukhia Of Gram Panchayat, As Pramukh / Up- Pramukh Of Panchayat Samiti, As Adhyaksha / Upadhyaksha Of Zila Parishad, When Disqualified :-

(1) If a member of any regional area of the Gram Panchayat or a member of any regional constituency of the Panchayat Samiti / Zila Parishad having knowledge of the fact that he is not entitled to

hold the office or has ceased being entitled to hold office in that capacity, functions as member of the regional area of the Gram Panchayat (or) as member of the regional constituency of the Panchayat Samiti / Zila Parishad, he, on conviction, shall be penalized by the prescribed authority with such fine as may be prescribed by him for each day on which he sits in his official capacity or votes. (2) If a Mukhia or Up- Mukhia, Pramukh or Up- Pramukh, Adhyaksha or Up-Adhyaksha having knowledge of the fact that he is not entitled to hold office or has ceased being entitled to hold office in that capacity, functions in that capacity, he, on conviction, shall be penalized by the prescribed authority with such fine as may be prescribed by him for each day on which he works or functions in the said capacity.

116. Provision Of Penalty Against Voting By Interested Members :-

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

117. Provision Of Penalty Against Acquisition Of Interest By A Member Office- Bearer Or Servant In Any Agreement :-

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

118. Provision Of Penalty For Causing Obstruction In Official Duty :-

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

119. Section 119 :-

Provision of Penalty for obliteration of official notice, signal or sign. Whoever will remove, destroy, deface or otherwise obliterate any

notice published or any signal or any sign made by the Panchayat or its officer or under its orders without permission of an authority in that behalf, shall be penalized under the Indian Penal Code.

120. Section 120 :-

Provision of Penalty for giving false information or for not giving information. Whoever required by or under this Act of the rules made thereunder or by any notice or any other process issued thereunder to give any information, withholds such information or deliberately gives false information, shall, on guilt being proved, be punished.

121. Restriction To Bid And Provision Of Penalty Therefor :-

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

122. Provision Of Compensation For Damage To The Panchayat :-

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