

Karnataka Panchayat Raj Act, 1993

14 of 1993

[13 April 1993]

CONTENTS

CHAPTER 1 :- PRELIMINARY

1. Short Title And Commencement
2. Definitions

CHAPTER 2 :- WARD SABHA AND GRAMA SABHA

3. Ward Sabha
- 3A. Grama Sabha

CHAPTER 3 :-CONSTITUTION OF GRAMA PANCHAYATS AND STANDING COMMITTEES

- 4 . Declaration Of Panchayat Area And Establishment Of Grama Panchayats
5. Constitution Of Grama Panchayat
6. Incorporation Of Grama Panchayat
7. Method Of Voting And Procedure For Election
8. Appointment Of An Administrative Committee Or Administrator On Failure To Elect Members Of Grama Panchayats
9. Right To Vote
10. List Of Voters
11. Qualification For Membership
12. Disqualification For Members
13. Vacation Of Seat By Members
14. Prohibition Of Simultaneous Membership
15. Election Petition
16. Contents Of The Petition And Relief That May Be Claimed
17. Trial Of Election Petition
18. Decision Of The [Civil Judge (Junior Division)]
19. Grounds For Declaring Election To Be Void
20. Grounds On Which A Candidate Other Than The Returned Candidate May Be Declared To Have Been Elected
21. Procedure In Case Of Equality Of Votes
22. Corrupt Practices
23. Order As To Corrupt Practices
24. Communication Of Orders
25. Fresh Election If A Seat Becomes Vacant

26. Prohibition Of Canvassing In Or Near Polling Station
27. Penalty For Disorderly Conduct In Or Near Polling Stations
28. Penalty For Misconduct At Polling Station
29. Maintenance Of Secrecy Of Voting
30. Officers Etc., At Elections Not To Act For Candidate Or Influence Voting
31. Breaches Of Official Duty In Connection With Elections
- 31A. Offence Of Booth Capturing
- 31B. Penalty For Government Servants For Acting As Election Agent, Polling Agent Or Counting Agent
32. Removal Of Ballot Papers From Polling Stations To Be An Offence
33. Other Offences And Penalties Thereof
34. Promotion Of Enmity Between Classes In Connection With Election
35. Prohibition Of Pubic Meetings On The Day Preceding The Election Day And On The Election Day
36. Powers Of Deputy Commissioner To Prohibit Fairs Etc., On Election Day
37. Disturbance At Election Meetings
38. Restrictions On The Printing Of Pamphlets, Posters, Etc
39. Penalty For Illegal Hiring Or Procuring Of Conveyance At Election
40. Prosecution In Certain Offences
41. Term Of Office
42. Commencement Of Term Of Office
43. Resignation Of Member
- 43A. Removal Of Members For Misconduct
44. Election Of Adhyaksha And Upadhyaksha
45. Procedure For Election Of Adhyaksha And Upadhyaksha On The Establishment Of Grama Panchayat Etc
46. Term Of Office And Conditions Of Service Of Adhyaksha And Upadhyaksha
47. Appointment Of Adhyaksha During Vacancy In The Office
48. Resignation Or Removal Of Adhyaksha And Upadhyaksha
49. Motion Of No-Confidence Against Adhyaksha Or Upadhyaksha Of Grama Panchayat
50. Procedure At Meetings
51. Casual Vacancies
52. Meeting Of The Grama Panchayat
53. Quorum And Procedure
54. Modification Or Cancellation Of Resolution
55. Minutes
56. Interpellations And Resolutions
57. Validity Of Proceedings

CHAPTER 4 :-FUNCTIONS,DUTIES AND POWERS OF GRAMA PANCHAYAT, ADHYAKSHA AND UPADHYAKSHA

58. Functions Of Grama Panchayat

- 58A. Duties Of Grama Panchayat To Report Regarding Bonded Labour System Etc
- 59. Assignment Of Functions
- 60. General Powers Of The Grama Panchayat
- 61. Standing Committees
- 61A. Other Committees
- 61B. Xxx
- 62. Powers And Duties Of The Adhyaksha And Upadhyaksha
- 63. Power Of Grama Panchayat As To Roads, Bridges Etc
- 64. Regulation Of The Erection Of Buildings
- 65. Power Of Government To Prohibit And Regulate The Erection Of Buildings In Certain Areas Without Permission
- 66. Permission For The Construction Of Factories And The Installation Of Machinery
- 67. Prohibition Of Offensive Or Dangerous Trades Without Licence
- 68. Control Of Hotels Etc
- 69. Licensing Of Shops
- 70. Provisions Applicable To Permissions And Licences Under Sections 66, 67, 68 And 69
- 71. Transfer Of Institutions Or Works To Grama Panchayats
- 72. Obstructions And Encroachments Upon Public Streets And Open Sites
- 73. Power To Name Streets And Number Buildings
- 74. Removal Of Structures, Trees Etc., Which Are In Ruins Or Likely To Fall
- 75. Power As To Sanitation, Conservancy And Drainage
- 76. Contribution From Persons Having Control Over Places Of Pilgrimage, Etc
- 77. Power For Providing Adequate Water Supply
- 78. Power Of Grama Panchayat To Make Bye-Laws Regarding Provision Of Water Supply
- 79. Appointment Of Joint Committees
- 80. Power Of Entry
- 81. Filthy Buildings Etc
- 82. Powers And Duties In Regard To Sources Of Water Supply
- 83. Remedy For Non-Compliance With Directions Issued
- 84. Power To Set Apart Public Springs Etc., For Certain Purposes
- 85. Power To Prohibit Use Of Water From Certain Sources
- 86. Penalty For Using Water For Certain Purposes
- 87. Abatement Of Nuisance From Foul Water
- 88. Closing Of Places For The Disposal Of The Dead
- 89. Power Of Entry Into Building, Etc., Where Infectious Disease Exists
- 90. Disinfection Of Buildings, Etc
- 91. Articles Exposed To Infection
- 92. Registration Of Burial And Burning Grounds
- 93. Licensing Of Places For Disposal Of The Dead
- 94. A Book To Be Kept Of Places Registered, Licensed, Or Provided
- 95. Prohibition Against Burying Or Burning, In Unauthorised Places
- 96. Notice Of Burials, Etc., To Be Given To Grama Panchayat

- 97. Public Landing Places, Carts Stand Etc
- 98. Regulation Of Huts
- 99. Power For Making Drains
- 100. Sufficient Drainage Of Houses
- 101. Power Of Owner Or Occupier Of Buildings Or Lands To Drain Into Grama Panchayat Drains
- 102. Right To Carry Drain Through Land Or Into Drain Belonging To Other Persons
- 103. Rights Of Owner Of Land Through Which Drain Is Carried In Regard To Subsequent Building Thereon
- 104. Provision Of Privies, Etc
- 105. Cost Of Altering, Repairing And Keeping In Proper Order Privies Etc
- 106. Inspection Of Drains, Etc
- 107. Dangerous Quarrying
- 108. Using Offensive Substance, Etc
- 109. Emission Of Smoke
- 110. Prohibition Of Nuisance

CHAPTER 5 :- STAFF OF GRAMA PANCHAYATS

- 111. Secretary
- 112. Staffing Pattern And Schedule Of Employees
- 113. Appointment And Control Of Employees
- 113A. Arrangements For Additional Technical Staff For Grama Panchayat

CHAPTER 6 :-CONVERSION OF SMALLER URBAN AREA OR A TRANSITIONAL AREA AND AMALGAMATION

- 114. Interpretation
- 115. Effect Of Conversion Of A Smaller Urban Area Or A Transitional Area Into Panchayat Area
- 116. Term Of Office Of Members Of Interim Grama Panchayat And Their Powers
- 117. Effect Of Amalgamation Of Panchayat Areas
- 118. Effect Of Division Of Panchayat Area

CHAPTER 7 :- CONSTITUTION OF TALUK PANCHAYAT

- 119. Establishment Of Taluk Panchayat And Its Incorporation
- 120. Constitution Of Taluk Panchayat
- 121. Elected Members
- 122. Determination Of Elected Members After Each Census
- 123. Reservation Of Seats
- 124. Delimitation Of Territorial Constituencies
- 125. Right To Vote
- 126. List Of Voters
- 127. Qualifications Of A Candidate
- 128. Disqualification For Members
- 129. Vacancy Of Seat

- 130. Method Of Voting And Procedure For Election
- 131. Prohibition Of Simultaneous Membership
- 132. Application Of Certain Sections Relating To Elections
- 133. Publication Of Names Of Members
- 134. Term Of Office Of Members
- 135. Resignation Of Members
- 136. Removal Of Members For Misconduct
- 136A. Members To Declare Assets
- 137. Casual Vacancies How To Be Filled Up
- 138. Election Of Adhyaksha And Upadhyaksha And Term Of Office
- 139. Salary And Allowances To The Adhyaksha, Upadhyaksha And Other Members
- 140. Resignation Or Removal Of Adhyaksha And Upadhyaksha
- 141. Meetings Of Taluk Panchayat
- 142. Interpellations And Resolutions
- 143. Taluk Panchayat May Require The Presence Of Government Officers At Meetings
- 144. Validity Of Proceedings

CHAPTER 8 :-FUNCTIONS,DUTIES AND POWERS OF TALUK PANCHAYAT, ADHYAKSHA AND UPADHYAKSHA

- 145. Functions Of Taluk Panchayat
- 146. Assignment Of Functions
- 147. General Powers Of Taluk Panchayat
- 148. Standing Committees
- 149. Functions Of The Standing Committees
- 150. Procedure Of Committees
- 151. Delegation Of Powers
- 152. Powers And Duties Of The Adhyaksha
- 153. Powers And Duties Of The Upadhyaksha
- 154. Mode Of Making Contract

CHAPTER 9 :- STAFF OF TALUK PANCHAYAT

- 155. Executive Officer And Other Staff
- 156. Functions Of The Executive Officer And Other Officers And Officials
- 157. Executive Officers Right To Requisition Records. Etc

CHAPTER 10 :-ZILLAPANCHAYAT CONSTITUTION OF ZILLA PANCHAYAT

- 158. Establishment Of Zilla Panchayat And Its Incorporation
- 159. Constitution Of Zilla Panchayat
- 160. Elected Members
- 161. Determination Of Elected Members After Census
- 162. Reservation Of Seats
- 163. Delimitation Of Territorial Constituencies
- 164. Right To Vote

- 165. Electoral Roll
- 166. Qualifications Of A Candidate
- 167. Disqualification For Members
- 168. Vacancy Of Seats
- 169. Method Of Voting And Procedure For Election
- 170. Prohibition Of Simultaneous Membership
- 171. Application Of Certain Sections Relating To Elections
- 172. Publication Of Names Of Members
- 173. Term Of Office Of Members
- 174. Resignation Of Members
- 175. Removal Of Members For Misconduct
- 175A. Members To Declare Assets
- 176. Casual Vacancy
- 177. Election Of Adhyaksha, Upadhyaksha And Term Of Office
- 178. Salary And Allowances To The Adhyaksha And Upadhyaksha And Other Members
- 179. Resignation Or Removal Of Adhyaksha And Upadhyaksha
- 180. Meetings Of Zilla Panchayat
- 181. Interpellations And Resolutions
- 182. Zilla Panchayat May Require The Presence Of Government Officers At Meetings
- 183. Validity Of Proceedings

CHAPTER 11 :-FUNCTIONS,DUTIES AND POWERS OF ZILLA PANCHAYAT, ADHYAKSHA AND UPADHYAKSHA

- 184. Functions Of Zilla Panchayat
- 185. Assignment Of Functions
- 186. Standing Committees
- 187. Functions Of The Standing Committees
- 188. Procedure Of Committees
- 189. Delegation Of Powers
- 190. Power To Divert, Discontinue Or Close Road
- 191. General Powers Of Zilla Panchayat
- 192. Control Of Unwieldy Traffic
- 193. Powers And Duties Of The Adhyaksha
- 194. Powers And Duties Of The Upadhyaksha
- 195. Mode Of Making Contracts

CHAPTER 12 :- STAFF OF ZILLA PANCHAYAT

- 196. Chief Executive Officer And Other Officers
- 197. Functions, Powers And Duties Of The Chief Executive Officer And Other Officers
- 198. Chief Executive Officers Right To Requisition Records, Etc

CHAPTER 13 :- TAXES AND FEES

- 199. Levy Of Taxes, Rates, Etc., By Grama Panchayats
- 200. Recovery Of Taxes And Other Dues
- 201. Appeal Against Assessment, Etc

202. Composition Of Taxes In Factory Areas

203. Agency For Collection

CHAPTER 14 :- LEVY OF CESSES ETC, AND GRANT OF FINANCIAL ASSISTANCE BY GOVERNMENT

204. Levy Of Local Cess Etc

205. Duty On Transfer Of Immovable Properties

206. Grant To Grama Panchayats

207. Establishment Grant To Taluk Panchayats And Zilla Panchayats

208. Discretionary Grant

CHAPTER 15 :- PROPERTIES AND FUNDS OF PANCHAYATS

209. Grama Panchayat May Acquire, Hold And Dispose Off Property, Etc

210. Vesting Of Property In Grama Panchayat

211. Decision Of Claims To Property By Or Against Grama Panchayat

212. Grama Panchayat Fund

213. Application Of Grama Panchayat Fund And Property

214. Grama Panchayat May Raise Loans And Form A Sinking Fund

215. Taluk Panchayat May Acquire, Hold And Dispose Off Property Etc

216. Vesting Of Property In Taluk Panchayat

217. Decision Of Claims To Property By Or Against Taluk Panchayat

218. Taluk Panchayat Fund

219. Application Of Taluk Panchayat Fund And Property

220. Taluk Panchayat May Raise Loans And Form A Sinking Fund

221. Rents And Fees

222. Zilla Panchayat May Acquire, Hold And Dispose Off Property Etc

223. Vesting Of Property In Zilla Panchayat

224. Decision Of Claims To Property By Or Against Zilla Panchayat

225. Zilla Panchayat Fund

226. Custody And Investment Of Zilla Panchayat Fund

227. Application Of Zilla Panchayat Fund And Property

228. Rents And Fees

229. Zilla Panchayat May Raise Loans And Form A Sinking Fund

230. Prohibition Of Expenditure Not Covered By The Budget

231. Government May Place Roads And Other Property Under Zilla Panchayat

CHAPTER 16 :- INSPECTION, SUPERVISION ETC

232. Power Of Inspection And Supervision

233. Technical Supervision And Inspections

234. Government And Chief Executive Officers Powers In Respect Of Grama Panchayat, Taluk Panchayat And Zilla Panchayat

235. Power Of Government, Zilla Panchayat And Taluk Panchayat To Provide For Performance Of Duties In Default Of Grama

Panchayat, Taluk Panchayat Or Zilla

236. Inquiry Into Affairs Of Grama Panchayat, Taluk Panchayat, Zilla Panchayat By The Government

237. Power Of Suspending Execution Of Unlawful Orders Or Resolution

238. Purchase Of Stores And Equipments

239. Power To Appoint Administrator In Certain Cases

240. Governments Power To Specify The Role Of Panchayats

CHAPTER 17 :- FINANCIAL CONTROL AND AUDIT

241. Presentation Of Accounts And Budget Of Grama Panchayat

242. Revision Of Budget

243. Maintenance Of Accounts And Restriction Of Expenditure

244. Transmission Of Accounts

245. Power To Write Off Irrecoverable Amounts

246. Audit Of Accounts

247. Presentation Of Accounts And Budget Of Taluk Panchayat

248. Revision Of Budget

249. Supplementary Budget

250. Maintenance Of Accounts And Restriction Of Expenditure

251. Transmission Of Accounts

252. Power To Write Off Irrecoverable Sums

253. Audit Of Accounts

254. Action By Taluk Panchayat On Audit Report

255. Recovery Of Amounts Disallowed

256. Presentation Of Accounts And Budget Of Zilla Panchayat

257. Revision Of Budget

258. Supplementary Budget

259. Maintenance Of Accounts And Restriction Of Expenditure

260. Transmission Of Accounts

261. Power To Write Off Irrecoverable Sums

262. Audit Of Accounts

263. Action By Zilla Panchayat On Audit Report

264. Recovery Of Amounts Disallowed

265. Procedure For Recovery Of Dues Of Zilla Panchayat And Taluk Panchayat

266. Conditions Of Distraint And Sale

267. Finance Commission

CHAPTER 18 :- MISCELLANEOUS

268. Dissolution Of Panchayats

269. Appeals

270. Power Over Decisions Of Committees

271. Requisitioning Of Premises, Vehicles, Etc., For Election Purpose

272. Payment Of Compensation

273. Power To Obtaining Information

274. Power Of Entry Into And Inspection Of Premises Etc

275. Eviction From Requisitioned Premises

276. Release Of Premises From Requisitioning

277. Penalty For Contravention Of Any Order Regarding Requisition
278. Penalty For Acting As A Member, Adhyaksha Or Upadhyaksha When Disqualified
279. Penalty For Interested Member Voting
280. Penalty For Acquisition By Officer Or Servant Of Interest In Contract
281. Wrongful Obstruction Of Certain Officers
282. Prohibition Against Obstruction Of Adhyaksha Or Upadhyaksha, Etc
283. Prohibition Against Removal Or Obliteration Of Notice
284. Penalty For Not Giving Information Or Giving False Information
285. Bidding Prohibited
286. Application Of The Term "Public Servant" To Members Of Panchayats And Their Officers And Servants
287. Fines To Be Credited To The Panchayat Fund
288. Damage To Any Property Of Panchayats And How Made Good
289. Restrictions With Respect To Institution Of Suits Against Panchayats
290. Government Not To Obtain Licences And Permissions
291. Injunctions Not To Be Granted In Election Proceedings
292. Punishment For Disobedience Of Orders And Notices Not Punishable Under Any Other Section
293. In Default Of Owner Or Occupier, Panchayat May Execute Works And Recover Expenses
294. Expenses Or Costs How Determined And Recovered
295. Bar Of Suits Etc
296. Jurisdiction Of Magistrate
297. Alternative Procedure By Suit
298. Punishment For Offences Under This Act And Powers To Compound
299. Powers Of Police Officers
300. Annual Administration Report
301. Adjustment Of Government Dues Etc
302. Consequences Of Absorption Of Part Of A Panchayat Area Or On An Area Within The Limits Of The District Or Taluk Into A Larger Urban Area Etc
302A. Constitution Of New District Or Taluk By Altering Limits Of The Existing Districts And Taluks
302B. Consequences Of Absorption Of Part Of A Panchayat Area Or Any Area Within The Limits Of A District Or Taluk In Another Panchayat Area, Taluk Or District
303. Transfer Of Property May Be Subject To Conditions
304. Saving Of Acts And Proceedings
305. Procedure For Consultation
306. Method Of Serving Notices, Etc
307. Official Display Of Flag
308. State Election Commission
308A. Account Of Election Expenses And Maximum Thereof
308B. Lodging Of Account With The Returning Officer

- 308C. Failure To Lodge An Account Of Election Expenses
308D. Returning Officer Etc., Deemed To Be On Deputation To State Election Commission
309. Preparation Of Development Plan
310. District Planning Committee
310A. State Panchayat Council
311. Power Of Government To Make Rules
312. Amendment Of Schedules I, Ii And Iii
313. Power Of Zilla Panchayat To Make Regulations
314. Power Of Taluk Panchayat To Make Regulations
315. Power Of Grama Panchayats To Make Bye-Laws
316. Power Of Government To Make Model Regulations And Bye-Laws And Adoption Of Such Regulations And Bye-Laws By The Panchayats
317. Power Of Government To Adapt Laws
318. Repeal And Savings
319. Orders Bringing This Act Into Force
320. Rules And Orders To Be Laid Before The Houses Of The State Legislature
321. Removal Of Difficulties

SCHEDULE 1 :- SCHEDULE I

SCHEDULE 2 :- SCHEDULE II

SCHEDULE 3 :- SCHEDULE III

SCHEDULE 4 :- SCHEDULE IV

Karnataka Panchayat Raj Act, 1993

14 of 1993

[13 April 1993]

The Karnataka Panchayat Raj Bill, 1993 seeks to replace the Karnataka Zilla parishads, Taluk Panchayat Samithis, Mandal Panchayats and Nyaya Panchayats Act, 1983 consequent upon the changes proposed in the seventy-second Constitution (Amendment) Bill, 1991. 11 The Bill is to establish a three-tiered Panchayat Raj System in the State with the elected bodies at Grama, Taluk and District levels for greater participation of the people and more effective implementation of rural developed programmes in the State. The following are the salient features of the Bill:- 1. Establish a three-tiered panchayat system in the State based on the population as ascertained at the last preceding census of which the figures have been published. It envisages elected bodies at all the three levels. 2. It provides for reservation of seats in favor of Scheduled Castes and Scheduled Tribes in proportion of their population and

for reservation of one- third seats for women at all levels. 3. It also provides for reservation of seats and offices of chair persons at all levels for the persons belonging to Backward Classes of citizens. 4. It also provides for reservation of offices of chair persons at all levels in favour of Scheduled Castes and Scheduled Tribes and women. 5. It also envisages constitution of State Election Commission, the Finance Commission and district Planning Committee. Hence the Bill. (Obtained from L.A. Bill No. 21 of 1993.)

II Amending Act 10 of 1995.- It is considered necessary to amend the Karnataka Panchayat Raj Act, 1993,- (i) to provide for the Government to specify Backward Classes by issue of notification and not by making rules; (ii) to provide reservation separately to the extent of eighty percent and twenty per cent for category-A and category-B respectively, out of seats and offices of chairperson reserved in favour of Backward Classes; (iii) to provide for one member for a population of eighteen thousand or part thereof for the Zilla Panchayat in Kodagu District; and (iv) to delete the provisions which provide a minimum reservation of fifteen percent for Scheduled Castes and three per cent for Scheduled Tribes irrespective of their ratio of population. As the matter was urgent and the karnataka Legislative Assembly was not in session, the Karnataka Panchayat Raj (Amendment) ordinance, 1995 (Karnataka Ordinance 1 of 1995) was promulgated. Hence the Bill. (Obtained from L.A. Bill No. 8 of 1995.)

III Amending Act 9 of 1996.- It is considered necessary to make the following amendments to the Karnataka Panchayat Raj Act, 1993, namely:- (1) To amend Sections 156 and 197 so that Chief Executive Officer and the Executive Officer and other Officials of Zilla Panchayat and Taluk Panchayat to function subject to the general powers of Superintendence, and control of Adhyakshas. (2) To amend Sections 152 and 193 to confer the status of executive head on the Adhyakshas of the Taluk Panchayat and Zilla Panchayat. 12 (3) To amend Section 159 to provide that the members of the House of people and members of State Legislative Assembly whose constituencies lie within the area of jurisdiction of Zilla Panchayat and members of Council of State and members of State Legislative Council who are registered as electors within the area of Jurisdiction of Zilla Panchayat shall alone be the members of Zilla Panchayat. Hence the Bill. (Obtained from L.A. Bill No. 2 of 1996.)

IV Amending Act 17 of 1996.- It is considered necessary to amend the Karnataka Panchayat Raj Act, 1993, to:- (i) dispense with the requirement of quorum of members in an adjourned meeting, if any

meeting called for the purpose of election of Adhyaksha or Upadhyaksha is adjourned to the following day or to a further day for want of quorum. (ii) restrict the term of office of Adhyaksha and Upadhyaksha of Taluk Panchayat or Zilla Panchayat to twenty months. (iii) restrict the term of office of every member of the standing Committee of Taluk Panchayat or Zilla Panchayat to twenty months. (iv) to replace the words " surcharge" with " additional stamp duty". Hence the Bill. (Obtained from L.A. Bill No. 20 of 1996.) V Amending Act 1 of 1997.- It is considered necessary to amend the Karnataka Panchayat Raj Act, 1993,- (i) to provide for the officers who preside over the first meeting of Grama Panchayats, Taluk Panchayats and Zilla Panchayats for conducting elections to the offices of Adhyaksha and Upadhyaksha should also preside over the subsequent meetings convened for filling up the vacancies in the office of Adhyaksha and Upadhyaksha; (ii) to enable the Upadhyaksha of Taluk Panchayats and Zilla Panchayats to exercise the powers of Adhyaksha when the office of Adhyaksha is vacant. (iii) to enable the Upadhyaksha of Taluk Panchayats and Zilla Panchayats to preside over the meetings of Zilla Panchayat and Taluk Panchayat, when the office of Adhyaksha is vacant. Certain consequential changes are also made. Hence the Bill. (Obtained from L.A. Bill No. 5 of 1997.) VI Amending Act 10 of 1997.- It is considered necessary to amend the Karnataka Panchayat Raj Act, 1993, for the following reasons, namely:- The Hon'ble High Court of Karnataka in W.P.No.7547/97 had held that the Adhyaksha or Upadhyaksha elected to fill casual vacancy of a Taluk Panchayat or Zilla Panchayat will hold office for the full term of twenty months. However the intention of the law is to limit such period to the remainder of the period for which the Adhyaksha or Upadhyaksha in whose place he has been elected would have held the office. In order to specify the above intention provisos to sub-13 section (3) in both Sections 138 and 177 have been inserted, with effect from twenty fourth October, 1996. The provisions relating to amalgamation of panchayat areas is proposed to be reworded. It is also proposed to state in detail, the consequences of absorption of part of a Panchayat area or an area within the limits of a district or taluk into a larger urban area, smaller urban area or transitional area and conversion of any area within the limits of panchayat area or taluk is converted into a smaller urban area or transitional area; and The consequences of Constitution of new district or taluk by altering the limits of the existing districts and taluks. Hence the Bill. (Obtained from L.A. Bill No. 21 of 1997.) VII

Amending Act 29 of 1997.- The State of Karnataka having pioneered the decentralised administration system of Panchayat Raj Institutions in the State by legislating the Karnataka Panchayat Raj Act, 1993 and being earnest in rendering these institutions effective as units of local-self-Government at all tiers, appointed an Expert Committee under the Chairmanship of Sri P.R.Nayak, for the purpose of making suggestions for better administration and functioning of these institutions in the State. The Committee having submitted its report in March 1996, which the State Government accepted, and in contemplation of implementing these recommendations, it is now proposed to bring about comprehensive amendment to the Karnataka Panchayat Raj Act, 1993 to provide for the following, inter alia:- (1) To make the preamble of the Act expressly declare that the Panchayat Raj Institutions should function as units of local-self -Government. (2) Consequently upon the 74th Constitutional amendment, to nomenclature the urban local bodies like Sanitary Boards, Town Boards, and Notified area committees uniformly as 'Town Panchayat'. (3) To entrust the task of determining the number of elected members, reservation of seats for different categories, delimitation of territorial constituencies, and publication of names of elected members of all the Grama Panchayats to the State Election Commission, an independent body. (4) To provide for disqualifying such members of the panchayat institutions who are directly or indirectly involved in the execution of works and supply of goods and services to the Panchayats and who have not provided sanitary latrines for the use of members of their family. (5) To explain and provide punishment for the offence of Booth Capturing and to curb the tendency of Government servants acting as election agents, polling agents or counting agents by imposing rigorous penalty. (6) To require the Adhyakshas of the panchayats to cause the letter of resignation of members to be placed at the meeting of the panchayat. (7) To provide for removal of members of Grama Panchayat for defined misconduct. (8) To specify that the election to the office of Adhyaksha and Upadhyaksha of Panchayat Raj Institutions be held, within one month from the publication of names of elected members. (9) To provide a measure of stability to the term of office of Adhyaksha and Upadhyaksha of panchayats, by stipulating that a resolution expressing want of confidence in the Adhyaksha or Upadhyaksha of a Grama Panchayat shall not be moved within one year from the date of his 14 election and within one year from the date of the last decision of such a resolution and in the case of

Taluk Panchayats and Zilla Panchayats within six months from such dates. (10) To make certain functions obligatory on all Panchayat institutions and to specify the functions of the Panchayat bodies operating at different levels. (11) To provide for appointment of appropriate Committees by the Grama Panchayats for specific purpose and joint committees for two or more Grama Panchayats for any common purpose. (12) To state in necessary detail the consequences of having to divide a Panchayat area into two or more Panchayats, to amalgamate two or more Panchayat areas to constitute one Panchayat and to create a new Panchayat by carving out areas from existing Panchayats and provide that in all such eventualities the members representing these areas should continue in the interim Grama Panchayat through the remainder of their elected term. (13) To effect certain structural changes, namely, to ensure reservation for women and for Scheduled Castes/Scheduled Tribes on the Social justice Committee of the Taluk Panchayat and Zilla Panchayat; to increase the total number of members of the standing committee of the Zilla panchayat from five to seven; and to make the Adhyaksha as the chairman of Finance, Audit and Planning Committee, and the Upadhyaksha as the Chairman of the General Standing Committee. (14) To require the Executive Officer and Chief Executive Officer to advise, in writing, the head of the Panchayat which may pass any resolution or take any decision the implementation of which would contravene the provision of any law or the budgetary provisions etc., pointing to the specific provision that is likely to be contravened. (15) To require the Panchayats concerned to take follow up action on the report of the inspecting officer made under section 233 within thirty days, and providing for omission to be construed as default in the performance of duty. (16) To delete the provisions of section 234 which enables appointment of a person to perform a duty in case of default of the Panchayats and to recover expenses. (17) To re-allocate power of certain authorities under the Act by divesting these authorities of their powers and vesting them in other to facilitate better functioning, namely:- (a) The Commissioner to be divested of the power of removal of Adhyaksha or Upadhyaksha of a Panchayat, to be vested in the Government. (b) The Commissioner and Chief Executive Officer to be divested of their power under section 253 to be vested in the Zilla Panchayat and Taluk Panchayat respectively. (c) The Chief Executive officer and Commissioner to be divested of their powers under section 237, to suspend the execution of an unlawful order or resolution, of a

Grama Panchayat and Taluk Panchayat to be vested in the Adhyaksha of the concerned Taluk Panchayat or Zilla Panchayat, and (d) The Commissioner to be divested of his power under section 268 to dissolve a Grama Panchayat, to be vested in the Zilla Panchayat. (18) To provide appeal against every original order of a Grama Panchayat. (19) To require a Grama Panchayat to consider the development programme suggested by the grama shaba at the time of preparing its development plan. (20) To make the Adhyaksha of the Zilla Panchayat the Chairman of the District Planning Committee and the Mayor or president of the Municipal Body having jurisdiction over the Head Quarters of the district, the Vice-Chairman. 15 (21) To constitute a State Panchayat Council to discuss matters relating to the functioning of the Panchayats in the State under the Chairmanships of the Chief Minister and the Minister for Rural Development and Panchayat Raj as Vice-Chairman. (22) To provide for consulting the State panchayat Council before amending schedule I, II or III under the Act, relating to functions of Panchayats. Opportunity is availed also to bring about certain consequential amendments based on functional requirements. Hence the Bill. (Obtained from L.A. Bill No.26 of 1997.) VIII Amending Act 29 of 1998.- It is considered necessary to amend the Karnataka Panchayat Raj Act, 1993 (Karnataka Act 14 of 1993):- (i) to restore the powers of Deputy Commissioner so that he shall exercise the powers of notifying number of elected members, de-limitation of Constituencies and publication of names of elected members subject to the general and special orders of the State Election Commission; and (ii) to empower the Tahsildar to prepare the voters list for Grama Panchayat and Taluk Panchayat by splitting the electoral rolls of Zilla panchayat Constituencies as advised by the State Election Commission. Opportunity is also taken to provide for appointment of officers belonging to Karnataka Administrative Services (Selection Grade) or officers of Development Branch equal to the rank of Karnataka Administrative Services (Selection Grade) as Chief Executive Officers of Zilla Panchayat. This Bill seeks to replace the Karnataka Panchayat Raj (Amendment) Ordinance, 1998 (Karnataka Ordinance 4 of 1998) and Karnataka Panchayat Raj (Second Amendment) Ordinance, 1998 (Karnataka Ordinance 6 of 1998). Hence the Bill. (Obtained from L.A. Bill No. 5 of 1998.) IX Amending Act 10 of 1999.- It is considered necessary to make the following amendments to the Karnataka Panchayat Raj Act, 1993, namely:- (1) The number of Grama Panchayats in each taluk in the present system is too large

for proper supervision over their functions and the present Grama Panchayats are also financially very weak. It is felt that the Grama Panchayats in order to be viable are to be reconstituted with larger jurisdiction. Restructuring of the existing Grama Panchayats has to be done at the earliest. (2) According to clause (1) of Article 243 D of the Constitution the seats reserved in a Panchayat may be allotted by rotation to different constituencies. The proviso to subsection (4) of section 5 of the Karnataka Panchayat Raj Act, 1993 requires that the seats reserved shall be allotted by rotation to the different constituencies. Thus the proviso is not in conformity with the aforesaid provision of the constitution. Further, it is felt that rotation at the present nascent stage of the Panchayat Raj system hampers the development of effective political leadership at the grassroot levels, particularly among Scheduled Castes/ Scheduled Tribes and women, as person of these categories elected during one term may not get re-elected to the Panchayat for subsequent terms. If the category of the reservation of their constituencies is subjected to rotation 16 on a compulsory basis it would lead to difficult situations. Therefore it was considered necessary to omit the provisions relating to rotation of seats reserved in a Grama Panchayat. (3) Consequent to the proposal of restructuring of the Grama Panchayats, it is proposed that each Grama Panchayat member shall be elected for every one thousand population instead of existing four hundred population. Hence the Bill. (Obtained from L.A. Bill No.10 of 1999.) X Amending Act 21 of 1999: It is considered necessary to amend the Karnataka Panchayat Raj Act, 1993 (Karnataka Act 14 of 1993) for the following purposes, namely:- (i) In case of a Panchayat area having the population of less than ten thousand, to provide for a minimum of eleven elected members; and (ii) To entrust the preparation of the electoral roll of Zilla Panchayats, to the Assistant Commissioner. Hence the Bill. (Obtained from L.A. Bill No. 15 of 1999.) XI Amending Act 8 of 2000.- In the Karnataka Panchayat Raj Act, 1993 as it stood prior to the Karnataka Panchayat Raj (Third Amendment) Act, 1997 powers were vested in the Government for determining the number of elected members, reservation of seats of offices of Adhyaksha and Updhyaksha of Taluk Panchayats and Zilla Panchayats delamination of constituencies of Zilla Panchayat and publication of names of Zilla Panchayat members. Further, delimitation of territories constituencies of Taluk Panchayat and publication of names of members of taluk Panchayat were entrusted to the Deputy Commissioner respectively. By the aforesaid amendment

Act of 1997 the powers vested in the Government were entrusted to the State Election Commission. The State Election Commission was also given powers to publish the names of elected members of Taluk Panchayat and Zilla Panchayat. Delimitation of constituencies of Taluk Panchayat and Zilla Panchayat was entrusted to the Deputy Commissioner, subject to the general or special order of the State election Commission. In the light of the experience gained for the last two years it is considered desirable to amend the relevant sections and to restore by a large the position as it obtained prior to the amendment of the Karnataka Panchayat Raj (Third Amendment) Act, 1997. Further, it is considered desirable to reduce the term of office of Adhyaksha and Upadhyaksha of Grama Panchayat to thirty months to provide opportunities for more than one set of persons to be elected as Adhyaksha and Upadhyaksha of Grama Panchayats during a period of five years. Hence the Bill. (Obtained from L.A. Bill No. 2 of 2000.) XII Amending Act 11 of 2000.- Since it was considered not desirable to make structural changes in a short period it was decided to retain the Grama Panchayat of similar jurisdiction as they existed prior to 28.1.1999. It was also felt that Grama Panchayats of smaller jurisdiction would enable the weaker sections of the society to get better representation. Therefore, it was considered necessary to amend section 4 and 5 of the Karnataka Panchayat Raj Act, 1993 to provide for the following:- (i) to restore the population criteria of five thousand and seven thousand and two thousand five hundred and the norms relating to geographical area of the radius of five kilometers (diameter of 10 kilometer) for declaration of panchayat area; (ii) to specify four hundred population instead of one thousand population for the purpose of determining the number of elected members of Grama Panchayat; (iii) to omit the provision providing for a minimum of eleven members in respect of Panchayat area having less than ten thousand population; (iv) to restore the provisions relating to allotment of seats by rotation to different constituencies in the panchayat area; (v) to declare that the provisions of section 4 and 5 as they stood prior to 28.1.1999 and 4.8.1999 shall be deemed to have continued; (vi) to declare that anything done or any action taken or any notification issued under sections 4 and 5 before such date shall be deemed to be valid and shall continued to be in force. It was also considered necessary to reserve in a Grama Panchayat at least one seat each for the person belonging to Schedule Castes and the Scheduled Tribes. As the matter was urgent and both the Houses of the State

Legislature were not in session, the Karnataka Panchayat Raj (Second Amendment) Ordinance, 1999 and the Karnataka Panchayat Raj (Third Amendment) Ordinance, 1999 were issued. This Bill seeks to replace the said Ordinance with following additions, namely:- (i) to provide for reservation of at least one seat each for the persons belonging to the Scheduled Castes and the Scheduled Tribes in a Taluk Panchayat and Zilla Panchayat; (ii) to omit the provisions relating to disqualification of a person for being chosen and for being a member of a Grama Panchayat, Taluk Panchayat or Zilla Panchayat for not having a sanitary latrine for the use of the members of his family; (iii) to enhance the annual grant payable by the Government to the Grama Panchayat from the existing one lakh rupees to two lakh rupees. Hence the Bill. (Obtained from L.A. Bill No. 11 of 2000.) XIII Amending Act 30 of 2001.- It is considered necessary to amend the Karnataka Panchayat Raj Act, 1993, to make it obligatory on the part of every Grama Panchayat to report any case of Bonded Labour in the Panchayat Area to the Deputy Commissioner or to such other authority specified for the purpose and to treat any failure to report the case of bonded labour as a default in the performance of the duties of a Grama Panchayat for the purpose of dissolution. (LA Bill No. 33 of 200. SAMVYASHAE 51 SHASANA 2000) XIV Amending Act 8 of 2003.- To give effect to the proposals made in the Budget Speech for the year 2003-04, it is considered necessary to amend the Karnataka Stamp Act, 1957, the Karnataka Municipalities Act, 1964, the Karnataka Municipal Corporations Act, 1976 and the Karnataka Panchayat Raj Act, 1993. Hence the Bill. 18 (obtained LA Bill No. 8 of 2003 vide File No. SAMVYASHAE 15 SHASANA 2003] XV Amending Act 37 of 2003.- It is considered necessary to amend the Karnataka Panchayat Raj Act, 1993,- (i) to have a Ward Sabha in respect of each Grama Panchayat constituency and a Grama Sabha for the whole panchayat area and to entrust them with more responsibilities to ensure that participation of people at village level will be more meaningful and intense. (ii) to provide for disqualification of members of Grama Panchayats, Taluk Panchayat and Zilla Panchayat for a period of three years for failure to lodge an account of election expenses. (iii) to ensure that as far as possible one-third members of the Grama Panchayat, Taluk Panchayat or Zilla Panchayat attending the meeting will be women members. (iv) to require every member of Grama Panchayat, Taluk Panchayat and Zilla Panchayat to disclose any pecuniary interest that he has in any question coming up for consideration at a

meeting of Grama Panchayat, Taluke Panchayat or Zilla Panchayat. (v) to make Adhyaksha of the Grama Panchayat as executive Head. (vi) to re-define the powers and duties of the Secretary of Grama panchayat. (vii) to provide for pooling of officers and officials of the State Civil Services and post them to Grama Panchayat and to empower the Grama Panchayat to engage the services of technical staff not belonging to State Civil Services for specif work. (viii) to entrust to the State Election Commission powers of the State Government relating to determining the elected members, reservation of seats and delimitation of territorial constituencies of Taluk Panchayat and Zilla Panchayats. (ix) to require the members of the Taluk Panchayat and Zilla Panchayat to declare their assets and to provide for cessation of membership for filing false or incorrect declaration. (x) to provide for appointment of the Chairman of the Standing Committee of social justice to exercise the powers and perform the duties of the Adhyaksha and Upadhyaksha of Taluk Panchayat or Zilla Panchayat in case both the officers are vacant. (xi) to provide for maintenance of account of election expenses, lodging of the same, etc., The Bill also provides for certain other incidental and consequential matters. Hence the Bill. (obtained LA Bill No. 27 of 2002 vide file No. SAMVYASHAE 33 SHASANA 2002) 19 KARNATAKA ACT No. 10F 1993 (First published in the Karnataka Gazette Extraordinary on the Thirtieth day of April, 1993) THE KARNATAKA PANCHAYAT RAJ ACT, 1993 (Received the assent of the Governor on the Thirtieth day of April, 1993) (As Amended by 10 of 1995, 9 of 1996, 17 of 1996, 1 of 1997, 10 of 1997, 29 of 1997, 29 of 1998, 10 of 1999, 21 of 1999, 8 of 2000, 11 of 2000, 30 of 2001, 8 of 2003 and 37 of 2003) An Act to replace the present enactment relating to Panchayats by a comprehensive enactment. WHEREAS it is expedient to replace the present enactment by a comprehensive enactment to establish a three-tier Panchayat Raj system in the State with elected bodies at the grama, taluka and district levels, in keeping with the Constitution Amendment relating to panchayats for greater participation of the people and more effective implementation of rural development programmes 1 [and to function as units of local-self-Government] 1 ; 1. Inserted by Act 29 of 1997 w.e.f. 20.10.1997 BE it enacted by the Karnataka State Legislature in the Forty-fourth year of the Republic of India as follows:-

CHAPTER 1

PRELIMINARY

1. Short Title And Commencement :-

- (1) This Act may be called the Karnataka Panchayat Raj Act, 1993.
- (2) It shall come into force on such 1 [date] 1 as the Government may by notification specify and different dates may be specified for different areas and for different provisions. 1. Act came into force on 10.5.1993

2. Definitions :-

In this Act, unless the context otherwise requires,-

- (1) "Assistant Commissioner" means the Assistant Commissioner of a revenue subdivision; 1 [(2) "Backward Classes" means such class or classes of citizens as may be classified as category "A" and "B" and notified by the Government from time to time for the purposes of reservation of seats and offices of Chairperson in Zilla Panchayat, Taluk Panchayat and Grama Panchayat.] 1 1. Substituted by Act 10 of 1995 w.e.f. 13.1.1994.
- (3) "building" includes a house, out- house, shop, stable, warehouse, workshop, canopy, shed, hut, or other enclosure whether used as a human dwelling or otherwise and shall include a wall, compound wall, fencing, verandah, platform, plinth, doorstep and the like;
- (4) "business" includes any trade, commerce or facture or an adventure or concern in the nature of trade, commerce of manufacture; 20
- (5) "casual vacancy" means a vacancy occurring otherwise than by afflux of time;
- (6) "Chief Executive Officer" means the Chief Executive Officer of the Zilla Panchayat;
- (7) "Commissioner" means the Division Commissioner or such other officer as may be appointed by the Government to exercise the powers of Commissioner under this Act;
- (8) "company" means a company as defined in the Companies Act, 1956 (Central Act 2 of 1956) or a co-operative society registered under the Karnataka Co-operative Societies Act, 1959 (Karnataka Act 11 of 1959) and includes any firm or association of individuals carrying on business in the State of Karnataka whether incorporated or not;
- (9) "Deputy Commissioner" means the Deputy Commissioner of the district;
- (10) "district" means a revenue district;
- (11) "erection or re-erection or enlargement" of any building

includes,-

- (i) any material alteration or enlargement of any building;
- (ii) the conversion , by structural alteration , into a place of human habitation of any building not originally constructed for human habitation;
- (iii) the conversion of two or more places of human habitation into a lesser number of such places;
- (iv) the conversion of one or more places of human habitation into a greater number of such places;
- (v) such alteration of a building as would affect a change in the drainage or sanitary arrangements or materially affect its security;
- (vi) the addition of any rooms, buildings, out-houses or their structures to any building;
- (vii) the conversion , by any structural alteration, into a place of religious worship or into a building used for a sacred purposes of any place or building not originally meant or constructed for such purposes;
- (viii) roofing or covering an open space between walls or buildings, in respect of the structure which is formed by roofing or covering such space;
- (ix) conversion into a stall , shop, warehouse or godown of any building not originally constructed for use as such or vice versa;
- (x) construction of a door in a wall adjoining any street or land not vested in the owner of the wall and opening on such street or land;
- (12) "Executive Officer" means an Executive Officer of Taluk Panchayat;
- (13) "factory" means besides a factory as defined in the Factories Act , 1948 (Central Act, 13 of 1948) any premises including the precincts thereof wherein any industrial manufacturing or trade process is carried on with the aid of steam, water, oil, gas, electrical or any other form of power which is mechanically transmitted and is not generated by human or animal agency;
- (14) "Government" means the State Government;
- (15) "Grama Panchayat" means the Grama Panchayat established under this Act. 21
- (16) "Grama Sabha" means a body consisting of persons registered in the 1 [voters list] 1 of Grama Panchayat; 1. Substituted by Act 37 of 2003 w.e.f. 1.10.2003.
- (17) "Health Officer" means the Health Officer, employed by or on behalf of the Zilla Panchayat and if there is no such officer, the Government Health Officer having jurisdiction over the Taluk or district concerned;

(18) "infectious disease" means cerebro-spinal fever, chicken pox, cholera, diphtheria, enteric fever, epidemic influenza, leprosy, measles, plague, rabies, scarlet fever, smallpox, tuberculosis, typhus, yaws or any other disease which the Government may notify in this behalf either generally throughout the State or in such part or parts thereof as may be specified in the notification;

(19) "land revenue" means all sums and payments received or claimable by or on behalf of the Government, from any person on account of land held by or vested in him as fixed at a survey settlement current in the area in which the land is situated;

(20) "latrine" include a privy, water-closet and urinal;

(21) "local authority" includes a municipal corporation, municipal council, Zilla Panchayat, Taluk Panchayat, Grama Panchayat, 1 [Town Panchayat, Industrial Township] 1 , Improvement Board, Urban Development Authority and Planning Authority constituted under this Act or under any law for the time being force; 1. Substituted by Act 29 of 1997 w.e.f. 20.10.1997.

(22) "market" means a place for the sale of goods or animals publicly exposed where ordinarily or periodically at least four shops, stalls or sheds are set up or where at least ten animals are brought for sale;

(23) "nuisance" includes any act, omission, place or thing which causes or is likely to cause injury, danger, annoyance or offence to the sense of sight, smell or hearing or disturbance to rest or sleep or which is or may be dangerous to life or injurious to the health or property of the public, or of the people in general, who dwell in the vicinity or of persons who may have occasion to exercise a public right;

(24) "offensive or dangerous trade" means any trade, business or industry dangerous to life, health or property or likely to cause nuisance which is notified by the Government under section 67;

(25) "occupier" means any person in actual possession of any land or building or part thereof and includes an owner in actual possession, and the tenant or licensee whether such tenant or licensee is liable to pay rent or not;

(26) "offensive matter" includes filth, sewage, dirt, house sweepings, splittings, including chewed betel and tobacco, kitchen or stable refuse, pieces of broken glass or pottery, debris and waste paper;

(27) "owner" includes the person for the time being receiving the rent of any land or building or part thereof, whether on his own account or as agent, receiver or trustee or who would receive rent if

the land or building or part thereof were let to a tenant;

(28) "panchayat area" means any area declared as panchayat area under section 4;

(29) "Population" means the population as ascertained at the last preceding census of which the relevant figures have been published; 22

(30) "private market" means a market other than a public market;

(31) "public market" means any market owned by a Grama Panchayat or acquired, constructed, maintained or managed by a Grama Panchayat;

(32) "public place" means any place not being private property which is open to the use or enjoyment of the public whether such place is vested in a Grama Panchayat, Taluk Panchayat or Zilla Panchayat or not;

(33) "public street" means any street over which the public have a right of way whether a thoroughfare or not;

(34) "Schedule" means a Schedule annexed to this Act;

(35) "Scheduled Castes and Scheduled Tribes" means the Scheduled Castes and the Scheduled Tribes specified in respect of the State of Karnataka in the Constitution (Scheduled Castes) Order, 1950, and the Constitution (Scheduled Tribes) Order, 1950, for the time being in force;

(36) "Secretary" means the Secretary of the Grama Panchayat; 1

[(36A) "State Election Commission" means the Election Commission of Karnataka constituted under section 308] 1 ; 1. Inserted by Act 29 of 1997 w.e.f. 20.10.1997.

(37) "street" includes any highway, causeway, bridge, viaduct, arch, road, land, footway, subway, court, alley or riding path or passage, whether a thoroughfare or not; and when there is a footway as well as carriage way in any street, the said term includes both;

(38) "taluk" means a revenue taluk but excluding therefrom the limits of a 1 [larger urban area, smaller urban area, transitional area or an industrial township specified] 1 under any law for the time being force; 1. Substituted by Act 29 of 1997 w.e.f. 20.10.1997.

(39) "Taluk Panchayat" means the Taluk Panchayat established under this Act;

(40) "Tahsildar" means the Tahsildar of a revenue taluk;

(41) "vehicle" includes a bicycle, cycle rickshaw, motorcar and every wheeled conveyance which is used or is capable of being used on a public street;

(42) "village" means a village specified by the Governor by public notification to be village for the purposes of this Act and includes a group of villages so specified; 1 [42A. "Ward Sabha" means a body consisting of persons registered in the voters lists of each Grama Panchayat constituency".] 1 1. Inserted by Act 37 of 2003 w.e.f. 1.10.2003.

(43) "Zilla Panchayat" means the Zilla Panchayat established under this Act.

CHAPTER 2

WARD SABHA AND GRAMA SABHA

3. Ward Sabha :-

(1) Subject to the general orders of the Government, Ward Sabha shall meet atleast once in six months.

(2) The quorum for the meeting of a Ward Sabha shall be not less than one tenth of the total number of members of the Ward Sabha or twenty members whichever is 23 less. As far as may be, not less than thirty percent of the voters attending the Ward Sabha, shall be women. As far as may be the persons belonging to the Scheduled Castes and Scheduled Tribes shall be represented in proportion to their population in the Ward Sabha."

(3) Ward Sabha shall, subject to such rules as may be prescribed, exercise the following powers and discharge the following functions, namely:-

(a) to generate proposals and determine the priority of schemes and development programmes to be implemented in the area of the Ward Sabha and forward the same to place it before the Grama Sabha for inclusion in Grama Panchayat development plan;

(b) to identity the most eligible persons from the area of Ward Sabha for beneficiary oriented schemes on the basis of criteria fixed and prepare list of eligible beneficiaties in the order of priority and forward the same to the Grama Panchayat for inclusion in its development plan;

(c) to verify the eligibility of persons getting various kinds of welfare assistance from Government such as pensions and subsidies;

(d) to get information from the officers of the Grama Panchayat as to the services they will render and the works they propose to do in the succeeding period of six months after the meeting of the Ward Sabha;

(e) to get information from the Grama Panchayat on the rational of

every decision of the Grama Panchayat concerning the area of the Ward Sabha;

(f) to get information from the Grama Panchayat on the follow up action taken on the decisions of the Ward Sabha; (g) to provide and mobilize voluntary labour and contributions in cash and kind for development work and supervise such development works through volunteer teams;

(h) to make efforts to ensure that the members of Ward Sabha pay taxes and repay loans to the Grama Panchayat;

(i) to suggest the location of streetlights, street or community water taps, public wells, public sanitation units, irrigation facilities and such other public amenity schemes within the area of the Ward Sabha;

(j) to identify the deficiencies in the water supply and street lighting arrangements in the area of Ward Sabha and suggest remedial measures;

(k) to impart awareness on matters of public interest such as cleanliness, preservation of the environment and prevention of pollution;

(l) to assist the employees of the Grama Panchayat in sanitation arrangements in the area of Ward Sabha and render voluntary service in the removal of garbage;

(m) to promote programme of adult education within the area of Ward Sabha;

(n) to assist the activities of public health centers in the area of Ward Sabha especially in disease prevention and family welfare and to create arrangements to quickly report the incidence of epidemics and natural calamities;

(o) to promote harmony and unity among various groups of people in the area of the Ward Sabha and to arrange cultural festivals and sports meets to give expression to the talents of the people of the locality; and

(p) to exercise such other powers and discharge such other functions as may be prescribed. 24

(4) The procedure for convening and conducting the meetings of the Ward Sabha shall be such as may be prescribed.

(5) Every meeting of a Ward Sabha shall be presided over by the member of the Grama Panchayat elected from the area of the concerned Ward Sabha and in his absence by any other member of the Grama Panchayat nominated by it.

(6) All resolutions in respect of any issue in the meeting of the Ward Sabha shall be passed by a majority of the members present

and voting.

3A. Grama Sabha :-

(1) The Grama Sabha shall meet at least once in six months: Provided that a Special meeting of the Grama Sabha shall be convened if a request is made by not less than ten percent of the members of the Grama Sabha with items of agenda specified in such request and there shall be a minimum three months period between two special meetings of the Grama Sabha.

(2) The quorum for the meeting of a Grama Sabha shall be not less than one tenth of the total number of members of the Grama Sabha, or hundred members, whichever is less. As far as may be, at least ten members from each Ward Sabha within the Panchayat area shall attend the meeting and not less than thirty percent of the members attending the Grama Sabha shall be women. As far as may be the persons belonging to the Scheduled Caste and Scheduled Tribes shall be represented in proportion to their population in the Grama Sabha.

(3) Subject to such rules as may be prescribed, the Grama Sabha, shall exercise powers and discharge functions as hereinafter provided, namely:-

(a) to consider and approve the annual plan prepared by the Grama Panchayat;

(b) to generate proposals and determine the priority of all schemes and development programmes to be implemented in the Panchayat area by the Zilla Panchayat or Taluk Panchayat after considering the recommendations and suggestions of the Ward Sabhas through the Grama Panchayat;

(c) to identify and select the most eligible persons from the Panchayat area for beneficiary oriented schemes on the basis of criteria fixed by the Grama Panchayat, Taluk Panchayat, Zilla Panchayat or the Government and to prepare list of beneficiaries in the order of priority after considering the priority lists of individual beneficiaries sent by the Ward Sabhas. Such list shall be binding on the concerned Grama Panchayat, Taluk Panchayat, Zilla Panchayat or the Government, as the case may be;

(d) to disseminate information on development and welfare programmes and to render assistance in effective implementation of development schemes by providing facilities locally available and to provide feed back on the performance of the same;

(e) to render assistance to the Grama Panchayat in collection and compilation of details required, formulation of development plans, collection of essential socioeconomic data and canvassing participation in health, literacy and similar development campaigns;

(f) to get information from the officers of the Grama Panchayat as to the services they will render and the works they propose to do in the succeeding period of six months after the meeting of the Grama Sabha;

(g) to get information from the Grama Panchayat on the rational of every decision of the Grama Panchayat concerning the Panchayat area;

(h) to get information from the Grama Panchayat on the follow up action taken on the decisions of the Gramasabha;

(i) to provide and mobilize voluntary labour and contributions in cash and kind for development works and to supervise such development works through volunteer teams;

(j) to resort to persuasion of Grama Sabha members to pay taxes and repay loans to the Grama panchayat;

(k) to decide, after considering the suggestions of the ward sabhas the location of street lights, street or community water taps, Public wells, Public sanitation units, irrigation facilities and such other Public amenity schemes and to identify the deficiencies in them and after considering the suggestions of the ward sabhas to suggest the remedial measures and to report the satisfactory completion of the works;

(l) to impart awareness on matters of public interest such as cleanliness, preservation of environment and prevention of pollution;

- (m) to assist employees of the Grama panchayat in sanitation arrangements in the panchayat area and to render voluntary service in the removal of garbage;
 - (n) to promote the programme of adult education within the Panchayat area;
 - (o) to assist the activities of school betterment sanghas, Anganawadi, Mahilasamaja, Youth associations, self help groups, women activities in the Panchayat area;
 - (p) to assist the activities of public health centres in the panchayat area, especially in disease prevention and family welfare population control and control of cattle diseases and create arrangement to quickly report the incidence of epidemics and natural calamities;
 - (q) to promote communal harmony and unity among various groups of people in the Panchayat area and to arrange cultural festivals literary activities and sports meets to give expression to the talents of the people of the locality; and
 - (r) to conserve and maintain public properties such as Gomala, tanks, tank beds, ground water, grazing grounds of the cattle, mines etc., within the limits of the Gram Panchayats;
 - (s) to take action to prevent discrimination on the basis of caste, religion and sex etc., and to direct the Gram Panchayaths to not to grant license to shops vending liquor or narcotic drugs or place of gambling or any other activities prejudicial to public interest;
 - (t) to identify the child labourers if any, present within the limits of the Grama Panchayaths and to take action to rehabilitate them and to assist in implementation of the legal action specified by the Central and State Governments;
 - (u) to exercise such other powers or discharge such other functions as may be prescribed.
- (4) The Grama Sabha shall in its ordinary meeting or a special meeting convened for the purpose, discuss the budgetary provisions, the details of plan outlay and the subject wise allocation of funds and also the details of the estimate and cost of materials of the works executed or proposed to be executed in the Panchayat area.
- (5) The annual statement of accounts of the preceeding financial year, the last audit note and replies thereto and the panchayat jamabandi report and action taken thereto shall be placed by the Grama Panchayat for the consideration of the Grama Sabha in its meeting. The views, recommendations or suggestions of the Grama Sabha shall be communicated to the Grama Panchayat. The Grama Panchayat shall give due consideration to the views, recommendations and suggestions of the Grama Sabha.
- (6) The procedure for convening and conducting the meeting of the Grama Sabha shall be such as may be prescribed.
- (7) Every meeting of a Grama Sabha shall be presided over by the Adhyaksha of the concerned Grama Panchayat and in his absence by the Upadhyaksha and in the absence of both Adhyaksha and Upadhyaksha, by any member of the Grama Panchayat nominated by it.
- (8) The officers of the Grama Panchayat shall attend the meetings of the Grama Sabha as may be required by the Adhyaksha and an officer specifically nominated by the Grama Panchayat as convener of the Grama Sabha meeting shall assist in convening and conducting its meetings and recording its decisions in a minute book and also in taking follow up action thereon.
- (9) The Grama Sabha may constitute sub-committees consisting of not less than ten members of whom not less than half shall be women, for in-depth discussion on issues and programmes for effective implementation of decisions of the Grama Sabha and in furtherance of exercise of powers and discharge of functions of Grama Sabha.
- (10) All resolutions in respect of any issue in the meetings of the Grama Sabha shall be passed by the majority of the members present and voting.

CHAPTER 3

CONSTITUTION OF GRAMA PANCHAYATS AND STANDING COMMITTEES

4. Declaration Of Panchayat Area And Establishment Of

Grama Panchayats :-

(1) Subject to the general or special orders of the Government, the Deputy Commissioner, if, in his opinion, it is expedient to declare any area comprising a village or group of villages having a population of 1 [not less than five thousand and not more than seven thousand] 1 to be a panchayat area, may, after previous publication, declare such area as a panchayat area for the purposes of this Act and also specify its headquarter: 1. Substituted by Act 11 of 2000 w.e.f. 25.4.2000. Provided that the Government may order that an area with a population of 1 [not less than two thousand five hundred] 1 may be so declared as a panchayat area in such areas of the districts of Belgum, Chickmagalur, Dakshina Kannada, Dharwar, Hassan, Kodagu, Shimoga , 2 [Udupi , Haveri] 2 and Uttara Kannada as may be specified by the Government: 1. Substituted by Act 11 of 2000 w.e.f. 25.4.2000. 2. Inserted by Act 29 of 1997 w.e.f. 20.10.1997. Provided further that irrespective of population, wherever it is found necessary, the Government, as a special case, may, order that an area within 1 [a radius of five kilometers (diameter of ten kilometers)] 1 from the centre of a village may be so declared as a panchayat area in such areas of the districts of Belgaum, Chickmagalur, Dakshina Kannada, Dharwar, Hassan, Kodagu, Shimoga 1 [Udupi , Haveri] 1 and Uttara Kannada as may be specified by the Government: 1. Substituted by Act 11 of 2000 w.e.f. 25.4.2000. 2. Inserted by Act 29 of 1997 w.e.f. 20.10.1997. Provided also that the Deputy Commissioner may, with, the previous permission of the Government declare any area comprising a village or group of villages having a population of 1 [either less than five thousand or more than seven thousand] 1 to be a panchayat area. 1. Substituted by Act 11 of 2000 w.e.f. 25.4.2000.

(2) Subject to the general or special orders of the Government and the provisions of this Act, the Deputy Commissioner may, at the request of the Grama Panchayat concerned, or otherwise, and after previous publication of the proposal by notification, at any time,-

- (a) increase the area of any panchayat area by including within such panchayat area any village or group of villages;
- (b) diminish the area of any panchayat area by excluding from such panchayat area any village or group of villages;
- (c) alter the head quarters of any panchayat area;
- (d) alter the name of any panchayat area; or
- (e) declare that any area shall cease to be a panchayat area.

(3) The Commissioner may either on an application made within thirty days from the date of the notification by any person aggrieved by such notification, or suo moto, and after giving a reasonable opportunity of being heard to the applicant or the Grama Panchayat concerned revise the orders of the Deputy Commissioner under sub-section (1) or sub-section (2) and may also if he considers necessary, modify it as provided in the third proviso to sub-section (1). Every order so passed revising or modifying the order of the Deputy Commissioner shall be published in the Official Gazette.

(4) In every panchayat area declared as such under this section, there shall be established a Grama Panchayat.

5. Constitution Of Grama Panchayat :-

(1) The Grama Panchayat shall consist of such number of elected members as may be notified from time to time by the 1 [State Election Commission] 1 , at the rate of one member for 2 [every four hundred population] 2 or part thereof of the panchayat area: 1. Inserted by Act 29 of 1997 w.e.f. 20.10.1997. 2. Substituted by Act 11 of 2000 w.e.f. 28.1.1999. Provided that the determination of the number as aforesaid shall not affect the then composition of the Grama Panchayat until the expiry of the term of office of the elected members then in office: 1 [Proviso x x x] 1 1. Omitted by Act 11 of 2000 w.e.f. 4.10.1999.

(2) Seat 1 [shall, subject to the general or special order of the State Election Commission, be reserved by the Deputy Commissioner] 1 in a Grama Panchayat,- 1. Substituted by Act 29 of 1998 w.e.f. 24.8.1998.

(a) for the Scheduled Castes; and

(b) for the 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 in the Grama Panchayat as the population of the Scheduled Castes in the panchayat area or of the Scheduled Tribes in the panchayat area bears to the total population of the panchayat area; 1 [Proviso x x x] 1 1. Omitted by Act 10 of 1995 w.e.f. 13.1.1995. 28 1 [Provided that at least one seat each shall be reserved in a Grama Panchayat for the persons belonging to the Scheduled Castes and the Scheduled Tribes: Provided further that, if no person belonging to the Scheduled Castes is available the seat reserved for that category shall also be filled by the persons belonging to Scheduled Tribes and vice-versa.] 1 1. Inserted by Act

11 of 2000 w.e.f. 16.12.1999.

(3) Such number of seats which shall, as nearly as may be one-third of the total number of seats of the Grama Panchayat 1 [shall, subject to the general or special order of the State Election Commission, be reserved by the Deputy Commissioner] 1 for persons belonging to the Backward classes: 1. Substituted by Act 29 of 1998 w.e.f. 24.8.1998. 1 [Provided that out of the seats reserved under this sub-section, eighty per cent of the total number of such seats shall be reserved for the persons falling under category "A" and the remaining twenty per cent of the seats shall be reserved for the persons falling under category "B": 1. Inserted by Act 10 of 1995 w.e.f. 13.1.1995. Provided further that if no person falling under category "A" is available, the seats reserved for that category shall also be filled by the persons falling under category "B" and vice versa. Explanation.- For the purpose of this sub-section, proviso to clause (b) of subsection (2) of section 44, sub-section (2) of section 123, clause (b) of sub-section (2) of section 138, sub-section (2) of section 162 and clause (b) of sub-section (2) of section 177, categories "A" and "B" shall mean category A and B referred to in clause (2) of section 2.] 1

(4) Not less than one third of the seats reserved in each category, for persons belonging to the Scheduled Castes, Scheduled Tribes and Backward classes and of the non-reserved seats in the Grama Panchayat 1 [shall, subject to the general or special order of the State Election Commission, be reserved by the Deputy Commissioner] 1 for women. 1. Substituted by Act Act 29 of 1998 w.e.f. 24.8.1998 1 [Proviso x x x] 1 1. Omitted by Act 10 of 1999 w.e.f. 28.1.1999. 1 [Provided that the seats reserved under sub-sections (2), (3) and (4) shall be allotted by rotation, to different constituencies in the Panchayat area.] 1 1. Inserted by Act 11 of 2000 w.e.f. 28.1.1999. Provided further that nothing contained in this section shall be deemed to prevent a woman or a person belonging to the Scheduled Castes and Scheduled Tribes or Backward Classes for whom seats have been reserved in a Grama Panchayat from standing for election to any non-reserved seat in such Grama Panchayat.

(5) Subject to the provisions of sub-sections (2), (3) and (4), 1 [and subject to the general or special order of the State Election Commission, the Deputy Commissioner] 1 shall, by notification, determine,- 29 1. Substituted by Act 29 of 1998 w.e.f. 24.8.1998.

(a) the constituencies into which the area within the jurisdiction of every Grama Panchayat shall be divided for the purpose of election

to every Grama Panchayat;

(b) the extent of each constituency;

(c) the number of seats if any reserved for the Scheduled Castes, the Scheduled Tribes, Backward Classes or women in each constituency; and

(d) the number of seats allotted to each Constituency which shall be one or more.

(6) If for any reason the election to any Grama Panchayat does not result in the election of the required number of members as specified in sub-section (1), the 1 [Deputy Commissioner] 1 shall within one month from the date on which the names of the elected members are published by him under sub-section (8) arrange another election for the election of such number of members as will make up the required number. 1. Substituted by Act 29 of 1998 w.e.f. 24.8.1998.

(7) Notwithstanding anything contained in sub-sections (1) and (6), but subject to any general or special orders of the Government, where two-thirds of the total number of members of any Grama Panchayat have been elected, the Grama Panchayat shall be deemed to have been duly constituted under this Act.

(8) The 1 [Deputy Commissioner] 1 shall publish, in the prescribed manner the names of members elected or deemed to have been duly elected. 1. Substituted by Act 29 of 1998 w.e.f. 24.8.1998.

6. Incorporation Of Grama Panchayat :-

Every Grama Panchayat shall be a body corporate by the name of the "-----Grama Panchayat" and shall have perpetual succession and a common seal, and subject to such restrictions as are imposed by or under this Act or any other enactment, shall be vested with the capacity of suing or being sued in its corporate name, of acquiring, holding and transferring property, moveable or immoveable, 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 purposes for which it is constituted.

7. Method Of Voting And Procedure For Election :-

(1) Every voter shall have as many votes as there are members to be elected for the constituency. No voter shall give more than one vote to any one candidate.

(2) Subject to the provisions of this Act, elections to the Grama Panchayat shall be held by ballot on non-party basis in accordance

with such rules as may be prescribed.

8. Appointment Of An Administrative Committee Or Administrator On Failure To Elect Members Of Grama Panchayats :-

(1) (a) If the Deputy Commissioner is satisfied that a Grama Panchayat for a village or group of villages immediately after the establishment of such Grama Panchayat cannot be constituted by reason of,-

(i) any difficulty in holding an election of the members of the Grama Panchayat; or

(ii) failure to elect such members at two successive elections held under subsection (6) of section 5; or

(iii) any other sufficient reason whatsoever; or

(b) if at any general election to a Grama Panchayat no member is elected or less than two third of the total number of members are elected: the Deputy Commissioner shall by notification either,-

(i) appoint an Administrative Committee consisting of persons qualified to be elected, the number of such persons being equal to the number of members determined under sub-section (1) of section 5, or

(ii) appoint an Administrator.

(2) The members of the Administrative Committee or the Administrator shall hold office for such period not exceeding six months as the Deputy Commissioner may specify in the notification under sub-section (1).

(3) On the appointment of an Administrative Committee or an Administrator under sub-section (1), the persons if any, chosen as members of the Grama Panchayat before such appointment shall cease to be members of the Grama Panchayat and all the powers and duties of the Grama Panchayat shall be exercised and performed by such Administrative Committee or Administrator.

(4) The Administrative Committee or Administrator shall be deemed to be duly constituted Grama Panchayat for the purpose of this Act, notwithstanding anything contained in the foregoing provisions: Provided that if at any time after the appointment of the Administrative Committee or the Administrator under sub-section (1) the Deputy Commissioner is satisfied that there is no difficulty in duly constituting the Grama Panchayat by election of members, the Deputy Commissioner may notwithstanding that the term of the office for which the members of the Administrative Committee

or the Administrator had been appointed has not expired, direct by notification that the members of the Administrative Committee or the Administrator, as the case may be, shall cease to hold office with effect from such date as may be specified in such notification.

9. Right To Vote :-

(a) Every person whose name appears in the voters list relating to a constituency shall, subject to the other provisions of the Act be entitled to vote at any election which takes place in that constituency while the voters list remains in force and no person whose name does not appear in such voters list shall vote at any such election.

(b) No person shall vote at an election under this Act in more than one constituency or more than once in the same constituency and if he does so, all his votes shall be invalid.

10. List Of Voters :-

(1) Subject to the provisions of sub-section (2) the electoral roll of the Zilla Panchayat for the time being in force for such part of the constituency shall be deemed to be the list of voters for such Grama Panchayat constituency.

(2) No amendment, transposition or deletion of any entry in the electoral roll of the Zilla Panchayat made after the last date of making nominations for an election in any Grama Panchayat constituency and before the completion of such election shall form part of the list of voters for such election for the purpose of this section. 31 1 [(3) The Tahsildar concerned shall prepare in the prescribed manner, a list of voters for each Grama Panchayat constituency and the Secretary of the Grama Panchayat shall maintain a copy of such list.] 1 1. Substituted by Act 29 of 1998 w.e.f. 21.9.1998.

11. Qualification For Membership :-

Every person whose name is in the list of voters of any Grama Panchayat constituency shall, unless disqualified under this Act or under any other law for the time being in force, be qualified to be elected as a member of the Grama Panchayat: Provided that in the case of seats reserved for the Scheduled Castes or Scheduled Tribes or Backward Classes and women, no person who is not a member of any of the Scheduled Castes or Scheduled Tribes or Backward Classes or is not a woman, as the case may be, shall be

qualified to be elected to such seat.

12. Disqualification For Members :-

A person shall be disqualified for being chosen and for being a member of a Grama Panchayat,-

(a) if he is so disqualified by or under any law for the time being in force for the purposes of the elections to the State Legislatures: Provided that no person shall be disqualified on the ground that he is less than twenty-five years, if he has attained the age of twenty-one year.

(b) if he has been sentenced by a criminal court to imprisonment for a term exceeding three months in respect of an offence under the Karnataka Excise Act, 1965 (Karnataka Act 21 of 1966), such sentence not having been subsequently reversed or quashed or the offence pardoned; or

(c) if an order has been passed against him under section 117 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974) in proceedings instituted under section 110 of the Code, such order not having been subsequently reversed or quashed; or

(d) if he has been dismissed from service under any local authority; or

(e) if, having been a legal or medical practitioner or a chartered accountant he has been disenrolled or suspended by order of a competent authority, the disqualification in the latter case being operative during the period of such suspension; or

(f) if he has been removed from membership of any local authority; or

(g) if he holds any office of profit under any local or other authority subject to the control of the central Government, the State Government or the Government of any other State, other than such offices as are declared by rules made under this Act not to disqualify the holder; or Explanation.- For the purpose of this clause, a person shall not be deemed to hold an office of profit under the Grama Panchayat by reason only that he is an Adhyaksha or Upadhyaksha of the Grama Panchayat.

(h) if, save as hereinafter provided he has directly or indirectly any share or interest in any work done by order of the Grama Panchayat, or in any contract or employment with, or under, or by, or on behalf of, the Grama Panchayat 1 [or if he is either directly or indirectly by himself or by his agent, partner or employee involved in obtaining or execution of any such work or contract on behalf of the Grama Panchayat or of any contract for the supply of goods and

services to the Grama Panchayat;] 1 or 32 1. Inserted by Act 29 of 1997 w.e.f. 20.10.1997.

(i) if he is employed as paid legal practitioner on behalf of the Grama Panchayat or accepts employment as legal practitioner against the Grama Panchayat; or 1 [(j) if he does not have a sanitary latrine for the use of the members of his family: 1.

Inserted by Act 29 of 1997 w.e.f. 20.10.1997. 1 [Provided that nothing in this clause shall apply to a person, if at the time of filing his nomination he gives an undertaking to construct within one year from the date of commencement of his term of office as a member, a sanitary latrine for the use of members of his family and also complies with such undertaking after becoming a member] 1 .]

1 1. Substituted by Act 11 of 2000 w.e.f. 25.4.2000. 1 [(k)] 1 if arrears of any kind are due by him to the Grama Panchayat under this Act: 1. Renumbered by Act 29 of 1997 w.e.f. 20.10.1997. Provided that,-

(a) the disqualification in clause (c) will cease to operate after the expiry of the period during which a person is ordered to furnish security;

(b) the disqualification in clauses (b), (d), or (e) will cease to operate after the expiry of five years from the date of such sentence or dismissal , or disenrollment or earlier by an order of the Government;

(c) the disqualification in clause (f) will cease to operate after the expiry of five years from the date of such removal;

(d) a person shall not be deemed to have incurred disqualification under clause (h) by reason of his,-

(i) having a share in any joint stock company or a share or interest in any association registered under the Karnataka Societies Registration Act, 1960 (Karnataka Act 17 of 1960) or in any co-operative society, which shall contract with or be employed by or on behalf of the Grama Panchayat; or

(ii) having a share or interest in any newspaper in which any advertisement relating to the affairs of the Grama Panchayat is inserted; or

(iii) holding a debenture or being otherwise concerned in any loan raised by or on behalf of the Grama Panchayat.

13. Vacation Of Seat By Members :-

(1) If a member of a Grama Panchayat,-

(a) is or becomes subject to any of the disqualifications mentioned

in section 12 ; or

(b) votes or takes part in discussion in contravention of the provisions of subsection (4) of section 53; or

(c) absents himself for more than three consecutive ordinary meetings of the Grama Panchayat without the leave of the Grama Panchayat 1 [xxx] 1 his seat shall be deemed to be or to have become, as the case may be vacant: 1. Omitted by Act 37 of 2003 w.e.f. 1.10.2003. Provided that where an application is made by a member to the Grama Panchayat for leave to absent himself and the Grama Panchayat fails to inform the applicant of its 33 decision on the application within a period of one month from the date of the application, the leave applied for shall be deemed to have been granted by the Grama Panchayat.

(2) If any question arises as to whether a person is, or has become subject to disqualification under sub-section (1), the 1 [State Election Commission] 1 may 1 [either suo moto or on a report made to it] 1 and after giving an opportunity to the person concerned of being heard, decide the question. 1. Substituted by Act 37 of 2003 w.e.f. 1.10.2003.

14. Prohibition Of Simultaneous Membership :-

(1) If a person is elected by more than one Grama Panchayat constituency, he shall by notice in writing signed by him and delivered to the Deputy Commissioner within the prescribed time, choose any one of the constituencies which he shall serve and the choice shall be final.

(2) If the person does not make the choice referred to in sub-section (1), the Deputy Commissioner shall determined by lot and notify the constituency which such person shall serve.

(3) The said person shall be deemed to have been elected only for the constituency so chosen or notified, as the case may be , and the vacancy or vacancies thereby arising in respect of the other constituency or constituencies shall be filled by election.

15. Election Petition :-

(1) No election to fill a seat or seats in a Grama Panchayat shall be called in question except by an election petition presented on one or more of the grounds specified in sub-section (1) of section 19 and section 20 to the 1 [Civil Judge (Junior Division)] 1 within whose territorial jurisdiction the panchayat area concerned or the major portion of the panchayat area concerned is situate by any

candidate at such election or by any voter qualified to vote at such election together with a deposit of five hundred rupees as security for costs, within thirty days from , but not earlier than, the date of declaration of the result of the election of the returned candidate or if there are more than one returned candidate at the election, and if the dates of declaration of the results of the their election are different, the last of those dates. 1. Substituted by Act 29 of 1997 w.e.f. 20.10.1997.

(2) A petitioner shall join as respondent to his petition,-

(a) where the petitioner, in addition to claiming a declaration that the election of all or of any of the returned candidates is void , claims a further declaration that he himself or any other candidate has been duly elected all the contesting candidates other than the petitioner, and where no such further declaration is claimed, all the returned candidates; and

(b) any other candidate against whom allegation of any corrupt practice are made in the petition;

(3) Every election petition shall be accompanied by as many copies thereof as there are respondents mentioned in the petition and every such copy shall be attested by the petitioner under his own signature to be true copy of the petition. Explanation.- The expression "returned candidate" means a candidate who has been declared as duly elected.

16. Contents Of The Petition And Relief That May Be Claimed :-

(1) An election petition,- 34

(a) shall contain a concise statement of the material facts on which the petitioner relies;

(b) shall set forth full particulars of any corrupt practice that the petitioner alleges, including as full a statement as possible of the names of the parties alleged to have committed such corrupt practice and the date and place of the commission of each such practice; and

(c) shall be signed by the petitioner and verified in the manner laid down in the Code of Civil Procedure, 1908 (Central Act 5 of 1908) for the verification of pleadings: Provided that where the petition alleges any corrupt practice, the petition shall also be accompanied by an affidavit in the prescribed form in support of the allegation of such corrupt practice and the particulars thereof.

(2) Any schedule or annexure to the petition shall also be signed by

the petitioner and verified in the same manner as the petition.

(3) A petitioner may, in addition to claiming a declaration that the election of all or any of the returned candidate is void , claim a further declaration that he himself or any other candidate has been duly elected.

17. Trial Of Election Petition :-

(1) The 1 [Civil Judge (Junior Division)] 1 shall dismiss an election petition which does not comply with the provisions of section 15. 1. Substituted by Act 29 of 1997 w.e.f. 20.10.1997. Explanation.- An order of the 1 [Civil Judge (Junior Division)] 1 dismissing an election petition under this sub-section shall be deemed to be an order made under clause (a) of sub-section (1) of section 18. 1. Substituted by Act 29 of 1997 w.e.f. 20.10.1997.

(2) Where more election petitions than one are presented to the 1 [Civil Judge (Junior Division)] 1 in respect of the same election the 1 [Civil Judge (Junior Division)] 1 may, try them separately or in one or more groups. 1. Substituted by Act 29 of 1997 w.e.f. 20.10.1997.

(3) Any candidate not already a respondent shall, upon application made by him to the 1 [Civil Judge (Junior Division)] 1 within fourteen days from the date of commencement of the trial and subject to any order as to security for costs which may be made by the 1 [Civil Judge (Junior Division)] 1 , be entitled to be joined as a respondent. 1. Substituted by Act 29 of 1997 w.e.f. 20.10.1997. Explanation.- For the purpose of this section, a trial of petition shall be deemed to commence on the date fixed for the respondents to appear before the 1 [Civil Judge (Junior Division)] 1 and answer the claim or claims made in the petition. 1. Substituted by Act 29 of 1997 w.e.f. 20.10.1997.

(4) The 1 [Civil Judge (Junior Division)] 1 , may upon such terms as to costs and otherwise as he may deem fit, allow the particulars of any corrupt practice alleged in the petition to be amended or amplified in such manner as may in his opinion be necessary for ensuring a fair and effective trial of the petition, but shall not allow any amendment of the petition , which will have the effect of introducing particulars of a corrupt practice not previously alleged in the petition. 35 1. Substituted by Act 29 of 1997 w.e.f. 20.10.1997.

(5) The trial of an election petition shall, so far as is practicable consistently with the interest of justice in respect of the trial, be

continued from day to day until its conclusion, unless the 1 [Civil Judge (Junior Division)] 1 finds the adjournment of trial beyond the following day to be necessary for reasons to be recorded. 1. Substituted by Act 29 of 1997 w.e.f. 20.10.1997.

(6) Every election petition shall be tried as expeditiously as possible and endeavor shall be made to conclude the trial within six months from the date on which the election petition is presented to the 1 [Civil Judge (Junior Division)] 1 for trial. 1. Substituted by Act 29 of 1997 w.e.f. 20.10.1997.

(7) Subject to the provisions of this Act every election petition shall be tried by the 1 [Civil Judge (Junior Division)] 1, as nearly as may be in accordance with the procedure applicable under the Code of Civil Procedure, 1908 (Central Act 5 of 1908) to the trial of suits: 1. Substituted by Act 29 of 1997 w.e.f. 20.10.1997. Provided that the 1 [Civil Judge (Junior Division)] 1 shall have discretion to refuse for reasons to be recorded in writing, to examine any witness or witnesses if he is of the opinion that their evidence is not material for the decision of petition or that the party tendering such witness or witnesses is doing so on frivolous grounds or with a view to delay the proceedings. 1. Substituted by Act 29 of 1997 w.e.f. 20.10.1997.

(8) The provisions of the Indian Evidence Act, 1872 shall subject to the provisions of this Act be deemed to apply in all respects to the trial of the election petition.

(9) Notwithstanding anything in any enactment to the contrary, no document shall be inadmissible in evidence at the trial of the election petition on the ground that it is not duly stamped or registered.

18. Decision Of The [Civil Judge (Junior Division)] :-

(1) At the conclusion of the trial of an election petition the 1 [Civil Judge (Junior Division)] 1 shall make an order,- 1. Substituted by Act 29 of 1997 w.e.f. 20.10.1997.

(a) dismissing the election petition; or

(b) declaring the election of all or any of the returned candidates to be void ; or

(c) declaring the election of all or any of the returned candidates to be void and the petitioner or any other candidates to have been duly elected.

(2) At the time of making an order under sub-section (1) the 1 [Civil Judge (Junior Division)] 1 shall also make an order,- 1.

Substituted by Act 29 of 1997 w.e.f. 20.10.1997.

(a) where any charge is made in the petition of the corrupt practice having been committed at the election, recording,-

(i) a finding whether any corrupt practice has or has not been proved to have been committed at the election and the nature of that corrupt practice; and

(ii) the names of all persons, if any, who have been proved at the trial to have been guilty of any corrupt practice and the nature of that practice; and 36

(b) fixing the total amount of the costs payable and specifying the person by and to whom costs shall be paid: Provided that a person who is not a party to the petition shall not be named in the order under sub-clause (ii) of the clause (a) unless,-

(i) he has been given notice to appear before the 1 [Civil Judge (Junior Division)] 1 and to show-cause why he should not be so named; and 1. Substituted by Act 29 of 1997 w.e.f. 20.10.1997.

(ii) if he appears in pursuance of the notice, he has been given an opportunity of cross examining any witness who has already been examined by the 1 [Civil Judge (Junior Division)] 1 and has given evidence against him, of calling evidence in his defence and of being heard. 1. Substituted by Act 29 of 1997 w.e.f. 20.10.1997.

19. Grounds For Declaring Election To Be Void :-

(1) Subject to the provisions of sub -section

(2) if the 1 [Civil Judge (Junior Division)] 1 is of opinion,- 1. Substituted by Act 29 of 1997 w.e.f. 20.10.1997.

(a) that on date of his election a returned candidate was not qualified, or was disqualified, to be chosen as a member under this Act; or

(b) that any corrupt practice has been committed by a returned candidate or his agent or by any other person with the consent of a returned candidate or his agent; or

(c) that any nomination paper has been improperly rejected; or

(d) that the result of the election, in so far as it concerns a returned candidate, has been materially affected,-

(i) by the improper acceptance of any nomination; or

(ii) by any corrupt practice committed in the interests of the returned candidate by an agent; or

(iii) by the improper reception , refusal or rejection of any vote or reception of any vote which is void ; or

(iv) by any non-compliance with the provisions of this Act or of any

rules or orders made thereunder; the 1 [Civil Judge (Junior Division)] 1 shall declare the election of the returned candidate to be void. 1. Substituted by Act 29 of 1997 w.e.f. 20.10.1997.

(2) If in the opinion of the 1 [Civil Judge (Junior Division)] 1, any agent of a returned candidate has been guilty of any corrupt practice, but the 1 [Civil Judge (Junior Division)] 1 is satisfied,- 1. Substituted by Act 29 of 1997 w.e.f. 20.10.1997.

(a) that no such corrupt practice was committed at the election by the candidate and every such corrupt practice was committed contrary to the order and without the consent of the candidate,

(b) that the candidate took all reasonable measures for preventing the commission of corrupt practices at the election, and 37

(c) that in all other respects the election was free from any corrupt practice on the part of the candidate or any of his agents, then the 1 [Civil Judge (Junior Division)] 1 may decide that the election of the returned candidate is not void. 1. Substituted by Act 29 of 1997 w.e.f. 20.10.1997.

20. Grounds On Which A Candidate Other Than The Returned Candidate May Be Declared To Have Been Elected

:-

(1) If any person who has filed an election petition has, in addition to calling in question the election of the returned candidate, claims a declaration that he himself or any other candidate has been duly elected and the 1 [Civil Judge (Junior Division)] 1 is of opinion,- 1. Substituted by Act 29 of 1997 w.e.f. 20.10.1997.

(a) that in fact the petitioner or such other candidate received a majority of the valid votes; or

(b) that but for the votes obtained by the returned candidate by corrupt practices the petitioner or such other candidate would have obtained a majority of the valid votes, the 1 [Civil Judge (Junior Division)] 1 shall after declaring the election of the returned candidate to be void declare the petitioner or such other candidate, as the case may be, to have been duly elected. 1. Substituted by Act 29 of 1997 w.e.f. 20.10.1997.

(2) The decision of the 1 [Civil Judge (Junior Division)] 1 shall be final. 1. Substituted by Act 29 of 1997 w.e.f. 20.10.1997.

21. Procedure In Case Of Equality Of Votes :-

If during the trial of an election petition it appears that there is an equality of votes between any candidates at the election and that the addition of a vote would entitle any of those candidates to be

declared elected, then the 1 [Civil Judge (Junior Division)] 1 shall decide between them by lot and proceed as if the one on whom the lot falls had received an additional vote. 1. Substituted by Act 29 of 1997 w.e.f. 20.10.1997.

22. Corrupt Practices :-

The following shall be deemed to be corrupt practices for the purposes of this Act, namely,-

- (i) bribery as defined in clause (1) of section 123 of the Representation of the People Act, 1951 (Central Act 48 of 1951) for the time being in force;
- (ii) undue influence as defined in clause (2) of the said section for the time being in force;
- (iii) the appeal by a candidate or his agent or by any other person with the consent of a candidate or his agent to vote or refrain from voting for any person on the ground of his religion, race, caste, community or language or the use of, or appeal to religious symbols or the use of or appeal to national symbols, such as the national flag or the national emblem, for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate;
- (iv) the promotion of or attempt to promote, feelings of enmity or hatredness between different classes of the citizens of India on grounds of religion, race, caste, community or 38 language by a candidate or his agent or any other person with the consent of a candidate or his election agent for the furtherance of the election of that candidate or for prejudicially affecting the election of any candidate;
- (v) the publication by a candidate or his agent or by any other person, with the consent of candidate or his agent of any statement of fact which is false and which he either believes to be false or does not believe to be true in relation to the personal character or conduct of any candidate or in relation to the candidature or withdrawal of any candidature, being a statement reasonably calculated to prejudice the prospects of that candidates election;
- (vi) the hiring or procuring, whether on payment or otherwise, any vehicle, or vessel by a candidate or his agent or by any other person with the consent of a candidate or his agent, or the use of such vehicle or vessel for the free conveyance of any voter (other than the candidate himself, the members of his family or his agent) to or from any polling station provided in accordance with the rules made under this Act: Provided that the use of any public

transport vehicle or vessel or railway carriage by any voter at his own cost for the purpose of going to or coming from any such polling station or place fixed for the poll shall not be deemed to be a corrupt practice under this clause. Explanation.- In this clause the expression "vehicle" means any vehicle used or capable of being used for the purpose of road transport, whether propelled by mechanical power or otherwise whether used for the drawing of other vehicles or otherwise.

(vii) the holding of any meeting at which intoxicating liquors are served;

(viii) the issuing of any circular, placard or poster having reference to the election which does not bear the name and address of the printer and publisher thereof;

(ix) any other practice which the Government may by rules specify to be a corrupt practice.

23. Order As To Corrupt Practices :-

The corrupt practices referred to in section 22 shall entail disqualification for membership of any local authority for a period of five years counting from the date on which the finding of the 1 [Civil Judge (Junior Division)] 1 as to such practices takes effect under this Act. 1. Substituted by Act 29 of 1997 w.e.f. 20.10.1997.

24. Communication Of Orders :-

The 1 [Civil Judge (Junior Division)] 1 shall after announcing the orders made under sections 18 and 19 send a copy thereof to the Deputy Commissioner. 1. Substituted by Act 29 of 1997 w.e.f. 20.10.1997.

25. Fresh Election If A Seat Becomes Vacant :-

If the seat of any member has become vacant or is deemed to have become vacant under section 13, a fresh election for the vacancy so caused shall be held in accordance with the provisions of this Act.

26. Prohibition Of Canvassing In Or Near Polling Station :-

(1) No person shall, on the date or dates on which a poll is taken in any polling station, commit any of the following acts within the polling station or in any public or private place within a distance of one hundred meters of the polling station, namely:- 39

(a) canvassing for votes; or

(b) soliciting the vote of any voter; or

(c) persuading any voter not to vote for any particular candidate; or

- (d) persuading any voter not to vote at the election; or
- (e) exhibiting any notice or sign (other than an official notice relating to the election).
- (2) Any person who contravenes the provisions of sub section (1) shall on conviction, be punished with fine which may extend to rupees five hundred.
- (3) An offence punishable under this section shall be cognizable.

27. Penalty For Disorderly Conduct In Or Near Polling Stations :-

- (1) No person shall on the date or dates on which a poll is taken at any polling station,-
 - (a) use or operate within or at the entrance of the polling station or in any public or private place in the neighborhood thereof, any apparatus for amplifying or reproducing the human voice such as a megaphone or a loudspeaker; or
 - (b) shout or otherwise act in a disorderly manner, within or at the entrance of the polling station or in any public or private place in the neighbourhood thereof, so as to cause annoyance to any person visiting the polling station for the poll, or so as to interfere with the work of the officers and other persons on duty at the polling station .
- (2) Any person who contravenes or willfully aids or abets the contravention of the provisions of sub-section (1) shall, on conviction, be punished with imprisonment which may extend to three months or with fine or with both.
- (3) If the presiding officer of a polling station has reason to believe that any person is committing or has committed an offence punishable under this section he may direct any police officer to arrest such person, and thereupon the police officer shall arrest him.
- (4) Any police officer may take such steps and use such force as may be reasonably necessary for preventing any contravention of the provisions of sub-section (1), and may seize any apparatus used for such contravention.

28. Penalty For Misconduct At Polling Station :-

- (1) Any person who during the hours fixed for the poll at any polling station misconducts himself or fails to obey the lawful directions of the presiding officer, may be removed from the polling station by the presiding officer or by any police officer on duty or

by any person authorised in this behalf by such presiding officer.

(2) The powers conferred by sub-section (1) shall not be exercised so as to prevent any voter who is otherwise entitled to vote at a polling station from having an opportunity of voting at that station.

(3) If any person who has been so removed from a polling station reenters the polling station without the permission of the presiding officer, he shall, on conviction, be punished with imprisonment for a term which may extend to three months, or with fine, or with both.

(4) An offence punishable under sub-section (3) shall be cognizable.

29. Maintenance Of Secrecy Of Voting :-

(1) Every officer, clerk, agent or other person who performs any duty in connection with the recording or counting of votes at any election shall maintain and aid in maintaining , the secrecy of the voting and shall not (expect for some purpose authorised by or under any law) communicate to any person any information calculated to violate secrecy.

(2) Any person who contravenes the provisions of sub-section (1) shall, on conviction, be punished with imprisonment for a term which may extend to three months or with fine or with both.

30. Officers Etc., At Elections Not To Act For Candidate Or Influence Voting :-

(1) No person who is a returning officer or a presiding officer or a polling officer at any election or any officer or clerk appointed by the returning officer or the presiding officer to perform any duty in connection with an election shall, in the conduct or the management of the election, do any act (other than the giving of a vote) for the furtherance of the prospects of the election of a candidate.

(2) No such person as aforesaid, and no member of a police force, shall endeavor,-

(a) to persuade any person to give his vote at an election; or

(b) to dissuade any person from giving his vote at an election; or

(c) to influence the voting of any person at an election in any manner.

(3) Any person who contravenes the provisions of sub-section (1) or sub-section (2) shall , on conviction, be punished with imprisonment for a term which may extend to six months or with fine or with both.

(4) An offence punishable under sub-section (2) shall be cognizable.

31. Breaches Of Official Duty In Connection With Elections

:-

(1) If any person to whom this section applies is without reasonable cause guilty of any act or omission in breach of his official duty, he shall, on conviction, be punished with fine which may extend to five hundred rupees.

(2) An offence under sub-section (1) shall be cognizable.

(3) No suit or other legal proceeding shall lie against any such person for damages in respect of any such act or omission as aforesaid.

(4) The persons to whom this section applies are the returning officers, presiding officers, polling officers and any other person appointed to perform any duty in connection with the receipt of nominations or withdrawal of candidature, or the recording or counting of votes at an election; and the expression "official duty" shall for the purpose of this section be constructed accordingly, but shall not include duties imposed otherwise than by or under this Act.

31A. Offence Of Booth Capturing :-

Whoever commits an offence of booth capturing shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to two years and with fine and where such offence is committed by a person in the service of the Government, he shall be punishable with imprisonment for a term which shall not be less than one year but which may extend to three years and with fine. 1. Section 31A and 31B inserted by Act 29 of 1997 w.e.f. 20.10.1997. Explanation.- For the purpose of this section, booth capturing includes among other things, all or any of the following activities, namely:-

(a) seizure of a polling station or a place fixed for the poll by any person or persons, making polling authorities surrender the ballot papers or voting machines and doing of any other act which affects the orderly conduct of elections;

(b) taking possession of a polling station or a place fixed for the poll by any person or persons and allowing only his or their own supporters to exercise their right to vote and prevent others from voting; (

c) threatening any elector and preventing him from going to the polling station or a place fixed for the poll to cast his vote;

(d) seizure of a place for counting of votes by any person or persons, making counting authorities surrender the ballot papers or voting machines and the doing of anything which affects the orderly counting of votes;

(e) doing by any person in the service of Government of all or any of the aforesaid activities or aiding or conniving at, any such activity in furtherance of the prospects of the election of a candidate.

31B. Penalty For Government Servants For Acting As

Election Agent, Polling Agent Or Counting Agent :-

If any person in the service of the Government acts as an election agent or a polling agent or a counting agent of a candidate at an election, he shall be punishable with imprisonment for a term which may extend to three months or with fine or with both.]

32. Removal Of Ballot Papers From Polling Stations To Be An Offence :-

(1) Any person who at any election fraudulently takes, or attempts to take, a ballot paper out of a polling station or willfully aids or abets the doing of such act, shall, on conviction, be punished with imprisonment for a term which may extend to one year or with fine or with both.

(2) If the presiding officer of a polling station has reason to believe that any person is committing or has committed an offence punishable under sub-section (1), such officer may, before such person leaves the polling station, arrest or direct a police officer to arrest such person and may search such person or cause him to be searched by a police officer: Provided that when it is necessary to cause a woman to be searched, the search shall be made by another woman with strict regard to decency.

(3) Any ballot paper found upon the person arrested on search shall be made over for safe custody to a police officer by the presiding officer, or when the search is made by a police officer, shall be kept by such officer in safe custody.

(4) An offence punishable under sub-section (1) shall be cognizable.

33. Other Offences And Penalties Thereof :-

(1) A person shall be guilty of an offence if at any election, he,-

(a) fraudulently defaces, or fraudulently destroys any nomination paper; or

(b) fraudulently defaces, destroys or removes any list, notice or other documents affixed by or under the authority of a returning officer; or

(c) fraudulently defaces, or fraudulently destroys any ballot paper or the official mark on any ballot paper; or 42

(d) without due authority supplies any ballot paper to any person or receives any ballot paper from any person or is in possession of any ballot paper; or

(e) fraudulently puts into any ballot box anything other than the

ballot paper which he is authorised by law to put in; or

(f) without due authority destroys, takes, opens or otherwise interferes with any ballot box or ballot papers then in use for the purposes of the election; or

(g) fraudulently or without due authority, as the case may be, attempts to do any of the forgoing acts or willfully aids or abets the doing of any such acts.

(2) Any person guilty of an offence under this section shall,-

(a) if he is a returning officer or presiding officer of a polling station or any other officer or clerk employed on official duty in connection with the election, on conviction, be punished with imprisonment for a term which may extend to two years or with fine or with both;

(b) if he is any other person, on conviction, be punished with imprisonment for a term which may extend to six months or with fine or with both.

(3) For the purpose of this section, a person shall be deemed to be on official duty if his duty is to take part in the conduct of an election or part of an election including the counting of votes or to be responsible after an election for the used ballot papers and other documents in connection with such election, but the expression "official duty" shall not include any duty imposed otherwise than by or under this Act in connection with such election.

(4) An offence punishable under clause (b) of sub-section (2) shall be cognizable.

34. Promotion Of Enmity Between Classes In Connection With Election :-

Any person who in connection with an election under this Act, promotes or attempts to promote on grounds of religion, race, caste, community or language, feelings of enmity or hatred between different classes of the citizens of India shall, on conviction, be punished with imprisonment for a term which may extend to three years, or with fine or with both.

35. Prohibition Of Pubic Meetings On The Day Preceding The Election Day And On The Election Day :-

(1) No person shall convene, hold or attend any public meeting, within any polling area within forty-eight hours before the commencement of the poll or on the date or dates on which poll is taken for an election in that polling area.

(2) Any person who contravenes the provisions of sub-section (1) shall, on conviction, be punished with fine which may extend to two

hundred and fifty rupees.

36. Powers Of Deputy Commissioner To Prohibit Fairs Etc., On Election Day :-

The Deputy Commissioner may, in order to ensure free and fair election, prohibit any fair (including cattle fair) or shandies in a panchayat area on the day of election to the Grama Panchayat of such area.

37. Disturbance At Election Meetings :-

(1) Any person who at a public meeting held in connection with an election under this Act, acts or incites others to act, in a disorderly manner for the purpose of preventing the transaction of the business for which the meeting was called shall, on conviction, be punished with fine which may extend to five hundred rupees.

(2) If any police officer reasonably suspects any person of committing an offence under sub-section (1), he may, if requested so to do by the Chairman of the meeting require that person to declare to him immediately his name and address, and if that person refuses or fails to so declare his name and address or if the police officer reasonably suspects him of giving a false name or address, the police officer may arrest him without warrant.

38. Restrictions On The Printing Of Pamphlets, Posters, Etc :-

(1) No person shall print or publish, or cause to be printed or published any election pamphlet or poster which does not bear on its face the names and addresses of the printer and the publisher thereof.

(2) No person shall print or cause to be printed any election pamphlet or poster,-

(a) unless a declaration as to the identity of the publisher thereof, signed by him and attested by two persons to whom he is personally known is delivered by him to the printer in duplicate; and

(b) unless within a reasonable time after the printing of the documents, one copy of the declaration is sent by the printer, together with one copy of the document to the District Magistrate.

(3) For the purposes of this section,-

(a) any process for multiplying copies of a document other than copying it by hand, shall be deemed to be printing and the

expression printer shall be construed accordingly; and

(b) election pamphlets or posters means any printed pamphlet, hand bill or other document distributed for the purpose of promoting or prejudicing the election of a candidate or group of candidates or any placard or poster having reference to an election but does not include any hand bill, placard or poster merely announcing the date, time, place and other particulars of an election meeting or routine instructions to election agents or workers.

(4) Any person who contravenes any of the provisions of sub-section (1) or subsection (2) shall, on conviction, be punished with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees or with both.

39. Penalty For Illegal Hiring Or Procuring Of Conveyance At Election :-

If any person is guilty of any such corrupt practice as is specified in clause (vi) of section 22 at or in connection with an election, he shall, on conviction, be punished with fine which may extend to five hundred rupees.

40. Prosecution In Certain Offences :-

No court shall take cognizance of an offence punishable under clause (a) of sub-section (2) of section 33 unless there is a complaint made by an order of or under authority from the Deputy Commissioner.

41. Term Of Office :-

The members of a Grama Panchayat shall save as otherwise provided in this Act, hold office for a term of five years.

42. Commencement Of Term Of Office :-

(1) The term of office of the members elected at a general election or at a second election held under sub-section (6) of section 5, shall commence on the date appointed for the first meeting of the Grama Panchayat. 44

(2) The term of office of a member elected under section 5 to fill a casual vacancy shall commence on the date of publication of his name under sub-section (8) of section 5.

43. Resignation Of Member :-

A member of a Grama Panchayat may resign his membership in writing under his hand addressed to the Adhyaksha and his seat

shall become vacant on the expiry of fifteen days from the date of the receipt of such resignation, unless within the said period of fifteen days he withdraws such resignation by writing under his hand addressed to the Adhyaksha. 1 [The Adhyaksha shall cause the letter of resignation to be placed in the next meeting of the Grama Panchayat.] 1 1. Inserted by Act 29 1997 w.e.f. 20.10.1997.

43A. Removal Of Members For Misconduct :-

The Government if it thinks fit, on the recommendation of the Grama Panchayat, or otherwise, may remove any member after giving him an opportunity of being heard and after such enquiry as it deems necessary if such member has been guilty of misconduct in the discharge of his duties or of any disgraceful conduct or has become incapable of performing his duties as a member.] 1 1. Inserted by Act 29 1997 w.e.f. 20.10.1997.

44. Election Of Adhyaksha And Upadhyaksha :-

(1) Every Grama Panchayat shall, 1 [within one month from the date of publication of names of elected members under sub-section (8) of section 5] 1 , 2 [or immediately before the expiry of term of office of Adhyaksha and Upadhyaksha] 2 choose two members of the Grama Panchayat to be respectively Adhyaksha and Upadhyaksha. In the event of occurrence of any vacancy by reason of death, resignation, removal or otherwise in the office of Adhyaksha or Upadhyaksha, the Grama Panchayat shall choose another member to be the Adhyaksha or the Upadhyaksha, as the case may be. 1. Substituted by Act 29 1997 w.e.f. 20.10.1997. 2. Inserted by Act 8 of 2000 w.e.f. 3.4.2000.

(2) Subject to the general or special order of the 1 [State Election Commission] 1 , the Deputy Commissioner shall reserve,- 1. Substituted by Act 29 1997 w.e.f. 20.10.1997.

(a) such number of offices of Adhyakshas and Upadhyakshas of Grama Panchayats in the State for the Scheduled Castes and Scheduled Tribes and the number of such offices bearing as nearly as may be the same proportion to the total number of the offices in the State as the population of the Scheduled Castes in the State or of the Scheduled Tribes in the State bears to the total population of the State: 1 [Proviso x x x] 1 1. Omitted by Act 10 of 1995 w.e.f. 13.1.1995.

(b) such number of offices of Adhyakshas and Upadhyakshas of the Grama Panchayats, which shall as nearly as may be, one-third of the total number of offices of Adhyaksha and Upadhyaksha in the State for the persons belonging to the Backward Classes: 1

[Provided that out of the offices reserved under this clause eighty per cent of the total number of such offices shall be reserved for the persons falling under category 45 A and the remaining twenty per cent of the offices shall be reserved for the persons falling under category B: 1. Inserted by Act 10 of 1995 w.e.f 13.1.1995. Provided further that if no person falling under category A is available, the offices reserved for that category shall also be filled by the persons falling under category B and Vice versa.] 1

(c) not less than one third of the total number of offices of Adhyaksha and Upadhyaksha of Grama Panchayats in the State from each of the categories which are reserved for persons belonging to the Scheduled Castes, Scheduled Tribe and Backward Classes and of those which are non-reserved, for women; Provided that the offices reserved under this sub-section shall be allotted by rotation to different Grama Panchayats. Explanation.- For the removal of doubts it is hereby declared that the principle of rotation for purpose of reservation of offices under this section shall commence from the first election to be held after the commencement of the Karnataka Panchayat Raj Act, 1993.

45. Procedure For Election Of Adhyaksha And Upadhyaksha On The Establishment Of Grama Panchayat Etc :-

1 [(1) The prescribed officer shall after every general election of members of a Grama Panchayat or on its constitution, reconstitution or establishment under this Act and in any case within one month from the date of publication of names of the elected members under sub-section (8) of section 5, 2 [and immediately before the expiry of term of office of Adhyaksha and Upadhyaksha] 2 and so often as there arises any casual vacancy in the office of the Adhyaksha or Upadhyaksha, call for a meeting of the Grama Panchayat and preside over it, without right to vote, and in such meeting the Adhyaksha or the Upadhyaksha or both, as the case may be, shall be elected.] 1 1. Substituted by Act 29 of 1997 w.e.f 20.10.1997 2. Inserted by Act 8 of 2000 w.e.f. 3.4.2000..

(2) Any dispute relating to the validity of election of a Adhyaksha and Upadhyaksha of Grama Panchayat under this Act shall be decided by the prescribed judicial officer having jurisdiction over the panchayat area or the major portion of the panchayat area, whose decision thereon shall be final.

46. Term Of Office And Conditions Of Service Of Adhyaksha And Upadhyaksha :-

(1) The term of office of every Adhyaksha and every Upadhyaksha of the Grama Panchayat shall, save as otherwise provided in this Act, be thirty months from the date of his election or till he ceases to be a member Grama Panchayat, whichever is earlier.] 1 1. Substituted by Act 8 of 2000 w.e.f 3.4.2000.

(2) Salary and other conditions of service of Adhyaksha and Upadhyaksha shall be as prescribed.

47. Appointment Of Adhyaksha During Vacancy In The Office :-

During a vacancy in the office of the Adhyaksha of the Grama Panchayat, the Upadhyaksha and when there is no Upadhyaksha, an officer appointed by the Deputy Commissioner shall exercise the powers and perform the duties of the Adhyaksha until an Adhyaksha is duly elected.

48. Resignation Or Removal Of Adhyaksha And Upadhyaksha :-

(1) The Adhyaksha of the Grama Panchayat may resign his office by writing under his hand addressed to the Assistant Commissioner and the Upadhyaksha of the Grama Panchayat may resign his office by writing under his hand addressed to the Adhyaksha and in absence of the Adhyaksha to the Assistant Commissioner.

(2) Every Adhyaksha or Upadhyaksha of the Grama Panchayat shall vacate his office if he ceases to be a member of the Grama Panchayat.

(3) Every resignation under sub-section (1) shall take effect on the expiry of ten days from the date of its receipt by the Assistant Commissioner or the Adhyaksha, as the case may be, unless within the period of ten days he withdraws such resignation by writing under his hand addressed to the Assistant Commissioner or the Adhyaksha, as the case may be.

(4) Every Adhyaksha and Upadhyaksha of Grama Panchayat shall, after an opportunity is afforded for hearing him, 1 [and if necessary after obtaining a report from the Taluk Panchayat and considering the same] 1 be removable from his office as Adhyaksha or Upadhyaksha by the 2 [Government] 2 for being persistently remiss 1 [or guilty of misconduct] 1 in the discharge of his duties and an Adhyaksha or Upadhyaksha so removed who does not cease to be a member under sub-section (2) shall not be eligible for re-election as Adhyaksha or Upadhyaksha during the remaining term of office as member of such Grama Panchayat. 1. Inserted by Act

29 of 1997 w.e.f. 20.10.1997. 2. Substituted by Act 29 of 1997 w.e.f. 20.10.1997.

(5) An Adhyaksha or Upadhyaksha removed from his office under sub-section (4) may also be removed by the 1 [Government] 1 from the membership of the Grama Panchayat. 1. Substituted by Act 29 of 1997 w.e.f. 20.10.1997.

49. Motion Of No-Confidence Against Adhyaksha Or Upadhyaksha Of Grama Panchayat :-

Every Adhyaksha or Upadhyaksha of Grama Panchayat shall forthwith be deemed to have vacated his office if a resolution expressing want of confidence in him is passed by a majority of not less than two thirds of the total number of members of the Grama Panchayat at a meeting specially convened for the purpose in accordance with the procedure as may be prescribed: Provided that no such resolution shall be moved unless notice of the resolution is signed by not less than one-third of the total number of members and at least ten days notice has been given of the intention to move the resolution: 1 [Provided further that no resolution expressing want of confidence against an Adhyaksha or Upadhyaksha, shall be moved within one year from the date of his election: 1. Inserted by Act 29 of 1997 w.e.f. 20.10.1997. Provided also that where a resolution expressing want of confidence in any Adhyaksha or Upadhyaksha has been considered and negatived by a Grama Panchayat a similar resolution in respect of the same Adhyaksha or Upadhyaksha shall not be 47 given notice of, or moved, within one year from the date of the decision of the Grama Panchayat.]

50. Procedure At Meetings :-

The procedure at a meeting of the Grama Panchayat shall be as prescribed.

51. Casual Vacancies :-

A casual vacancy in the office of the Adhyaksha or Upadhyaksha or member of the Grama Panchayat shall be filled by election of an Adhyaksha or Upadhyaksha or member who shall hold office so long as the Adhyaksha, Upadhyaksha or member in whose place he has been elected would have held office if the vacancy had not occurred.

52. Meeting Of The Grama Panchayat :-

(1) A Grama Panchayat shall meet for the transaction of business at

least 1 [once in a month] 1 at the office of the Grama Panchayat and at such time as the Adhyaksha may determine. 1. Substituted by Act 37 of 2003 w.e.f. 1.10.2003.

(2) The Adhyaksha may, whenever he thinks fit, and shall, upon the written request of not less than one-third of the total number of members and on a date within fifteen days from the receipt of such request, call a special meeting.

(3) Seven clear days notice of an ordinary meeting and three clear days notice of a special meeting specifying the place, date and time of such meeting and the business to be transacted thereat, shall be given by the Secretary of the Grama Panchayat to the members and such officers as the Government may prescribe, and affixed on the notice board of the Grama Panchayat.

(4) The officers to whom notice is given under sub-section

(3) and other Government officers having jurisdiction over the panchayat area or any part thereof shall 1 [attend every meeting of the Grama Panchayat and take part in the proceedings] 1 but shall not be entitled to vote. 1. Substituted by Act 37 of 2003 w.e.f. 1.10.2003.

(5) If the Adhyaksha fails to call a special meeting as provided in sub-section (2) , the Upadhyaksha or one third of the total number of members may call such meeting for a day not more than fifteen days after the presentation of such request and require the Secretary of the Grama Panchayat to give notice to the members and to take such action as may be necessary to convene the meeting.

53. Quorum And Procedure :-

(1) The quorum for a meeting of the Grama Panchayat shall be 1 [one-half] 1 of the total number of members. If at the time appointed for the meeting a quorum is not present the presiding authority shall wait for thirty minutes, and if within such period there is no quorum, the presiding authority shall adjourn the meeting to such time on the following day or such future day as he may fix. He shall similarly after waiting for thirty minutes adjourn the meeting if at any time after it has begun attention is drawn to the want of a quorum . A notice of the meeting so fixed shall be pasted in the office of the Grama Panchayat. The business which could not be considered at the meeting so postponed for want of quorum, shall be brought before and disposed of at the meeting so fixed or at any subsequent adjourned meeting at which there is a

quorum. 1. Substituted by Act 37 of 2003 w.e.f. 1.10.2003. 48 1
[Provided that if any meeting called for the purposes of election of Adhyaksha or Upadhyaksha is adjourned to the following day or to a future day for want of quorum, it shall not be necessary to have a quorum for such adjourned meeting.] 1 1. Inserted by Act 17 of 1996 w.e.f. 23.9.1996.

(2) Save as otherwise provided by or under this Act, at every meeting of Grama Panchayat, the Adhyaksha or in his absence the Upadhyaksha shall preside, and in the absence of both, the members present shall choose one from amongst themselves to preside for the occasion.

(3) All questions shall, unless otherwise specifically provided, be decided by a majority of votes of the members present and voting. The Adhyaksha or Upadhyaksha or person presiding, as the case may be, unless he refrains from voting shall give his vote before declaring the number of votes for and against a question and in the case of equality of votes he may give his casting vote.

(4) No member of a Grama Panchayat shall vote on, or take part in the discussion of any question coming up for consideration at a meeting of a Grama Panchayat, if the question is one in which apart from its general application to the public, he has any pecuniary interest, and if the person presiding has such an interest, he shall not preside over the meeting when such question comes up for consideration. 1 [(4A) It shall be the duty of every member of a Grama Panchayat to disclose to the Grama Panchayat any pecuniary interest that he has, direct or indirect, in any question coming up for consideration at a meeting of a Grama Panchayat] 1 1. Inserted by Act 37 of 2003 w.e.f. 1.10.2003.

(5) If the person presiding is believed by any member present at the meeting to have any such pecuniary interest in any matter under discussion and if a motion to that effect be carried he shall not preside at the meeting during such discussion or vote on or take part in it . Any member of the Grama Panchayat may be chosen to preside at the meeting during the continuance of such discussion. 1 [(6) Every member of Grama Panchayat or any committee thereof shall be paid a sitting fee, per day of sitting at such rate, as may be prescribed.] 1 1. Substituted by Act 37 of 2003 w.e.f. 1.10.2003.

54. Modification Or Cancellation Of Resolution :-

No resolution of a Grama Panchayat shall be modified or cancelled within six months after the passing thereof, except by a resolution

passed by not less than one-half of the total number of members at an ordinary or special meeting, notice whereof shall have been given fulfilling the requirement of sub-section

(3) of section 52 setting forth fully the resolution which it is proposed to modify or cancel at such meeting and the motion or proposition for the modification or cancellation of such resolution.

55. Minutes :-

(1) Minutes shall be kept of the names of the members and of the officers, if any present and of the proceedings at each meeting of the Grama Panchayat and if any member present at the meeting so desires, of the names of the members voting respectively for or against any resolution in a book to be provided for the purpose and after they are read over and agreed to shall be signed by the Adhyaksha or Upadhyaksha or person presiding at such meetings, and shall at all reasonable times be open to inspection by any member of the Grama Panchayat. Any person may inspect the copy of the minutes of the meeting. The minute book shall always be kept in the office of the Grama Panchayat and shall be in the custody of the Secretary of the Grama Panchayat. 1 [A copy of the proceedings shall be displayed within three days from the date of the meeting on the notice board of the Grama Panchayat along with the details of the names of the members voting respectively for or against the resolutions passed in the meetings.] 1 1. Inserted by Act 37 of 2003 w.e.f. 1.10.2003.

(2) A copy of every resolution passed by the Grama Panchayat shall within ten days from the date of meeting be forwarded by the Secretary to the Executive Officer 1 [and copies of the minutes of the meeting shall be furnished to all members.] 1 1. Inserted by Act 37 of 2003 w.e.f. 1.10.2003.

56. Interpellations And Resolutions :-

(1) Any member may call the attention of the Adhyaksha to any neglect in the execution of the Grama Panchayat work, to any waste of Grama Panchayat property or to the wants of any locality and may suggest any improvements which may appear desirable.

(2) Every member shall have a right to move resolution and to interpellate the Adhyaksha on matters connected with the administration of the Grama Panchayat, subject to such rules as may be prescribed.

57. Validity Of Proceedings :-

(1) No disqualification of or defect in the election or appointment of any person acting as member or as the Adhyaksha of the Grama Panchayat or the Chairman or member of the committee of the Grama Panchayat constituted under this Act shall be deemed to vitiate any act or proceeding of the Grama Panchayat or any such committee as the case may be, in which such person has taken part whenever the majority who were parties to such act or proceeding were entitled to act.

(2) No resolution of a Grama Panchayat or of any committees of a Grama Panchayat constituted under this Act shall be deemed invalid on account of any irregularity in the service of notice upon any member, provided that the proceedings of the Grama Panchayat or committee were not prejudicially affected by such irregularity.

(3) Until the contrary is proved, every meeting of a Grama Panchayat or of the committee of a Grama Panchayat constituted under this Act in respect of proceedings whereof a minute has been made and signed in accordance with this Act, shall be deemed to have been duly convened and held and all the members of the meeting shall be deemed to have been duly qualified and where the proceedings are the proceedings of a committee, such committee shall be deemed to have been duly constituted and to have had the power to deal with matters referred to in the minute.

(4) During any vacancy in a Grama Panchayat or Committee of a Grama Panchayat, the continuing members may act as if no vacancy had occurred.

CHAPTER 4

FUNCTIONS, DUTIES AND POWERS OF GRAMA PANCHAYAT, ADHYAKSHA AND UPADHYAKSHA

58. Functions Of Grama Panchayat :-

1 [(1) The Grama Panchayat shall perform the functions specified in Schedule I: 1. Section 1 and 1A substituted by Act 29 of 1997 w.e.f. 20.10.1997. Provided that where the State Government or Central Government provide funds for the performance of any function specified in Schedule I, the Grama Panchayat shall perform such function in accordance with the guidelines or norms laid down for performing such function. (1A) Notwithstanding anything contained in sub-section

1) and Schedule I, it shall be obligatory on the part of a Grama Panchayat in so far as the Grama Panchayat fund at its disposal will allow, to make reasonable provision within the panchayat area in regard to the following matters, namely:-

(i) providing sanitary latrines to not less than ten per cent of the households every year and achieve full coverage as early as possible;

(ii) constructing adequate number of community latrines for the use of men and women and maintaining them;

(iii) maintaining water supply works either on its own or by annual contract by generating adequate resources;

(iv) revising and collecting taxes, rates and fees periodically which are leviable under the Act;

(v) ensuring universal enrollment of children in primary school;

(vi) achieving universal immunisation of children;

(vii) ensuring prompt registration and reporting of births and deaths;

viii) providing sanitation and proper drainage;

(ix) construction, repair and maintenance of public streets;

(x) removing encroachments on public streets or public places; (xi) providing adequate number of street lights and paying electricity charges regularly;

xii) filling-up insanitary depressions and reclaiming unhealthy localities; (xiii) destruction of rabid and ownerless dogs;

xiv) maintenance of all community assets vested in it;

(xv) maintenance of records relating to population census crop census, cattle census, census of unemployed persons and persons below poverty line; (xvi) earmarking places away from the dwelling houses for dumping refuse and manure.] 1 1 [(xvii) protecting the biodiversity] 1 1. Inserted by Act 37 of 2003 w.e.f. 1.10.2003.

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

(3) The Grama Panchayat may, by a resolution, passed at its meeting and supported by two-thirds of its total number of members 1 [x x x] 1 51 1. Omitted by Act 37 of 2003 w.e.f.

1.10.2003. (a) make provision for or make contribution towards, any exhibition, conference or seminar within or outside the panchayat area but within the district; or
(b) make contribution to any medical, educational or charitable institutions or any other institutions of public utility, within the panchayat area which are registered under the Karnataka Societies Registration Act, 1961, Karnataka Co-operative Societies Act, 1959 or under any other law for the time being in force.

58A. Duties Of Grama Panchayat To Report Regarding Bonded Labour System Etc :-

It shall be obligatory on the part of a Grama Panchayat to report in such form and at such intervals as may be prescribed to the Deputy Commissioner or to any other authority specified by the Government in this behalf, any case of enforcement of Bonded Labour System which stood abolished under the Bonded Labour System (Abolition) Act, 1976 (Central Act 19 of 1976) in the Panchayat Area failing which it shall be construed as a default in the performance of duties imposed on it for the purpose of section 268.] 1 1. Inserted by Act 30 of 2001 w.e.f. 13.9.2001.

59. Assignment Of Functions :-

(1) The Government may, by notification and subject to such conditions as may be specified therein,-
(a) transfer to any Grama Panchayat the management and maintenance of a forest situated in the panchayat area; (b) make over to the Grama Panchayat the Management of waste lands, pasture lands or vacant lands belonging to the Government situated within the panchayat area;
(c) entrust the Grama Panchayat with the collection of land revenue on behalf of the Government and the maintenance of such records as are connected therewith;
(d) entrust such other functions as may be prescribed: Provided that no entrustment under clause (c) shall be made without the concurrence of the Grama Panchayat concerned: Provided further that when any transfer of the management and maintenance of a forest is made under clause (a) the Government shall direct that any amount required for such management and maintenance or an adequate portion of the income from such forest be placed at the disposal of the Grama Panchayat.
(2) The Government may, by notification, withdraw or modify the functions assigned under this section.

60. General Powers Of The Grama Panchayat :-

Grama Panchayat shall have powers to do all acts necessary for or

incidental to the carrying out of the functions entrusted, assigned or delegated to it and in particular and without prejudice to the forgoing powers, to exercise all powers specified under this Act.

61. Standing Committees :-

(1) Every Grama Panchayat shall constitute the following committees by election:-

(i) Production Committee for performing functions relating to agricultural production, animal husbandry and rural industries and poverty alleviation programmes;

(ii) a Social Justice Committee for performing functions relating to,-
52

(a) promotion of educational, economic, social, cultural and other interest of the Scheduled Castes and Scheduled Tribes and Backward Classes;

(b) protection of such castes and classes from social injustice and any form of exploitation;

(c) welfare of Woman and Children;

(iii) an Amenities Committee to perform functions in respect of education, public health, public works and other functions of the Grama Panchayat. 1 [(1A) Election of members of standing committee shall be held as soon as may be after the general election of members of Grama Panchayat or on its reconstitution or establishment under this Act or immediately before the expiry of term of office of the members of the Standing Committee.

(1B) The term of office of every member of the Standing Committee shall, save as otherwise provided in this Act be thirty months from the date of the election or till he ceases to be a member of the Grama Panchayat, whichever is earlier.] 1 1. Section 1A and 1B Inserted by Act 8 of 2000 w.e.f. 3.4.2000.

(2) (a) Each Committee shall consist of not less than three and not more than five members including the Adhyaksha and Upadhyaksha as the case may be. The Adhyaksha shall be the ex-officio member and Chairman of Production Committee and Amenities Committee. The Upadhyaksha shall be the ex-officio member and Chairman of the Social Justice Committee: Provided that the Social Justice Committee shall consist of at least one member who is a woman and one member belonging to the Scheduled Castes or Scheduled Tribes.

(b) Each Committee shall be competent to co-opt in such manner as may be prescribed, members of farmers clubs, mahila mandals,

yuvak mandals and other similar bodies recognised by the Government. A representative of co-operative societies in the panchayat area shall be co-opted to the Production Committee. The rights and liabilities of the co-opted members shall be such as may be prescribed.

(3) The Standing Committees shall perform the functions referred to above to the extent the powers are delegated to them by the Grama Panchayat.

61A. Other Committees :-

(1) A Grama Panchayat may appoint one or more committees consisting of such members as it may decide for any purpose other than those specified in section 61 and may invest the committee so appointed with such powers and functions as may be necessary or expedient for the fulfillment of the purpose for which it is appointed. 1. Inserted by Act 29 of 1997 w.e.f. 20.10.1997.

(2) The committee appointed under sub-section

(1) shall be competent to co-opt in such manner as may be prescribed such of the residents of the panchayat area.

(3) The procedure of the committee shall be such as may be prescribed.

61B. Xxx :-

1. Omitted by Act 37 of 2003 w.e.f. 1.10.2003.

62. Powers And Duties Of The Adhyaksha And Upadhyaksha :-

(1) The Adhyaksha of the Grama Panchayat shall 1 [be the executive head of the Grama Panchayat and he 53 shall] 1 in addition to the powers exercisable under any other provision of this Act or rules made thereunder,- 1. Inserted by Act 37 of 2003 w.e.f. 1.10.2003.

(a) convene meetings of the Grama Panchayat;

(b) have access to the records of the Grama Panchayat 1 [and may call for records and files, and pass orders thereon in accordance with the provisions in the Act, rules and other standing orders and in pursuance to resolution passed by the Grama Panchayat to that effect: Provided that the Adhyaksha shall not call for the files and records which are directly related to the exercise of independent statutory powers by the Secretary or any other officer of the Grama Panchayat;] 1 and 1. Inserted by Act 37 of 2003 w.e.f. 1.10.2003.

(c) exercise supervision and control over the acts of the officers and employees of the Grama Panchayat 1 [including the Secretary] 1 .

1. Inserted by Act 29 of 1997 w.e.f. 20.10.1997. 1 [(d) have power to place under suspension any officer or employee under the control

of the Grama Panchayat where a disciplinary proceeding against him is contemplated or pending or where a case against him in respect of any criminal offence is under investigation or trial.] 1 1. Inserted by Act 37 of 2003 w.e.f. 1.10.2003.

(2) The Adhyaksha may, if in his opinion the immediate execution of any work or the doing of any act which requires the sanction of a committee or of the Grama Panchayat, is necessary in public interest convene a meeting for the purpose with a notice of twentyfour hours.

(3) The Upadhyaksha of the Grama Panchayat shall exercise the powers and perform the duties of the Adhyaksha when the Adhyaksha is absent, on leave or is incapacitated from functioning.

63. Power Of Grama Panchayat As To Roads, Bridges Etc :-

All village roads and bridges thereon, cart tracks, drains, wells and other public places in the panchayat area not being private property and not being under the control or management of Zilla Panchayat, Taluk Panchayat, Municipal Council, 1 [Town Panchayat, Industrial Township] 1 , or the Government shall vest in the Grama Panchayat and the Grama Panchayat may do all things necessary for the maintenance and repair thereof, and may,- 1. Substituted by Act 29 of 1997 w.e.f. 20.10.1997.

(a) lay-out and make new roads;

(b) construct new bridges;

(c) widen, open, enlarge or otherwise improve any such roads or bridges;

(d) 1 [xxx] 1 divert, discontinue or close any road or bridge; and 1. Omitted by Act 37 of 2003 w.e.f. 1.10.2003.

(e) deepen or otherwise improve any water way: 54 1 [Provided that no road or bridge shall be diverted, discontinued or closed before the Grama Panchayat publishes its intention of doing so] 1 . 1. Substituted by Act 37 of 2003 w.e.f. 1.10.2003.

64. Regulation Of The Erection Of Buildings :-

(1) Subject to such rules as may be prescribed, no person shall erect any building or alter or add to any existing building or reconstruct any building without the written permission of the Grama Panchayat. The permission may be granted on payment of such fees as may be specified by bye-laws.

(2) If the Grama Panchayat does not, within sixty days from the receipt of the application determine whether such permission should be given or not and communicate its decision to the

applicant, such permission shall be deemed to have been given and the applicant may proceed to execute the work, but not so as to contravene any of the provisions of this Act or any rules or bye-laws made under this Act.

(3) Whenever any building is erected, added to or reconstructed without such permission or in any manner contrary to the rules prescribed under sub-section

(1) or any conditions imposed by the permission granted, the Grama Panchayat may, whether any action is taken or not against such person under section 298,-

(a) direct that the building, alteration or addition be stopped; or

(b) by written notice require within a reasonable period to be specified therein, such building, alteration or addition to be altered or demolished as it may deem necessary for the promotion of public health or prevention of danger to life or property.

(4) In the event of non-compliance with the terms of any notice under clause (b) of sub-section (3) within the period specified in the notice, it shall be lawful for the Grama Panchayat to take such action as may be necessary for the completion of the act thereby required to be done, and all the expenses therein incurred by the Grama Panchayat shall be paid by the person or persons upon whom the notice was served and shall be recoverable as if it were a tax imposed under section 199.

(5) An appeal shall lie to the 1 [Executive officer] 1 from any order or direction or notice of the Grama Panchayat under sub-section (1), (2) or (3) and his decision on such appeal shall be final. 1. Substituted by Act 29 of 1997 w.e.f. 20.10.1997.

(6) Any appeal under sub-section (5) pending before the Public Works and Amenities Committee of the Zilla Parishad shall on the date of commencement of the Karnataka Panchayat Raj Act, 1993 stand transferred to the Assistant Commissioner and such appeal shall be decided by him as if it had been filed before him.

65. Power Of Government To Prohibit And Regulate The Erection Of Buildings In Certain Areas Without Permission :-

(1) Notwithstanding anything contained in section 65, the Government may, in the interest of the general public and after consulting the Grama Panchayat concerned prohibit by notification the erection of any building within a specified area within the jurisdiction of a Grama Panchayat except with permission granted

by the Government or any officer authorised by the Government in this behalf (hereinafter in this section referred to as the "authorised officer"): Provided that such prohibition shall not be made in respect of the land which has been set apart as a building site by the Government or the Grama Panchayat prior to the date of such notification. 55

(2) Subject to the provisions of sub-section

(3), the grant of any permission under sub-section (1) may be subjected to such conditions as may be imposed by the Government or the authorised officer in each case or specified generally.

(3) The Government may publish a development plan in respect of the area notified under sub-section (1) after following such procedure as may be prescribed, and on the publication of such plan, no building shall be erected or constructed in such area except in accordance with the specifications and conditions specified in such development plan.

(4) Whoever erects any building contrary to the provisions of sub-section (2) or (3) shall, on conviction, be punished with fine which may extend to five hundred rupees.

(5) The Government or the authorised officer, as the case may be, may demolish any building erected contrary to the provisions of sub-section (1) or (3) or in violation of the conditions imposed under sub-section (2).

66. Permission For The Construction Of Factories And The Installation Of Machinery :-

No person shall, without the permission of the Grama Panchayat and except in accordance with the condition specified in such permission,-

(a) construct or establish any factory, workshop or workplace in which it is proposed to employ steam power, water power or other mechanical power or electrical power, or

(b) install in any premises, any machinery or manufacturing plant driven by any power as aforesaid, not being machinery or manufacturing plant exempted by rules made by the Government under this Act.

67. Prohibition Of Offensive Or Dangerous Trades Without Licence :-

No place within the jurisdiction of Grama Panchayat shall be used for the purpose of any trade, business or industry which the Government may, by notification declare to be offensive or

dangerous, except under a licence granted or renewed by the Grama Panchayat and subject to such conditions as may be imposed in the licence.

68. Control Of Hotels Etc :-

No place within the jurisdiction of a Grama Panchayat shall be used as a hotel, restaurant, eating house, coffee-house, sweetmeat shop, bakery, boarding house or lodging house (other than a hostel recognised by the Government), or a dharmashala or for manufacturing ice or aerated water except under a licence granted or renewed by the Grama Panchayat and except in accordance with conditions specified therein.

69. Licensing Of Shops :-

No place within the jurisdiction of a Grama Panchayat shall be used as a shop whether permanently or temporarily, other than a shop referred to in section 68 and 69 except under a licence granted or renewed by the Grama Panchayat and except in accordance with the conditions specified therein.

70. Provisions Applicable To Permissions And Licences Under Sections 66, 67, 68 And 69 :-

(1) A permission shall be granted under section 66 and a licence under sections 67, 68 and 69 shall be granted or renewed, only on payment in advance of such fee as may be prescribed.

(2) The Grama Panchayat may, for reasons to be recorded in writing refuse to grant the permission under section 66 or to grant or renew a licence, or suspend or cancel a licence granted or renewed, under sections 67, 68, and 69 for default of any of the conditions subject to which the licence was granted. 56

(3) Any person aggrieved by the refusal to grant permission under section 66 or to grant or renew licence, or by the suspension or cancellation of a licence under subsection (2) may, within thirty days of the date of the communication of the order, appeal to the 1 [Executive officer] 1 and his decision on such appeal shall be final. 1. Substituted by Act 29 of 1997 w.e.f. 20.10.1997.

(4) Any appeal under sub-section (3) pending before the General Standing Committee of the Zilla Parishad shall on the date of commencement of the Karnataka Panchayat Raj Act, 1993 stands transferred to the Assistant Commissioner and such appeal shall be decided by him as if it had been filed before him.

71. Transfer Of Institutions Or Works To Grama Panchayats

:-

Subject to such rules as may be prescribed, the Deputy Commissioner or Zilla Panchayat or Taluk Panchayat or any private person or body of persons may, with the consent of the Grama Panchayat and subject to such conditions as may be agreed upon, make over to it the management of any institution or the execution or maintenance of work or the performance of any duty within the area over which it has got control.

72. Obstructions And Encroachments Upon Public Streets And Open Sites :-

(1) Whoever not duly authorised in this behalf, within the limits of a panchayat area,-

(a) shall have built or set up, or shall build or set up, any wall, fence, rail, post, stall, verandah, platform, plinth, step or any projecting structure or other encroachment or obstruction; or

(b) shall deposit or cause to be placed or deposited any box, bale, package, or merchandise or any other thing in any public street or place or in or over or upon any open drain, gutter, sewer or aqueduct in such street or places, shall on conviction, be punished with fine which may extend to one hundred rupees and with further fine which may extend to five rupees for every day on which such projection encroachment, obstruction or deposit continues after the date of first conviction for such offence.

(2) The Grama Panchayat shall have power to remove any such obstruction or encroachment, and shall have the like power to remove any unauthorised obstruction or encroachment of the like nature in any open site not being private property, whether such site is vested in the Grama Panchayat or not. The expenses of such removal shall be paid by the person who has caused the said obstruction or encroachment and shall be recoverable as if it were a tax imposed under section 199.

(3) Whoever, not being duly authorised in that behalf, removes earth, sand other than sand used for domestic purposes by residents of the panchayat area or other materials from, or makes any encroachment in or upon any open site which is not private property shall, on conviction, be punished with fine which may extend to two hundred rupees, and,-

(i) in the case of an encroachment, with further fine which may extend to two rupees for every day on which the encroachment continues after the date of first conviction;

(ii) in the case of removal of earth, sand or other material, twice the value of such earth, sand or other material shall also be recoverable as a fine.

(4) Nothing contained in this section shall prevent the Grama Panchayat from allowing any temporary occupation of or erection in any public street on occasions of festivals and ceremonies or the piling of fuel in by-streets and sites for not more than four days, and in such manner as not to inconvenience the public or any individual.

73. Power To Name Streets And Number Buildings :-

(1) The Grama Panchayat may cause a name to be given to any street and may also cause a number to be affixed to any building or part of a building and may, from time to time, cause such name and number to be altered.

(2) No person shall destroy , remove, deface or in any way injure or alter any such name or number or put up or paint any name or number different from that put up or painted by the order of the Grama Panchayat.

(3) Any person who destroys, removes, injures, alters or defaces any such name or number or puts any name or number different from that put up by order of the Grama Panchayat and any owner of any premises who does not at his own expenses keep such number in good order after it has been put up shall, on conviction , be punished with fine which may extend to one hundred rupees.

74. Removal Of Structures, Trees Etc., Which Are In Ruins Or Likely To Fall :-

(1) If it appears at any time to the Grama Panchayat that any building or any part thereof or any tree or branch of a tree is in a ruinous state or is likely to fall or is in any other way dangerous to any person occupying, resorting to or passing by the such building or the part thereof, or the tree or the branch of the tree, the Grama Panchayat may by written notice require the owner or occupier of such building or trees as the case may be,-

(i) to pull down, lop or cut down; or

(ii) to secure; or

(iii) to remove; or

(iv) to repair, such building or part of it or the tree or the branch of the tree, as the case may be, and to prevent all causes of danger therefrom.

(2) If it appears to the Grama Panchayat that the danger from a building or tree which is ruinous or about to fall is imminent, it may, before the period of notice expires, fence off, pull down, lop or cut down, secure or repair the said building or tree, as the case may be, or take such steps as may be required to arrest danger.

(3) Any expenses incurred by the Grama Panchayat in this behalf may be recovered from the owner or occupier of the building or tree, as the case may be, as if it was a tax imposed under section 199.

(4) The Grama Panchayat shall issue a notice under sub-section (1) after giving the owner or occupier, as the case may be, a reasonable opportunity of stating any objection, adducing evidence, if any, and after being satisfied that the objection which is raised is invalid or insufficient.

75. Power As To Sanitation, Conservancy And Drainage :-

(1) If it appears necessary to improve the sanitary condition of any area within its jurisdiction a Grama Panchayat may, by a written notice require within a reasonable period to be specified therein,-
58

(i) the owner or occupier of any building or any hut or the owner of any privy to remove such hut or privy either wholly or in part;

(ii) the owner or the occupier of any building to construct private drains thereof or to alter or to remove private drains thereof;

(iii) the owner or occupier of any land or building which needs to be cleansed, to cause the same to be cleansed to the satisfaction of the Grama Panchayat;

(iv) the owner or occupier of any land or building which contains a well, pool, ditch, pit, pond, tank or any place containing or used for the collection of any drainage, filth or stagnant water, which is injurious to health or offensive to the neighbourhood or is otherwise a source of nuisance to cause the same to be filled up, cleansed or deepened or to cause the water to be removed therefrom or drained off or to take such other action therewith, as may be deemed necessary by the Grama Panchayat;

(v) the owner or occupier of any land overgrown with vegetation, undergrowth, prickly pear, or jungle, which is in any manner injurious to health or dangerous to the public or offensive to the neighborhood or an impediment to efficient ventilation, to cause it to be cleared of the vegetation, under-growth, prickly pear or jungle;

(2) If any work required by a notice under sub-section (1) is not executed within the period specified in the notice, the Grama Panchayat may itself cause such work to be carried out and may recover the cost of such work or part thereof from the owner or occupier referred to in sub-section (1) as if it were a tax imposed under section 199.

76. Contribution From Persons Having Control Over Places Of Pilgrimage, Etc :-

(1) Where a church, mosque, temple, mutt, or any place of religious worship or institution or any place which is used for holding fairs or festivals or for other like purposes is situated within the limits of a Grama Panchayat or in the neighbourhood thereof and attracts either throughout the year or on particular occasions a large number of persons, any special arrangement necessary for the public health, safety or convenience whether permanent or temporary shall be made by the Grama Panchayat, the Deputy Commissioner may after providing sufficient opportunity to the Board of Trustees or other persons having control over such place require him or it to make such recurring or non-recurring contribution to the funds of the Grama Panchayat as he may determine in such manner as may be prescribed.

(2) The Board of Trustees or other persons required to make a contribution under sub-section (1) may appeal to the Commissioner against any determination made by the Deputy Commissioner.

(3) Any contribution directed to be paid under sub-section (1) shall be recoverable as an arrears of land revenue.

77. Power For Providing Adequate Water Supply :-

(1) For providing the area under its control or any part thereof with a supply of water pure and sufficient for public and private purposes, the Grama Panchayat may,-

(a) construct, repair and maintain tanks or wells and clear streams or water courses;

(b) purchase or acquire by gift or otherwise any tank, well, stream or water course, or any right to take or convey water within or without the area under its control;

(c) with the consent of the owner thereof utilise, cleanse or repair any tank, well, stream or water course or provide facilities for obtaining water therefrom;

(d) contract with any person for supply of water, or

(e) do any other act for carrying out the purposes of this section.

(2) The Grama Panchayat may, by order published at such place as it may think fit, set apart for the supply of water to the public for drinking or culinary purposes, any tank, well, stream or water course in respect of which action has been taken under clause (a) or (b) or (c) of sub-section (1) subject to any rights which the owner referred to in clause (c) of sub-section (1) may retain with the consent of the Grama Panchayat.

(3) The Grama Panchayat may by order published at such place as it may think fit, prohibit,-

(a) bathing, washing of clothes and animals or other acts likely to pollute the water of any tank, well, stream or water course set apart for drinking or culinary purpose under sub-section (2), and

(b) the use of any source of water supply for drinking or culinary purposes or for the washing of clothes during epidemics.

78. Power Of Grama Panchayat To Make Bye-Laws Regarding Provision Of Water Supply :-

Subject to such rules as the Government may make in this behalf, a Grama Panchayat may make bye-laws for conserving and preventing injury to sources and means of water supply and appliances for the distribution of water whether within or without the limits of the Grama Panchayat, and for regulating all matters connected with the supply and use of water, and turning on ,or turning off, and preventing the waste of water, and construction ,maintenance and control of Grama Panchayat water works and pipes and fittings in connection therewith whether the property is of the Grama Panchayat or not.

79. Appointment Of Joint Committees :-

(1) Two or more Grama Panchayats within a Taluk, or within two or more Taluks in a district, or a Grama Panchayat and one or more other local authority or statutory body, for any specific purpose common to all of them, or for any purpose in which they are jointly interested or for which they are jointly responsible, may by like resolution passed by each of them, appoint a Joint Committee for such purpose. 1. Substituted by Act 37 of 2003 w.e.f. 1.10.2003.

(2) A Committee constituted under sub-section (1), shall be competent to co-opt in such manner as may be prescribed, the residents of the Panchayat areas concerned.

(3) The Joint Committee may, include persons who are not members of the local authorities or statutory bodies concerned but

who may in their opinion possess special qualifications or special interest for serving on such committee: Provided that the number of such persons shall not exceed one-third of the total number of members of the Joint Committee.

(4) The Government may by general or special order provide for the following matters, namely:-

- (a) the procedure of the Joint Committee;
 - (b) The total number of members of the Committee;
 - (c) The number of members to be appointed or elected under sub sections (2) and (3);
 - (d) The manner of election or appointment under sub-sections (2) and (3);
 - (e) The term of Office;
 - (f) The powers of the committee which shall not be in excess of the powers that can be exercised by the local authorities or statutory bodies concerned;
 - (g) the provisions of funds to the Joint Committee and its administration;
 - (h) the manner of selection of the chairperson of Joint Committee;
- (5) The Joint Committee may be dissolved after serving the purpose for which it was constituted.
- (6) The Government may issue such direction as it thinks necessary in regard to the distribution of its assets and liabilities when the Joint committee is dissolved]

80. Power Of Entry :-

Any member, officer or servant of a Grama Panchayat may enter into or upon any building or land with or without assistance or workmen, in order to make any inspection or execute any work for any of the purposes of this Act: Provided that,-

- (a) no such entry shall be made between sunset and sunrise;
- (b) unless the entry be with the consent of its occupier, no dwelling house shall be so entered without giving reasonable previous notice signed by the Adhyaksha or by a person duly authorised by him in this behalf of the intention to make such entry; and
- (c) due regard shall be had in making such entry to the social and religious usages of the occupants of the premisses entered.

81. Filthy Buildings Etc :-

Whoever, being the owner or occupier of any building or land, whether tenantable or otherwise suffers the same to be in a filthy or unwholesome state, or in the opinion of the Grama Panchayat a nuisance to persons residing in the neighborhood or overgrown with

prickly pear or rank and noisome vegetation ,and who shall not, within a reasonable time after notice in writing from any person authorised by the Grama Panchayat in this behalf to cleanse, clear or otherwise put the same in a proper state, have complied with the requisition contained in such notice, shall, on conviction, be punished with fine which may extend to one hundred rupees and if the offence be a continuing one with further fine which may extend to five rupees for every day during which the said offence is continued after the date of first conviction.

82. Powers And Duties In Regard To Sources Of Water Supply :-

The Secretary or any officer authorised by the Grama Panchayat in this behalf may at any time by written notice require that the owner or any person who has control over any well, stream, channel, tank, or other sources of water supply shall, whether it is private property or not,-

(a) if the water is used for drinking,-

(i) keep and maintain any such source of water supply, other than a stream, in good repair, or

(ii) within a reasonable time to be specified in the notice cleanse any such source of water supply from silt, refuse and decaying vegetation, or

(iii) in such manner as the Grama Panchayat directs protect any such source of water supply from pollution by surface drainage, or

(iv) desist from using and from permitting others to use for drinking purposes any such sources of water supply, which not being a stream in its natural flow, is in the opinion of the Grama Panchayat unfit for drinking, or

(v) if, notwithstanding any such notice under sub-clause (iv) such use continues and cannot, in the opinion of the Grama Panchayat, be otherwise prevented, close either temporarily or permanently, or fill up or enclose or fence in such manner as the Grama Panchayat considers sufficient to prevent such use, such source of water supply, or

(vi) drain off or otherwise remove from any such source of water supply, or from any land or premises or receptacle or reservoir attached or adjacent thereto any stagnant water which the Grama Panchayat considers is injurious to health or offensive to the neighborhood;

(b) within twenty four hours of such notice repair, protect or enclose in such manner as the Grama Panchayat may direct or

approve any source of water supply, whether used for drinking purposes or not, other than a stream in its natural flow, if for want of sufficient repair, protection or enclosure such source of water supply is in the opinion of the Grama Panchayat dangerous to the health or safety of the public or of any persons having occasion to use or to pass by or approach the same.

83. Remedy For Non-Compliance With Directions Issued :-

If the owner or the person having control as aforesaid fails or neglects to comply with any such requisition within the time required by or under the provisions of section 83, Grama Panchayat may, and if in the opinion of the Secretary immediate action is necessary to protect the health or safety of any person, he shall at once, proceed to execute the work required by such notice, and all the expenses incurred thereon shall be paid by the owner, or person having control over such source of water supply, and shall be recovered in the same manner as an amount claimed on account of any tax recoverable under section 200: Provided that in the case of any well or private stream or any private channel, tank or other source of water supply the water of which is used by the public or by any section of the public as of right the expenses incurred by such owner or person having control may, if the Grama Panchayat so directs, be paid from the Grama Panchayat fund.

84. Power To Set Apart Public Springs Etc., For Certain Purposes :-

The Grama Panchayat may by public notice which shall be put up at the spring, tank or other places concerned and otherwise as required by this Act, set apart public springs, tanks, wells and other places and parts of public water sources for drinking purposes or for bathing or for washing clothes or animals or for any other purposes calculated to promote the health, cleanliness, comfort or convenience of the inhabitants, and with the consent of the owners, may also set apart any private springs, tanks, wells or other places for any of the aforesaid purposes.

85. Power To Prohibit Use Of Water From Certain Sources :-

The Grama Panchayat may, during epidemics, on receipt of a certificate from any medical officer in the employ of the Taluk Panchayat, Zilla Panchayat or of the Government stating that such action is desirable, summarily by notice prohibit the use of water from any source to which the public have access. Such notice shall be served by putting up a copy thereof near the source of water

supply stating the number of days during which such prohibition shall last. The Grama Panchayat may from time to time extend or modify the period of prohibition without the production of a further certificate.

86. Penalty For Using Water For Certain Purposes :-

Whoever,-

- (a) bathes on, or defiles, the water in any place set apart for drinking purposes by the Grama Panchayat or, in the case of private property, by the owner thereof, or
- (b) deposits any offensive or deleterious matter in the dry bed of any place set apart as aforesaid for drinking purposes, or
- (c) washes clothing in any place set apart as aforesaid for drinking or bathing , or
- (d) washes any animal or any cooking utensils or wood, skins, or other foul or offensive substance, or deposits, any offensive or deleterious matter in any place set apart as aforesaid for drinking purposes or for bathing or for washing clothes, or
- (e) allows the water from a sink, sewer, drain, engine or boiler or any other offensive matter belonging to him or flowing from any building or land belonging to or occupied by him to pass into any place set apart as aforesaid for drinking purposes or for bathing or for washing clothes, or
- (f) uses water from any source in contravention of the provisions of section 85, shall, on conviction, be punished with fine which may extend to fifty rupees and if the offence be a continuing one, with further fine which may extend to ten rupees for every day during which the said offence is continued after the date of first conviction.

87. Abatement Of Nuisance From Foul Water :-

When any pool, ditch, tank, pond, well, hole, or any waste or stagnant water, or any channel, or receptacle of foul water or other offensive or injurious matter, whether the same be within any private enclosure or otherwise shall appear to the Secretary to be likely to prove injurious to the health of the inhabitants or offensive to the neighborhood, the Secretary may by written notice require the owner of the same to cleanse, fill up, drain off or remove the same, or to take such measure as shall, in his opinion be necessary to abate or remove the nuisance.

88. Closing Of Places For The Disposal Of The Dead :-

- (1) If the Grama Panchayat is of opinion that any place in the

panchayat area which is used for the disposal of the dead is in such a state as to be, or to be likely to become injurious to health, it may forward its opinion with the reasons, therefor to the Assistant Commissioner. The Assistant Commissioner may thereupon, after such further inquiry, if any, as he shall deem fit to cause to be made by notification direct that such place shall cease to be so used from such date as may be specified in that behalf in the notification.

(2) A copy of the said notification shall be published in the local newspapers, if any, and shall be pasted up at the Grama Panchayat office and in one or more conspicuous spots on or near the place to which it relates.

(3) Any person who buries or otherwise disposes of any corpus in any such place after the date specified in the said notification for closure thereof or buries any corpse in any unoccupied Government land not set apart for the burial of the dead under the provisions of any law for the time being in force or by established usage, shall on conviction, be punished with fine which may extend to one hundred rupees.

89. Power Of Entry Into Building, Etc., Where Infectious Disease Exists :-

The Secretary or any person authorised by the Grama Panchayat in this behalf may enter at any time after reasonable notice, any building or premises in which any infectious disease is reported or suspected to exist, for the purpose of inspecting such building or premises. No such inspection shall be made except between sunrise and sunset.

90. Disinfection Of Buildings, Etc :-

If the Secretary is of opinion that the cleansing or disinfecting of a building or premises or of a part thereof or of any articles therein likely to retain infection, would tend to prevent or check the spread of any infectious disease he may by notice require the owner or occupier to cleanse or disinfect the same within a time to be specified in such notice: Provided that if the Secretary considers that immediate action is necessary or that the owner or occupier is by reason of poverty or otherwise, unable effectively to comply with his requisition, he may himself cause such building or premises or articles to be cleansed or disinfected and for this purpose may cause such articles to be removed from such building or premises and the expenses incurred under this section shall be recoverable in the manner provided in chapter XIII from the said owner or

occupier unless he was by reason of poverty unable effectively to comply with the requisition.

91. Articles Exposed To Infection :-

(1) The Secretary shall, from time to time, notify places at which articles of clothing or bedding or other articles which have been exposed to infection from any dangerous or infectious disease may be washed or disinfected.

(2) The Secretary may direct the destruction of clothing, bedding, or other articles likely to retain such infection.

(3) Whoever washes such clothing or bedding or other articles at any place other than those set apart for such purposes under subsection (1), shall, on conviction be punished with fine which may extend to fifty rupees.

92. Registration Of Burial And Burning Grounds :-

(1) Every owner or person having the control of any place used at the commencement of this Act, as a public place for burying, burning or otherwise disposing of the dead in a panchayat area, shall, if such place be not already registered under any law applicable thereto, apply to the Grama Panchayat to have such place registered under this Act.

(2) If it appears to such Grama Panchayat that there is no owner or person having control of such place, the Grama Panchayat shall assume such control, and register such place or may close it.

93. Licensing Of Places For Disposal Of The Dead :-

(1) No new place for the disposal of the dead whether private or public, shall be opened, formed constructed or used in a panchayat area unless after an application for the purpose is made and a licence is obtained from, the Grama Panchayat.

(2) Such application for a licence shall be accompanied by a plan of the place to be licenced showing the locality, boundary and extent thereof, the name of the owner or 64 person or community interested therein, the system of management and such other particulars as the Grama Panchayat may require.

(3) The Grama Panchayat to which an application is made, may,-

(a) grant, or refuse a licence, or

(b) postpone the grant of a licence until objections, if any, to the site, considered reasonable by the Grama Panchayat have been

removed or any particulars called for by it have been furnished.

94. A Book To Be Kept Of Places Registered, Licensed, Or Provided :-

(1) A book shall be kept at the office of every Grama Panchayat in which the places registered, licensed or provided under section 92 or section 93 shall be recorded.

(2) A notice that such place has been registered, licensed or provided as aforesaid, shall be affixed at or near the entrance to such place conspicuously.

95. Prohibition Against Burying Or Burning, In Unauthorised Places :-

No person shall in any panchayat area bury, burn or otherwise dispose of or cause or suffer to be buried, burnt or otherwise disposed of any corpse in any place within hundred meters of a dwelling place or any source of drinking water supply other than a place registered under section 92 or licensed under section 93, or provided by the Grama Panchayat.

96. Notice Of Burials, Etc., To Be Given To Grama Panchayat :-

The person having control of a place for disposing of the dead in a panchayat area shall give information of every burial, burning or other disposal, of a corpse at such place to any person appointed by the Grama Panchayat.

97. Public Landing Places, Carts Stand Etc :-

Save as otherwise provided in this Act and subject to such rules as may be prescribed a Grama Panchayat, may,

(a) provide public landing places, halting places, and cart stands (which last expression includes stands for any animals and vehicles of any description) and levy fees for their use; and

(b) where any such place or stand has been provided, prohibit the use for the same purpose by any person within such distance thereof, of any public place or the sides of any public road, as the Grama Panchayat may specify. 1. Omitted by Act 29 of 1997 w.e.f. 20.10.1997.

98. Regulation Of Huts :-

No person shall erect any hut, shed or range or block of huts or sheds or add to any hut or shed already existing in panchayat area without obtaining previous permission. The Grama Panchayat may

require such huts or sheds to be built so that they may stand in regular lines with a free passage or way in front of and between every two lines of such width as the Grama Panchayat may think proper for ventilation and to facilitate scavenging and at such a level as will admit of sufficient drainage. If any hut or shed is built without obtaining previous permission of the Grama Panchayat, the Grama Panchayat may give written notice to the owner or builder thereof or to the owner or the occupier of the land on which the same is erected or is being erected requiring him within such reasonable time as may be specified in the notice to remove the same or to make such alterations therein or additions thereto as having regard to the sanitary consideration, the Grama Panchayat may think fit.

99. Power For Making Drains :-

(1) In order to carry out any drainage scheme, it shall be lawful for a Grama Panchayat to carry any drain, sewer, conduit, tunnel, culvert, pipe 65 or water course through, across or under any cellar or vault which may be under any street and after giving reasonable notice in writing to the owner or occupier, into, through or under any land whatsoever within the panchayat area.

(2) The Grama Panchayat or any officer authorised by it for such purpose may enter upon and construct any new drain in the place of an existing drain in any land wherein any drain vested in the Grama Panchayat has been already constructed or may repair or alter any drain vested in the Grama Panchayat.

(3) In the exercise of any power under this section, no unnecessary damage shall be done, and due compensation shall be paid by the Grama Panchayat to any person who sustains damage by the exercise of such power.

100. Sufficient Drainage Of Houses :-

(1) If any building or land in a panchayat area is, at any time, under drained, or not drained to the satisfaction of the Grama Panchayat, the Grama Panchayat may, by written notice call upon the owner to construct or lay from such building or land a drain or pipe of such size and materials, at such level, and with such fall as it thinks necessary for the drainage of such building or land into,-

(a) some drain or sewer, if there is a suitable drain or sewer within sixteen meters of any part of such building or land, or

(b) a covered cess pool to be provided by such owner.

(2) It shall not be lawful newly to erect any building or to rebuild any building or to occupy any building newly erected or rebuilt in a panchayat area unless and until,-

(a) a drain is constructed of such size, materials and description, at such level, and with such fall, as shall appear to the Grama Panchayat to be necessary for the effectual drainage of such building, or

(b) there have been provided for and set up in such building and in the land appurtenant thereto all such appliances and fittings as may appear to the Grama Panchayat to be necessary for the purposes of gathering and receiving the drainage from , and conveying the same off, the said building and the said land and of effectually flushing the drain of the said building and every fixture connected therewith.

(3) The drain to be constructed as aforesaid shall empty into a Grama Panchayat drain, or into some place legally set apart for the discharge of drainage situated at a distance not exceeding sixteen meters from such building, but if there is no such drain or place within that distance, then such drain shall empty into such cess pool as the Grama Panchayat directs.

101. Power Of Owner Or Occupier Of Buildings Or Lands To Drain Into Grama Panchayat Drains :-

The owner or occupier of any building or land within a panchayat area shall be entitled to cause his drain to empty into sewer of the Grama Panchayat, provided that he first obtains the written permission of the Grama Panchayat and that he complies with such conditions as the Grama Panchayat prescribes as to the mode in which and the superintendence under which the communications are to be made between drains not vested in the Grama Panchayat and drains which are so vested.

102. Right To Carry Drain Through Land Or Into Drain Belonging To Other Persons :-

(1) If the owner or occupier of any building or land within a panchayat area desires to connect the same with any Grama Panchayat drain by means of a drain, to be constructed through land or connected with a drain belonging to or occupied by or in the use of some other person, he may make an application in that behalf to the Grama Panchayat.

(2) Thereupon the Grama Panchayat after giving to such other person a reasonable opportunity of stating any objection, may, if

no objection is raised or if the objection raised is insufficient, authorise the applicant to carry his drain into or through or under the land or into the said drain, as the case may be, in such manner and on such conditions as to the payment of rent or compensation, and as to the respective responsibilities of the parties for maintenance and repair as may appear to it to be adequate and equitable.

(3) Every such order shall be a complete authority to the person in whose favour it is made, or to any agent or other person employed by him for this purpose, after giving or tendering to the owner, occupier or user of the said land or drain the compensation and rent, if any, specified in the said order, and otherwise fulfilling as far as possible the conditions of the said order, and after giving to the said owner, occupier or user reasonable notice in writing, to enter upon the land specified in the said order with assistants and workmen at any time between sunrise and sunset and, subject to the provisions of this Act, to do all such work as may be necessary,-

(a) for the construction or connection of the drain as may be authorised by the said order;

(b) for renewing, repairing, or altering the same as may be necessary from time to time; or

(c) for discharging any responsibility attaching to him under the terms of the order as to maintaining, repairing, flushing, cleaning or emptying the said drain or any part thereof.

(4) In executing any work under this section as little damage as possible shall be done and the owner or occupier of the building or land for the benefit of which the work is done shall cause the work to be executed with the least practicable delay and fill in, reinstate and make good at his own cost the ground or any portion of the building or other construction opened, broken up or removed for the purpose of executing the said work and pay compensation to any person who sustains damage by the execution of the said work.

103. Rights Of Owner Of Land Through Which Drain Is Carried In Regard To Subsequent Building Thereon :-

If the owner of any land into, through or under which a drain has been carried under section 102 whilst such land was not built upon shall at any subsequent time desires to construct a building thereon, the Grama Panchayat shall, if it sanctions the construction of such building or land, by written notice require the owner to demolish or close any privy for the benefit of which such drain was constructed, to close remove or divert the same, and to fill in

reinstate and make good the land in such manner as it may deem to be necessary in order to admit of the construction or safe enjoyment of the proposed building.

104. Provision Of Privies, Etc :-

(1) In case a Grama Panchayat is of the opinion that any privy or cesspool or additional privies or cesspools should be provided in or on any building or land, are shifted or removed from any building or land or in any area in which a water closet system has been introduced, that water closets should be substituted for the existing privies in or on any building or land or that additional water closets should be 67 provided therein or thereon, the Grama Panchayat may, by written notice, call upon the owner of such building or land to provide such privies, cesspools or water closets as the Grama Panchayat may deem proper.

(2) A Grama Panchayat may, by written notice, require any person or persons employing workmen or labourers exceeding twenty in number or owning or managing any market, school or theatre or other place of public resort, to provide such latrines and urinal as the Grama Panchayat may direct, and to cause the same to be kept in proper order, and to be daily cleansed.

(3) A Grama Panchayat may, by written notice, require the owner or occupier of any land upon which there is a privy or urinal to have such privy or urinal shut out, by a sufficient roof and a wall or fence, from the view of the persons passing by or resident in the neighbourhood or to alter as it may direct any privy door or trap-door which opens on to any street, and which it deems to be a nuisance.

105. Cost Of Altering, Repairing And Keeping In Proper Order Privies Etc :-

(1) All sewers, drains , privies, water closets, house-gullies and cesspools within a panchayat area shall, unless constructed at the cost of the Grama Panchayat be altered, repaired, and kept in proper order at the cost and charges of the owner of the land and buildings to which the same belong, or for the use of which they are constructed or continued, and the Grama Panchayat may, by written notice, require such owner to alter, repair and put the same in good order in such manner as it thinks fit. (2) The Grama Panchayat may, by written notice, require the owner to demolish or close any privy or cesspool whether constructed before or after the

coming into force of this Act, which in the opinion of the Grama Panchayat, is a nuisance, or is so constructed as to be inaccessible for the purposes of scavenging or incapable of being properly cleansed or kept in good order.

106. Inspection Of Drains, Etc :-

1) A Grama Panchayat or any officer appointed by it for such purpose may inspect any sewer, drain, privy, water-closet, house-gully or cesspool, and for that purpose, at any time between sunrise and sunset, may enter upon any lands or buildings, with assistants and workmen and cause the ground to be opened where he or it may think fit, doing as little damage as may be.

(2) The expenses of such inspection, and of causing the ground to be closed and made good as before, shall be borne by the Grama Panchayat unless the sewer, drain, privy, water-closet, house-gully or cesspool is found to be in bad condition, or was constructed in contravention of the provisions of any enactment, or of any bye-law of the Grama Panchayat in force at the time, in which case such expenses shall be paid by the owner of such sewer, drain, privy, water-closet, house-gully or cesspool and shall be recoverable in the same manner as a tax or fee due to the Grama Panchayat.

107. Dangerous Quarrying :-

If in the opinion of a Grama Panchayat the working of any quarry or the removal of a stone, earth or other material, from the soil in any place is dangerous to persons residing in or having legal access to the neighborhood thereof or creates or is likely to create a nuisance, the Grama Panchayat may, by written notice, require the owner of the said quarry or place or the person responsible for such working or removal not to continue or permit the working of such quarry or the removing of such material or to take such order with such quarry or place as the Grama Panchayat shall direct for the purpose of preventing danger or of abating the nuisance arising or likely to arise therefrom: Provided that if such quarry or place is vested in the Government or if such working thereof or removal therefrom as aforesaid is being carried on by or on behalf of the Government or any person acting with the permission or under the authority of the Government or any officer of the Government acting as such, the Grama Panchayat shall not take such action unless and until the Director of Mines and Geology or the person authorised by him in this behalf has consented to its so doing: Provided further that the Grama Panchayat shall immediately cause

a proper hoarding or fence to be put up for the protection of passers by near such quarry or place, if in any case referred to in this section it appears to it to be necessary in order to prevent imminent danger, and any expense incurred by the Grama Panchayat in taking action under this section shall be paid by such owner or other person as aforesaid and shall be recoverable in the same manner as an amount claimed on account of any tax due to the Grama Panchayat.

108. Using Offensive Substance, Etc :-

Whoever, except with the written permission of a Grama Panchayat and except in the manner, if any, enjoined in such permission stores or uses night soil or other substance emitting an offensive smell other than cattle manure shall, on conviction, be punished with fine which may extend to one hundred rupees.

109. Emission Of Smoke :-

(1) It shall be lawful for a Grama Panchayat to direct by public notice that every furnace employed or to be employed, in any works or buildings used, for the purpose of any trade or manufacture whatsoever, within the limits of the Grama Panchayat, whether a steam engine is or is not used or employed therein, shall in all cases be constructed, supplemented or altered as to consume or burn or reduce as far as may be practicable the smoke arising from such furnace.

(2) If any person shall, after such direction, use or permit to be used, any such furnace not so constructed, supplemented or altered or shall so negligently use or permit to be used any such furnace that the smoke arising therefrom shall not be effectually consumed or burnt as far as may be practicable, every person so offending being the owner or occupier of the said work or building or being an agent or other person employed by such owner or occupier for managing the same, shall, on conviction, be punished with fine which may extend to one hundred rupees and upon any subsequent conviction with fine which may extend to five hundred rupees: Provided that nothing in this section shall be held to apply to locomotive engines used for the purpose of traffic upon any railway or for the repair of road.

110. Prohibition Of Nuisance :-

Whoever within a Grama panchayat area,-

(a) in any public street or public place,-

- (i) eases himself; or
 - (ii) loiters or begs importunately for alms ; or
 - (iii) exposes or exhibits, with the object of exciting charity, any deformity or disease or any offensive sore or wound; or
 - (iv) carries meat exposed to public view; or
 - (v) without proper authority pickets animals, or collects carts; or
 - (vi) without proper authority defaces or writes upon or otherwise marks any building, monument, post, wall, fence, tree or other thing; or
 - (vii) without proper authority affixes upon any building , monument, post, wall, fence, tree or other thing, any bill, notice or other document; or
 - (viii) without proper authority removes, destroys defaces or otherwise obliterates any notice or other document put up or exhibited under this Act or the rules or bye-laws made thereunder;
- or (b) at any time or place at which the same has been prohibited by the Grama Panchayat by public or special notice, beats any drum or tom-tom or blows a horn or trumpet or beats any utensil or sounds any brass or other instrument or plays any music; or
- c) without proper authority disturbs the public peace or order by singing, screaming or shouting, or by using any apparatus for amplifying or reproducing the human voice, such as a megaphone or a loudspeaker; or
- (d) lets loose any animal so as to cause, or negligently allows any animal to cause injury, danger, alarm or annoyance to any person; or
- (e) uses or permits to be used as a latrine any place not intended for that purpose, shall, on conviction be punished with fine which may extend to one hundred rupees.

CHAPTER 5

STAFF OF GRAMA PANCHAYATS

111. Secretary :-

(1) Every Grama Panchayat shall have a whole time Secretary who shall be an officer of the Government and shall draw his salary and allowance from the fund of the Grama Panchayat, after the same is credited to the Grama Panchayath fund by the Government. 1. Substituted by Act 37 of 2003 w.e.f. 1.10.2003.

(2) The Secretary shall perform all the duties and exercise all the powers imposed or conferred upon him by or under this Act or any rules or bye-laws made thereunder.

(3) Without prejudice to the generality of the provisions under sub-section

(2), the Secretary shall perform the following functions, namely:-

(a) submit to the Grama Panchayat the monthly accounts of the Grama Panchayat before the tenth day of succeeding month;

(b) furnish returns, statement of accounts and such other information when called for, by the Government or the auditor;

(c) inspect or cause to be inspected the accounts of institutions under the control of the Grama Panchayat;

(d) keep records of the Grama Panchayat. Standing committees, and other committees, Grama Sabha and Ward Sabha;

(e) co-ordinate the preparation of the annual plan and five year plan so that the approved plan is submitted to the District Planning Committee in time; 70

(f) disburse Grama Panchayat fund and plan fund to the officers concerned and furnish utilization certificate in the manner prescribed.]

112. Staffing Pattern And Schedule Of Employees :-

(1) The Government may, by order, specify the staffing pattern, the scales of pay and mode of recruitment of staff of Grama Panchayats.

(2) The Grama Panchayat shall, subject to sub-section (1), determine and submit for approval of the Chief Executive Officer a schedule of employees specifying the designations and grades and the salaries and allowances payable to its officers other than the Secretary required for carrying out the duties imposed upon the Grama Panchayat by or under this Act.

113. Appointment And Control Of Employees :-

(1) Subject to the provisions of sections 111 and 112 the Grama Panchayat may, with the prior approval of the Chief Executive Officer appoint other employees of the Grama Panchayat and pay their salaries from the Grama Panchayat Fund: Provided that in making appointments the appointing authority shall reserve posts for the Scheduled Castes, the Scheduled Tribes and other socially and educationally backward classes of citizens in the same manner and to the same extent as is applicable for the recruitment to posts in the State Civil Services.

(2) The Secretary may, by order, fine 1 [x x x] 1 or withhold, the increment of any employee appointed by the Grama Panchayat. 1. Omitted by Act 37 of 2003 w.e.f. 1.10.2003.

(3) The Grama Panchayat may reduce in rank, remove or dismiss any employee appointed by it.

(4) An appeal shall lie against an order passed by the Secretary under sub-section (2) to the Executive Officer and against an order passed by the Grama Panchayat under sub-section (3) to the Chief Executive Officer 1 [xxx] 1. Omitted by Act 37 of 2003 w.e.f. 1.10.2003.

(5) Any appeal under sub-section (4) pending before the Mandal Panchayat or the Zilla Parishad on the date of commencement of the Karnataka Panchayat Raj Act, 1993, shall stand transferred respectively to the Executive Officer and the Chief Executive Officer and such appeal shall be decided by them as if it had been filed before them.

113A. Arrangements For Additional Technical Staff For Grama Panchayat :-

(1) The Government may, if required, pool the officers and officials of the State Civil Service including engineering or technical staff and post them to one or more Grama Panchayats: 1. Inserted by Act 37 of 2003 w.e.f. 1.10.2003. Provided that if there is dearth of officers or officials for such posting under this sub-section, the Grama Panchayat may in the exigencies of service engage the services of technical staff including engineers not belonging to State Civil Service for specific work, on terms and conditions as may be specified by the Government in this regard.

(2) The officers and employees posted to a Grama Panchayat under sub-section (1) shall perform functions and discharge duties as if they are officers and employees of 71 that Grama Panchayat and they shall attend to, in addition to their normal duties any other duty assigned to them by the Grama Panchayat subject to the guidelines, if any, issued by the Government.

(3) The officers and employees posted to a Grama Panchayat under sub-section (1) shall execute works, discharge functions or perform duties involving implementation of any scheme, project or plan of the Government, not assigned to the Grama Panchayat under this Act or any other law.

(4) The Government shall continue to pay the salary, allowances and other dues to officers and officials posted to the Grama Panchayat under sub-section (1)]

CHAPTER 6

CONVERSION OF SMALLER URBAN AREA OR A TRANSITIONAL AREA AND AMALGAMATION

114. Interpretation :-

For the purpose of this charter, unless the context otherwise requires,-

(a) "municipal council" includes a person or persons appointed to exercise the powers and to perform the functions of municipal council; 1 [(b) "Town Panchayat" means a Town Panchayat

constituted under section 350 of the Karnataka Municipalities Act, 1964;] 1 1. Clause (b) and (c) Substituted by Act 29 of 1997 w.e.f. 20.10.1997.

(c) "Grama Panchayat" includes a person or persons appointed to exercise the powers and to perform the functions of a Grama Panchayat under section 8.

115. Effect Of Conversion Of A Smaller Urban Area Or A Transitional Area Into Panchayat Area :-

(1) Notwithstanding anything contained in this Act or any other law for the time being in force, the Government may, after previous publication by notification, direct that the local area constituting 1 [any smaller urban area] 1 shall from such date as may be specified therein (hereinafter referred to as the specified date), be a panchayat area and in respect thereof, on and from such specified date, the following consequences shall ensue, namely:- 1. Substituted by Act 29 of 1997 w.e.f. 20.10.1997.

(a) the Municipal Council of such local area shall cease to exist or to function;

(b) there shall be constituted for the panchayat area an interim Grama Panchayat consisting of persons vacating office as councillors of the municipality and the President and Vice President of Municipal Council shall be deemed to be the Adhyaksha and Upadhyaksha of the interim Grama Panchayat;

(c) the unexpended balance of the municipal fund and the property (including arrears of rates, taxes and fees) belonging to the Municipal Council and all rights and powers which, prior to such notification, vested in the Municipal Council shall, subject to all charges and liabilities affecting the same vest in the interim Grama Panchayat as the Grama Panchayat Fund until a new Grama Panchayat is constituted in pursuance of the provisions of sub-section (1) of section 116; 72

(d) any appointment, notification, notice, tax, order, scheme, licence, permission, rule, bye-law or form made, issued, imposed or granted under the municipal law before the specified date in respect of such local area shall continue in force and be deemed to have been made, issued, imposed or granted in respect of the panchayat area until it is superseded or modified by any appointment, notification, notice, tax, order, scheme, licence, bye-law or form made, issued, imposed or granted under this Act;

(e) all budget estimates, assessments, assessment lists, valuation

or measurements made or authenticated under the municipal law immediately before the specified date in respect of such local area shall be deemed to have been made or authenticated under this Act;

(f) all debts and obligations incurred and all contracts made by or on behalf of the Municipal Council before the specified date and subsisting on the specified date shall be deemed to have been incurred and made by the Grama Panchayat in exercise of the powers conferred on it by this Act;

(g) all officers and servants in the employ of the Municipal Council immediately before the specified date shall be officers and servants of the Grama Panchayat under this Act, and shall, until other provision is made in accordance with the provisions of this Act, receive salaries and allowances and subject to the conditions of service to which they were entitled or subject immediately before such date: Provided that it shall be competent to the Grama Panchayat subject to the previous sanction of the Government to discontinue the services of any officer or servant who, in its opinion, is not necessary or suitable to the requirements of the Grama Panchayat service after giving such officer or servant such notice as is required to be given by the terms of his employment and every officer or servant whose services are discontinued, shall be entitled to such leave, pension, provident fund, and gratuity as he would have been entitled to take or receive on being invalidated out of service as if the Municipal Council in the employ of which he was, had not ceased to exist;

(h) all proceedings pending immediately before the specified date before the Municipal council shall be deemed to be transferred to and be continued before the Grama Panchayat;

(i) all appeals pending immediately before the specified date before the Municipal Council shall , so far as may be practicable, be disposed of as if such local area had been included in the Grama Panchayat when they were filed;

(j) all prosecutions instituted by or on behalf of the Municipal Council and all suits or other legal proceedings instituted by or against such Municipal Council or any officer of such municipal council pending immediately before the specified date shall be continued by or against the Grama Panchayat as if such local area had been included in the panchayat area when such prosecution, suits or proceedings were instituted.

(2) The provisions of sub-section (1) shall, mutatis mutandis, apply for the 1 [conversion of a transitional area into a panchayat area.]

1 1. Substituted by Act 29 of 1997 w.e.f. 20.10.1997.

116. Term Of Office Of Members Of Interim Grama Panchayat And Their Powers :-

(1) The Government shall take steps to hold election for a new Grama Panchayat within 73 a period not exceeding five years from the date on which the interim Grama Panchayat has been constituted under section 115: Provided that where an interim Grama Panchayat has been constituted to a panchayat area converted under section 115 prior to the date on which the first elections to the Grama Panchayats are held under this Act, no election to constitute a new Grama Panchayat for such area shall be held before the date on which the unexpired portion of the term of office of the 1 [councillors of municipal council or Town Panchayat] 1 , as the case may be, would have ended: 1. Substituted by Act 29 of 1997 w.e.f. 20.10.1997. Provided further that nothing in the above provision shall apply to a panchayat area, the limits of which are altered by including within such panchayat area any village or group of villages.

(2) The members of the interim Grama Panchayat shall hold office until the date immediately preceding the date of first meeting of the new Grama Panchayat.

(3) Any vacancy in the office of the interim Grama Panchayat shall be filled, as soon as may be, by appointment by the Deputy Commissioner.

(4) All arrears of rates, taxes and fees vesting in the interim Grama Panchayat shall, notwithstanding that such rates, taxes and fees cannot be levied under this Act, be recoverable in the same manner as a tax levied under section 199 of this Act: Provided that the steps to recover arrears of rates, taxes and fees shall be taken within a period of three years from the date on which they vest in the interim Grama Panchayat.

(5) In other respect, the provisions of this Act shall, mutatis mutandis apply to the interim Grama Panchayat and its members.

(6) If any difficulty arises,-

(i) in the constitution of the interim Grama Panchayat or the new Grama Panchayat which succeeds it, or

(ii) in giving effect to the provisions of section 115 and this section, the Government may, by order not inconsistent with the provisions of this Act, remove the difficulty.

117. Effect Of Amalgamation Of Panchayat Areas :-

(1) When 2 [during the term of office of members of Grama panchayats, two or more contiguous panchayat areas] 2 are amalgamated and declared to be a panchayat area (hereinafter in this section referred to as the amalgamated panchayat area) by virtue of a notification under section 4 2 [notwithstanding anything contained in this Act, with effect from] 2 the date on which such notification is issued (hereinafter in this section referred to as the specified date), the following consequences shall ensue, namely.-

1. Subsection 1 to 10 Substituted by Act 10 of 1997 w.e.f. 14.8.1997. 2. Substituted by Act 29 of 1997 w.e.f. 20.10.1997.

(a) the Grama Panchayats of such local area (hereinafter in this section referred to as the existing Grama Panchayats) shall cease to exist and all the members of such Grama Panchayats shall vacate office;

(b) There shall be constituted for the amalgamated panchayat area a Grama Panchayat (hereinafter in this section referred to as interim Grama Panchayat) consisting of members nominated by the Deputy Commissioner and such members shall, as far as may be practicable be persons who are the members of the existing Grama Panchayats; 1 [(c) The Adhyaksha and Upadhyaksha of the interim Grama Panchayat and the members of the Standing Committee shall be elected in the manner provided in this Act, within one month from the specified date; 1. Clause (c) (d) substituted by Act 29 of 1997 w.e.f. 20.10.1997.

(d) The members of the interim Grama Panchayat so constituted, shall subject to the provisions of sections 12, 13, 43 and 43-A hold office for the remainder of the period for which all the existing Grama Panchayats would have continued or where the remainder of the period is different in respect of different existing Grama Panchayats, till the remainder of the period of the last of such existing Grama Panchayats would have expired had there not been amalgamation of panchayat areas under this section.] 1

(e) Before the expiry of the term of the interim Grama Panchayat in accordance with the provisions of clause (d), a Grama Panchayat (hereinafter referred to as the amalgamated Grama Panchayat) shall be constituted in the manner provided in this Act; 1 [(f) x x x] 1 1. Omitted by Act 29 of 1997 w.e.f. 20.10.1997.

(2) When an amalgamated Grama Panchayat is constituted under this section so much of the Grama Panchayat fund and other property vesting in the existing Grama Panchayats shall vest in and such portion of the debts and obligations shall be transferred to,

the Grama panchayat established under this section as the Deputy Commissioner may by order direct.

(3) The rights and liabilities of the existing Grama Panchayats in respect of civil and criminal proceedings, contracts, agreements and matters or things arising in and relating to amalgamated panchayat area shall vest in the Grama panchayat established under this section.

(4) All budget estimates, assessment and assessment list, valuation or measurements made or authenticated by the existing Grama Panchayats before the specified date shall be deemed to have been made or authenticated in respect of the Grama Panchayat established in respect of amalgamated panchayat area.

(5) Any appointment, notification, notice, tax, order, scheme, licence permission, rule, regulation, bye-law or form made, issued, imposed or granted in respect of such local areas and in force on the specified date shall continue in force and be deemed to have been made, issued or granted in respect of the amalgamated panchayat area until it is suspended or modified by any appointment, notification, notice, tax, order, scheme, licence, permission, rule, regulation, bye-law or form made, issued, imposed or granted under this Act.

(6) All officers and servants in the employ of the existing Grama Panchayats immediately before the specified date shall be officers and servants of the Grama Panchayat constituted in respect of the amalgamated panchayat area and shall until such other provision is made in accordance with this Act, receive salaries and 75 allowances and be subject to conditions of service to which they were entitled or subject immediately before such date: Provided that it shall be competent for the interim Grama Panchayat or the amalgamated Grama Panchayat, as the case may be, subject to the previous sanction of the Deputy Commissioner to discontinue the services of any officer or servant who, in its opinion, is not necessary or suitable to the requirements of the Grama Panchayat service in respect of the amalgamated panchayat area, after giving the officer or servant such notice as is required to be given by the terms of his employment, and every officer or servant whose services are so discontinued shall be entitled to such leave, pension, and gratuity as he was entitled to take or receive on being invalidated out of service, as if the Grama Panchayat, in the employ of which he was, had not ceased to exist.

(7) All proceedings pending immediately before the specified date before the existing Grama Panchayats shall be deemed to be

transferred to and continued before the interim Grama Panchayat or the amalgamated Grama Panchayat, as the case may be.

(8) All appeals pending before the existing Grama Panchayats immediately before the specified date shall, so far as may be practicable, be disposed of by the interim Grama Panchayat or the amalgamated Grama Panchayat, as the case may be.

(9) All prosecutions instituted by or on behalf of the existing Grama Panchayats or any officer of such Grama Panchayats, pending immediately before the specified date shall be continued by or against the interim Grama Panchayat or the amalgamated Grama Panchayat, as the case may be.

(10) If any difficulty arises in giving effect to the provisions of the preceding subsections the Government may, as occasion requires, by order published in the official Gazette do anything which appears to it to be necessary to remove the difficulty.]

118. Effect Of Division Of Panchayat Area :-

(1) When during the term of office of the members of a Grama Panchayat any local area comprised within the limits of a panchayat area ceases to be a panchayat area, and is declared as constituting two or more new panchayat areas by virtue of notification under section 4, notwithstanding anything contained in this Act, with effect from the date on which such notification is issued

(hereinafter in this section referred to as the specified date) the following consequences shall ensue, namely:- 1. Substituted by Act 29 of 1997 w.e.f. 20.10.1997.

(a) the Grama Panchayat constituted in respect of such local area (hereinafter referred to as the existing Grama Panchayat) shall cease to exist and all the members of such Grama Panchayat shall vacate office;

(b) there shall be constituted for the new panchayat areas, Grama Panchayats (hereinafter in this section referred to as interim Grama Panchayats) consisting of members nominated by the Deputy Commissioner and such members shall as far as may be practicable be persons who are the members of the existing Grama Panchayat: Provided that if as on the specified date there were no elected members in the existing Grama Panchayat the Deputy Commissioner may by order appoint such person (hereinafter referred to as the Administrator) to exercise all powers and perform all duties of the Grama Panchayat, for such period but not exceeding six months as he may specify;

(c) the Adhyaksha and Upadhyaksha of the interim Grama Panchayat and the members of the standing committee shall be elected in the manner provided in this Act, within one month from the specified date;

(d) the members of the interim Grama Panchayat so constituted shall subject to the provisions of sections 12, 13, 43 and 43-A hold office for the unexpired portion of their term of office in the existing Grama Panchayat;

(e) before the expiry of the term of office of the members of the interim Grama Panchayat or the expiry of term of the Administrator in accordance with the provisions of clause (b) or (d), Grama Panchayats (hereinafter referred to as new Grama Panchayats) for each of the new panchayat areas shall be constituted in the manner provided in this Act.

(2) When the new panchayat areas are declared under this section so much of the Grama Panchayat fund and other property vesting in the existing Grama Panchayat shall vest in and such portion of the debts and obligations shall be transferred to, the Grama Panchayats established or the Administrator appointed under this section as the Deputy Commissioner may by order direct.

(3) The rights and liabilities of the existing Grama Panchayat in respect of civil and criminal proceedings, contracts, agreements and matters or things arising in and relating to such local area declared as new panchayat areas shall vest in the Grama Panchayat constituted or the Administrator appointed under this section as the Deputy Commissioner may by order direct.

(4) All budget estimates, assessment and assessment lists, valuation or measurements made or authenticated by the existing Grama Panchayat before the specified date shall be deemed to have been made or authenticated in respect of the Grama Panchayats established for the new panchayat areas, as the Deputy Commissioner may by order direct.

(5) Any appointment, notification, notice, tax, order, scheme, licence, permission, rule, regulation, bye-law or form made, issued, imposed or granted in respect to such local areas and in force on the specified date shall continue in force and be deemed to have been made, issued or granted in respect of such new panchayat area as the Deputy Commissioner may by order direct until it is superseded or modified by any appointment, notification, notice, tax, scheme, licence, permission, rule, regulation, byelaw or form made issued, imposed or granted under this Act,

(6) All officers and servants in the employ of the existing Grama

Panchayat immediately before the specified date shall be officers and servants of Grama Panchayats constituted in respect of new panchayat areas as the Deputy Commissioner may by order direct and shall until such other provision is made in accordance with this Act, receive salaries and allowances and be subject to conditions of service to which they were entitled or subject immediately before such date: Provided that it shall be competent for the interim Grama Panchayat, Administrator or the new Grama Panchayats, as the case may be, subject to the previous sanction of the Deputy Commissioner to discontinue the services of any officer or servant who in its or his opinion is not necessary or suitable to the requirements of the Grama Panchayat service in respect of the new panchayat area, after giving the officer or servant such notice, as is required to be given by the terms of his employment and every officer or 77 servant whose services are so discontinued shall be entitled to such leave, pension and gratuity as he was entitled to take or receive on being invalidated out of service as if the Grama Panchayat in the employ of which he was, had not ceased to exist.

(7) All proceedings pending immediately before the specified date before the existing Grama Panchayats shall be deemed to be transferred to, and continue before, such of the interim Grama Panchayat or the Administrator or the new Grama Panchayats, as the case may be, as the Deputy Commissioner may by order direct.

(8) All appeals pending before the existing Grama Panchayat immediately before the specified date shall so far as may be practicable be disposed off by such of the interim Grama Panchayats or the Administrator or the new Grama Panchayats, as the case may be, as the Deputy Commissioner may by order direct.

(9) All prosecutions instituted by or on behalf of the existing Grama Panchayat pending immediately before the specified date shall be continued by or on behalf of such of the interim Grama Panchayats or the Administrator or of the new Grama Panchayats, as the case may be, as the Deputy Commissioner may by order direct.

(10) If any difficulty arises in giving effect to the provisions of the preceding subsections the Government may, as occasion requires, by order published in the official Gazette, do anything which appears to it to be necessary to remove the difficulty.

CHAPTER 7

CONSTITUTION OF TALUK PANCHAYAT

119. Establishment Of Taluk Panchayat And Its Incorporation :-

(1) For each Taluk, there shall be a Taluk Panchayat having jurisdiction, save as otherwise provided in this Act, over the entire Taluk excluding such portions of the Taluk as are included in a 1 [smaller urban area] 1 or are under the authority of a municipal corporation, 1 [a Town Panchayat or an Industrial Township] 1 constituted under any law for the time being in force: 1. Substituted by Act 29 of 1997 w.e.f. 20.10.1997. Provided that a Taluk Panchayat may have its office in any area comprised within the excluded portion of the Taluk and in such area may exercise its powers and functions over schools and other institutions under its control or management.

(2) Every Taluk Panchayat shall be a body corporate by the name of "..... Taluk Panchayat", shall have perpetual succession and a common seal and subject to such restrictions as are imposed by or under this or any other enactment, shall be vested with the capacity of suing or being sued in its corporate name, or acquiring, holding and transferring property, movable or 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 and expedient for the purpose for which it is constituted.

120. Constitution Of Taluk Panchayat :-

(1) Every Taluk Panchayat shall consist of,-

- (i) the elected members as determined under section 122;
- (ii) the members of the House of People and the State Legislative Assembly representing a part or whole of the Taluk, whose constituencies lie within the Taluk;
- (iii) the members of the Council of States and the State Legislative Council who are registered as electors within the Taluk; and 78
- (iv) one-fifth of the Adhyakshas of the Grama panchayats in the Taluk by rotation for a period of one year as the 1 [Adhyaksha of the Taluk Panchayat] 1 may determine by lot: 1. Substituted by Act 29 of 1997 w.e.f. 20.10.1997. Provided that an Adhyaksha who was a member under this clause for one term shall not be eligible to become member for a second term during the remainder of his term of office as Adhyaksha. 1 [(2) The members of the House of people, the State Legislative Assembly, the Council of States and the Legislative Council and the Adhyaksha of the Grama Panchayats referred to in clauses (ii), (iii) and (iv) of sub-section (1) shall be

entitled to take part in the proceedings of, and vote at, the meetings of Taluk Panchayat except at a special meeting convened for the purpose of election of Adhyakshas and Upadhyakshas under sub-section (1) of section 138 or for considering a no confidence motion under sub-section (3) of section 140.] 1 1. Substituted by Act 29 of 1997 w.e.f. 20.10.1997.

(3) Notwithstanding anything contained in this section or sections 122,123 and 124 but subject to any general or special orders of the Government, where two-thirds of the total number of members of any Taluk Panchayat required to be elected have been elected the Taluk Panchayat shall be deemed to have been duly constituted under this Act.

121. Elected Members :-

The number of elected members of a Taluk Panchayat shall consist of persons elected from the territorial constituencies in the Taluk as may be notified from time to time 1 [by the State Election Commission] 1 , at the rate of one member for every ten thousand population or part thereof, of the Taluk: 1. Substituted by Act 37 of 2003 w.e.f. 1.10.2003. Provided that in Taluks having a population of not exceeding one lakh, there shall be a minimum of eleven elected members.

122. Determination Of Elected Members After Each Census :-

Upon the publication of the figures of each census, the number of elected members of a Taluk Panchayat 1 [shall be determined by the 2 [State Election Commission] 2] 1 on the basis of the population of the Taluk as ascertained at that census: 1. Substituted by Act 29 of 1997 w.e.f. 20.10.1997. 2. Substituted by Act 37 of 2003 w.e.f. 1.10.2003. Provided that the determination of the number as aforesaid shall not affect the then composition of the Taluk Panchayat until the expiry of the term of office of the elected members then in office.

123. Reservation Of Seats :-

(1) Seats 1 [shall be reserved by the 2 [State Election Commission] 2] 1 in a Taluk Panchayat,- 1. Substituted by Act 29 of 1997 w.e.f. 20.10.1997. 2. Substituted by Act 37 of 2003 w.e.f. 1.10.2003.

(a) for the Scheduled Castes; and

(b) for the Scheduled Tribes; 79 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 by direct election in the Taluk Panchayat as the population of the Scheduled Castes in the Taluk or of the Scheduled Tribes in the Taluk bears to the total population of the Taluk: 1 [Provided that at least one seat each shall be reserved in a Taluk Panchayat for the persons belonging to the Scheduled Casts and the Scheduled Tribes.] 1 1. Omitted by Act 10 of 1995 and inserted by Act 11 of 2000 w.e.f. 25.4.2000.

(2) Such number of seats which shall, as nearly as may be one - third of the total number of seats in a Taluk Panchayat 1 [shall be reserved by the 2 [State Election Commission] 2] 1 for persons belonging to the Backward Classes. 1. Substituted by Act 29 of 1997 w.e.f. 20.10.1997. 2. Substituted by Act 37 of 2003 w.e.f. 1.10.2003. 1 [Provided that out of the seats reserved under this sub-section eighty per cent of the total number of such seats 2 [shall be reserved by the 3 [State Election Commission] 3] 2 for the persons falling under category A and the remaining twenty per cent of the seats 2 [shall be reserved by the 3 [State Election Commission] 3] 2 for the persons falling under category B.] 1 1. Inserted by Act 10 of 1995 w.e.f. 31.1.1995. 2. Substituted by Act 29 of 1997 w.e.f. 20.10.1997. 3. Substituted by Act 37 of 2003 w.e.f. 1.10.2003.

(3) Not less than one third of the seats reserved for each category of persons belonging to the Scheduled Castes, Scheduled Tribes and Backward Classes and those of the non-reserved seats in a Taluk Panchayat 1 [shall be reserved by the 2 [State Election Commission] 2] 1 for women: 1. Substituted by Act 29 of 1997 w.e.f. 20.10.1997. 2. Substituted by Act 37 of 2003 w.e.f. 1.10.2003. Provided that the seats reserved under sub-sections (1), (2), and (3) shall be allotted by rotation to different constituencies in the Taluk: Provided further that nothing contained in this section shall be deemed to prevent the persons belonging to the Scheduled Castes or Scheduled Tribes or Backward classes or women for whom seats have been reserved in a Taluk Panchayat from standing for election to the non-reserved seats in such Taluk Panchayat.

124. Delimitation Of Territorial Constituencies :-

1 [The State Election Commission] 1 shall, by notification,- 1. Substituted by Act 37 of 2003 w.e.f. 1.10.2003.

(a) divide the area within the jurisdiction of every Taluk Panchayat for the purpose of elections to such Taluk Panchayat into as many single member territorial constituencies as the number of members

required to be elected under section 122.

(b) determine the extent of each territorial constituency; and

(c) determine the territorial constituency or constituencies in which seats are reserved for the Scheduled Castes, Scheduled Tribes, Backward Classes and women.

125. Right To Vote :-

(1) Every person whose name appears in the voters list relating to a constituency shall, subject to the other provisions of this Act, be entitled to vote at any election which takes place in that constituency while the voters list remains in force and no person whose name does not appear in such voters list shall vote at any such election.

(2) No person shall vote at an election under this Act in more than one constituency or more than once in the same constituency and if he does so, all his votes shall be invalid.

126. List Of Voters :-

(1) Subject to the provisions of sub-section (2), the electoral roll of the Zilla Panchayat for the time being in force for such part of the constituency shall be deemed to be the list of voters for such Taluk Panchayat constituency.

(2) No amendments, transposition or deletion of any entry in the electoral roll of the Zilla Panchayat made after the last date for making nominations for an election in any Taluk Panchayat constituency and before the completion of such election shall form part of the list of voters for such election for the purpose of this section. 1 [(3) The Tahsildar concerned shall prepare in the prescribed manner a list of voters for each Taluk Panchayat constituency and the Executive Officer of the Taluk Panchayat shall maintain a copy of such list.] 1 1. Substituted by Act 29 of 1998 w.e.f. 21.9.1998.

127. Qualifications Of A Candidate :-

(1) A person shall not be qualified to be chosen to fill a seat in a Taluk Panchayat unless his name is included in the list of voters of the Taluk Panchayat for the time being in force in the Taluk.

(2) A person shall not be qualified to be chosen from a territorial constituency to fill a seat in a Taluk Panchayat unless in the case of a seat reserved for the Scheduled Castes or Scheduled Tribes or

Backward Classes or women, such person is a member of those castes or classes or is a woman.

128. Disqualification For Members :-

(1) A person shall be disqualified for being chosen and for being member of a Taluk Panchayat,-

(a) if he is so disqualified by or under any law for the time being in force for the purposes of the elections to the State Legislature: Provided that no person shall be disqualified on the ground that he is less than twenty five years, if he has attained the age of twenty-one years;

(b) if he is disqualified under the Karnataka Local Authorities (Prohibition of Defection) Act, 1987; or

(c) if he has been sentenced by a criminal court to imprisonment for a term exceeding three months in respect of an offence under the Karnataka Excise Act, 1965 (Karnataka Act 21 of 1966), such sentence not having been subsequently reversed or quashed or the offence pardoned; or

(d) if an order has been passed against him under section 117 of the Code Of Criminal Procedure, 1973

(Central Act 2 of 1974) in proceedings instituted under section 110 of the code, such order not having been subsequently reversed or quashed; or

(e) if he has been dismissed from service under any local authority; or 81

(f) if, having been a legal or medical practitioner or a chartered accountant he has been disenrolled or suspended by order of a competent authority, the disqualification in the latter case being operative during the period of such suspension; or

(g) if he has been removed from membership of any local authority; or

(h) if he holds any office of profit under any local or other authority subject to the control of the Central Government, the Government of Karnataka or the Government of any other State, other than such offices as are declared by rules made under this Act not to disqualify the holder. Explanation.- For the purpose of this clause a person shall not be deemed to hold an office of profit under the Zilla Panchayat, Taluk Panchayat or Grama Panchayat by reason only that he is a Adhyaksha or Upadhyaksha of Zilla Panchayat, Taluk Panchayat or Grama Panchayat,-

(i) if save as hereinafter provided, he has directly, any share or

interest in any work done by order of the Taluk Panchayat or in any contract or employment with or under or by or on behalf of the Taluk Panchayat, 1 [or if he is either directly or indirectly by himself or by his agent or partner or employee involved in obtaining or execution of any such work or contract on behalf of the Taluk Panchayat or of any contract for the supply of any goods and services to the Taluk Panchayat.] 1 or 1. Inserted by Act 29 of 1997 w.e.f. 20.10.1997. 1 [(j) if he does not have a sanitary latrine for the use of the members of his family: 2 [Provided that nothing in this clause shall apply to a person, if at the time of filing his nomination he gives an undertaking to construct within one year from the date of commencement of his term of office as a member, a sanitary latrine for the use of members of his family and also complies with such undertaking after becoming a member] 2] 1 1. Inserted by Act 29 of 1997 w.e.f. 20.10.1997. 2. Substituted by Act 11 of 2000 w.e.f. 25.4.2000. 1 [(J-1). If he is disqualified under section 308C or] 1 1. Inserted by Act 37 of 2003 w.e.f. 1.10.2003. 1 [(k)] 1 if he is employed as paid legal practitioner on behalf of the Taluk Panchayat or accepts an employment as legal practitioner against the Taluk Panchayat: 1. Renumbered by Act 29 of 1997 w.e.f. 20.10.1997. Provided that,-

(a) the disqualification in clause (d) will cease to operate after the expiry of the period during which a person is ordered to furnish security;

(b) the disqualification in clauses (c), (e), or (f) will cease to operate after the expiry of five years from the date of such sentence, dismissal or disenrollment or removal;

(c) the disqualification in clause (g) will cease after the expiry of five years from the date of such removal; 82 1 [(cc) the

disqualification under clause (j-1) will cease to operate after the expiry of three years from date of order by the State Election Commission under section 308C.] 1 1. Inserted by 37 of 2003 w.e.f. 1.10.2003.

(d) a person shall not be deemed to have incurred disqualification under clause (i) by reason of his,-

(i) having a share in any joint stock company or a share or interest in any association registered under the Karnataka Societies Registration Act, 1960 (Karnataka Act 17 of 1960) or in any co-operative society, which shall contract with or be employed by or on behalf of the Taluk Panchayat, or

(ii) having a share or interest in any newspaper in which any advertisement relating to the affairs of the Taluk Panchayat is

inserted, or

(iii) holding a debenture or being otherwise concerned in any loan raised by or on behalf of the Taluk Panchayat. 1 [(2) If a person who is chosen as a member of a Taluk Panchayat is or becomes a member of the House of the People, the Council of States, the State Legislative Assembly, the State Legislative Council, or is or becomes a Municipal Councillor or a Councillor of a Municipal Corporation or a Councillor of a Town Panchayat, or a member of a Zilla Panchayat or Grama Panchayat then at the expiration of a period of fifteen days from the date of notification of the names of the members under section 133, or as the case may be, within fifteen days from the date of commencement of term of office of a member of the House of the people, the Council of states, the State Legislative Assembly or the State Legislative Council or a Municipal Councillor or a Councillor of a Municipal Corporation or a Councillor of a Town Panchayat or a member of a Zilla Panchayat or Grama Panchayat, his seat in the Taluk Panchayat shall become vacant unless he has previously resigned his seat in the House of the People, the Council of States, the State Legislative Assembly, the State Legislative Council, the Municipal Council, the Municipal Corporation, Town Panchayat, Zilla Panchayat or Grama Panchayat as the case may be.] 1 1. Substituted by Act 29 of 1997 w.e.f. 20.10.1997.

129. Vacancy Of Seat :-

(1) If any member of a Taluk Panchayat,-

(a) is or becomes subject to any of the disqualifications specified in section 128, or

(b) votes or takes part as a member in the discussion of any matter in which he has directly or indirectly any such share or interest as is described in subclauses (i) or (ii) of clause (d) of the proviso to sub-section (1) of section 128, or

(c) votes on or takes part in the discussion of any question in contravention of the provision of clause (g) of sub-section (2) of section 141, or

(d) being an elected member absents himself, for more than three consecutive ordinary meetings of the Taluk Panchayat unless leave so to absent himself, which shall not exceed six months, had been granted by the Taluk Panchayat 1 [xxx] 1 1. Omitted by Act 37 of 2003 w.e.f. 1.10.2003. 83 his seat shall be deemed to be or to have become, as the case may be, vacant: Provided that where an

application is made by a member to the Taluk Panchayat for leave to absent himself under clause (d) and the Taluk Panchayat fails to inform the applicant of its decision on the application within a period of one month from the date of the application the leave applied for shall be deemed to have been granted by the Taluk Panchayat.

(2) The 1 [State Election Commission] 1 , on a report made to him and after giving a reasonable opportunity to the person concerned of being heard shall declare whether the seat of the member concerned is or has become vacant. 1. Substituted by Act 29 of 1997 w.e.f. 20.10.1997.

130. Method Of Voting And Procedure For Election :-

(1) Every elector shall have as many votes as there are members to be elected. No elector shall give more than one vote to any one candidate.

(2) Subject to the provisions of this Act, elections to the Taluk Panchayat shall be held by ballot in accordance with such rules as may be prescribed.

(3) The provisions of sections 26, 27, 28, 29, 30, 31, 1 [31A, 31B] 1 , 32, 33, 34, 35, 36, 37, 38, 39, and 40 shall apply in respect of elections to Taluk Panchayat as they apply to elections to Grama Panchayats. 1. Inserted by Act 29 of 1997 w.e.f. 20.10.1997.

131. Prohibition Of Simultaneous Membership :-

(1) If a person is elected by more than one Taluk Panchayat constituency he shall, by notice in writing signed by him and delivered to the Deputy Commissioner or any other prescribed officer, within the prescribed time, choose any one of the constituencies which he shall serve, and the choice shall be final.

(2) If the person does not make the choice referred to in subsection (1), the Deputy Commissioner or the prescribed officer, shall determine by lot and notify the constituency which such person shall serve.

(3) Such person shall be deemed to have been elected only for the constituency so chosen or notified, as the case may be and the vacancy or vacancies thereby arising in respect of the other constituency or constituencies shall be filled by election.

132. Application Of Certain Sections Relating To Elections :-

(1) The provisions of sections 15, 16, 17, 18, 19, 20, 21, 22, 23, and 24 shall apply mutatis mutandis in respect of election to Taluk Panchayat, the application being to the 1 [Civil Judge (Senior Division)] 1 having jurisdiction and the deposit as security for costs being one thousand rupees. 1. Substituted by Act 29 of 1997 w.e.f. 20.10.1997.

(2) Any person aggrieved by any decision or order of the 1 [Civil Judge (Senior division)] 1 under this section may, within thirty days from the date of such decision or order appeal to the District Judge and the decision of the District Judge on such appeal shall be final. 1. Substituted by Act 29 of 1997 w.e.f. 20.10.1997.

133. Publication Of Names Of Members :-

The names of members elected to any Taluk Panchayat shall be 1 [reported to the Commissioner who shall notify the names] 1 in the Official Gazette. 1. Substituted by Act 8 of 2000 w.e.f. 3.4.2000.

134. Term Of Office Of Members :-

(1) Except as is otherwise provided in this Act, members of a Taluk Panchayat elected at a general election shall hold office for a term of five years.

(2) The term of office of the members elected at a general election shall commence on the date appointed for the first meeting of the Taluk Panchayat.

(3) The term of office of a member elected to fill a casual vacancy shall commence on the date of publication of his name under section 134.

135. Resignation Of Members :-

A member of a Taluk Panchayat may resign his membership in writing under his hand addressed to the Adhyaksha of the Taluk Panchayat and his seat shall become vacant on the expiry of fifteen clear days from the date of such resignation unless within the said period of fifteen days, he withdraws such resignation by writing under his hand addressed to the Adhyaksha. 1 [The Adhyaksha shall cause the letter of resignation to be laid in the next meeting of the Taluk Panchayat.] 1 1. Inserted by Act 29 of 1997 w.e.f. 20.10.1997.

136. Removal Of Members For Misconduct :-

The Government if it thinks fit 1 [on the recommendation of the Taluk Panchayat or otherwise and if necessary after obtaining a report from the Zilla Panchayat and considering the same] 1 , may

remove any member after giving him an opportunity of being heard and after such enquiry as it deems necessary if such member has been guilty of misconduct in the discharge of his duties or of any disgraceful conduct or has become incapable of performing his duties as a member. 1. Substituted by Act 29 of 1997 w.e.f. 20.10.1997.

136A. Members To Declare Assets :-

(1) Every member shall within three months from the date of commencement of his term of office and until the expiry of his term, in every calendar year file a declaration of assets owned by him and any member of his family, in such manner and in such form as may be prescribed, before the State Election Commission or the competent authority as may be notified by the Government. 1. Inserted by Act 37 of 2003 w.e.f. 1.10.2003.

(2) Where a member, after filing a declaration under sub-section (1), acquires or disposes any asset he shall file further declaration to this effect before the State Election Commission or competent authority, within three months from the date of such acquisition or disposal, as the case may be.

(3) Any member, who fails to file the declaration under sub-section (1) or subsection (2) or files the same knowing it to be false or incorrect shall cease to be member.

(4) Any question whether a member has ceased to be a member under subsection (3), shall, on a reference made by the Taluk Panchayat to the State Election Commission be decided by it and the decision of the State Election Commission thereon shall be final. Explanation: For the purposes of this section "Family" means the spouse and dependent children of the member.]

137. Casual Vacancies How To Be Filled Up :-

A casual vacancy of a member of a Taluk Panchayat shall be filled up, as soon as conveniently may be, by the election of a person thereto who shall hold office so long only as the member in whose place he is elected could have held office if the vacancy had not occurred.

138. Election Of Adhyaksha And Upadhyaksha And Term Of Office :-

(1) The elected members of the Taluk Panchayat referred to in clause (i) of sub-section (1) of section 121 shall 1 [2 [within one month from the date of publication of names of members under section 133] 2 after every general election of Members of Taluk Panchayat or on its reconstitution or establishment under this Act or immediately before the expiry of the term of office of Adhyaksha and Upadhyaksha] 1 choose two members from amongst them to be respectively Adhyaksha and Upadhyaksha thereof, and so often as there is a casual vacancy in the office of Adhyaksha and Upadhyaksha they shall choose another member from amongst

them to be Adhyaksha or Upadhyaksha, as the case may be: 1. Substituted by Act 17 of 1996 w.e.f. 23.9.1996. 2. Substituted by Act 29 of 1997 w.e.f. 20.10.1997.. Provided that no election shall be held if the vacancy is for a period of less than one month.

(2) There shall be reserved by the 1 [Government] 1 , in the prescribed manner,- 1. Substituted by Act 8 of 2000 w.e.f. 3.4.2000.

(a) such number of offices of Adhyaksha and Upadhyaksha of Taluk Panchayat in the State for the persons belonging to the Scheduled Castes and Scheduled Tribes and the number of such offices bearing as nearly as may be the same proportion to the total number of offices in the State as the population of the Scheduled Castes in the State or of the Scheduled Tribes in the State bears to the total population of the State; 1 [Proviso x x x] 1 1. Omitted by Act 10 of 1995 w.e.f. 13.1.1995.

(b) such number of offices of Adhyaksha and Upadhyaksha of Taluk Panchayats which shall as nearly as may be one-third of the total number of offices of the Adhyaksha and Upadhyaksha in the State, for the persons belonging to the Backward Classes: 1 [Provided that out of the offices reserved under this clause, eighty per cent of the total number of such offices shall be reserved for the persons falling under category A and the remaining twenty per cent of the offices shall be reserved for the persons falling under category B : Provided further that if no person falling under category A is available, the offices reserved for that category shall also be filled by the persons falling under category B and vice versa.] 1 1. Inserted by Act 10 of 1995 w.e.f. 13.1.1995.86

(c) not less than one-third of the total number of offices of Adhyaksha and Upadhyaksha of the Taluk Panchayats in the State from each of the categories reserved for persons belonging to the Scheduled Castes, Scheduled Tribes and backward Classes and those which are non-reserved, for women: Provided that the offices reserved under this sub-section shall be allotted by rotation to different Taluk Panchayats. Explanation.- For the removal of doubts it is hereby declared that the principle of rotation for the purposes of reservation of offices under this sub-section shall commence from the first election to be held after the commencement of the Karnataka Panchayat Raj Act, 1993. 1 [(3) The term of office of every Adhyaksha and every Upadhyaksha of taluk Panchayat shall, save as otherwise provided in this Act, be Twenty months from the date of his election or till he ceases to be a member of taluk Panchayat, which ever is earlier:] 1 1. Substituted by Act 17 of

1996 w.e.f. 23.9.1996. 1 [Provided that the member who is elected as Adhyaksha or Upadhyaksha to fill the casual vacancy in the office of Adhyaksha or Upadhyaksha shall hold office for the remainder of the period for which the Adhyaksha or Upadhyaksha in whose place he has been elected would have held office if the vacancy had not occurred.] 1 1. Inserted by Act 10 of 1997 w.e.f. 23.9.1996.

(4) The election of Adhyaksha and Upadhyaksha, filling of Vacancies in the said offices and determination of disputes relating such election shall be in accordance with such rules as may be prescribed; 1 [Provided that the Civil Judge (Senior Division) having Jurisdiction, shall determine such election dispute.] 1 1. Substituted by Act 29 of 1997 w.e.f. 20.10.1997.

139. Salary And Allowances To The Adhyaksha, Upadhyaksha And Other Members :-

(1) The salary and allowances of Adhyaksha and Upadhyaksha of Taluk Panchayat shall be as prescribed.

(2) Every member of the Taluk Panchayat other than the Adhyaksha and Upadhyaksha shall be entitled to receive such sitting fee and other allowances, as may be prescribed.

140. Resignation Or Removal Of Adhyaksha And Upadhyaksha :-

(1) A member holding office as Adhyaksha of the Taluk Panchayat may resign his office at any time by writing under his hand addressed to the Deputy Commissioner and the Upadhyaksha may resign his office at any time by writing under his hand addressed to the Adhyaksha and in the absence of Adhyaksha to the Deputy Commissioner and the office shall become vacant on the expiry of fifteen days from the date of such resignation unless within the said period of fifteen days he withdraws such resignation by writing under his hand addressed to the Deputy Commissioner or the Adhyaksha, as the case may be.

(2) Every Adhyaksha or Upadhyaksha of Taluk Panchayat shall vacate office if he ceases to be a member of the Taluk Panchayat.

87

(3) Every Adhyaksha and every Upadhyaksha of the Taluk Panchayat shall be deemed to have vacated his office forthwith if a resolution expressing want of confidence in him is passed by a majority of the total number of elected members of the Taluk

Panchayat at a meeting specially convened for the purpose: 1 [Provided that no resolution expressing want of confidence in Adhyaksha or Upadhyaksha shall be moved within six months, from the date of his selection: 1. Inserted by Act 29 of 1997 w.e.f. 20.10.1997. Provided further that where a resolution expressing want of confidence in any Adhyaksha or Upadhyaksha has been considered and negatived by a Taluk Panchayat, a similar resolution in respect of the same Adhyaksha or Upadhyaksha shall not be given notice of, or moved, within six months from the date of the decision of the Taluk Panchayat.]

(4) Every Adhyaksha and Upadhyaksha of the Taluk Panchayat shall, after an opportunity is afforded for hearing him, 1 [and if necessary after obtaining a report from the Zilla Panchayat and considering the same] 1 be removable from his office as Adhyaksha or Upadhyaksha by the Government for misconduct in the discharge of his duties, for being persistently remiss in the discharge of his duties and an Adhyaksha or Upadhyaksha so removed who does not cease to be a member under sub-section (2) shall not be eligible for re-election as Adhyaksha or Upadhyaksha during the remaining term of office as member of such Taluk Panchayat. 1. Inserted by Act 29 of 1997 w.e.f. 20.10.1997.

(5) An Adhyaksha or Upadhyaksha removed from his office under sub-section (4) may also be removed by the Government from membership of the Taluk Panchayat. 1 [(6) Where the offices of both Adhyaksha and Upadhyaksha of Taluk Panchayat are vacant, the Chairman of the Standing Committee on Social Justice shall exercise the powers and perform the duties of the Adhyaksha, until an Adhyaksha or Upadhyaksha is duly elected] 1. Inserted by Act 37 of 2003 w.e.f. 1.10.2003.

141. Meetings Of Taluk Panchayat :-

(1) A Taluk Panchayat shall hold a meeting for the transaction of business at least once in two months (hereinafter in this section called the ordinary meeting) and shall subject to the provisions of the following sub-sections, make regulations not inconsistent with this Act, or with any rules made thereunder with respect to the day, hour, notice, management and adjournment of its meetings and generally with respect to the transaction of business thereto. Every meeting of the Taluk Panchayat shall ordinarily be held at the headquarters of the Taluk Panchayat.

(2) (a) The date of the first meeting of the Taluk Panchayat after

the first Constitution or reconstitution, 1 [or the date of subsequent meeting for the purpose of election of Adhysksha or Upadhyksha, as the case may be] 1 shall be fixed by the Assistant Commissioner who shall preside at such meeting and date of each subsequent ordinary meeting shall be fixed at the previous meeting of the Taluk Panchayat, provided that the Adhyaksha may for sufficient reasons, alter the day of the meeting to a subsequent date. The Adhyaksha may, whenever he thinks fit and shall, upon the written request of not less than one-third of the total number of members and on a date within 88 fifteen days from the receipt of such request, call a special meeting. Such request shall specify the object for which the meeting is proposed to be called. If the Adhyaksha fails to call a special meeting, the Upadhyaksha or one-third of the total number of members may call the special meeting for a day not more than fifteen days after presentation of such request and require the Executive Officer to give notice to the members and to take such action as may be necessary to convene the meeting. 1. Inserted by Act 1 of 1997 w.e.f. 26.2.1997.

(b) Ten clear days notice of an ordinary meeting and seven clear days notice of a special meeting specifying the time at which such meeting is to be held and the business to be transacted thereat, shall be sent to the members and pasted up at the office of the Taluk Panchayat. Such notice shall include in the case of a special meeting any motion or proposition mentioned in the written request made for such meeting.

(c) 1 [One-half] 1 of the total number of members of the Taluk Panchayat shall form a quorum for transaction of business at a meeting of the Taluk Panchayat. If at the time appointed for the meeting a quorum is not present, the person presiding shall, wait for thirty minutes and if within such period there is a quorum proceed with the meeting; but if within such period there is no quorum the person presiding shall adjourn the meeting to such hour on some future day as he may fix. He shall similarly adjourn the meeting at any time after it has begun if his attention is drawn to the want of a quorum. At such adjourned meeting at which there is quorum the business which would have been brought before the original meeting shall be transacted. 1. Substituted by Act 37 of 2003 w.e.f. 1.10.2003.

(d) Every meeting shall be open to the public unless the presiding authority considers that any enquiry or deliberation pending before the Taluk Panchayat should be held in camera and the said authority may at any time cause any person who interrupts the

proceedings to be removed.

(e) Every meeting shall be presided over by the Adhyaksha or if he is absent, 1 [or if the office of Adhyaksha is vacant] 1 by the Upadhyaksha and if both the Adhyaksha and Upadhyaksha are absent 1 [or if the offices of both Adhyaksha and Upadhyaksha are vacant] 1 or if the Adhyaksha is absent and there is no Upadhyaksha the members present shall elect one from among themselves to preside. 1. Inserted by Act 1 of 1997 w.e.f. 26.2.1997.

(f) All questions shall, unless otherwise specially provided be decided by a majority of votes of the members present and voting. The presiding member, unless he refrains from voting, shall give vote before declaring the number of votes, for and against a question and in case of equality of votes, he may give his casting vote.

(g) No member of a Taluk Panchayat shall vote on, or take part in the discussion of, any question coming up for consideration at a meeting of the Taluk Panchayat or any committee, if the question is one in which apart from its general application to the public he has any direct pecuniary interest. 1 [It shall be the duty of every member of the Taluk Panchayat to disclose to the Taluk Panchayat any pecuniary interest that he has, direct or `indirect, in any question coming up for consideration at a meeting of the Taluk Panchayat] 1 89 1. Inserted by Act 37 of 2003 w.e.f. 1.10.2003.

(h) If the person presiding is believed by any member present at the meeting to have any such pecuniary interest in any matter under discussion , and if a motion to that effect be carried, he shall not preside at the meting during such discussion, or vote on, or take part in it. Any member of the Taluk Panchayat may be chosen to preside at the meeting during the continuance of such discussion.

(i) No proposition shall be discussed at any ordinary meeting unless it has been entered in the notice convening such meeting or in the case of a special meeting, in the written request for such meting. A member may propose any resolution connected with or incidental to the subjects included in the list of business. The Adhyaksha may propose any urgent subject of a routine nature not included in the list of business if no member objects to it. No permission shall be given in the case of a motion or proposition to modify or cancel any resolution 1 [within six months] 1 after the passing thereof except in accordance with clause (k). The order in which any business or proposition shall be brought forward at such meeting shall be

determined by the presiding authority who in case it is proposed by any member to give particular proposition, shall put the proposal to the meeting and be guided by the majority of votes given for or against the proposal. 1. Substituted by Act 29 of 1997 w.e.f. 20.10.1997.

(j) Any ordinary meeting may, with the consent of a majority of the members present be adjourned from time to time, but no business shall be transacted at any adjourned meeting other than that left undisposed at the meeting from which the adjournment took place.

(k) No resolution of Taluk Panchayat shall be modified or cancelled within six months after the passing thereof except by a resolution passed by not less than one-half of the total number of members at an ordinary or special meeting, any notice whereof shall have been given fulfilling the requirements of clause (b) and setting forth fully the resolution which it is proposed to modify fully or cancel at such meeting and motion or proposition for the modification or cancellation of such resolution.

(3) The proceedings of every meeting shall be recorded in the minute book immediately after the deliberations of the meeting and shall after being read over by the presiding authority of the meeting be signed by him. The action taken on the decisions of the Taluk Panchayat shall be reported at the next meeting of the Taluk Panchayat. The minute book shall always be kept in the office of the Taluk Panchayat. The minute book shall not be taken outside the Taluk Panchayat office under any circumstances. The Executive Officer shall be the custodian of the minute book. 1 [A copy of the proceedings shall be displayed on the notice board within three days from the date of meeting of the Taluk Panchayat along with the details of the names of the members voting respectively for or against the resolutions passed in the meeting.] 1. Inserted by Act 37 of 2003 w.e.f. 1.10.2003.

(4) A copy of every resolution passed by a Taluk Panchayat at a meeting shall, within ten days from the day of the meeting, be forwarded to 1 [x x x] 1 the Chief Executive Officer 2 [and copies of the minutes of the meeting shall be furnished to all members] 2 1. Omitted by Act 29 of 1997 w.e.f. 20.10.1997. 2. Inserted by Act 37 of 2003 w.e.f. 1.10.2003.90

(5) During any vacancy in the Taluk Panchayat or any committee thereof, continuing members may act as if no vacancy had occurred. 1 [(6) Notwithstanding anything contained in this Act where a meeting is convened to consider a motion expressing want of confidence,- 1. Inserted by Act 37 of 2003 w.e.f. 1.10.2003.

- (i) in the Adhyaksha, it shall be presided over by the Upadhyaksha,
- (ii) in the Upadhyaksha, it shall be presided over by the Adhyaksha,
- (iii) in both the Adhyaksha and Upadhyaksha, it shall be presided over by a member elected from amongst the elected members present at the meeting.]

142. Interpellations And Resolutions :-

(1) A member of a Taluk Panchayat may move resolutions and interpellate the Adhyaksha of Taluk Panchayat on matters connected with the administration of the Taluk Panchayat subject to such regulations as may be made by the Taluk Panchayat.

(2) A member of the Taluk Panchayat may also call the attention of the Adhyaksha to any neglect in the execution of the work of the Taluk Panchayat, to any waste of property belonging to the Taluk Panchayat or to the wants of any locality within Taluk and may suggest any improvements which may appear desirable.

143. Taluk Panchayat May Require The Presence Of Government Officers At Meetings :-

If it shall appear to a Taluk Panchayat that the attendance of any officer of the Government having jurisdiction over an area of a district or less than a district and not working under the Taluk Panchayat, is desirable at a meeting of the Taluk Panchayat, the Executive Officer shall by a letter addressed to such officer not less than fifteen days before the intended meeting, request that officer to be present at the meeting and the officer shall, unless prevented by sickness or other reasonable cause, attend the meetings: Provided that the officer on receipt of such letter may if he for any of the causes aforesaid is unable to be present thereat himself, instruct his deputy or other competent subordinate officer to represent him at the meeting.

144. Validity Of Proceedings :-

(1) No disqualification or defect in the election or appointment of any person acting as member or as the Adhyaksha of Taluk Panchayat or presiding authority of a general or special meeting or of a chairman or member of the committee appointed under this Act, shall be deemed to vitiate any act or proceeding of the Taluk Panchayat or of any such committee as the case may be, in which such person has taken part, whenever the majority who were

parties to such act or proceeding, were entitled to act.

(2) No resolution of a Taluk Panchayat or of any Committee appointed under this Act shall be deemed invalid on account of any irregularity in the service of notice upon any member provided that the proceedings of the Taluk Panchayat or committee, were not prejudicially affected by such irregularity.

(3) Until the contrary is proved every meeting of a Taluk Panchayat or of a committee constituted under this Act, in respect of proceedings whereof a minute has been made and signed in accordance with this Act, shall be deemed to have been duly convened and held and all the members of the meeting shall be deemed to have been duly qualified and where the proceedings are the proceedings of a committee, such committee shall be deemed to have been duly constituted and to have had the power to deal with the matters referred to in the minute.

(4) During any vacancy in a Taluk Panchayat or committee the continuing member or members may act as if no vacancy has occurred.

CHAPTER 8

FUNCTIONS, DUTIES AND POWERS OF TALUK PANCHAYAT, ADHYAKSHA AND UPADHYAKSHA FUNCTIONS OF TALUK PANCHAYAT

145. Functions Of Taluk Panchayat :-

(1) The Taluk Panchayat shall perform the functions specified in Schedule II: 1. Substituted by Act 29 of 1997 w.e.f. 20.10.1997. Provided that where the State Government or Central Government provides funds for the performance of any function specified in Schedule II, the Taluk Panchayat shall perform such functions in accordance with the guidelines or norms laid down for performance of such function.

(2) Notwithstanding anything contrary contained in sub-section (1) or Schedule II, it shall be obligatory on the part of the Taluk Panchayat, in so far as the Taluk Panchayat fund at its disposal will allow, to make reasonable provision within the area under its jurisdiction in respect of the following matters, namely:-

(i) construction and augmentation of water supply works to the level of not less than forty liters per capita for day;

(ii) filing half yearly report regarding the activities of Grama Panchayats within the taluk regarding,-

(a) holding of Grama Sabha;

(b) maintenance of Water supply works;

- (c) construction of individual and community latrine;
- (d) collection and revision of taxes, rates and fees;
- (e) payment of electricity charges;
- (f) enrollment in schools;
- (g) progress of immunisation.
- (iii) providing adequate number of class rooms and maintaining primary school buildings in proper condition including water supply and sanitation;
- (iv) acquiring land for locating the manure pits away from the dwelling houses in the villages.]

146. Assignment Of Functions :-

- (1) The Government may assign to a Taluk Panchayat, functions in relation to any matters to which the Executive authority of the Government extends or the functions which have been assigned to the State Government by the Central Government.
- (2) The Government may, by notification, withdraw or modify the functions assigned under this section.

147. General Powers Of Taluk Panchayat :-

The Taluk Panchayat shall have powers to do all acts necessary for or incidental to, the carrying out of the functions entrusted or delegated to it and, in particular, and without prejudice to the foregoing powers to exercise all powers specified under this Act.

148. Standing Committees :-

- (1) A Taluk Panchayat shall have the following standing committees, namely,-
 - (a) General Standing Committee;
 - (b) Finance, Audit and Planning Committee;
 - (c) Social Justice Committee.
- 1 [(2) Each standing committee shall consist of such number of members not exceeding six including the Chairman as specified by the Taluk Panchayat, elected by the members of the Taluk Panchayat from among the elected members. The election of members of standing committee shall be held as soon as may be after every general election of members of Taluk Panchayat or on its reconstitution or establishment under this Act or immediately before the expiry of the term of office of the members of the standing committee: 1. Substituted by Act 29 of 1997 w.e.f. 20.10.1997. Provided that the Social Justice Committee shall consist of at least one member who is a woman and one

member from either the Scheduled Castes or Scheduled Tribes whichever has more number of elected members.] 1 1 [(2A) The term of office of every member of the standing committee shall, save as otherwise provided in this Act, be twenty months from the date of his election or till he ceases to be a member of the Taluk Panchayat, whichever is earlier.] 1 1. Inserted by Act 17 of 1996 w.e.f. 23.3.1996. 1 [(3) The Adhyaksha shall be the ex-officio member and Chairman of the Finance, Audit and Planning Committee. The Upadhyaksha shall be the ex officio member and Chairman of the General Standing Committee. The other standing Committees shall elect the Chairman from among the members.] 1 1. Substituted by Act 29 of 1997 w.e.f. 20.10.1997.

(4) No elected member of the Taluk Panchayat shall be eligible to serve on more than one standing committee.

(5) The Executive Officer shall be the ex-officio Secretary of every standing committee.

149. Functions Of The Standing Committees :-

- (1) The General Standing Committee shall perform functions relating to the establishment matters, communications, buildings, rural housing, village extensions, relief against natural calamities, water supply and all miscellaneous residuary matters.
- (2) The Finance, Audit and Planning Committee shall perform the functions relating to the finance of the Taluk Panchayat, framing of budgets, scrutinising proposals for increase of revenue, examinations of receipts and expenditure statement, consideration of all proposals affecting the finances of the Taluk Panchayat and general supervision of the revenue and expenditure of the Taluk Panchayat and co-operation, small savings scheme and any other function relating to the development plan of the Taluk. 93
- (3) The Social Justice Committee shall perform functions relating to,-
- (a) promotion of education, economic, social, cultural and other interests of the Scheduled Castes and Scheduled Tribes and Backward Classes;
 - (b) protecting them from social injustice and all other forms of exploitation;
 - (c) amelioration of the Scheduled Castes and Scheduled Tribes and Backward Classes;
 - (d) securing social justice to the Scheduled Castes and Scheduled Tribes, women and other weaker sections of the society.

(4) The standing committee shall perform the functions referred to above to the extent the powers are delegated to them by the Taluk Panchayat.

150. Procedure Of Committees :-

(1) Taluk Panchayat may frame regulations relating to election of members of committees conduct of business therein and all other matters relating to them.

(2) The Chairman of every committee shall in respect of the work of the committee be entitled to call for any information, return, statement, account or report from the office of the Taluk Panchayat and to enter on and inspect any immoveable property of the Taluk Panchayat or work in progress connected with the work of the committee .

(3) Each committee shall be entitled to require attendance at its meetings any officer of the Taluk Panchayat who is connected with the work of the committee. The Secretary shall under instruction of the Committee, issue notices and secure the attendance of the officer.

151. Delegation Of Powers :-

The Taluk Panchayat may, by notification delegate to the Executive Officer or other officer any of the powers conferred by or under this Act on Taluk Panchayat.

152. Powers And Duties Of The Adhyaksha :-

The Adhyaksha shall be the Executive head of the Taluk Panchayat and shall] 1 , - 1. Substituted by Act 9 of 1996 w.e.f. 29.11.1995.

(a) convene, preside at and conduct meetings of the Taluk Panchayat;

(b) discharge all duties imposed and exercise all the powers conferred on him under this Act and the rules made thereunder and perform such functions entrusted to him by the Government from time to time; 1 [(c) exercise supervision and control over the Executive Officer for securing implementation of resolutions or decisions of the Taluk Panchayat or of the Standing Committees which are not inconsistent with the provisions of this Act or any general or specific directions issued under this Act] 1 1. Omitted Act 9 of 1996 w.e.f. 29.11.1995 and Inserted by 37 of 2003 w.e.f. 1.10.2003.

(d) exercise overall supervision 1 [and control] 1 over the financial and executive administration of the Taluk Panchayat and place

before the Taluk Panchayat all questions connected therewith which shall appear to him to require its orders and for this purpose may call for records of Taluk Panchayat; and 1. Inserted by Act 37 of 2003 w.e.f. 1.10.2003.94

(e) have power to accord sanction upto a total sum of twenty-five thousand rupees in a year for the purpose of providing immediate relief to those who are affected by the natural calamities in the Taluk: Provided that the Adhyaksha shall place at the next meeting of the Taluk Panchayat for its ratification, the details of such sanctions.

153. Powers And Duties Of The Upadhyaksha :-

The Upadhyaksha of the Taluk Panchayat shall,-

(a) exercise the powers and perform the duties of the Adhyaksha, when the Adhyaksha is absent or on leave or is incapacitated from functioning 1 [or when the office of Adhyaksha is vacant] 1 ; and 1. Inserted by Act 1 of 1997 w.e.f. 26.2.1997.

(b) in the absence of the Adhyaksha 1 [or when the office of Adhyaksha is vacant] 1 preside over the meeting of the Taluk Panchayat. 1. Inserted by Act 1 of 1997 w.e.f. 26.2.1997.

154. Mode Of Making Contract :-

(1) Every contract or agreement entered into on behalf of the Taluk Panchayat shall be binding on the Taluk Panchayat only if the said contract or agreement is executed in accordance with the provisions of this section.

(2) The Executive Officer shall execute contract or agreements on behalf of the Taluk Panchayat in respect of matters which he is empowered to carry out under the provisions of this Act. He may execute such contract or agreement on behalf of Taluk Panchayat upto such amount of value of contract or agreement as may be specified by the Government from time to time. In all other cases he shall execute a contract or agreement only with the sanction of the Taluk Panchayat.

CHAPTER 9

STAFF OF TALUK PANCHAYAT

155. Executive Officer And Other Staff :-

(1) The Government shall appoint a Group A Officer of the State Civil Services or equal to the rank of the Assistant Commissioner to be the Executive Officer of the Taluk Panchayat.

(2) The Government shall post from time to time to work under every Taluk Panchayat such number of officers and officials of group A or B or C or D Services of the State (including any officer and official appointed to such service from amongst persons employed by existing local authorities) to serve under the Taluk Panchayat as the Government considers necessary.

(3) Notwithstanding anything contained in this act or any other law for the time being in force, Government or any officer or other authority authorised by it in this behalf shall have power to effect transfer of the officers and officials so posted either within the Taluk or from one Taluk to another Taluk.

156. Functions Of The Executive Officer And Other Officers And Officials :-

(1) 1 [Save as otherwise expressly provided by or under this Act,]
1 2 [the Executive Officer shall perform the following functions,-] 2
1. Substituted by Act 9 of 1996 w.e.f. 29.11.1995. 2. Substituted
by Act 37 fo 2003 w.e.f. 1.10.2003. 95

(a) exercise all the powers specifically imposed or conferred upon him by or under this Act, or under any other law for the time being in force; 1 [(b) control the officers and officials of, or holding office under the Taluk Panchayat subject to the general superintendence and control of the Adhyaksha and such rules as may be prescribed.]

1 1. Substituted by Act 9 of 1996 w.e.f. 29.11.1995. 1
[(bb)discharge all duties imposed and exercise all the powers conferred on him under this Act and the rules made there under and perform such other functions entrusted to him by the Government from time to time] 1 1. Inserted by Act 37 of 2003 w.e.f. 1.10.2003.

(c) supervise and control the execution of all works of the Taluk Panchayat;

(d) take necessary measures for the speedy execution of all works and developmental schemes of the Taluk Panchayat;

(e) have custody of all papers and documents connected with the proceedings of the meetings of the Taluk Panchayat and of its Committees;

(f) draw and disburse monies out of the Taluk Panchayat fund; and

(g) exercise such other powers and discharge such other functions as may be prescribed.

(2) The Executive Officer shall attend every meeting of the Taluk Panchayat and shall have the right to attend the meeting of any

committee thereof and to take part in the discussion but shall not have the right to move any resolution or to vote. 1 [If in the opinion of the Executive Officer any proposal or resolution before the Taluk Panchayat or any Committee or any order of the Adhyaksha is violative of, or inconsistent with the provisions of this Act, or any other law or rule or order made thereunder or any financial regulation or budget provision or is in derogation of the functions and powers of the Taluk Panchayat or its committee or the Adhyaksha, it shall be the duty of the Executive Officer to advise the Taluk Panchayat or the committee or the Adhyaksha in the form of a written note containing the reasons for his opinion and specifying the law, rule, order, regulation or provision with which the proposal or resolution or order is inconsistent and if the proposal or resolution or order has been considered and passed by the Taluk Panchayat or the committee or the Adhyaksha before such advise is tendered, the Executive Officer may resubmit the proposal or resolution or order with his advice after such examination as he considers necessary.] 1 1. Substituted by Act 29 of 1997 w.e.f. 20.10.1997. 1 [(3) If the Taluk Panchayat or any of its committees or the Adhyaksha passes the resolution or order without resolving the inconsistency referred to in sub-section (2) it shall be the duty of the Executive Officer, notwithstanding any other provisions in this Act, to forward forthwith to the Chief Executive Officer under intimation to the Adhyaksha a copy of the said resolution or order along with his written note.] 1. Substituted 29 of 1997 w.e.f. 20.10.1997.

157. Executive Officers Right To Requisition Records. Etc :-

(1) Every person in possession of moneys, accounts, records, or other property pertaining to a Grama Panchayat or Taluk Panchayat shall on the requisition in writing of the Executive Officer 96 for this purpose, forthwith handover such moneys or deliver up such accounts, records or other property to the Executive Officer or the person authorised in the requisition to receive the same.

(2) The Executive Officer may also take steps to recover any money due by such person in the same manner and subject to the same provisions as in the Karnataka Land Revenue Act, 1964 (Karnataka Act 12 of 1964) for the recovery of the arrears of land revenue from defaulters; and for the purpose of recovering the accounts , records or other property appertaining to the Grama Panchayat or Taluk Panchayat may issue a search warrant and exercise all such

powers with respect thereto as may lawfully be exercised by a Magistrate under the provisions of Chapter VII of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974).

(3) Every person knowing where any moneys, accounts, records or other property appertaining to a Grama Panchayat or Taluk Panchayat are concealed, shall be bound to give information of the same to the Executive Officer.

(4) An appeal shall lie from an order of the Executive Officer under this section to the Chief Executive Officer.

CHAPTER 10

ZILLA PANCHAYAT CONSTITUTION OF ZILLA PANCHAYAT

158. Establishment Of Zilla Panchayat And Its Incorporation :-

(1) There shall be constituted for each district a Zilla Panchayat having jurisdiction over the entire district excluding such portions of the district as are included in a 1 [smaller urban area] 1 or are under the authority of a municipal corporation, a 1 [a Town Panchayat or an Industrial Township] 1 constituted under any law for the time being in force: 1. Substituted by Act 29 of 1997 w.e.f. 20.10.1997. Provided that a Zilla Panchayat may have its office in any area comprised within the excluded portion of the district and in such area may exercise its powers and functions over schools and other institutions under its control or management.

(2) Every Zilla Panchayat shall be a body corporate by the name of "..... Zilla Panchayat" shall have perpetual succession and a common seal and subject to such restrictions as are imposed by or under this or any other enactment, shall be vested with the capacity of suing or being sued in its corporate name, of acquiring, holding and transferring property movable or 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.

159. Constitution Of Zilla Panchayat :-

(1) Every Zilla Panchayat shall consist of,-

(i) the elected members as determined under section 160;

(ii) the members of the House of People and the members of the State Legislative Assembly representing a part or whole of the district whose constituencies lie within the district;

(iii) the members of the Council of State and the members of the State Legislative Council who are registered as electors within the district; and 97

(iv) the Adhyakshas of Taluk Panchayats in the district. 1 [(2) The members of the House of People, the State Legislative Assembly, the Council of States and the Legislative Council and the Adhyaksha of Taluk Panchayat referred to in clauses (ii), (iii) and (iv) of sub-section (1) shall be entitled to take part in the proceedings of, and vote at, the meetings of Zilla Panchayat except at a special meeting convened for the purpose of election of Adhyakshas and Upadhyakshas under sub-section (1) of section 177 or for considering a no confidence motion under subsection (3) of section 179.] 1 1. Substituted by Act 29 of 1997 w.e.f. 20.10.1997.

(3) Notwithstanding anything contained in this section or sections 160, 161, and 162 but subject to any general or special orders of the Government, where two-thirds of the total number of members of any Zilla Panchayat required to be elected, have been elected, the Zilla Panchayat shall be deemed to have been duly constituted under this Act.

160. Elected Members :-

The elected members of the Zilla Panchayat shall consist of persons elected from the Taluks in the district, the number of members to be elected from each Taluk 2 [being fixed by the 3 [Government] 3] 2 in accordance with the scale of one member for forty thousand or part thereof of the population : 1. Substituted by Act 10 of 1995 w.e.f. 13.1.1995. 2. Substituted by Act 29 of 1997 w.e.f. 20.10.1997. 3. Substituted by Act 37 of 2003 w.e.f. 1.10.2003. Provided that in the case of Uttara Kannada and Chickmagalur districts, it shall be one member for thirty thousand or part thereof of the population and in the case of Kodagu district, it shall be one member for eighteen thousand or part thereof of the population.]

161. Determination Of Elected Members After Census :-

Upon the publication of the figures of each census, the number of elected members of a Zilla Panchayat 1 [shall be determined by the 2 [State Election Commission] 2] 1 on the basis of the population of the district as ascertained at that census: 1. Substituted by Act 29 of 1997 w.e.f. 20.10.1997. 2. Substituted by Act 37 of 2003 w.e.f. 1.10.2003. Provided that the determination of the number as aforesaid shall not affect the then composition of the Zilla Panchayat until the expiry of the term of office of the elected members then in office.

162. Reservation Of Seats :-

(1) Seats 1 [shall be reserved by the 2 [State Election Commission] 2] 1 in the Zilla Panchayat,- 1. Substituted by Act 29 of 1997 w.e.f. 20.10.1997. 2. Substituted by Act 37 of 2003 w.e.f. 1.10.2003.

(a) for Scheduled Castes; and

(b) for the Scheduled Tribes; and number of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of seats to be filled by direct election in the Zilla Panchayat as the 9 8 population of the Scheduled Castes in the district or of the Scheduled Tribes in the district bears to the total population of the district: 1 [Provided that at least one seat each shall be reserved in a Zilla Panchayat for the persons belonging to the Scheduled Castes and the Scheduled tribes.] 1 1. Omitted by Act 10 of 1985 and Inserted by Act 11 of 2000 w.e.f. 25.4.2000.

(2) Such number of seats which shall, as nearly as may be one third of the total number of seats in a Zilla Panchayat 1 [shall be reserved by the 2 [State Election Commission] 1] 2 for persons belonging to the Backward Classes. 1. Substituted by Act 29 of 1997 w.e.f. 20.10.1997. 2. Substituted by Act 37 of 2003 w.e.f. 1.10.2003. 1 [Provided that out of the seats reserved under this sub-section, eighty per cent of the total number of such seats 2 [shall be reserved by the 3 [State Election Commission] 3] 2 for the persons falling under category A and the remaining twenty per cent of the seats 2 [shall be reserved by the 3 [State Election Commission] 2] 3 for the persons falling under category B.] 1 1. Inserted by Act 10 of 1995 w.e.f. 13.1.1995. 2. Substituted by Act 29 of 1997 w.e.f. 20.10.1997. 3. Substituted by Act 37 of 2003 w.e.f. 1.10.2003.

(3) Not less than one third of the seats reserved for each category of persons belonging to the Scheduled Castes, Scheduled Tribes and Backward Classes and those of the non-reserved seats in the Zilla Panchayat 1 [shall be reserved by the 2 [State Election Commission] 2] 1 for women: 1. Substituted by Act 29 of 1997 w.e.f. 20.10.1997. 2. Substituted by Act 37 of 2003 w.e.f. 1.10.2003. Provided that the seats reserved under sub-sections (1), (2) and (3) shall be allotted by rotation to different constituencies in the district: Provided further that nothing contained in this section shall be deemed to prevent the persons belonging to the Scheduled Castes or Scheduled Tribes or Backward Classes or women for whom seats have been reserved in a Zilla

Panchayat from standing for election to the non-reserved seats in such Zilla Panchayat.

163. Delimitation Of Territorial Constituencies :-

1 [The State Election Commission] 1 shall, by notification,- 1. Substituted by Act 37 of 2003 w.e.f. 1.10.2003.

(a) divide the area within the jurisdiction of every Zilla Panchayat, for the purpose of election to such Zilla Panchayat into as many signal member territorial constituencies as the number of members required to be elected under section 160;

(b) determine the extent of each territorial constituency which shall be a Taluk or part of a Taluk ;and 1 [(c) determine the territorial constituency or constituencies in which seats are reserved for the persons belonging to the Scheduled Castes, Scheduled Tribes, Backward Classes and for Women.] 1 1. Substituted by Act 29 of 1997 w.e.f. 20.10.1997.

164. Right To Vote :-

(1) Every person whose name appears in the electoral roll relating to a constituency shall subject to the other provisions of this Act, be entitled to vote at any election which takes place in that constituency while the electoral roll remains in force and no person whose name does appear in such electoral roll shall vote at any such election.

(2) No person shall vote at an election under this Act in more than one constituency or more than once in the same constituency and if he does so, all his votes shall be invalid.

165. Electoral Roll :-

The electoral roll of the Zilla Panchayat 1 [shall be prepared by the Assistant Commissioner] 1 subject to the superintendence, direction and control of the State Election Commission: 1. Substituted by Act 21 of 1999 w.e.f. 4.8.1999. Provided that the electoral roll of the Karnataka Legislative Assembly for the time being in force for such part of the district as is included in any constituency of the Zilla Panchayat may be adopted for the purpose of preparation of electoral roll of the Zilla Panchayat for such constituency: Provided further that the electoral roll for such constituency of the Zilla Panchayat shall not include any amendment, transposition, inclusion or deletion of any entry made after the last date for making nomination for the election of such constituency and before the completion of such election.

166. Qualifications Of A Candidate :-

(1) A person shall not be qualified to be chosen to fill a seat in a Zilla Panchayat unless his name is included in the electoral roll of the Zilla Panchayat for the time being in force in the district.

(2) A person shall not be qualified to be chosen from a territorial constituency to fill a seat in a Zilla Panchayat unless in the case of a seat reserved for the Scheduled Castes or Scheduled Tribes or Backward Classes or women such person is a member of those castes or tribes or classes or is a woman.

167. Disqualification For Members :-

(1) A person shall be disqualified for being chosen and for being member of a Zilla Panchayat,-

(a) if he is so disqualified by or under any law for the time being in force for the purposes of the elections to the State Legislature: Provided that no person shall be disqualified on the ground that he is less than twenty five years, if he has attained the age of twenty-one years.

(b) if he has been sentenced by a criminal court to imprisonment for a term exceeding three months in respect of an offence under the Karnataka Excise Act , 1965 (Karnataka Act 21 of 1966), such sentence not having been subsequently reversed or quashed or the offence pardoned; or

(c) if an order has been passed against him under section 117 of the Code Of Criminal Procedure, 1973 (Central Act 2 of 1974) in proceedings instituted under section 110 of that code, such order not having been subsequently reversed or quashed ; or

(d) if he has been dismissed from service under any local authority; or

(e) if having been a legal or medical practitioner or a chartered accountant has been disenrolled or suspended by order of a competent authority, the disqualification in the latter case being operative during the period of such suspension; or

(f) if he has been removed from membership of any local authority; or

(g) if he holds any office of profit under any local or other authority subject to the control of the Central Government, the State Government or the Government of any other State, other than such office as are declared by rules made under this Act not to disqualify the holder; or Explanation.- For the purpose of this clause a person

shall not be deemed to hold an office of profit under the Zilla Panchayat, Taluk Panchayat or Grama Panchayat by reason only that he is an Adhyaksha or Upadhyaksha of Zilla Panchayat, Taluk Panchayat or Grama Panchayat.

(h) if save as hereinafter provided, he has directly or indirectly any share or interest in any work done by order of the Zilla Panchayat or in any contract or employment with or under, or by, or on behalf of, the Zilla Panchayat 1 [or if he is either directly or indirectly by himself or by his partner or agent or employee involved in obtaining or execution of any such work or contract on behalf of the Zilla Panchayat or of any contract for the supply of any goods and services to the Zilla Panchayat; or] 1 1. Inserted by Act 29 of 1997 w.e.f. 20.10.1997.

(i) if he employed as a paid legal practitioner on behalf of the Zilla Panchayat or accepts employment as legal practitioner against the Zilla Panchayat; or 1 [(j) if he does not have a sanitary latrine for the use of the members of his family: 2 [Provided that nothing in this clause shall apply to a person, if at the time of filing his nomination he gives an undertaking to construct within one year from the date of commencement of his term of office as a member, a sanitary latrine for the use of the members of his family and also complies with such undertaking after becoming a member.] 2] 1 1. Inserted by Act 29 of 1997 w.e.f. 20.10.1997. 2. Substituted by Act 11 of 2000 w.e.f. 25.4.2000. 1 [(J-1) If he is disqualified under section 308 C or;] 1 1. Inserted by Act 37 of 2003 w.e.f. 1.10.2003. 1 [(k)] 1 if he is disqualified under the Karnataka Local Authorities (Prohibition of Defection) Act, 1987; 1. Renumbered by Act 29 of 1997 w.e.f. 20.10.1997. Provided that,-

(a) the disqualification in clause (c) will cease to operate after the expiry of the period during which a person is ordered to furnish security;

(b) the disqualification in clause (b), (d), or (e) will cease to operate after the expiry of five years from the date of such sentence or dismissal or disenrollment or removal by an order of the Government; 101

(c) the disqualification in clause (f) will cease after the expiry of five years from the date of such removal; 1 [(cc) the disqualification under clause (j-1) will cease to operate after the expiry of three years from the date of order by the State Election Commission under section 308C.] 1 1. Inserted by Act 37 of 2003 w.e.f. 1.10.2003.

(d) a person shall not be deemed to have incurred disqualification

under clause (h) by reason of his,-

(i) having a share in any joint stock company or a share or interest in any association registered under the Karnataka Societies Registration Act, 1960 (Karnataka Act 17 of 1960) or in any co-operative society which shall contract with or be employed by or on behalf of the Zilla Panchayat, or

(ii) having a share or interest in any newspaper in which any advertisement relating to the affairs of the Zilla Panchayat is inserted, or

(iii) holding a debenture or being otherwise concerned in any loan raised by or on behalf of the Zilla Panchayat. 1 [(2) If a person who is chosen as a member of a Zilla Panchayat is or becomes a member of the House of the People, the Council of States, the State Legislative Assembly or the State Legislative Council, or is or becomes a Municipal Councillor or a Councillor of a Municipal Corporation or a Councillor of a Town Panchayat, or a member of a Taluk Panchayat or a Grama Panchayat then at the expiration of a period of fifteen days from the date of notification of the names of the members under section 172, or as the case may be, within fifteen days from the date of commencement of term of office of a member of the House of the people, the Council of states, the State Legislative Assembly or State Legislative Council or a Municipal Councillor or a Councillor of a Municipal Corporation or a Councillor of a Town Panchayat or a member of a Taluk Panchayat or Grama Panchayat, his seat in the Zilla Panchayat shall become vacant unless he has previously resigned his seat in the House of the People, the Council of States, the State Legislative Assembly or the State Legislative Council or the Municipal Council or the Municipal Corporation or Town Panchayat or Taluk Panchayat or Grama Panchayat as the case may be.] 1 1. Substituted by Act 29 of 1997 w.e.f. 20.10.1997.

168. Vacancy Of Seats :-

(1) If any member of a Zilla Panchayat,-

(a) is or becomes subject to any of the disqualifications specified in section 167; or

(b) votes or takes part as a member in the discussion of any matter in which he has directly or indirectly any such share or interest as is described in sub-clause (i) or (ii) of clause (d) of the proviso to sub-section (1) of section 167; or

(c) votes on or takes part in the discussion of any question in

contravention of the provision of clause (g) of sub-section (2) of section 180; or

(d) being an elected member, absents himself, for more than three consecutive ordinary meetings of the Zilla Panchayat unless leave so to absents himself, which shall not exceed six months, had been granted by the Zilla Panchayat 1 [xxx] 1 his seat shall be deemed to be or to have become, as the case may be, vacant: 1. Omitted by Act 37 of 2003 w.e.f. 1.10.2003. Provided that where an application is made by a member to the Zilla Panchayat for leave to absents himself under clause (d) and the Zilla Panchayat fails to inform the applicant of its decision on the application within a period of one month from the date of the application the leave applied for shall be deemed to have been granted by the Zilla Panchayat.

(2) The 1 [State Election Commission] 1 on a report made to it and after giving a reasonable opportunity to the person concerned of being heard shall declare whether the seat of the person concerned is or has become vacant. 1. Substituted by Act 29 of 1997 w.e.f. 20.10.1997.

169. Method Of Voting And Procedure For Election :-

(1) Every elector shall have as many votes as there are members to be elected. No elector shall give more than one vote to any one candidate.

(2) Subject to the provisions of this Act, election to the Zilla Panchayat shall be held by ballot in accordance with such rules as may be prescribed.

(3) The provisions of sections 26, 27, 28, 29, 30, 31, 1 [31A, 31B] 1 , 32, 33, 34, 35, 36, 37, 38, 39, and 40 shall apply in respect of elections to Zilla Panchayat as they apply to elections to Grama Panchayats. 1. Inserted by Act 29 of 1997 w.e.f. 20.10.1997.

170. Prohibition Of Simultaneous Membership :-

(1) If a person is elected by more than one Zilla Panchayat constituency he shall, by notice in writing signed by him and delivered to the Deputy Commissioner or any other officer, authorised by the Government within the prescribed time, choose any one of the constituencies which he shall serve, and the choice shall be final.

(2) If the person does not make the choice referred to in sub-section (1), the Deputy Commissioner or the authorised officer,

shall determine by lot and notify the constituency which such person shall serve.

(3) Such person shall be deemed to have been elected only for the constituency so chosen or notified, as the case may be and the vacancy or vacancies thereby arising in respect of the other constituency or constituencies shall be filled by election.

171. Application Of Certain Sections Relating To Elections :-

(1) The provisions of sections 15, 16, 17, 18, 19, 20, 21, 22, 23, and 24 shall apply mutatis mutandis in respect of election to Zilla Panchayat, the application being to the 1 [Civil Judge (Senior Division)] 1 having jurisdiction and the deposit as security for costs being two thousand rupees. 1. Substituted by Act 29 of 1997 w.e.f. 20.10.1997.

(2) Any person aggrieved by any decision or order of the 1 [Civil Judge (Senior Division)] 1 under this section may, within thirty days from the date of such decision or order appeal to the District Judge and the decision of the District Judge on such appeal shall be final. 1. Substituted by Act 29 of 1997 w.e.f. 20.10.1997.

172. Publication Of Names Of Members :-

The names of members elected to any Zilla Panchayat shall be 1 [reported to the Government which shall notify the names] 1 in the Official Gazette. 1. Substituted by Act 8 of 2000 w.e.f. 3.4.2000.

173. Term Of Office Of Members :-

(1) Except as is otherwise provided in this Act, members of a Zilla Panchayat elected at a general election shall hold office for a term of five years.

(2) The term of office of the member elected at a general election shall commence on the date appointed for the first meeting of the Zilla Panchayat.

(3) The term of office of a member elected to fill a casual vacancy shall commence on the date of publication of his name under section 172.

174. Resignation Of Members :-

A member of a Zilla Panchayat may resign his membership in writing under his hand addressed to the Adhyaksha of the Zilla Panchayat and his seat shall become vacant on the expiry of fifteen clear days from the date of such resignation unless within the said period of fifteen days, he withdraws such resignation by writing

under his hand addressed to the Adhyaksha. 1 [The Adhyaksha shall cause the letter of resignation to be laid in the next meeting of the Zilla Panchayat.] 1 1. Inserted by Act 29 of 1997 w.e.f. 20.10.1997.

175. Removal Of Members For Misconduct :-

The Government if it thinks fit on the recommendation of the Zilla Panchayat, may remove any member after giving him an opportunity of being heard and after such enquiry as it deems necessary if such member has been guilty of misconduct in the discharge of his duties or of any disgraceful conduct or has become incapable of performing his duties as a member.

175A. Members To Declare Assets :-

(1) Every member shall within three months from the date of commencement of his term of office and until the expiry of his term in every calendar year file a declaration of assets owned by him and any member of his family, in such manner and in such form as may be prescribed, before the State Election Commission or competent authority as may be notified by the Government. 1. Inserted by Act 37 of 2003 w.e.f. 1.10.2003.

(2) Where a member, after filing a declaration under sub-section

(1), acquires or disposes any asset he shall file further declaration to this effect before the State Election Commission or the competent authority, within three months from the date of such acquisition or disposal, as the case may be.

(3) Any member, who fails to file declaration under sub-section (1), or subsection (2) or files the same knowing it to be false or incorrect shall cease to be a member.

(4) Any question whether a member has ceased to be a member under subsection (3) shall on a reference made by the Zilla Panchayat, to the State Election Commission be decided by it and the decision of the State Election Commission thereon shall be final. Explanation: For the purposes of this section family means the spouse and dependent children of the member.]

176. Casual Vacancy :-

A casual vacancy of a member of a Zilla Panchayat shall be filled up, as soon as conveniently may be, by the election of a person thereto who shall hold office so long only as the member in whose place he is elected could have held office if the vacancy had not occurred.

177. Election Of Adhyaksha, Upadhyaksha And Term Of Office :-

(1) The elected members of the Zilla Panchayat referred to in clause (i) of sub-section (1) of section 159 shall 1 [2 [within one month from the date of publication of names of members under section 172] 2 , after every general election of member of Zilla Panchayat or on its reconstitution or establishment under this Act

or immediately before the expiry of term of office of Adhyaksha and Upadhyaksha] 1 choose two member from amongst them to be respectively Adhyaksha and Upadhyaksha thereof, and so often as there is a casual vacancy in the office of Adhyaksha and Upadhyaksha they shall choose another member from amongst them to be Adhyaksha or Upadhyaksha, as the case may be: 1. Substituted by Act 17 of 1996 w.e.f. 23.9.1996. 2. Substituted by Act 29 of 1997 w.e.f. 20.10.1997. Provided that no election shall be held if the vacancy is for a period of less than one month.

(2) There shall be reserved by the 1 [Government] 1 , in the prescribed manner,- 1. Substituted by Act 8 of 2000 w.e.f. 3.4.2000.

(a) Such number of offices of Adhyaksha and Upadhyaksha of Zilla Panchayat in the State for the persons belonging to the Scheduled Castes and Scheduled Tribes and the number of such offices bearing as nearly as may be the same proportion to the total number of offices in the State as the population of the Scheduled Castes in the State or of the Scheduled Tribe in the State bear to the total population of the State; 1 [Proviso x x x] 1 1. Omitted by Act 10 of 1995 w.e.f. 13.1.1995.

(b) such number of offices of Adhyaksha and Upadhyaksha in the State which shall as nearly as may be one-third of the total number of offices of Adhyaksha and Upadhyaksha in the State, for the persons belonging to the Backward Classes: 1 [Provided that out of the offices reserved under this clause, eighty per cent of the total number of such offices shall be reserved for the persons falling under category A and the remaining twenty per cent of the offices shall be reserved for the persons falling under category B ;] 1 1. Inserted by Act 10 of 1995 w.e.f. 13.1.1995.

(c) not less than one-third of the total number of offices of Adhyaksha and Upadhyaksha in the State from each categories reserved for person belonging to the Scheduled Castes, Scheduled Tribes and Backward Classes and those which are nonreserved, for women: Provided that the offices reserved under this section shall be allotted by rotation to different Zilla Panchayats. 105 Explanation.- For the removal of doubts it is hereby declared that the principle of rotation for the purposes of reservation of offices under this sub-section shall commence from the first ordinary election to be held after the commencement of the Karnataka Panchayat Raj Act, 1993. 1 [(3) The term of office of every Adhyaksha and every Upadhyaksha of Zilla Panchayat shall, save as otherwise provided in this Act, be twenty months from the date of

his election or till he ceases to be a Member of Zilla Panchayat, whichever is earlier:] 1 1. Substituted by Act 17 of 1996 w.e.f. 23.9.1996. 1 [Provided that the member who is elected as Adhyaksha or Upadhyaksha to fill the casual vacancy in the office of Adhyaksha or Upadhyaksha shall hold office for the remainder of the period for which the Adhyaksha or Upadhyaksha in whose place he has been elected would have held office if the vacancy had not occurred.] 1 1. Inserted by Act 10 of 1997 w.e.f. 23.9.1996. (4) The election of the Adhyaksha or the Upadhyaksha of a Zilla Panchayat and, filling up of vacancies in the said offices and the determination of disputes relating to such election shall be in accordance with such rules as may be prescribed: Provided that the authority to determine such election disputes shall be the District Judge having Jurisdiction.

178. Salary And Allowances To The Adhyaksha And Upadhyaksha And Other Members :-

- (1) The salary and allowances of Adhyaksha and Upadhyaksha shall be as prescribed.
- (2) Every member of the Zilla Panchayat other than the Adhyaksha and the Upadhyaksha shall be entitled to receive such sitting fee and allowances, as may be prescribed.

179. Resignation Or Removal Of Adhyaksha And Upadhyaksha :-

- (1) A member holding office as Adhyaksha of Zilla Panchayat may resign his office at any time by writing under his hand addressed to the 1 [Government] 1 and the Upadhyaksha of Zilla Panchayat may resign his office at any time by writing under his hand addressed to the Adhyaksha and in the absence of Adhyaksha to the 1 [Government] 1 and the office shall become vacant on the expiry of fifteen days from the date of such resignation unless within the said period of fifteen days he withdraws such resignation by writing under his hand addressed to the 1 [Government] 1 or the Adhyaksha, as the case may be. 1. Substituted by Act 29 of 1997 w.e.f. 20.10.1997.
- (2) Every Adhyaksha or Upadhyaksha of Zilla Panchayat shall vacate office if he ceases to be a member of the Zilla Panchayat.
- (3) Every Adhyaksha and every Upadhyaksha of Zilla Panchayat shall be deemed to have vacated his office forthwith if a resolution expressing want of confidence in him is passed by a majority of the

total number of elected members of the Zilla Panchayat at a meeting specially convened for this purpose: 1 [Provided that no resolution expressing want of confidence in an Adhyaksha or Upadhyaksha shall be made within six months from the date of his election: 1. Inserted by Act 29 of 1997 w.e.f. 20.10.1997. 106 Provided further that where a resolution expressing want of confidence in any Adhyaksha or Upadhyaksha has been considered and negatived by the Zilla Panchayat, a similar resolution in respect of the same Adhyaksha or Upadhyaksha shall not be given notice of, or moved, within six months from the date of the decision of the Zilla Panchayat.] 1

(4) Every Adhyaksha and Upadhyaksha of the Zilla Panchayat shall, after an opportunity is afforded for hearing him, be removable from his office as Adhyaksha or Upadhyaksha by the Government for misconduct in the discharge of his duties, or for being persistently remiss in the discharge of his duties and an Adhyaksha or Upadhyaksha so removed who does not cease to be a member under sub-section (2) shall not be eligible for re-election as Adhyaksha or Upadhyaksha during the remaining term of office as member of such Zilla Panchayat.

(5) An Adhyaksha or Upadhyaksha removed from his office under sub-section (4) may also be removed by the Government from membership of the Zilla Panchayat. 1 [(6) Where the offices of both Adhyaksha and Upadhyaksha are vacant, the Chairman of the Standing Committee on Social Justice shall exercise the powers and perform the duties of the Adhyaksha until the Adhyaksha or Upadhyaksha is duly elected.] 1 1. Inserted by Act 37 of 2003 w.e.f. 1.10.2003.

180. Meetings Of Zilla Panchayat :-

(1) A Zilla Panchayat shall hold a meeting for the transaction of business at least once in two months (hereinafter in this section referred to as the ordinary meeting) and shall subject to the provisions of the following sub-sections, make regulations not inconsistent with this Act, or with any rules made thereunder with respect to the day, hour, notice, management and adjournment of its meetings and generally with respect to the transaction of business thereto. Every meeting of the Zilla Panchayat shall ordinarily be held at the headquarters of the Zilla Panchayat.

(2) (a) The date of the first meeting of the Zilla Panchayat after the first constitution or reconstitution, 1 [or the date of subsequent

meeting for the purpose of election of Adhyaksha or Upadhyaksha as the case may be] 1 shall be fixed by the Commissioner who shall preside at such meeting and date of each subsequent ordinary meeting shall be fixed at the previous meeting of the Zilla Panchayat, provided that the Adhyaksha of Zilla Panchayat may for sufficient reasons, alter the date of the meeting to a subsequent date. The Adhyaksha may, whenever he thinks fit and shall, upon the written request of not less than one-third of the total number of members and on a date within fifteen days from the receipt of such request, call a special meeting. Such request shall specify the object for which the meeting is proposed to be called. If the Adhyaksha fails to call a special meeting, the Upadhyaksha or one-third of the total number of members of the Zilla Panchayat may call the special meeting for a day not more than fifteen days after presentation of such request and require the Chief Executive Officer to give notice to the members and to take such action as may be necessary to convene the meeting. 1. Inserted by Act 1 of 1997 w.e.f. 26.2.1997.

(b) Ten clear days notice of an ordinary meeting and seven clear days notice of a special meeting specifying the time at which such meeting is to be held and the business to be transacted thereat, shall be sent to the members and pasted up at the 107 office of the Zilla Panchayat. Such notice shall include in the case of a special meeting any motion or proposition mentioned in the written request made for such meeting.

(c) 1 [One-half] 1 of the total number of members of the Zilla Panchayat shall form a quorum for transacting business at a meeting of the Zilla Panchayat. If at the time appointed for the meeting a quorum is not present, the person presiding shall, wait for thirty minutes and if within such period there is a quorum proceed with the meeting; but if within such period there is no quorum the person presiding shall adjourn the meeting to such hour on some future day as he may fix. He shall similarly adjourn the meeting at any time after it has begun if his attention is drawn to the want of a quorum. At such adjourned meetings at which there is quorum the business which would have been brought before the original meeting shall be transacted. 1. Substituted by Act 37 of 2003 w.e.f. 1.10.2003.

(d) Every meeting shall be open to the public unless the presiding authority considers that any enquiry or deliberation pending before the Zilla Panchayat should be held in camera and the said authority may at any time cause any person who interrupts the proceedings

to be removed.

(e) Every meeting shall be presided over by the Adhyaksha or if he is absent, 1 [or if the office of Adhyaksha is vacant] 1 by the Upadhyaksha and if both the Adhyaksha and Upadhyaksha are absent 1 [or if the offices of both Adhyaksha and Upadhyaksha are vacant] 1 or if the Adhyaksha is absent and there is no Upadhyaksha, the members present shall elect one from among themselves to preside. 1. Inserted by Act 1 of 1997 w.e.f. 26.2.1997.

(f) All questions shall, unless otherwise specially provided be decided by a majority of votes of the members present and voting. The presiding member, unless he refrains from voting, shall give vote before declaring the number of votes, for and against a question and in case of equality of votes he may give his casting vote.

(g) No member of a Zilla Panchayat shall vote on, or take part in the discussion of, any question coming up for consideration at a meeting of the Zilla Panchayat or any committee, if the question is one in which apart from its general application to the public he has any pecuniary interest. 1 [It shall be the duty of every member of a Zilla Panchayat to disclose to the Zilla Panchayat any pecuniary interest that he has, direct or indirect, on any question coming up for consideration at a meeting of a Zilla Panchayat] 1 1. Inserted by Act 37 of 2003 w.e.f. 1.10.2003.

(h) If the person presiding is believed by any member present at the meeting to have any such pecuniary interest in any matter under discussion, and if a motion to that effect be carried, he shall not preside at the meeting during such discussion, or vote on, or take part in it. Any member of the Zilla Panchayat may be chosen to preside at the meeting during the continuance of such discussion.

(i) No proposition shall be discussed at any ordinary meeting unless it has been entered in the notice convening such meeting or in the case of a special meeting, in the written request for such meeting. A member may propose any resolution connected with or incidental to the subjects in the list of business. The Adhyaksha may propose any 108 urgent subject of a routine nature not included in the list of business if no member objects to it. No permission shall be given in the case of a motion or proposition to modify or cancel any resolution within 1 [six months] 1 after the passing thereof except in accordance with clause (k). The order in which any business or proposition shall be brought forward at such meeting shall be

determined by the presiding authority who in case it is proposed by any member to give priority to any particular item of such business or to any particular proposition, shall put the proposal to the meeting and be guided by the majority of votes given for or against the proposal. 1. Substituted by Act 29 of 1997 w.e.f. 20.10.1997.

(j) Any ordinary meeting may, with the consent of a majority of the members present be adjourned from time to time, but no business shall be transacted at any adjourned meeting other than that left undisposed at the meeting from which the adjournment took place.

(k) No resolution of the Zilla Panchayat shall be modified or cancelled within six months after the passing thereof except by a resolution passed by not less than one-half of the total number of members at an ordinary or special meeting, any notice whereof shall have been given fulfilling the requirements of clause (b) and setting forth fully the resolution which it is proposed to modify fully or cancel at such meeting and motion or proposition for the modification or cancellation of such resolution.

(3) The proceedings of every meeting shall be recorded in the minute book immediately after the deliberations of the meeting and shall after being read over by the Chairman of the meeting be signed by him. The action taken on the decisions of the Zilla Panchayat shall be reported at the next meeting of the Zilla Panchayat. The minute book shall at all reasonable times be open to inspection by any member of the Zilla Panchayat. The Minute Book shall always be kept in the office of the Zilla Panchayat and it shall be in the custody of the Chief Executive Officer. 1 [A copy of the proceedings shall be displayed on the notice board of the Zilla Panchayat within three days from the date of meeting along with the details of the names of the members voting respectively for or against the resolutions passed in the meeting.] 1 1. Inserted by Act 37 of 2003 w.e.f. 1.10.2003.

(4) A copy of every resolution passed by a Zilla Panchayat at a meeting shall, within ten days from the date of meeting, be forwarded to the 1 [Government] 1 2 [and copies of the minutes of the meeting shall be furnished to all members.] 2 1. Substituted by Act 29 of 1997 w.e.f. 20.10.1997. 2. Inserted by Act 37 of 2003 w.e.f. 1.10.2003.

(5) During any vacancy in a Zilla Panchayat or any committee thereof, the continuing members may act as if no vacancy had occurred. 1 [(6) Notwithstanding anything contained in this Act, where a meeting is convened to consider a motion expressing want

of confidence,- 1. Inserted by Act 37 of 2003 w.e.f. 1.10.2003.

(i) in the Adhyaksha, it shall be presided over by the Upadhyaksha;

(ii) in the Upadhyaksha, it shall be presided over by the Adhyaksha; 109

(iii) in both the Adhyaksha and the Upadhyaksha, it shall be presided over by a member elected from amongst the elected members present at the meeting.]

181. Interpellations And Resolutions :-

(1) A member of Zilla Panchayat may move resolutions and interpellate the Adhyaksha of Zilla Panchayat on matters connected with the administration of the Zilla Panchayat, subject to such regulations as may be made by the Zilla Panchayat.

(2) A member of the Zilla Panchayat may also call the attention of the Adhyaksha to any neglect in the execution of the work of the Zilla Panchayat, to any waste of property belonging to the Zilla Panchayat or to the wants of any locality within the district and may suggest any improvements which may appear desirable.

182. Zilla Panchayat May Require The Presence Of Government Officers At Meetings :-

If it shall appear to a Zilla Panchayat that the attendance of any officer of the Government having jurisdiction over an area of a division or circle or less than division or circle and not working under the Zilla Panchayat, is desirable at a meeting of the Zilla Panchayat, the Chief Executive Officer shall by a letter addressed to such officer not less than fifteen days before the intended meeting, request that officer to be present at the meeting and the officer shall, unless prevented by sickness or other reasonable cause, attend the meetings: Provided that the officer on receipt of such letter may, if he for any of the causes aforesaid is unable to be present thereat himself, instruct his deputy or other competent subordinate officer to represent him at the meeting.

183. Validity Of Proceedings :-

(1) No disqualification or defect in the election or appointment of any person acting as member or as the Adhyaksha of Zilla Panchayat or presiding authority of a special or general meeting or a Chairman or member of committee appointed under this Act, shall be deemed to vitiate any act or proceeding of the Zilla Panchayat or of any such committee, as the case may be, in which such

person has taken part, whenever the majority who were parties to such act or proceedings, were entitled to act.

(2) No resolution of a Zilla Panchayat or of any committee appointed under this Act shall be deemed invalid on account of any irregularity in the service of notice upon any member provided that the proceedings of the Zilla Panchayat or committee, were not prejudicially affected by such irregularity.

(3) Until the contrary is proved every meeting of a Zilla Panchayat or of a committee appointed under this Act, in respect of proceedings whereof a minute has been made and signed in accordance with this Act, shall be deemed to have been duly convened and held and all the members of the meeting shall be deemed to have been duly qualified and where the proceedings are the proceedings of a committee, such committee shall be deemed to have been duly constituted and to have had the power to deal with the matters referred to in the minute.

(4) During any vacancy in a Zilla Panchayat or committee the continuing member or members may act as if no vacancy has occurred.

CHAPTER 11

FUNCTIONS, DUTIES AND POWERS OF ZILLA PANCHAYAT, ADHYAKSHA AND UPADHYAKSHA

184. Functions Of Zilla Panchayat :-

(1) The Zilla Panchayat shall perform the functions specified in Schedule III: 1. Subsection 1 and 2 Substituted by Act 29 of 1997 w.e.f. 20.10.1997. Provided that where the State Government or Central Government provide funds for the performance of any function specified in Schedule III, the Zilla Panchayat shall perform such functions in accordance with the guidelines or norms laid down for performance of such function.

(2) Notwithstanding anything contained in sub-section (1) or Schedule III, it shall be obligatory on the part of the Zilla Panchayat so far as the Zilla Panchayat fund at its disposal will allow, to make reasonable provisions within the area under its jurisdiction, in respect of the following matters, namely:-

(i) establishment of health centres including maternity centres so as to cover the entire population within five years, as per the norms laid down by the Government;

(ii) construction of underground water recharge structures to ensure availability of water in the drinking water wells;

- (iii) prevention of drilling of irrigation borewells in the vicinity of drinking water wells to ensure adequate drinking water, specially in lean season;
- (iv) drawing up a plan for social forestry development in each taluk and spending not less than such percentage of the District Plan allocation every year as may be specified by the Government from time to time.]

185. Assignment Of Functions :-

- (1) The Government may assign to a Zilla Panchayat, functions in relation to any matters to which the executive authority of the Government extends or in respect of the functions which have been assigned to the State Government by the Central Government.
- (2) The Government may, by notification, withdraw or modify the functions assigned under this section.

186. Standing Committees :-

- (1) The Zilla Panchayat shall have the following Standing committees, namely:-
 - (a) General Standing Committee;
 - (b) Finance, Audit and Planning Committee;
 - (c) Social Justice Committee;
 - (d) Education and Health Committee;
 - (e) Agriculture and Industries Committee; 1 [(2) Each Standing Committee shall consist of such number of members not exceeding seven including the Chairman as specified by the Zilla Panchayat elected by the members of the Zilla Panchayat from amongst the elected members. The election of members of standing Committee shall be held as soon as may be after every general election of member of Zilla Panchayat or on its reconstitution or establishment under this Act or immediately before the expiry of the term of office of the members of the Standing Committee: 1. Substituted by Act 29 of 1997 w.e.f. 20.10.1997. 111 Provided that the Social Justice Committee shall consist of at least one member who is a woman and one member from either the scheduled castes or the scheduled tribes whichever has more number of elected members.] 1 1 [(2A) The term of office of every member of the standing committee shall, save as otherwise provided in this Act, be twenty months from the date of his election or till he ceases to be a member of the Zilla Panchayat, whichever is earlier.] 1 1. Inserted by Act 17 of 1996 w.e.f. 23.9.1996. 1 [(3) The Adhyaksha shall be the ex-officio

member and Chairman of the Finance, Audit and Planning Committee. The Upadhyaksha shall be the ex-officio member and Chairman of the General Standing Committee. The other standing committees shall elect the Chairman from among their members.] 1
1. Substituted by Act 29 of 1997 w.e.f. 20.10.1997.

(4) No member of the Zilla Panchayat shall be eligible to serve on more than two Standing Committees.

(5) The Chief Executive Officer shall be the Ex-officio Secretary of the General Standing Committee and the Finance, Audit and Planning Committee and he shall nominate one of the Deputy Secretaries as Ex-officio Secretary for each of the remaining standing committees. The Chief executive officer shall be entitled to attend the meetings of all the standing committees.

187. Functions Of The Standing Committees :-

(1) The General Standing Committee shall perform functions relating to the establishment matters and functions relating to communications, buildings, rural housing, village extensions, relief against natural calamities and allied matters and all miscellaneous residuary matters.

(2) The Finance and Planning Committee shall perform the functions relating to,-

(a) the finances of the Zilla Panchayat, framing of budgets, scrutinising proposals for increase of revenue, examination of receipts and expenditure statements, consideration of all proposals affecting the finances of the Zilla Panchayat and general supervision of the revenue and expenditure of the Zilla Panchayat.

(b) the plan priorities, allocation of outlays to developments, horizontal and vertical linkages, implementation of guidelines issued by the Government, regular review of planned programmes, evaluation of important programmes and small savings schemes.

(3) The Social Justice Committee shall perform functions relating to,-

(a) promotion of educational, economic, social, cultural and other interests of the Scheduled Castes and Scheduled Tribes and Backward Classes;

(b) protecting them from social injustice and all other forms of exploitation;

(c) amelioration of the Scheduled Castes and Scheduled Tribes and

Backward Classes;

(d) securing social justice to the Scheduled Castes and Scheduled Tribes, women and other weaker sections of the society.

(4) The Education and Health Committee shall perform the following functions:-

(a) be incharge of all educational activities of the Zilla Panchayat;
112

(b) undertake the planning of education in the district within the framework of the national policy and the national and state plans;

(c) survey and evaluate the educational activities of the Zilla Panchayat;

(d) perform such other duties pertaining to education, adult literacy and cultural activities as the Zilla Panchayat may assign to it;

(e) health services, hospitals, water supply, family welfare and other allied matters.

(5) The Agriculture and Industry Committee shall perform functions relating to,-

(a) agricultural production, animal husbandry, co-operation, contour bunding and reclamation;

(b) village and cottage industries;

(c) promotion of industrial development of the district.

(6) The Standing Committees shall perform the functions referred to above to the extent the powers are delegated to them by the Zilla Panchayat.

(7) The Committees shall perform in respect of matters assigned to them such additional duties as may be prescribed.

188. Procedure Of Committees :-

(1) The Zilla Panchayat may frame regulations relating to election of members of committees conduct of business therein and all other matters relating to them.

(2) The Chairman of every committee shall in respect of the work of that committee be entitled to call for any information, return, statement or report from the office of the Zilla Panchayat and to enter on and inspect any immoveable property of the Zilla Panchayat or any work in progress concerning the committee.

(3) Each committee shall be entitled to require attendance at its meetings any officer of the Zilla Panchayat who is connected with the work of the committee. The Chief Executive officer shall under instruction of the Committee, issue notices and secure the

attendance of the officer.

189. Delegation Of Powers :-

The Zilla Panchayat may, by notification delegate to the Chief Executive Officer or other officer any of the powers conferred by or under this Act on the Zilla Panchayats.

190. Power To Divert, Discontinue Or Close Road :-

(1) The Zilla Panchayat may, by notification, turn, divert, discontinue or permanently close any road which is under the control and administration of , or is vested in, the Zilla Panchayat.

(2) Before issuing a notification under sub-section (1), the Zilla Panchayat shall publish in such manner as may be prescribed a notice of its proposal inviting objections and shall take into consideration any objections received.

191. General Powers Of Zilla Panchayat :-

(1) The Zilla Panchayat shall have powers to do all acts necessary for or incidental to, the carrying out of the functions entrusted or delegated to it and, in particular, and without prejudice to the foregoing powers to exercise all powers specified under this Act.

(2) Subject to the general or special orders of the Government, a Zilla Panchayat may,-

(a) incur expenditure on education or medical relief outside its jurisdiction; 113

(b) provide for carrying out any work or measure likely to promote the health, safety, education, comfort, convenience or social or economic or cultural well-being of the inhabitants of the district;

(c) contribute to associations of all India, State or Inter-State level, concerned with the promotion of local Government and to exhibition, seminars and conferences within the district related to the activities of Grama Panchayat, Taluk Panchayat and Zilla Panchayat; and

(d) render financial or other assistance to any person for carrying on in the district any such activity which is related to any of the functions of the said bodies.

192. Control Of Unwieldy Traffic :-

Subject to the provisions of the Karnataka Traffic Control Act, 1960, a Zilla Panchayat may subject to such rules as may be prescribed and to the regulations framed by the Zilla Panchayat, notify that any road vested in it shall not be used by any vehicle of

such form, construction, weight or size, or laden with such machinery or other unwieldy objects as may be deemed likely to cause injury to the roadway or to any construction thereon or risk or obstruction to other vehicles or to pedestrians except under the licence issued by the Chief Executive Officer and in accordance with the regulations framed from time to time as regards speed, time, fees, mode of traction or locomotion, use of appliances for protection of the roadway, number of lights and assistants and other general precautions.

193. Powers And Duties Of The Adhyaksha :-

The Adhyaksha shall be the Executive Head of the Zilla Panchayat and shall,-] 1 1 1. Substituted by Act 9 of 1996 w.e.f. 29.11.1995.

(a) convene, preside at and conduct meetings of the Zilla Panchayat;

(b) discharge all duties imposed and exercise all the powers conferred on him by or under this Act or perform such functions entrusted to him by the Government from time to time; 1 [(c) exercise such administrative supervision and control over the Chief Executive Officer for securing implementation of resolutions or decisions of the Zilla Panchayat or of the Standing Committees which are not inconsistent with the provisions of this Act, or any general or specific directions issued under this Act;] 1 1. Omitted by Act 9 of 1996 w.e.f. 29.11.1995 and Inserted by Act 37 of 2003 w.e.f. 1.10.2003.

(d) exercise overall supervision over the financial and executive administration of the Zilla Panchayat and place before the Zilla Panchayat all questions connected therewith which shall appear to him to require its orders and for this purpose may call for records of the Zilla Panchayat; and

(e) 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 Zilla Panchayat for its ratification, the details of such sanctions.

194. Powers And Duties Of The Upadhyaksha :-

The Upadhyaksha of the Zilla Panchayat shall,- 114

(a) exercise the powers and perform the functions of the Adhyaksha, when he is absent on leave or is incapacitated from functioning 1 [or when the office of Adhyaksha is vacant] 1 ; and 1. Inserted by Act 1 of 1997 w.e.f. 26.2.1997.

(b) in the absence of the Adhyaksha 1 [or when the office of

Adhyaksha is vacant] 1 preside over the meetings of the Zilla Panchayat. 1. Inserted by Act 1 of 1997 w.e.f. 26.2.1997.

195. Mode Of Making Contracts :-

(1) Every contract or agreement entered into on behalf of the Zilla Panchayat shall be binding on the Zilla Panchayat only if the said contract or agreement is executed in accordance with the provisions of this section.

(2) The Chief Executive Officer shall execute contracts or agreements on behalf of the Zilla Panchayat in respect of matters which he is empowered to carry out under the provisions of this Act. He may execute such contract or agreement on behalf of the Zilla Panchayat upto such amount of value of contract or agreement as may be specified by the Government from time to time. In all other cases he shall execute a contract or agreement only with the sanction of the Zilla Panchayat.

CHAPTER 12

STAFF OF ZILLA PANCHAYAT

196. Chief Executive Officer And Other Officers :-

(1) The Government shall appoint an officer not below the rank of the Deputy Commissioner of a district as Chief Executive Officer of the Zilla Panchayat: 1 [Provided that if a suitable officer not below the rank of the Deputy Commissioner of a District is not available for appointment as Chief Executive Officer of the Zilla Panchayat, the Government may for a period of three years from the date of commencement of the Karnataka Panchayat Raj (Amendment) Act, 1998 appoint an officer of the Karnataka Administrative Service (Selection Grade) or an officer belonging to the Development and Local Government Branch of the Karnataka General Services holding a post in a Grade equal to that of the Karnataka Administrative Service (Selection Grade) as Chief Executive Officer of the Zilla Panchayat.] 1 1. Inserted by Act 29 of 1998 w.e.f. 24.11.1998.

(2) The Government shall also appoint a Chief Accountants officer, 1 [a Chief Planning Officer] 1 and one or more Deputy Secretaries for each Zilla Panchayat. 1. Inserted by Act 29 of 1997 w.e.f. 20.10.1997.

(3) The Government shall post from time to time to work under every Zilla Panchayat such number of other officers and officials of the State Government (including any officers and officials

appointed to such services from amongst persons employed by existing local authorities) and officers of the All India Service as the Government considers necessary.

(4) Notwithstanding anything contained in this Act or any other law for the time being in force the Government or any other officer or other authority authorised by it in this behalf shall have power to effect transfer of the officers and officials so posted either within the district or from one district to another district.

(5) The Government may as from the specified day constitute such services for each Zilla Panchayat as may be prescribed.

197. Functions, Powers And Duties Of The Chief Executive Officer And Other Officers :-

(1) 1 [2 [Save as otherwise expressly provided by or under this Act] 2 , the Chief Executive officer shall perform the following functions:-] 1 1. Substituted by Act 9 of 1996 w.e.f. 29.11.1995. 2. Inserted by Act 37 of 2003 w.e.f. 1.10.2003.

(a) exercise all the powers specially imposed or conferred upon him by or under this Act, or under any other law for the time being in force; 1 [(b) control the officers and officials of, or holding office under the Zilla Panchayat subject to the general superintendence and control of the Adhyaksha and such rules as may be prescribed.]

1 1. Substituted by Act 9 of 1966 w.e.f. 29.11.1995. 1 [(bb) discharge all duties imposed and exercise all the powers conferred on him under this Act and the rules made there under and perform such functions entrusted to him by the Government from time to time] 1 . 1. Inserted by Act 37 of 2003 w.e.f. 1.10.2003.

(c) supervise and control the execution of all works of the Zilla Panchayat;

(d) take necessary measures for the speedy execution of all works and developmental schemes of the Zilla Panchayat;

(e) have custody of all meeting papers and documents connected with the proceedings of the meetings of the Zilla Panchayat and its Committees;

(f) draw and disburse monies out of the Zilla Panchayat fund; and

(g) exercise such other powers and discharge such other functions as may be prescribed.

(2) The Chief Executive Officer shall attend every meeting of the Zilla Panchayat and shall have right to attend the meeting of any Committee thereof and to take part in the discussion but shall not have right to move any resolution or to vote. 1 [If in the opinion of

the Chief Executive Officer any proposal or resolution before the Zilla Panchayat or any Committee or any order of the Adhyaksha is violative of, or inconsistent with, the provisions of this Act, or any other law or rule or order made thereunder or any financial regulation or budget provision or is in derogation of the functions and powers of the Zilla Panchayat, or its committee or the Adhyaksha, it shall be the duty of the Chief Executive Officer to advise the Zilla Panchayat or the committee or the Adhyaksha in the form of a written note containing the reasons for his opinion and specifying the law, rule, order, regulation or provision with which the proposal or resolution or order is inconsistent and if the proposal or resolution or order has been considered and passed by the Zilla Panchayat or the committee or the Adhyaksha before such advice is tendered, the Chief Executive Officer may resubmit the proposal or resolution or order with his advice after such examination as he considers necessary.] 1 1. Substituted by Act 29 of 1997 w.e.f. 20.10.1997. 116 1 [(3) If the Zilla Panchayat or any of its committees or the Adhyaksha passes the resolution or order without resolving the inconsistency referred to in sub-section (2) it shall be the duty of the Chief Executive Officer, notwithstanding any other provisions in this Act, to forward forthwith to the Government under intimation to the Adhyaksha a copy of the said resolution or order along with his written note and he shall not implement such resolution or order otherwise than as decided by the Government: 1. Substituted by Act 29 of 1997 w.e.f. 20.10.1997. Provided that if the Government does not communicate its decision within fifteen days from the date of receipt of such letter, the Chief Executive Officer shall take action to implement such resolution of the Zilla Panchayat or the committee or the order of the Adhyaksha.] 1

(4) The Chief Accounts Officer shall advise the Zilla Panchayat in matters of financial policy and shall be responsible for all matters relating to the accounts of the Zilla Panchayat including the preparation of the annual accounts and budget.

(5) The Chief Accounts Officer shall ensure that no expenditure is incurred except under proper sanction and in accordance with this Act and the rules and regulations made thereunder and shall disallow any expenditure not warranted by the Act or the rules or regulations for which no provision is made in the budget.

(6) The Deputy Secretary shall assist the Chief Executive Officer in the performance of his duties.

198. Chief Executive Officers Right To Requisition Records, Etc :-

(1) Every person in possession of moneys, accounts, records, or other property pertaining to a Grama Panchayat or Taluk Panchayat or Zilla Panchayat shall on the requisition in writing of the Chief Executive Officer for this purpose, forthwith hand over such moneys or deliver up such accounts, records or other property to the Chief Executive Officer or the person authorised in the requisition to receive the same.

(2) The Chief Executive Officer may also take steps to recover any money due by such person in the same manner and subject to the same provisions as in the Karnataka Land Revenue Act, 1964 (Karnataka Act 12 of 1964) for the recovery of the arrears of land revenue from defaulters; and for the purpose of recovering the accounts , records or other property appertaining to the Grama Panchayat or Taluk Panchayat or Zilla Panchayat may issue a search warrant and exercise all such powers with respect thereto as may lawfully be exercised by a Magistrate under the provisions of Chapter VII of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974).

(3) Every person knowing where any moneys, accounts, records or other property appertaining to a Grama Panchayat or Taluk Panchayat or Zilla Panchayat are concealed, shall be bound to give information of the same to the Chief Executive Officer.

(4) An appeal shall lie from an order of the Chief Executive Officer under this section to the 1 [Government] 1 . 1. Substituted by Act 29 of 1997 w.e.f. 20.10.1997.

CHAPTER 13

TAXES AND FEES

199. Levy Of Taxes, Rates, Etc., By Grama Panchayats :-

(1) Every Grama Panchayat shall in such manner and subject to such exemptions as may be prescribed and not exceeding the maximum rate specified in Schedule IV levy tax upon buildings and lands which are not subject to agricultural assessment, within the limits of the panchayat area: Provided that where an owner of the building or land has left the Panchayat area or cannot otherwise be found, the occupier of such building or land shall be liable for the tax leviable on such owner.

(2) A Grama Panchayat may levy water rate for supply of water for

drinking and other purposes.

(3) A Grama Panchayat may also levy all or any of the following taxes and fee at such rates as the Grama panchayat may by bye-laws determine but not exceeding the maximum specified in Schedule IV and in such manner and subject to such exemptions as may be prescribed, namely:-

- (a) tax on entertainment other than cinematograph shows;
- (b) tax on vehicles, other than motor vehicles;
- (c) tax on advertisement and hoardings;
- (d) pilgrim fee on person attending the jatras, festivals, etc., where necessary arrangements for water supply, health and sanitation are made by the Grama Panchayats;
- (e) market fee on persons who expose their goods for sale in any market place;
- (f) fee on the registration of cattle brought for sale in any market place;
- (g) fee on buses and taxies and auto-stands provided adequate facilities for the travellers by the Grama panchayat; and
- (h) fee on grazing cattle in the grazing lands.

200. Recovery Of Taxes And Other Dues :-

(1) When any tax, cess, rate or fee becomes due, Grama Panchayat shall, with the least practicable delay, cause to be presented to the person liable for the payment thereof a bill for the amount due from him, specifying the date on or before which amount shall be paid.

(2) If any person fails to pay any tax or fee or any other sum due to the Grama Panchayat under this Act or the rules or bye-laws on or before the specified date of payment the Grama Panchayat shall cause a notice of demand in the prescribed form to be served on the defaulter.

(3) The presentation of every bill under sub-section

(1) and the service of every notice of demand under sub-section

(2), shall be effected by the Secretary or an officer duly authorised by him in this behalf,-

(a) by giving or tendering the bill or notice to the person to whom it is addressed; or

(b) if such person is not found, by leaving the bill or notice at his last known place of abode, if within the limits of the panchayat area or by giving or tendering the bill or notice to some adult member or servant of his family; or 118

(c) if such person does not reside within the limits of the panchayat area and his address elsewhere is known to the person directing the issue of the bill or notice, then by forwarding the bill or notice to such person by registered post, under cover bearing the said address; or

(d) if none of the means aforesaid be available then by causing the bill or notice to be affixed on some conspicuous part of the building or land, if any, to which the bill or notice relates.

(4) If the tax, rate, fee or other amounts for which a notice of demand has been served is not paid within thirty days from the date of such service, the Grama Panchayat may recover the amount due along with a penalty of ten percent of the sum due, by the distraint and sale of the movable property of the defaulter in the prescribed manner.

(5) Fees for,-

(a) every distraint made under sub-section

(4);

(b) every notice of demand issued under sub-section (2);

(c) the cost of maintaining any live-stock seized under sub-section (4), shall be chargeable at such rates as may be prescribed.

(6) Notwithstanding anything contained in the foregoing sub-sections, any tax ,rate or fee payable to a Grama panchayat shall be recoverable as an arrears of land revenue.

201. Appeal Against Assessment, Etc :-

Subject to such rules as may be prescribed, any person aggrieved by the assessment, levy or imposition of any tax, rate or fee under section 199 may appeal to the prescribed authority, whose decision shall be final.

202. Composition Of Taxes In Factory Areas :-

(1) Subject to such rules as may be prescribed, when the owner of any industry or factory established in any panchayat area provides sanitary and other amenities for the buildings and land used for the industry or as factory quarters for employees and for other purposes connected with the undertaking the Grama Panchayat may in lieu of the taxes, rates or fees, payable under this Act in respect of such buildings and lands receive such amount annually as may be agreed upon between the Grama panchayat and such owner.

(2) Where no such agreement as is referred to in sub-section (1) can be reached, the matter may be referred to the 1 [Chief

Executive Officer] 1 and the 1 [Chief Executive Officer] 1 may, after giving to the Grama panchayat and the owner concerned an opportunity of being heard, determine the amount payable by such owner and such determination shall be binding on the Grama Panchayat and such owner. 2 [The Chief Executive Officer shall settle the matter within three months from the date of receipt of such reference and before making such reference such owners shall pay compulsorily fifty percent of the rates or tax or fee in question to the Grama Panchayath and the Chief Executive Officer shall accept the reference only after such payment of fifty percent of rates or tax or fees] 2 1. Substituted by Act 37 of 2003 w.e.f. 1.10.2003. 2. Inserted by Act 37 of 2003 w.e.f. 1.10.2003.

(3) The 1 [Government] 1 may by notification direct that the provisions of sub-section (1) shall be applicable to such other establishments as may be specified in such notification. 119 1. Substituted by Act 37 of 2003 w.e.f. 1.10.2003.

203. Agency For Collection :-

The tax, rate, fee or other amount payable to the Grama Panchayat may be collected by such agency as the Panchayat may appoint in this behalf, provided that it shall be lawful for a Grama panchayat to lease the right to levy and collect any tax, rates, fees or other amount that may be imposed under this Act, by public auction or by tender, subject to the rules prescribed and the amount due under such lease shall be recoverable in the manner provided in this chapter.

CHAPTER 14

LEVY OF CESSSES ETC, AND GRANT OF FINANCIAL ASSISTANCE BY GOVERNMENT

204. Levy Of Local Cess Etc :-

(1) The Government may levy a local cess at the rate equal to the land revenue on all items of land revenue.

(2) The provision of the Karnataka Land Revenue Act, 1964 (Karnataka Act 12 of 1964) and the rules, notifications and orders made thereunder shall be applicable for payment and recovery of the local cess levied under this section as if the local cess is in addition to the land revenue payable in respect of the land concerned.

(3) The entire amount collected under sub-section (1) from a panchayat area shall be passed on to the Grama Panchayat of that area

205. Duty On Transfer Of Immovable Properties :-

(1) The duty on transfers of immovable property shall be levied in the form of a surcharge at the rate of three percent of the duty imposed by the Karnataka Stamp Act, 1957 on instruments of sale, gift, mortgage, exchange and lease in perpetuity, of immovable property situated within the limits of the area of a Taluk Panchayat:] 2 1. Substituted by Act 17 of 1996 w.e.f. 23.9.1996.

2. Substituted by Act 8 of 2003 w.e.f. 1.4.2003. Provided that no 1 [duty on transfers] 1 is leviable in respect of a mortgage where the amount secured by a mortgage does not exceed two thousand rupees : Provided further that no 1 [duty on transfers] 1 shall be chargeable in respect of any instrument exempt from stamp duty under the Karnataka Stamp Act, 1957.] 1 1. Substituted by Act 8 of 2003 w.e.f. 1.4.2003.

(2) The Government may, by notification, specify the rate of 1 [duty on transfers] 1 leviable under sub-section (1), from time to time. 1. Substituted by Act 8 of 2003 w.e.f. 1.4.2003.

(3) On the introduction of the 1 [duty on transfers] 1 , section 28 of the Karnataka Stamp Act, 1957 shall be read as if it specifically required the particulars to be set forth separately in respect of the property situated within and without the limits of a taluk. 1. Substituted by Act 8 of 2003 w.e.f. 1.4.2003.

(4) The entire amount collected under sub-section (1) as 1 [duty on transfers] 1 in respect of the lands and other properties situated in the taluk shall be passed on to the Taluk Panchayats in the State in proportion to the population of the taluk. 1. Substituted by Act 8 of 2003 w.e.f. 1.4.2003.

(5) The Government may make rules for regulating collection of 1 [duty on transfers] 1 and the payment thereof. 120 1. Substituted by Act 8 of 2003 w.e.f. 1.4.2003.

206. Grant To Grama Panchayats :-

The Government shall make annually 1 [a grant of such amount as it may notify from time to time, but not less than five lakh rupees] 1 to each Grama Panchayat which shall be utilised for meeting the electricity charges, maintenance of water supply schemes, sanitation and other welfare activities. No part of this grant shall be spent towards establishment expenses not related to the aforesaid purposes. 1. Substituted by Act 37 of 2003 w,e.f. 1.10.2003.

207. Establishment Grant To Taluk Panchayats And Zilla Panchayats :-

The Government shall make a grant to every Taluk Panchayat and

Zilla Panchayat to cover the expenses of establishment at such scale as may be determined by it.

208. Discretionary Grant :-

The Government may make discretionary grant to the Grama panchayats, Taluk Panchayats and Zilla Panchayats for such purposes and on such terms and conditions as may be decided by it.

CHAPTER 15

PROPERTIES AND FUNDS OF PANCHAYATS

209. Grama Panchayat May Acquire, Hold And Dispose Off Property, Etc :-

The power of the Grama Panchayat to acquire, hold and dispose off property both movable and immovable whether within or without the limits of the area over which it has authority, to lease, sell or otherwise transfer any movable or immovable property which may have become vested in or been acquired by it, and to contract and to do all other things necessary for the purpose of this Act, shall be subject to the rules made by the Government in this behalf: 1 [Provided x x x] 1 1. Omitted by Act 37 of 2003 w.e.f. 1.10.2003.

210. Vesting Of Property In Grama Panchayat :-

(1) It shall be competent for the Government, a Zilla Panchayat or Taluk Panchayat with the concurrence of the Grama Panchayat from time to time to direct that any property vesting in the Government, Zilla Panchayat or Taluk Panchayat, as the case may be, shall vest in the Grama Panchayat either conditionally or otherwise: Provided that no lease, sale or other transfer of any such immovable property by the Grama Panchayat shall be valid without the previous sanction, of the Government, the Zilla Panchayat or the Taluk Panchayat, as the case may be.

(2) Every work constructed by a Grama Panchayat out of the Grama Panchayat fund shall vest in such Grama Panchayat: Provided that, the Government may, if it deems fit, declare by order that such road, building or other works vested in the Grama panchayat, shall stand transferred to and vest in, the Taluk Panchayat, Zilla Panchayat or the Government as the case may be.

(3) All rubbish, sewage, filth and other matter collected by a Grama Panchayat under this Act shall belong to it.

211. Decision Of Claims To Property By Or Against Grama Panchayat :-

(1) In any village to which a survey of lands other than lands ordinarily used for the purposes of agriculture only has been or shall be extended under any law for the time being in force, 121 where any property or any right in or over any property is claimed by or on behalf of the Grama Panchayat, or by any person as against the Grama Panchayat, it shall be lawful for the Assistant Commissioner after enquiry of which due notice has been given, to pass an order deciding the claims.

(2) Any person aggrieved by an order made under sub-section (1) may appeal to the Deputy Commissioner and the decision of the Deputy Commissioner shall be final.

(3) Any person shall be deemed to have had notice of any enquiry or order under this section if notice has been given in the prescribed manner.

212. Grama Panchayat Fund :-

(1) There shall be for each Grama Panchayat a Fund called the Grama Panchayat Fund.

(2) The following shall form part of , or be paid into the Grama Panchayat Fund, namely:-

(a) the amount which may be granted or passed on to the Grama Panchayat by the Government or the Zilla Panchayat or Taluk Panchayat under the provisions of this Act or any other Act, or on any other account;

(b) the proceeds of any tax, rate and fee imposed by the Grama Panchayat;

(c) all sums received by the Grama Panchayat by way of loans or contributions from the Government or any other authority or person or by way of gift;

(d) the rent or other income from, or sale proceeds of any immoveable or movable property owned by or vested in the Grama Panchayat; and

(e) all other sums received from any source whatsoever.

(3) The amount at the credit of the Grama Panchayat Fund shall be kept in the Government Treasury of the Taluk or with the approval of the Executive Officer in any scheduled bank or a co-operative bank situated in the panchayat area or the neighboring panchayat area.

213. Application Of Grama Panchayat Fund And Property :-

(1) Subject to the provisions of this Act and rules made thereunder and such general or special orders of the Government, all property owned by or vested in the Grama panchayat under this Act and all funds received by it and all sums accruing to it under the provisions of this Act or any other law for the time being in force, shall be applied for the purposes specified in sections 58 and 59 and for all other purposes for which by or under this Act, or any other law for the time being in force, powers are conferred or duties are imposed upon the Grama Panchayat: Provided that no expenditure shall be incurred out of the Grama Panchayat Fund unless provision therefor has been made in the budget of the Grama Panchayat or funds are obtained by reappropriation duly approved, except in such cases as may be prescribed: Provided further that not less than twenty percent of the funds meant for welfare activities shall be utilised for the welfare of the Scheduled Castes and Scheduled Tribes.

(2) The Grama Panchayat Fund shall also be utilised for the following purposes,-

(i) payment of salaries and allowances to the Adhyaksha and Upadhyaksha, officers and staff, traveling allowance, daily allowance, and sitting fees to the members of the Grama Panchayat or any Committee thereof, subject to such rules as may be prescribed. 122

(ii) any amount falling due on any loan raised by the Grama Panchayat;

(iii) with the previous sanction of the Chief Executive Officer, 1 [and in accordance with the guidelines specified by the Government] 1 for any other purpose for which the application of such property or fund is necessary in public interest: 1. Inserted by Act 29 of 1997 w.e.f. 20.10.1997. Provided that any amount granted to the Grama Panchayat by the Government or any person or local authority for any specific work or purpose shall be applied exclusively for such work or purpose and in accordance with such instructions as the Government may specify either generally or specially in this behalf.

214. Grama Panchayat May Raise Loans And Form A Sinking Fund :-

A Grama Panchayat may, with the previous sanction of the Government and subject to the conditions imposed by it from time to time, raise loans for the execution of any work or for the purposes of carrying out any of the provisions of this Act and form a sinking fund in the prescribed manner for the repayment of such

loans.

215. Taluk Panchayat May Acquire, Hold And Dispose Off Property Etc :-

The power of every Taluk Panchayat to acquire, hold and dispose off property both movable and immovable whether within or without the limits of the area over which it has authority to lease, sell or otherwise transfer any movable or immovable property which may have become vested in or been acquired by it, and to contract and to do all other things necessary for the purposes of this Act, shall be subject to such rules as may be prescribed: 1 [Provided x x x] 1 1. Omitted by Act 37 of 2003 w.e.f. 1.10.2003.

216. Vesting Of Property In Taluk Panchayat :-

(1) It shall be competent for the Government or a Zilla Panchayat with the concurrence of the Taluk Panchayat from time to time to direct that any property vesting in the Government or the Zilla Panchayat , as the case may be, shall vest in the Taluk Panchayat: Provided that no lease, sale or transfer of any such immovable property by the Taluk Panchayat shall be valid without the previous sanction of the Government or the Zilla Panchayat, as the case may be.

(2) Every work constructed by a Taluk Panchayat out of Taluk Panchayat Fund shall vest in such Taluk Panchayat: Provided that, the Government may, if it deems fit, declare by order that such road, building or other works vested in Taluk Panchayat, shall stand transferred to and vest in, the Zilla Panchayat or the Government as the case may be.

217. Decision Of Claims To Property By Or Against Taluk Panchayat :-

(1) In any taluk to which a survey of lands other than lands ordinarily used for the purpose of agriculture only has been or shall be extended under any law for the time being in force, where any property or any right in or over any property is claimed by or on behalf of the Taluk Panchayat, or by any person as against the Taluk Panchayat, it shall be lawful for the Deputy Commissioner after enquiry of which due notice has been given, to pass an order deciding the claims.

(2) Any person aggrieved by an order made under sub-section (1) may appeal to the Commissioner and the decision of the

Commissioner shall be final.

(3) Any person shall be deemed to have had due notice of any enquiry or order under this section if notice has been given in the prescribed manner.

218. Taluk Panchayat Fund :-

(1) There shall be for each Taluk Panchayat a fund called the Taluk Panchayat Fund.

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

(a) the amount which may be granted or passed on to the Taluk Panchayat by the Government or the Zilla Panchayat under the provisions of this Act or any other Act, or on any other account;

(b) the proceeds of any fees imposed by the Taluk Panchayat;

(c) all sums received by the Taluk Panchayat by way of contributions from the Government or any other authority or person or by way of gift;

(d) the rent or other income from, or sale proceeds of any immoveable or movable property owned by or vested in the Taluk Panchayat; and

(e) all other sums received from any source whatsoever: Provided that sums received by way of endowments for any specific purpose shall not form part of or be paid into the Taluk Panchayat Fund.

(3) The amounts at the credit of the Taluk Panchayat Fund shall be kept in the Government Treasury of the taluk.

219. Application Of Taluk Panchayat Fund And Property :-

(1) Subject to the provisions of this Act and the rules made thereunder and such general or special orders as the Government, may make, all property owned by or vested in the Taluk Panchayat under this Act and all funds received by it and all sums accruing to it under the provisions of this Act or any other law for the time being in force, shall be applied for the purposes specified in sections 145 and 146 and for all other purposes for which by or under this Act, or any other law for the time being in force, powers are conferred or duties are imposed upon the Taluk Panchayat: Provided that no expenditure shall be incurred out of the Taluk Panchayat Fund unless provision therefor has been made in the budget of the Taluk Panchayat or funds are obtained by reappropriation duly approved, except in such cases as may be prescribed: Provided further that not less than twenty percent of

the funds meant for welfare activities shall be utilised for the welfare of the Scheduled Castes and Scheduled Tribes.

(2) The Taluk Panchayat Fund shall also be utilised for the following purposes:-

(i) payment of salaries and allowances to the Adhyaksha and Upadhyaksha, officers and staff, traveling allowance, daily allowance, and sitting fees to the members of the Taluk Panchayat or any committee thereof, subject to such rules as may be made in this behalf by the Government;

(ii) any amount falling due on any loan raised by the Taluk Panchayat;

(iii) with the previous sanction of the 1 [Government] 1 , for any other purposes for which the application of such property or fund is necessary in public interest: 124 1. Substituted by Act 29 of 1997 w.e.f. 20.10.1997. Provided that any amount granted to the Taluk Panchayat by the Government or any person or local authority for any specific work or purpose shall be applied exclusively for such work or purpose and in accordance with such instructions as the Government may specify either generally or specially in this behalf.

220. Taluk Panchayat May Raise Loans And Form A Sinking Fund :-

A Taluk Panchayat may, with the previous sanction of the Government and subject to the conditions imposed by it from time to time, raise loans for the execution of any work or for the purposes of carrying out any of the provisions of this Act and form a sinking fund in the prescribed manner for the repayment of such loans.

221. Rents And Fees :-

Save as otherwise provided in this Act and subject to the regulations made in this behalf, a Taluk Panchayat may charge fees for any license or permission issued by it under this Act, and the rules made thereunder and levy rent and fee for the occupation or use of land or other property placed under its control or vested in it or maintained out of the Taluk Panchayat fund.

222. Zilla Panchayat May Acquire, Hold And Dispose Off Property Etc :-

(1) The power of every Zilla Panchayat to acquire, hold and dispose off property both movable and immovable whether within or without the limits of the area over which it has authority to lease,

sell or otherwise transfer any movable or immovable property which may have become vested in or been acquired by it, and to contract and to do all other things necessary for the purpose of this Act, shall be subject to the rules made by the Government in this behalf: 1 [Provided x x x] 1 1. Omitted by Act 37 of 2003 w.e.f. 1.10.2003.

223. Vesting Of Property In Zilla Panchayat :-

(1) It shall be competent for the Government with the concurrence of the Zilla Panchayat from time to time to direct that any property vesting in the Government shall vest in the Zilla Panchayat : Provided that no lease, sale or transfer of such immovable property by the Zilla Panchayat shall be valid without the previous sanction, of the Government.

(2) Every work constructed by a Zilla Panchayat out of Zilla Panchayat Fund shall vest in such Zilla Panchayat: Provided that, the Government may, if it deems fit, declare by order that such road, buildings or other works vested in the Zilla Panchayat, shall stand transferred to and vest in, the Government.

224. Decision Of Claims To Property By Or Against Zilla Panchayat :-

(1) In any district to which a survey of lands other than lands ordinarily used for the purpose of agriculture only has been or shall be extended under any law for the time being in force, where any property is claimed by or on behalf of the Zilla Panchayat, or by any person as against the Zilla Panchayat, it shall be lawful for the Deputy Commissioner after enquiry of which due notice has been given, to pass an order deciding the claims.

(2) Any person aggrieved by an order made under sub-section (1) may appeal to the Commissioner and the decision of the Commissioner shall be final.

(3) A person shall be deemed to have had due notice of any enquiry or order under this section if notice has been given in the prescribed manner.

225. Zilla Panchayat Fund :-

(1) There shall be for each Zilla Panchayat a fund called the Zilla Panchayat Fund and the following shall form part of, or be paid into the Zilla Panchayat Fund, namely,-

- (i) the amount transferred to the Zilla Panchayat Fund by appropriation from out of the Consolidated Fund of the State;
- (ii) all grants, assignments, loans and contributions made by the Government;
- (iii) all fees and penalties paid to or levied by or on behalf of the Zilla Panchayat under this Act and all fines imposed under this Act;
- (iv) all rents from lands or other properties of the Zilla Panchayat;
- (v) all interests, profits and other moneys accruing by gifts, grants, assignments or transfers from private individuals or institutions;
- (vi) all proceeds of land, securities and other properties sold by the Zilla Panchayat;
- (vii) all sums received by or on behalf of the Zilla Panchayat by virtue of this Act: Provided that sums received by way of endowments for any specific purpose shall not form part of or be paid into the Zilla Panchayat Fund.

226. Custody And Investment Of Zilla Panchayat Fund :-

- (1) The amounts at the credit of the Fund shall be kept in the Government Treasury.
- (2) It shall be lawful for a Zilla Panchayat to deposit at interest with the Government Savings Bank or with the sanction of the Government, any scheduled bank or cooperative bank in the State, any surplus funds in its hands which may not be required for current charges and with like sanction to invest such funds in securities of the Government of India or the State Government or in such other securities as the Government may, from time to time, approve in this behalf and to vary such investment or dispose of such securities with like sanction.

227. Application Of Zilla Panchayat Fund And Property :-

- (1) Subject to the provisions of this Act and the rules made thereunder and such general or special orders as the Government may make, all property owned by or vested in the Zilla Panchayat under this Act and all funds received by it and all sums accruing to it under the provisions of this Act or any other law for the time being in force, shall be applied for the purposes specified in sections 184 and 185 and for all other purposes for which by or under this Act, or any other law for the time being in force, powers are conferred or duties are imposed upon the Zilla Panchayat: Provided that no expenditure shall be incurred out of the Zilla Panchayat Fund unless provision therefor has been made in the

budget of the Zilla Panchayat or funds are obtained by reappropriation duly approved, except in such cases as may be prescribed: Provided further that not less than twenty percent of the funds meant for welfare activities shall be utilised for the welfare of the Scheduled Castes and Scheduled Tribes.

(2) The Zilla Panchayat Fund and all property held or vested in the Zilla Panchayat under this Act shall be applied, subject to the provisions of this Act for the payment of,-

(a) salaries and allowances to the Adhyaksha and the Upadhyaksha and traveling and daily allowance to the Adhyaksha and Upadhyaksha for tours outside the district and travelling and daily allowance to the members of the Zilla Panchayat or any 126 committee thereof, subject to such rules as may be made in this behalf by the Government;

(b) the salaries, allowances, pensions and gratuities of its officers and employees other than those whose salaries and allowances are paid from the Consolidated Fund of the State;

(c) any amount falling due on any loan contracted by the Zilla Panchayat;

(d) for the purposes specified in the Act;

(e) all other purposes for which by or under this Act or the rules or regulations made thereunder or by or under any other law for the time being in force, powers are conferred or duties are imposed upon the Zilla Panchayat;

(f) with the previous sanction of the Government, for any other purposes for which the application of such property or fund is necessary in public interest: Provided that any fund granted to the Zilla Panchayat by the Government or any person or local authority for any specific work or purpose shall be applied exclusively for such work or purpose and in accordance with such instructions as the Government may specify either generally or specially in this behalf.

228. Rents And Fees :-

Save as otherwise provided in this Act and subject to the regulations made in this behalf, a Zilla Panchayat may charge fee for any license or permission issued by it under this Act, and the rules made thereunder and levy rent and fee for the occupation or use of land or other property placed under its control or vested in it or maintained out of the Zilla Panchayat Fund.

229. Zilla Panchayat May Raise Loans And Form A Sinking Fund :-

A Zilla Panchayat may, with the previous sanction of the Government and subject to the conditions imposed by it from time to time, raise loans for the execution of any work or for the purpose of carrying out any of the provisions of this Act and form a sinking fund for the repayment of such loans.

230. Prohibition Of Expenditure Not Covered By The Budget

:-

Except as hereinafter provided, no payment of any sum shall be made out of the Zilla Panchayat Fund, unless the expenditure of the same is covered by a budget grant except in the following cases, namely,-

- (a) refund of moneys which the Zilla Panchayat is authorised to make under this Act or the rules or regulations made thereunder;
- (b) repayment of moneys belonging to the contractors or other persons held in deposit and of moneys credited to the Zilla Panchayat Fund by mistake;
- (c) sums which the Zilla Panchayat is required or empowered by this Act to pay by way of compensation;
- (d) every sum payable,-
 - (i) under this Act by order of the 1 [x x x] 1 Government; 1. Omitted by Act 29 of 1997 w.e.f. 20.10.1997.
 - (ii) under a decree or order of a civil court; and
 - (iii) under a compromise of any suit or other legal proceedings or claim.

231. Government May Place Roads And Other Property Under Zilla Panchayat :-

(1) It shall be lawful for the Government from time to time to direct, by notification, that 127 any road, bridge, channel, building or other property, movable or immovable, which is vested in the Government and which is situated in the district, shall with the consent of the Zilla Panchayat and subject to such exceptions and conditions as the Government may make and impose, be placed under the control and administration of the Zilla Panchayat for the purposes of the Act and thereupon such road, bridge, channel, buildings or other property shall be under the control and administration of the Zilla Panchayat, subject to all exceptions and conditions so made and imposed and to all charges and liabilities affecting the same.

(2) It shall be competent for the Government by notification to resume any property placed under the control of a Zilla Panchayat

under sub-section (1) on such terms as the Government may determine.

CHAPTER 16

INSPECTION, SUPERVISION ETC

232. Power Of Inspection And Supervision :-

An officer specially authorised by the Government in this behalf] 1 in case of the Zilla Panchayat, Chief Executive Officer in the case of Taluk Panchayat and the Executive Officer in the case of Grama Panchayat may,- 1. Substituted by Act 29 of 1997 w.e.f. 20.10.1997.

(a) inspect the offices or premises of or works taken up by the Zilla Panchayat, Taluk Panchayat or Grama Panchayat and for this purpose examine or cause to be examined the books of accounts, registers and other documents concerned and the Zilla Panchayat, Taluk Panchayat or Grama Panchayat concerned shall comply with the instructions issued after such inspections;

(b) call for any return, statement, account or report which he may think fit to require the Zilla Panchayat, Taluk Panchayat or Grama panchayat concerned to furnish.

233. Technical Supervision And Inspections :-

(1) The Heads of Departments concerned and the officers incharge of the Departments at the Divisional level 1 [may with a view to ensure quality of implementation according to the technical and financial norms contained in the respective schemes or orders, inspect] 1 works or development schemes relating to that department under the control of any Zilla Panchayat, Taluk Panchayat or Grama Panchayat and also to inspect relevant documents pertaining to such work or development schemes in the manner specified by the Government. 1. Substituted by Act 29 of 1997 w.e.f. 20.10.1997.

(2) The scope of such inspections may cover technical aspects including feasibility, economic viability, the technical quality of the work, and the expenditure being incurred.

(3) The notes of inspections by such officers after such inspections shall be forwarded to the Chief Executive Officer, Executive Officer or the Secretary, as the case may be, for appropriate action. 1 [(4) T h e Zilla Panchayat, Taluk Panchayat or Grama Panchayat concerned shall take follow-up action on the report of the inspecting officer within thirty days from the date of receipt of such report and failure to take such action may be construed as "default

in the performance of the duty" for the purpose of section 268.] 1
1. Inserted by Act 29 of 1997 w.e.f. 20.10.1997.

234. Government And Chief Executive Officers Powers In Respect Of Grama Panchayat, Taluk Panchayat And Zilla Panchayat :-

(1) The Chief Executive Officer may in respect of Taluk Panchayat and Grama Panchayat exercise the following powers,- 1. Substituted by Act 29 of 1997 w.e.f. 20.10.1997.

(a) call for proceedings of any Grama Panchayat or Taluk Panchayat or any extract of any book or document in the possession or under the control of the Grama Panchayat or Taluk Panchayat or any return or statement of account or report;

(b) require a Grama Panchayat or Taluk Panchayat to take into consideration any objection which appears to him to exist to the doing of anything which is about to be done or is being done by such Grama Panchayat or Taluk Panchayat or any information which appears to him to necessitate the doing of anything by such Grama Panchayat or Taluk Panchayat or within such period as he might fix; 1 [(c) require a duty to be performed within a specified period if a Grama Panchayat or Taluk Panchayat has made default in the performance of any duty.] 1 1. Substituted by Act 29 of 1997 w.e.f. 20.10.1997. 1 [(d) and

(e) x x x] 1 1. Omitted by Act 29 of 1997 w.e.f. 20.10.1997.

(2) The Grama Panchayat or Taluk Panchayat may appeal to the 1 [Government] 1 against any order under clause (c) of sub-section (1) by the Chief Executive Officer within thirty days from the date of the order; 1. Substituted by Act 29 of 1997 w.e.f. 20.10.1997.

(3) The 1 [Government] 1 may in respect of Zilla Panchayat exercise the following powers,- 1. Substituted by Act 29 of 1997 w.e.f. 20.10.1997.

(a) call for proceedings of any Zilla Panchayat or any extract of any book or document in the possession or under the control of the Zilla panchayat or any return of statement of account or report;

(b) require a Zilla Panchayat to take into consideration any objection which 1 [appears to it] 1 to exist to the doing of anything which is about to be done or is being done by such Zilla Panchayat or any information which 1 [appears to it] 1 to necessitate the doing of anything by such Zilla Panchayat or within such period as 1 [it might fix] 1 ; 1. Substituted by Act 29 of 1997 w.e.f. 20.10.1997. 1 [(c) require a duty to be performed within a

specified period if a Zilla Panchayat has made default in the performance of any duty.] 1 1. Substituted by Act 29 of 1997 w.e.f. 20.10.1997. 1 [(d) x x x] 1 1. Omitted by Act 29 of 1997 w.e.f. 20.10.1997. 1 [(4) x x x] 1 1. Omitted by Act 29 of 1997 w.e.f. 20.10.1997.

235. Power Of Government, Zilla Panchayat And Taluk Panchayat To Provide For Performance Of Duties In Default Of Grama Panchayat, Taluk Panchayat Or Zilla :-

panchayat.- 2 [(1)] 2 When the Government in case of a Zilla Panchayat, 1 [Zilla Panchayat in case of] 1 a Taluk Panchayat and 1 [Taluk Panchayat in case of] 1 a Grama Panchayat is informed on complaint made or otherwise, that any Zilla Panchayat or Taluk Panchayat or Grama Panchayat has made default in performing any duty imposed on it, by or under this Act, or by or under any law for the time being in force and if satisfied, after due enquiry that any Zilla Panchayat, Taluk Panchayat or Grama Panchayat has failed in the performance of such duty, 1 [it may] 1 fix a period for the performance of that duty: 1. Substituted by Act 29 of 1997 w.e.f. 20.10.1997. 2. Renumbered by Act 29 of 1997 w.e.f. 20.10.1997. Provided that no such period shall be fixed unless the Zilla Panchayat, Taluk Panchayat or Grama panchayat concerned has been given an opportunity to showcause why such an order shall not be made. 1 [(2) An appeal shall lie, against the order of,-
(i) the Taluk Panchayat, to the Zilla Panchayat; and
(ii) the Zilla Panchayat, to the Government, within thirty days from the date of such order.] 1 1. Inserted by Act 29 of 1997 w.e.f. 20.10.1997.

236. Inquiry Into Affairs Of Grama Panchayat, Taluk Panchayat, Zilla Panchayat By The Government :-

(1) The Government may, at any time for reasons to be recorded, cause an inquiry to be made by any of its officers in regard to any Grama Panchayat, Taluk Panchayat or Zilla Panchayat on 1 [specific] 1 matters concerning it, or any matter with respect to which the sanction, approval consent or orders of the Government is required under this Act. 1. Inserted by Act 29 of 1997 w.e.f. 20.10.1997.

(2) The Officer holding such inquiry shall have the powers of the Civil Court under the Code of Civil procedure, 1908 to take evidence and to compel attendance of witnesses and production of documents for the purpose of the inquiry.

(3) The Government may make orders as to the costs of inquiries made under subsection (1) and as to the parties by whom and the funds out of which they shall be paid and such order may, on the application of the 1 [Chief Executive Officer] 1 or of any person named therein be executed as if it were a decree of a Civil Court. 1. Substituted by Act 29 of 1997 w.e.f. 20.10.1997.

237. Power Of Suspending Execution Of Unlawful Orders Or Resolution :-

(1) If in the opinion of the 1 [Adhyaksha of Taluk Panchayat] 1 , the execution of any order or resolution of a Grama Panchayat or any order of any authority or officer of the Grama Panchayat or the doing of anything which is about to be done, or is being done, by or on behalf of a Grama Panchayat is unjust,, unlawful or improper or is causing or is likely to cause injury or annoyance to the public or to lead to a breach of peace, he may by order suspend the execution or prohibit the doing thereof. 130 1. Substituted by Act 29 of 1997 w.e.f. 20.10.1997. (2) When the 1 [Adhyaksha of Taluk Panchayat] 1 makes an order under sub-section (1), he shall forthwith forward to the 1 [Adhyaksha of the Zilla Panchayat] 1 and the Grama Panchayat affected thereby a copy of the order with a statement of the reasons for making it, and the 1 [Adhyaksha of the Zilla Panchayat] 1 may confirm or rescind the order or direct that it shall continue to be in force with or without modification permanently or for such period as he thinks fit: 1. Substituted by Act 29 of 1997 w.e.f. 20.10.1997. Provided that no order of the 1 [Adhyaksha of Taluk Panchayat] 1 passed under subsection (1) shall be confirmed, revised or modified by the 1 [Adhyaksha of the Zilla Panchayat] 1 without giving the Grama Panchayat concerned a reasonable opportunity of showing cause against the proposed order. 1. Substituted by Act 29 of 1997 w.e.f. 20.10.1997.

(3) If in the opinion of the 1 [Adhyaksha of the Zilla Panchayat] 1 , the execution of any order or resolution of a Taluk Panchayat or any order of any authority or officer of the Taluk Panchayat or the doing of anything which is about to be done, or is being done, by or on behalf of a Taluk Panchayat is unjust, unlawful or improper or is causing or is likely to cause injury or annoyance to the public or to lead to a breach of peace he may by order suspend the execution or prohibit the doing thereof. 1. Substituted by Act 29 of 1997 w.e.f. 20.10.1997.

(4) When the 1 [Adhyaksha of the Zilla Panchayat] 1 makes an

order under subsection (3), he shall forthwith forward to the Government and the Taluk Panchayat affected thereby a copy of the order with a statement of the reasons for making it, and the Government may confirm or rescind the order or direct that it shall continue to be in force with or without modification permanently or for such period as it thinks fit: Provided that no order of the 1 [Adhyaksha of the Zilla Panchayat] 1 passed under subsection(3) shall be confirmed, revised or modified by the Government without giving the Taluk Panchayat concerned a reasonable opportunity of showing cause against the proposed order. 1. Substituted by Act 29 of 1997 w.e.f. 20.10.1997.

(5) If 1 [x x x] 1 the Government is of the opinion that execution of any order or resolution of Zilla Panchayat or the doing of anything which is about to be done, or is being done by or on behalf of a Zilla Panchayat is unjust, unlawful or improper or is causing or is likely to cause injury or annoyance to the public or to lead to a breach of the peace, it may, by an order suspend the execution or prohibit the doing thereof. 1. Omitted by Act 29 of 1997 w.e.f. 20.10.1997.

(6) When the Government makes an order under sub-section (5), it shall forthwith forward to the Zilla Panchayat affected thereby a copy of the order with a statement of reasons for making it and the Government may confirm or rescind the order or direct that it shall continue to be in force with or without modification permanently or for such period as it thinks fit: 131 Provided that no order under this sub-section shall be passed by the Government without giving the Zilla Panchayat concerned, a reasonable opportunity of showing cause against the said order.

238. Purchase Of Stores And Equipments :-

(1) The Government may by general or special order provide for all or any of the following matters, namely:-

- (a) the manner in which purchase of stores, equipments, machineries and other articles required by a Zilla Panchayat, Taluk Panchayat or Grama Panchayat shall be made by them;
- (b) the manner in which tender for works contracts and supplies shall be invited and examined and accepted;
- (c) the manner in which works and development schemes may be executed and inspected and payment may be made in respect of such works, schemes; and
- (d) constitution of committee for the purpose of this section.

(2) Save as otherwise expressly provided in sub-section (1) in respect of all other matters relating to drawl of funds, form of bills, incurring of expenditure, maintenance of accounts, rendering of accounts and such other matters, the rules of implementation as applicable to departments of the Government shall mutatis matandis apply.

239. Power To Appoint Administrator In Certain Cases :-

(1) Whenever,-

(a) any general election to a Zilla Panchayat or Taluk Panchayat under this Act or any proceedings consequent thereon has been stayed by an order of a competent court or authority; or

(b) all the members or more than two-thirds of the members of a Zilla Panchayat or Taluk Panchayat have resigned, the Government shall by notification in the official Gazette appoint an Administrator for such period as may be specified in the notification and may, by like notification, curtail or extend the period of such appointment, so however the total period of such appointment shall not exceed six months.

(2) Notwithstanding anything contained in this Act, on the appointment of an Administrator under sub-section

(1) during the period of such appointment, the Zilla Panchayat or Taluk Panchayat and the committees thereof and the Adhyaksha or Upadhyaksha of such Panchayat, charged with carrying out the provisions of this Act, or any other law, shall cease to exercise any powers and perform and discharge any duties or functions conferred or imposed on them by or under this Act or any other law and all such powers shall be exercised and all such duties and functions shall be performed and discharged by the Administrator.

240. Governments Power To Specify The Role Of Panchayats :-

The Government may, by general or special order, specify from time to time, the role of Grama Panchayat, Taluk Panchayat and Zilla Panchayat in respect of the programmes, schemes and activities related to the functions specified in Schedule I, II and III, in order to ensure properly co-ordinated and effective implementation of such programmes, schemes and activities.

CHAPTER 17

FINANCIAL CONTROL AND AUDIT

241. Presentation Of Accounts And Budget Of Grama

Panchayat :-

(1) The Secretary shall prepare and lay before the Grama Panchayat at a meeting, which shall be held between the first day of February and the tenth day of March, a complete account of the actual and expected receipts and expenditure for the official year ending on the thirty-first day of March next following together with a budget estimate of the income and expenditure, of the Grama panchayat for the official year to commence on the first day of April next following.

(2) The Grama Panchayat shall thereupon decide upon the appropriations and the ways and means contained in the budget of the year to commence on the first day of April next following. The budget as passed by the Grama Panchayat shall be sent to the Taluk Panchayat before such date as may be fixed by the Government.

(3) In such budget estimate, the Grama Panchayat shall among other things,-

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

(b) allow for a balance at the end of said year of not less than such sum or percentage of income as may from time to time, be fixed by the Government either generally for all Grama Panchayats or specially for any Grama Panchayat;

(c) provide for the payment, as they fall due, of all installments of principal and interest for which the Grama Panchayat may be liable in respect of loans contracted by it.

(4) If such budget estimate is not in accordance with the provisions of this Act or the rules and orders issued thereunder, the Taluk Panchayat may within two months from the date of receipt of the budget modify the same to secure compliance with this Act, the rules or the orders: Provided that the Taluk Panchayat shall not have power to direct that total proposed expenditure shall exceed the total of the estimated income of the Grama Panchayat for the following year and the opening balance.

(5) If the Grama Panchayat fails to pass the budget estimate on or before the date mentioned in sub-section

(1), the Secretary shall forward the budget estimate to the Taluk Panchayat and it shall approve it with or without modification. The budget as approved by the Taluk Panchayat shall be certified by the Executive Officer and thereupon shall be deemed to have been

duly approved by the Grama Panchayat.

242. Revision Of Budget :-

If, in the course of the official year, the Grama Panchayat finds it necessary to modify the provisions made in the budget with regard to the receipts or to the distribution of the amounts to be expended on the different services it undertakes, it may make such modifications: Provided that no diversion of grants transferred by the Government out of the Consolidated Fund of the State can be made for a purpose or programme or scheme not covered under such grants: Provided further that, without the approval of the Chief Executive Officer,- 133

(a) no reduction of over ten percent shall be made in the grants approved for any developmental functions of the Grama Panchayat, and

(b) the closing balance shall not be reduced below the sum fixed under clause (b) of sub-section (3) of section 241.

243. Maintenance Of Accounts And Restriction Of Expenditure :-

(1) Accounts of the income and expenditure of a Grama Panchayat shall be kept in accordance with such rules as may be prescribed.

(2) Expenditure from the Grama Panchayat Fund shall, save as otherwise expressly provided for in this Act, be incurred subject to such sanctions, conditions and limitations as may be prescribed.

(3) Grama Panchayat shall, within a period not exceeding three months after the close of the official year, pass the accounts of that year.

244. Transmission Of Accounts :-

The Grama Panchayat shall, as soon as the annual accounts have finally passed by it, transmit a copy thereof to the Zilla Panchayat in the form prescribed and shall furnish such details and vouchers relating to the same as the Zilla Panchayat may, from time to time, direct.

245. Power To Write Off Irrecoverable Amounts :-

Subject to such restrictions as may be prescribed, a Grama Panchayat may write off any tax, fee, rate or other amount whatsoever due to it, whether under a contract or otherwise, or any sum payable in connection therewith if, in its opinion, such tax, fees, rate or other amount or sum is irrecoverable: Provided that, no sum exceeding one thousand rupees shall be written off except

with the previous sanction of the Taluk Panchayat.

246. Audit Of Accounts :-

(1) The accounts of every Grama Panchayat shall be audited each year by such officer as may be authorised by the Controller of State Accounts (hereinafter referred to as the auditor).

(2) The auditor shall, for the purpose of audit, have access to all the accounts and other records of the Grama Panchayat.

(3) The auditor may,-

(a) require in writing the production before him of such vouchers, statements, returns, correspondence, notes or other documents which he may consider necessary for the proper conduct of his audit;

(b) require in writing any person accountable for, or having the custody or control of, any such vouchers, statements, returns, correspondence, notes or documents or any person having directly or indirectly by himself or his partner, any share or interest in any contract with or under the Grama Panchayat, to appear in person before him;

(c) require any person so appearing before him to make and sign a declaration with respect to such vouchers, statements, returns, correspondence, notes or documents or to answer any question or prepare and submit any statement;

(d) in the event of an explanation being required from the Adhyaksha or other member of the Grama panchayat, in writing invite such person to meet him and shall in writing specify the point on which explanation is required.

(4) Any person who willfully neglects or refuses to comply with any requisition lawfully made under sub-section (3), shall on conviction, be punished with fine which may extend to one hundred rupees: Provided that no proceedings under this sub-section shall be instituted without the sanction of the Chief Executive Officer.

(5) The auditor shall, within one month after the completion of audit, forward a copy of the audit report to the Grama Panchayat and to the Executive Officer.

(6) On receipt of the audit report, the Grama Panchayat shall either remedy any defects or irregularities which have been pointed out in the report and send to the Executive Officer within three months an intimation of its having done so, or shall within the same period furnish to the Executive Officer any further explanation in regard to such defects or irregularities.

(7) On receipt of such intimation or explanation in respect of all or any of the matters discussed in the audit report, the Executive officer may, in consultation with the auditor,-

(a) accept the intimation or explanation given by the Grama Panchayat and order the withdrawal of the objection, or

(b) direct that the matter be reinvestigated at the next audit or at any earlier date, or

(c) direct that the defects or irregularities pointed out in the audit report or any of them shall be removed or remedied by the Grama Panchayat.

(8) The Executive Officer may, after making such enquiry as he may consider necessary disallow any item of expenditure which appears to him to be contrary to law and surcharge the amount thereof on the person making or authorising the illegal payment and after taking the explanations of the person concerned, the Executive Officer may direct by an order in writing that such person shall pay to the Grama Panchayat the amount surcharged along with interest at fifteen percent per annum on the amount due, from the date from which it became due and if the amount is not paid within two months from the date of such order, the Executive Officer shall take steps to recover it as an arrears of land revenue and credit it to the Grama Panchayat Fund.

(9) Any person aggrieved by the order of the Executive Officer, under sub-section (8) may, within thirty days of the receipt by him of a copy of the decision, appeal to the Chief Executive Officer who shall pass such orders as he may deem fit.

(10) Any appeal under sub-section (9) pending before the Government on the date of commencement of the Karnataka Panchayat Raj Act, 1993 shall stand transferred to the Chief Executive Officer and such appeal shall be decided by him as if it had been filed before him.

(11) The Controller of State Accounts Department shall submit a summary of observations made in the audit report and rectifications made by the Grama Panchayats to the Government.

247. Presentation Of Accounts And Budget Of Taluk Panchayat :-

(1) The Finance, Audit and Planning Committee shall cause to be prepared and laid before the Taluk Panchayat at a meeting, which shall be held between the first day of February and the tenth day of March, a complete accounts of the actual and expected receipts

and 135 expenditure for the official year ending on the thirty-first day of March next following together with a budget estimate of the income and expenditure, of the Taluk Panchayat for the official year to commence on the first day of April next following.

(2) The Taluk Panchayat shall thereupon decide upon the appropriations and the ways and means contained in the budget of the year to commence on the first day of April next following. The budget as passed by the Taluk Panchayat shall be sent to the Zilla Panchayat before such date as may be fixed by the Government.

(3) In such budget estimate, the Taluk Panchayat shall among other things,-

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

(b) provide for the payment, as they fall due, of all installments of principal and interest for which the Taluk Panchayat may be liable in respect of loans contracted by it; time be fixed by the Government either generally or for any Taluk Panchayat;

(4) If such budget estimate is not in accordance with the provisions of this Act or the rules and orders issued thereunder, the Zilla Panchayat may within two months from the date of receipt of the budget modify the same to secure compliance with the Act, the rules or the orders: Provided that the Zilla Panchayat shall not have power to direct that total proposed expenditure shall exceed the total of the estimated income of the Taluk Panchayat for the following year and the opening balance.

(5) If the Taluk Panchayat fails to approve the budget estimate on or before the date mentioned in sub-section (1), the Executive Officer shall forward the budget estimate to the Zilla Panchayat and the Zilla Panchayat shall approve it with or without modification. The budget so approved by the Zilla Panchayat shall be certified by the Chief Executive Officer and thereupon shall be deemed to have been duly approved by the Taluk Panchayat.

248. Revision Of Budget :-

If, in the course of the official year, the Taluk Panchayat finds it necessary to modify the provisions made in the budget with regard to the receipts or to the distribution of the amounts to be expended on the different services it undertakes, it may make such modifications: Provided that no diversion of grants transferred by the Government out of the Consolidated Fund of the State can be made for a purpose or programme or schemes not covered under

such grants: Provided further that, without the approval of the Commissioner;-

(a) no reduction of over ten percent shall be made in the grants approved for any developmental functions of the Taluk Panchayat, and

(b) the closing balance shall not be reduced below the sum fixed under clause (c) of sub-section (3) of section 247.

249. Supplementary Budget :-

Supplementary budget may be prepared and submitted when necessary. The Taluk Panchayat may at any time during the year for which a budget has been sanctioned by the Government cause a supplementary budget to be prepared and submitted to the Government. Every such supplementary budget 136 shall be considered and approved by the Zilla Panchayat and submitted to the Government for approval.

250. Maintenance Of Accounts And Restriction Of Expenditure :-

(1) Accounts of the income and expenditure of a Taluk Panchayat shall be kept in accordance with such rules as may be prescribed.

(2) Expenditure from the Taluk Panchayat Fund shall, save as otherwise expressly provided for in this Act, be incurred subject to such sanctions, conditions and limitations as may be prescribed.

(3) The Taluk Panchayat shall, within a period not exceeding three months after the close of the official year, pass the accounts of that year.

251. Transmission Of Accounts :-

The Taluk Panchayat shall, as soon as the annual account have been finally passed by it, transmit a copy thereof to the Zilla Panchayat in the form prescribed in this behalf and shall furnish such details and vouchers relating to the same as the Zilla Panchayat may, from time to time, direct.

252. Power To Write Off Irrecoverable Sums :-

Subject to such restrictions as may be prescribed, a Taluk Panchayat may write off any sum due to it, whether under a contract or otherwise, or any sum payable in connection therewith if, in its opinion, such sum is irrecoverable: Provided that, no sum exceeding one thousand rupees shall be written off except with the previous sanction of the Zilla Panchayat.

253. Audit Of Accounts :-

- (1) The accounts of the Taluk Panchayat Fund shall be audited by the Comptroller and Auditor General of India (hereinafter referred to as auditor) in accordance with the provisions of the Comptroller and Auditor General (Duties, Powers and Conditions of Service) Act, 1971.
- (2) The auditor shall, for the purpose of audit, have access to all the accounts and other records of the Taluk Panchayat.
- (3) The auditor shall send every year to the Government a consolidated audit report in respect of the Taluk Panchayats in the State and the Government shall lay the consolidated report before both the Houses of the State Legislature.

254. Action By Taluk Panchayat On Audit Report :-

The Taluk Panchayat shall on the report of the auditor or may on its own motion and after taking the explanation of the person concerned or making such further enquiry as it may consider necessary, charge any person concerned or making such further enquiry as it may consider necessary charge any person responsible for irregular expenditure pointed out by the auditor or the amount of any deficiency or loss caused by negligence or misconduct of such person or any sum received which ought to have been, but is not brought into account by such person, and shall, in every such case, certify the amount due from such person.

- (2) The Taluk Panchayat shall in writing state the reasons for its decision in respect of every charge and send a copy thereof to the person against whom it is made.

255. Recovery Of Amounts Disallowed :-

- (1) Every sum certified by the Taluk Panchayat to be due from any person under sub-section (1) of section 254, shall be paid by such person to the Taluk Panchayat within thirty days from the date of the receipt by him of a copy of the decision.
- (2) Such sum, if not duly paid along with interest at fifteen percent per annum on the amount due, from the date from which it became due shall be recoverable as an arrears of land revenue along with the necessary expenses of such recovery and shall be credited to the Taluk Panchayat Fund.

256. Presentation Of Accounts And Budget Of Zilla Panchayat :-

(1) The Finance, Audit and Planning Committee shall cause to be prepared and laid before the Zilla Panchayat at a meeting, which shall be held between the first day of February and the tenth day of March, a complete account of the actual and expected receipts and expenditure for the official year ending on the thirty-first day of March next following together with a budget estimate of the income and expenditure, of the Zilla Panchayat for the official year to commence on the first day of April next following.

(2) The Zilla Panchayat shall thereupon decide upon the appropriations and the ways and means contained in the budget of the year to commence on the first day of April next following. The budget as passed by the Zilla Panchayat shall be sent to the Government before such date as may be fixed by the Government.

(3) In such budget estimate, the Zilla Panchayat shall among other things,-

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

(b) provide for the payment, as they fall due, of all installments of principal and interest for which the Zilla Panchayat may be liable in respect of loans contracted by it ;

(c) allow for a balance at the end of said year of not less than such sum or percentage of income as may from time to time, be fixed by the Government either generally for all Zilla Panchayats or specially for any Zilla Panchayat.

(4) If such budget estimate is not in accordance with the provisions of this Act or the rules and orders issued thereunder, the Government may within two months from the date of receipt of the budget modify the same to secure compliance with the Act, the rules or the orders: Provided that the Government shall not have power to direct that total proposed expenditure shall exceed the total of the estimated income of the Zilla Panchayat for the following year and the opening balance.

(5) If the Zilla Panchayat fails to approve the budget estimate on or before the date mentioned in sub-section (1), the Chief Executive Officer shall forward the budget estimate to the Government and the Government shall approve it with or without modification. The budget so approved by the Government shall be certified by the Government and thereupon shall be deemed to have been duly approved by the Zilla Panchayat.

257. Revision Of Budget :-

If, in the course of the official year, the Zilla Panchayat finds it necessary to modify the provisions made in the budget with regard to the receipts or to the distribution of the amounts to be expended on the different services it undertakes, it may make such modifications: Provided that no diversion of grants transferred by the Government out of the Consolidated Fund of the State can be made for a purpose or programme or scheme not covered under such grants: 138 Provided also that, without the approval of the Government,-

(a) no reduction of over ten percent shall be made in the grants approved for any developmental functions of the Zilla Panchayat, and

(b) the closing balance shall not be reduced below the sum fixed under clause (c) of sub-section (3) of section 256.

258. Supplementary Budget :-

Supplementary budget may be prepared and submitted when necessary. The Zilla Panchayat may at any time during the year for which a budget has been sanctioned by the Government cause a supplementary budget to be prepared and submitted to the Government. Every such supplementary budget shall be considered and approved by the Zilla Panchayat and submitted to the Government for approval.

259. Maintenance Of Accounts And Restriction Of Expenditure :-

(1) Accounts of the income and expenditure of the Zilla Panchayat fund shall be kept in accordance with such rules as may be prescribed.

(2) Expenditure from the Zilla Panchayat Fund shall, save as otherwise expressly provided for in this Act, be incurred subject to such sanctions, conditions and limitations as may be prescribed.

(3) The Zilla Panchayat shall, within a period not exceeding three months after the close of the official year, pass the accounts of that year.

260. Transmission Of Accounts :-

The Zilla Panchayat shall, as soon as the annual accounts have been finally passed by it, transmit to the Government an account in the form prescribed in this behalf and shall furnish such details and vouchers relating to the same as the Government may, from time

to time, direct.

261. Power To Write Off Irrecoverable Sums :-

Subject to such restrictions as may be prescribed, a Zilla Panchayat may write off any sum due to it, whether under a contract or otherwise, or any sum payable in connection therewith if, in its opinion, such sum is irrecoverable: Provided that, no sum exceeding one thousand rupees shall be written off except with the previous sanction of the Government.

262. Audit Of Accounts :-

(1) The accounts of the Zilla Panchayat fund shall be audited by the Comptroller and Auditor General of India (hereinafter referred to as the auditor) in accordance with the provisions of the Comptroller and Auditor General (Duties, Powers and Conditions of Service) Act, 1971.

(2) The auditor shall, for the purpose of audit, have access to all the accounts and other records of the Zilla Panchayat.

(3) The Government shall on receipt of the audit report of the Zilla Panchayats lay them before both the Houses of the State Legislature.

263. Action By Zilla Panchayat On Audit Report :-

The Zilla Panchayat shall on the report of the auditor or may on its own motion and after taking the explanation of the person concerned or making such further enquiry as it may consider necessary, charge any person responsible for irregular expenditure pointed out by the auditor or the amount of any deficiency or loss caused by the negligence or misconduct of such person or any sum received which ought to have been, but is not brought into account by such person, and shall, in every such case, certify the amount due from such person. 139

(2) The Zilla Panchayat shall in writing state the reasons for its decision in respect of every charge and send a copy thereof to the person against whom it is made.

264. Recovery Of Amounts Disallowed :-

(1) Every sum certified by Zilla Panchayat to be due from any person under sub-section (1) of section 263, shall be paid by such person to the Zilla Panchayat within thirty days from the date of the receipt by him of a copy of the decision.

(2) Such sum, if not duly paid along with interest at fifteen percent

per annum on the amount due, from the date from which it became due shall be recoverable as an arrears of land revenue along with the necessary expenses of such recovery and shall be credited to the Zilla Panchayat Fund.

265. Procedure For Recovery Of Dues Of Zilla Panchayat And Taluk Panchayat :-

- (1) When any sum payable on demand,-
 - (a) which by or under the provisions of this Act, is declared to be recoverable in the manner provided by this Chapter; or
 - (b) which is claimable as a fee or other amount due to the Zilla Panchayat or Taluk Panchayat under this Act, or under any rules or regulation made thereunder, shall have become payable and remains unpaid for fifteen days after the same is due, the Chief Executive Officer, or the Executive Officer, as the case may be, or an officer duly authorised by him in writing in this behalf (hereinafter referred to as the authorised officer) may serve upon the person or persons liable to pay such sum, a notice in writing in the prescribed form.
- (2) If such person does not, within fifteen days, from the service of such notice of demand upon him, pay the sum due, or show cause to the satisfaction of the Chief Executive Officer or the Executive Officer why the same should not be paid, the Chief Executive Officer or the Executive Officer may recover such sum, with all costs, by distraint and sale of the movable property of the defaulter.
- (3) In order to effect the distraint and sale of property under subsection (2), the Chief Executive Officer or the Executive Officer, as the case may be, or the authorised officer shall issue a warrant in the prescribed form and a warrant fee of one rupee shall be leviable for each such warrant.
- (4) The Chief Executive Officer or the Executive Officer, as the case may be, or the authorised officer shall make an inventory of the property distrained, a copy of which shall on demand be delivered to the defaulter or any person on his behalf, and if the amount due is not paid within fifteen days after distraint, the property may be sold.
- (5) The Chief Executive Officer or the Executive Officer, as the case may be, or the authorised officer shall give or cause to be given to every person making payment of the amount due, a receipt therefor signed by him. Such receipt shall specify,-

- (a) the date of the payment thereof,
 - (b) the name of the person by whom it is paid,
 - (c) the amount due in respect of which the payment has been made,
 - (d) the period for which the payment has been made, and
 - (e) the amount in respect of which it is granted.
- (6) Any sum due to a Zilla Panchayat or Taluk Panchayat under this Act, shall without prejudice to any other mode of collection, be recoverable as an arrears of land revenue.

266. Conditions Of Distraint And Sale :-

- (1) Whenever, under section 265 any property is distrained, seized or sold in consequence of the non-payment of any amount due, such distraint, seizure and sale shall be effected subject to the provisions of the following sub-sections and of section 62 of the Code of Civil Procedure, 1908 (Central Act 5 of 1908).
- (2) All such property as is, by the Code of Civil Procedure 1908, exempt from attachment or sale in execution of the decree shall be exempt from distraint or sale under this section.
- (3) The distress shall not be excessive. The value of the property distrained shall be, as nearly as possible proportionate to the amount due on account of the fee, rent or other amount due, and the distraint fee and the probable expenses incidental to the detention and sale of the said property.
- (4) When the property seized is subject to speedy and natural decay, or if in the opinion of the person seizing the property, the expenses of keeping it in custody together with amount due, exceeds the value of the property, the said person shall immediately after seizure of such property, give notice to the person from whose possession it was seized, to the effect that it will be sold at once and shall sell it accordingly unless the amount due is paid forthwith.
- (5) Any surplus amount that may remain after deducting the amount due and of the said expenses, including the expenses of the sale, shall be paid to the owner of the property.
- (6) If any claim be set up by a third person to movable property distrained under section 265 the Chief Executive Officer or the Executive officer as the case may be shall after a summary enquiry held after giving reasonable notice to the claimant admit or reject the claim. If the claim be admitted wholly or partly the property shall be dealt with accordingly. Except in so far as it is admitted,

the property shall be sold and the title of the purchaser shall be good for all purposes, and the proceeds shall be disposed of as hereinbefore directed: Provided that nothing in this sub-section shall be deemed to bar the claimant or any person having any interest in the property distrained, from seeking relief in a Civil Court having jurisdiction.

267. Finance Commission :-

(1) The Government shall as soon as may be within one year from the date of commencement of this Act and thereafter at the expiration of every fifth year constitute a Finance Commission to review the financial position of the Zilla Panchayats, Taluk Panchayats and Grama Panchayats and to make recommendation to the Government as to,-

(a) the principles which should govern,-

(i) the distribution between the State and the Zilla Panchayats, Taluk Panchayats and Grama Panchayats and the net proceeds of the taxes, duties, tolls and fees leviable by the Government which may be divided between them and allocation 141 between the Zilla Panchayats, Taluk Panchayats and Grama Panchayats of their respective shares of such proceeds;

(ii) the determination of the taxes, duties, tolls and fees which may be assigned to or appropriated by the Zilla Panchayats, Taluk Panchayats and Grama Panchayats;

(iii) the grants-in-aid to the Zilla Panchayats, Taluk Panchayats and Grama Panchayats from the Consolidated Fund of the State;

(b) the measures needed to improve the financial position of the Zilla Panchayats, Taluk Panchayats and Grama Panchayats;

(c) any other matter referred to the Finance Commission by the Governor in the interest of sound finance of the Zilla Panchayats, Taluk Panchayats and Grama Panchayats.

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

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

(4) The Finance Commission shall determine its 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 casual vacancy created by the resignation of the member or Chairman under sub-section

(5) or for any other reason may be filled by fresh appointment and a member or Chairman so appointed shall hold office for the remaining period for which the member or Chairman in whose place he was appointed would have held 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 produce records; and

(c) such other power as may be prescribed.

(8) The Governor shall cause every recommendation made by the Finance Commission under this section together with an explanatory memorandum as to the action taken thereon to be laid before both the Houses of the State Legislature.

CHAPTER 18

MISCELLANEOUS

268. Dissolution Of Panchayats :-

(1) If, 1 [on the recommendation of the Taluk Panchayat, or otherwise the Zilla Panchayat is of the opinion that] 1 , a Grama Panchayat exceeds or abuses its power or is not competent to perform or makes persistent default in the performance of the duties imposed on it under this Act or any other law for the time being in force the 1 [Zilla Panchayat may] 1 , by an order published in the official Gazette, dissolve such Grama Panchayat. 1. Substituted by Act 29 of 1997 w.e.f. 20.10.1997.

(2) If in the opinion of the Government, a Zilla Panchayat or a Taluk Panchayat exceeds or abuses its power or is not competent to perform or makes persistent default in the performance of the duties imposed on it under this Act or any other law for the 142 time being in force , the Government may, by an order published in the official Gazette, dissolve such Zilla panchayat or Taluk Panchayat. 1 [(3) Before publishing an order under sub-section (1) or sub-section (2), the Zilla Panchayat or the Government, as the case may be shall communicate to the Grama Panchayat, Taluk Panchayat or Zilla Panchayat, as the case may be the grounds on which it proposed to do so, fix reasonable period for the Grama Panchayat, Taluk Panchayat or Zilla Panchayat to show cause against the proposal and consider its explanation and objections if

any.] 1 1. Substituted by Act 29 of 1997 w.e.f. 20.10.1997. 1 [(3A) Any person aggrieved by the order of the Zilla Panchayat under sub-section (1) may, within thirty days from the date of such order, appeal to the Government.] 1 1. Inserted by Act 29 of 1997 w.e.f. 20.10.1997.

(4) When a Zilla Panchayat, Taluk Panchayat or Grama Panchayat is dissolved all the members of such panchayat shall, from the date specified in the order, vacate their office as such members.

(5) When a Zilla Panchayat, Taluk Panchayat or Grama Panchayat is dissolved, it shall be reconstituted in the manner provided in this Act before the end of six months from the date of such dissolution: Provided that where the remainder of the period for which the dissolved Zilla Panchayat, Taluk Panchayat or Grama Panchayat would have continued is less than six months it shall not be necessary to hold an election under this section for constituting a Zilla Panchayat, Taluk Panchayat or Grama Panchayat for such period.

(6) A Zilla Panchayat, Taluk Panchayat or Grama Panchayat constituted upon the dissolution before expiration of its duration shall continue only for the remainder of the period of which the dissolved Zilla Panchayat, Taluk Panchayat or Grama Panchayat would have continued had it not been so dissolved.

(7) If a Grama Panchayat, Taluk Panchayat or Zilla Panchayat is dissolved,-

(a) all the powers and duties of the Zilla Panchayat, Taluk Panchayat or Grama Panchayat shall, during the period of its dissolution be exercised and performed by such person or persons as the Zilla Panchayat or the Government, as the case may be, may from time to time appoint in this behalf;

(b) all property vested in the Zilla Panchayat, Taluk Panchayat or Grama Panchayat dissolved shall during the period of dissolution vest in the Government;

(c) the persons vacating office on dissolution shall be eligible for re-election.

269. Appeals :-

1 [(1) Any person aggrieved by any original order of the Grama Panchayat under this Act, unless appeal is provided elsewhere in this Act, may within thirty days from the date of such order appeal to the Executive Officer.] 1 1. Substituted by Act 29 of 1997 w.e.f. 20.10.1997.

(2) The Appellate Authority may after giving an opportunity to the

appellant to be heard and after such enquiry as it deems fit, decide the appeal and its decision shall be final.

(3) Any appeal under sub-section (1) pending before the Zilla Parishad shall on the date of commencement of the Karnataka Panchayat Raj Act, 1993 stand transferred to 143 the Assistant Commissioner and such appeal shall be decided by him as if it has been filed before him.

270. Power Over Decisions Of Committees :-

Every Zilla Panchayat, Taluk Panchayat or Grama Panchayat shall have power to annul, revise or modify any decision taken by any of its committees.

271. Requisitioning Of Premises, Vehicles, Etc., For Election Purpose :-

(1) If it appears to an officer authorised by the State Election Commission for the conduct of elections to the Zilla Panchayat, Taluk Panchayat and Grama Panchayat under this Act (hereinafter referred to as "the requisitioning authority") that in connection with an election under this Act,-

(a) any premises is needed or is likely to be needed for the purpose of being used as a polling station or for the storage of ballot boxes after a poll has been taken, or

(b) any vehicle, vessel or animal is needed or is likely to be needed for the purpose of transport of ballot boxes to or from any polling station or transport of members of the police force for maintaining order during the conduct of such election, or transport of any officer or other person for performance of any duties in connection with such election the requisitioning authority may by order in writing requisition such premises, or as the case may be, such vehicle, vessel or animal and may make such further orders as may appear to it to be necessary or expedient in connection with the requisitioning: Provided that no vehicle, vessel or animal which is being lawfully used by a candidate or his agent for any purpose connected with the election of such candidate shall be requisitioned under this sub-section, until the completion of the poll at such elections.

(2) The requisitioning shall be effected by an order in writing addressed to the person deemed by the requisitioning authority to be the owner or person in possession of the property, and such order shall be served in the manner prescribed on the person to whom it is addressed.

(3) Whenever any property is requisitioned under sub-section (1), the period of such requisitioning shall not extend beyond the period for which such property is required for any of the purposes mentioned in that sub-section. (4) In this section,-

(a) "premises" means any land, building or part of a building and includes a hut, shed or other structure or any part thereof;

(b) "vehicle" means any vehicle used or capable of being used for the purpose of road transport, whether propelled by mechanical power or otherwise.

272. Payment Of Compensation :-

(1) Whenever in pursuance of section 271, the requisitioning authority requisitions any premises, the Zilla Panchayat, Taluk Panchayat or Grama Panchayat concerned shall pay to the persons interested compensation, the amount of which shall be determined by the requisitioning authority by taking into consideration the following factors that is to say,-

(i) the rent payable in respect of the premises, or if no rent is so payable, the rent payable for similar premises in the locality; 144

(ii) if in consequence of the requisitioning of premises, the person interested is compelled to change his residence or place of business the reasonable expenses, if any, incidental to such change: Provided that, when any person interested being aggrieved by the amount of compensation so determined makes an application to the requisitioning authority within thirty days of the order under sub-section (1) the matter shall be referred by the requisitioning authority to the 1 [Civil Judge (Junior Division)] 1 having jurisdiction in the locality and the amount of compensation to be paid shall be such as the 1 [Civil Judge (Junior Division)] 1 may determine. 1. Substituted by Act 29 of 1997 w.e.f. 20.10.1997. Explanation.- In this sub-section, the expression " person interested means the person who was in the actual possession of the premisses requisitioned under section 271 immediately before the requisitioning or where no person was in such actual possession, the owner of such premises.

(2) Whenever in pursuance of section 271, the requisitioning authority requisitions any vehicle, vessel or animal the Zilla Panchayat, Taluk Panchayat or Grama Panchayat shall pay to the owner thereof compensation, the amount of which shall be determined by the requisitioning authority on the basis of fares or rates prevailing in the locality for the hire of such vehicle, vessel or

animal: Provided that where the owner of such vehicle, vessel or animal being aggrieved by the amount of compensation so determined makes an application within thirty days to the requisitioning authority the matter shall be referred to the 1 [Civil Judge (Junior Division)] 1 having jurisdiction in the locality and the amount of compensation to be paid shall be such as the 1 [Civil Judge (Junior Division)] 1 may determine: 1. Substituted by Act 29 of 1997 w.e.f. 20.10.1997. Provided further that where immediately before the requisitioning the vehicle or vessel was by virtue of a hire purchase agreement in the possession of a person other than the owner the amount determined under this subsection as the total compensation shall be apportioned between that person and the owner in such manner as they may agree upon and in default of agreement in such manner as an arbitrator appointed by the requisitioning authority in this behalf may decide.

273. Power To Obtaining Information :-

The requisitioning authority may with a view to requisitioning any property under section 271 or determining the compensation payable under section 272 by order require any person to furnish to such authority as may be specified in the order such information in his possession relating to such property as may be specified.

274. Power Of Entry Into And Inspection Of Premises Etc :-

(1) Any person authorised in this behalf by the requisitioning authority may enter into any premises and inspect such premises and any vehicle, vessel or animal therein for the purpose of determining whether, and if so in what manner an order under section 273 should be made in relation to such premises, vehicle, vessel or animal or with a view to securing compliance with any order made under that section.

(2) In this section the expression "Premises" and "Vehicle" have the same meaning as in section 271.

275. Eviction From Requisitioned Premises :-

(1) Any person remaining in possession of any requisitioned premises in contravention of any order made under section 271 may be summarily evicted from the premises by any officer empowered by the requisitioning authority in this behalf.

(2) Any officer so empowered may after giving to any woman not appearing in public, reasonable warning and facility to withdraw,

remove or open any lock or bolt or break open any door of any building or do any other act necessary for effecting such eviction.

276. Release Of Premises From Requisitioning :-

(1) When any premises requisitioned under section 271 are to be released from requisitioning the possession thereof shall be delivered to the person from whom possession was taken at the time of the requisition or if there was no such person to the person deemed by the requisitioning authority to be the owner of such premises and such delivery of possession shall be a full discharge of the requisitioning authority from all liabilities in respect of such delivery but shall not prejudice any rights in respect of the premises which any other person may be entitled by due process of law to enforce against the person to whom possession of the premises is so delivered.

(2) Where the person to whom possession of any premises requisitioned under section 271 is to be given under sub-section (1) cannot be found or is not readily ascertainable or has no agent or any other person empowered to accept delivery on his behalf requisitioning authority shall cause a notice declaring that such premises are released from the requisitioning to be affixed on some conspicuous part of such premises and on the notice board of the office of the Tahisldar.

(3) When a notice is affixed on the notice board as provided in sub-section (2), the premises specified in such notice shall cease to be subject to requisitioning on and from the date of such affixing of the notice and be deemed to have been delivered to the person entitled to possession thereof and the requisitioning authority or the Zilla Panchayat or Taluk panchayat or Grama Panchayat shall not be liable for any compensation or other claim in respect of such premises for any period after the said date.

277. Penalty For Contravention Of Any Order Regarding Requisition :-

If any person contravenes any order made under section 271 or section 273 he shall, on conviction, be punished with imprisonment for a term which may extend to one year or with fine or with both.

278. Penalty For Acting As A Member, Adhyaksha Or Upadhyaksha When Disqualified :-

(1) Whoever acts as a member of a Grama Panchayat, Taluk

Panchayat or Zilla Panchayat when he knows that under this Act or the rules made thereunder, he is not entitled to or has ceased to be entitled to hold office as such shall, on conviction, be punished with fine of one hundred rupees for every day on which he sits or votes as a member.

(2) Whoever acts as the Adhyaksha or Upadhyaksha of a Grama Panchayat, Taluk Panchayat or Zilla Panchayat or exercises any of his functions when he knows that under this Act or the rules made thereunder, he is not entitled to or has ceased to be entitled to hold office as such, or to exercise such functions shall, on conviction, be punished with fine of two hundred rupees for every day on which he acts or functions as such.

(3) Any person who having been the Adhyaksha or Upadhyaksha of a Grama Panchayat, Taluk Panchayat or Zilla Panchayat fails to hand over any document of, or any moneys or other properties vested in, or belonging to, the Grama Panchayat or Taluk Panchayat or Zilla Panchayat, as the case may be which are in or have come into his possession or control to his successor in office or other prescribed authority,-

(a) in every case as soon as his term of office as such Adhyaksha or Upadhyaksha expires; and

(b) in case of a person who was the Upadhyaksha on demand by the Adhyaksha, shall, on conviction, be punished with a fine which may extend to one thousand rupees.

279. Penalty For Interested Member Voting :-

Whosoever votes as member of a Grama Panchayat, Taluk Panchayat or Zilla Panchayat in contravention of the provisions of sub-section (4) of section 53, or clause (g) of sub-section (2) of section 141 or clause (g) of sub-section (2) of section 180 shall, on conviction, be punished with fine which may extend to five hundred rupees.

280. Penalty For Acquisition By Officer Or Servant Of Interest In Contract :-

If any member, officer or servant of a Grama Panchayat, Taluk Panchayat or Zilla Panchayat knowingly acquires for himself directly or indirectly, by himself or by a partner, employer or servant, any share or interest in any contract or employment with, by or on behalf of a Grama Panchayat, Taluk Panchayat or Zilla Panchayat he shall, on conviction, be punished with fine which may extend to five hundred rupees: Provided that no person shall, by reason of being a shareholder, in or member of, any company, be held to be

interested in any contract entered into between such company and the Grama Panchayat, Taluk Panchayat or Zilla Panchayat unless he is a Director of such company: Provided further that nothing in this section shall apply to any person who, with the sanction of the Commissioner, enters into a contract with a Grama Panchayat, Taluk Panchayat or Zilla Panchayat.

281. Wrongful Obstruction Of Certain Officers :-

Any person who prevents the Chief Executive Officer, Executive Officer or the Secretary or any person to whom such officer has lawfully delegated his powers of entering on or into any place, building or land from exercising his lawful power of entering thereon or therein shall, on conviction, be punished with simple imprisonment for a term which may extend to one month or with fine which may extend to five hundred rupees or with both.

282. Prohibition Against Obstruction Of Adhyaksha Or Upadhyaksha, Etc :-

Any person obstructing an Adhyaksha, Upadhyaksha, Secretary or member of a Grama Panchayat, or Adhyaksha, Upadhyaksha, Executive Officer or member of a Taluk Panchayat, or Adhyaksha, Upadhyaksha, Chief Executive Officer or member of a Zilla Panchayat, or any person employed by the Grama Panchayat or Taluk Panchayat or Zilla Panchayat or any person with whom a contract has been entered into by or on behalf of the Grama Panchayat, Taluk Panchayat or Zilla Panchayat in the discharge of his duty or of anything which he is empowered or require to do by virtue, or in 147 consequence, of this Act or any rule, bye-law, regulation or order made thereunder shall, on conviction, be punished with fine which may extend to five hundred rupees.

283. Prohibition Against Removal Or Obliteration Of Notice :-

Any person, who without authority in that behalf, removes, destroys, defaces or otherwise obliterates any notice exhibited or any sign or mark erected by or under the orders of a Grama Panchayat, Taluk Panchayat or Zilla Panchayat or its executive authority, shall, on conviction, be punished with fine which may extend to one hundred rupees.

284. Penalty For Not Giving Information Or Giving False Information :-

Any person who is required by this Act or by any notice or other proceedings issued thereunder to furnish any information fails to

furnish such information or knowingly furnishes false information, shall, on conviction, be punished with fine which may extend to one hundred rupees.

285. Bidding Prohibited :-

(1) No member or employee of the Grama Panchayat, Taluk Panchayat or Zilla Panchayat or any officer having any duty to perform in connection with the sale of movable or immovable property under this Act shall directly or indirectly bid for or acquire interest in, any property sold at such sale.

(2) Any person who contravenes the provisions of sub-section (1) shall, on conviction, be punished with fine which may extend to five hundred rupees, and if he is an officer or employee of the Grama Panchayat or Taluk Panchayat or Zilla Panchayat shall also be liable for dismissal from service.

286. Application Of The Term "Public Servant" To Members Of Panchayats And Their Officers And Servants :-

Every member of Grama Panchayat, Taluk Panchayat or Zilla Panchayat and every officer and servant employed under the Grama Panchayat, Taluk Panchayat or Zilla Panchayat shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code and the Prevention of Corruption Act, 1988 (Central Act 49 of 1988) for the time being in force.

287. Fines To Be Credited To The Panchayat Fund :-

All fines imposed by a Magistrate for any offence under this Act, or under any rule, regulations or bye-law made thereunder in any prosecution instituted by or on behalf of a Grama Panchayat, Taluk Panchayat or Zilla Panchayat shall be credited to its fund.

288. Damage To Any Property Of Panchayats And How Made Good :-

If through any act, neglect or default on account of which any person shall have incurred penalty imposed by or under this Act and any damage to the property of any Grama Panchayat, Taluk Panchayat or Zilla Panchayat shall have been caused by such person, he shall be liable to make good such damage as well as to pay such penalty and the value of the damage shall in case of dispute be determined by the Magistrate. The person incurring such penalty be convicted, and non-payment of such value on demand the same shall be levied by distress, and the Magistrate shall issue a warrant accordingly.

289. Restrictions With Respect To Institution Of Suits Against Panchayats :-

(1) No suit for damage or compensation shall be instituted against any Grama Panchayat, Taluk Panchayat or Zilla Panchayat or any of its officers, or any person acting under its direction, for anything done or purporting to be done under this Act or any rule, bye-law regulation or order made thereunder until the expiration of two months next after notice in writing shall have been delivered or left at the office of the Grama Panchayat or Taluk Panchayat or Zilla Panchayat concerned or at the place of abode of such officer or 148 person, such notice shall state the cause of action, the relief sought, the amount of compensation, if any, claimed and the name and the place of abode of the intending plaintiff.

(2) If any person to whom any notice is given under sub-section (1) tenders the amount to the plaintiff before the suit is instituted and if the plaintiff does not recover in any such action more than the amount so tendered, he shall not recover any costs incurred after such tender and the defendant shall be entitled to costs as from the date of tender.

(3) When the defendant in any suit is a member, officer or servant of such Grama Panchayat, Taluk Panchayat or Zilla Panchayat or any person acting under its direction, the Secretary, Executive Officer, or Chief Executive Officer as the case may be, shall determine whether defense should be undertaken by such Grama Panchayat, Taluk Panchayat or Zilla Panchayat and be paid for out of its fund.

(4) Nothing in this section shall be deemed to apply to any suit instituted under section 38 of the Specific Relief Act, 1963 (Central Act 47 of 1963).

290. Government Not To Obtain Licences And Permissions :-

Nothing in this Act or in any rule, bye-law or regulation made thereunder shall be construed as requiring the taking out of any licence or the obtaining of any permission under this Act or any such rule, bye-law or regulation in respect of any place in the occupation or under the control of the Central Government or the State Government or in respect of any property of the Central Government or State Government.

291. Injunctions Not To Be Granted In Election Proceedings :-

Notwithstanding anything contained in any law for the time being in force, no court shall grant any permanent or temporary injunction or make any interim order restraining any proceeding which is being or about to be taken under this Act for the conduct of any election under this Act.

292. Punishment For Disobedience Of Orders And Notices Not Punishable Under Any Other Section :-

Whoever disobeys or fails to comply with any lawful direction given by way of written notice issued by or on behalf of a Grama Panchayat, Taluk Panchayat or Zilla Panchayat under any power conferred by this Act, or fails to comply with the conditions subject to which any permission was given to him by the Grama Panchayat, Taluk Panchayat or Zilla Panchayat concerned under any power so conferred, shall, on conviction, if the disobedience or failure is not an offence punishable under any other section, be punished with fine which may extend to one hundred rupees and with further fine which may extend to five rupees for every day during which the said disobedience or failure continues after the date of first conviction: Provided that when the notice fixes a time within which a certain act is to be done, and no time is specified in this Act the Magistrate shall determine whether the time so fixed was reasonable.

293. In Default Of Owner Or Occupier, Panchayat May Execute Works And Recover Expenses :-

(1) Whenever under the provisions of this Act any work is required to be executed by the owner or occupier of any building, or land, and default is made in the execution of such work, the Grama Panchayat, Taluk Panchayat or Zilla Panchayat concerned whether any penalty is or is not provided for such default, may cause such work to be executed, and the expenses thereby incurred shall, unless otherwise expressly provided in this Act, be paid to it by the person by whom such work ought to have been executed, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter XIII either in one sum or by instalments as the Panchayat concerned may deem fit.

(2) If the defaulter is the owner of the building or land, the Panchayat concerned may, by way of additional remedy, whether a suit or proceeding has been brought or taken against such owner or not, require, subject to the provisions of sub-section (3), the payment of all or any part of the expenses payable by the owner

for the time being from the person who then or at any time thereafter occupies the building or land under such owner, and in default of payment thereof by such occupier on demand, the same may be levied from such occupier, and every amount so leviable shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter XIII. Every such occupier shall be entitled to deduct from the rent payable by him to his landlord so much as has been so paid by or recovered from such occupier in respect of any such expenses.

(3) No occupier of any building or land shall be liable to pay more money in respect of any expenses charged on the owner thereof, than the amount of rent which is due from such occupier for the building or land in respect of which such expenses are payable at the time of the demand made upon him, or which at any time after such demand and notice not to pay the same to his landlord has accrued and become payable by such occupier, unless he neglects or refuses upon application made to him for that purpose by a Grama Panchayat, Taluk Panchayat or Zilla Panchayat truly to disclose the amount of his rent and the name and address of the person to whom the rent is payable, but the burden of proof that the sum demanded of any such occupier is greater than the rent which was due by him at the time of such demand or which has since accrued, shall be upon such occupier: Provided that nothing herein contained shall be deemed to affect any special contract made between any such occupier and the owner respecting payment of the expenses of any such works as aforesaid.

294. Expenses Or Costs How Determined And Recovered :-

If a dispute arises with respect to any expenses or costs which are by this Chapter directed to be paid, the amount, and if necessary the apportionment of the same, shall, save where it is otherwise expressly provided in this Act, be ascertained and determined by the Grama Panchayat, Taluk Panchayat or Zilla Panchayat concerned and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter XIII.

295. Bar Of Suits Etc :-

(1) No civil court shall entertain a suit objecting to an assessment demand or charge made or imposed under this Act, or for the recovery of any sum of money collected under the authority of this Act, or for damages on account of any assessment or collection of

money under the said authority, if the provision of this Act have been in substance and effect complied with.

(2) No, suit or other legal proceeding shall lie against a Chief Executive Officer or Executive Officer or Secretary or any other officer of the Government or a Grama Panchayat or Taluk Panchayat or Zilla Panchayat or any member, officer, servant or agent of such Grama Panchayat, Taluk Panchayat or Zilla Panchayat acting under its direction in respect of anything done or purporting to have been lawfully done and in good faith under this Act or any rule, regulation, bye-law or order made thereunder except with the previous sanction of the Zilla Panchayat or such officer as the Zilla panchayat may specify.

(3) No suit or other legal proceeding shall lie against the Government in respect of anything done under this Act, or any rule, regulation or bye-law made thereunder.

296. Jurisdiction Of Magistrate :-

Any prosecution under this Act or under any rule, regulation or bye-law made thereunder may, save as therein otherwise provided, be instituted before any Magistrate, and every fine or penalty imposed under or by virtue of this Act or any rule, regulation or bye-law made thereunder and also all claims to compensation or other expenses for the recovery of which no special provision is otherwise made in this Act, may be recovered on application, to such Magistrate by the distress and sale of any movable property within the limits of his jurisdiction belonging to the person from whom the money is claimed.

297. Alternative Procedure By Suit :-

In lieu of any process of recovery allowed by or under this Act in case of failure to realise by such process the whole or any part of any amount recoverable under the provisions of Chapter XIII or of any compensation, expenses, charges or damages awarded under this Act, the Grama Panchayat, Taluk Panchayat or Zilla Panchayat concerned may sue in any court of competent jurisdiction the person liable to pay the same, as also any other person who may have in any way caused any injury to any property, rights or privileges of the Grama Panchayat, Taluk Panchayat or Zilla Panchayat.

298. Punishment For Offences Under This Act And Powers To Compound :-

(1) Whoever,-

(a) erects, alters , adds to or reconstructs a building without the written permission required by section 64 or in contravention of any of the conditions imposed by it;

(b) uses any place without a licence required by sections 66, 67, 68, and 69 or in contravention of any of the conditions or during the suspension of the licence; or

(c) contravenes any other provision of the Act, shall on conviction, be punished with fine which may extend to five hundred rupees, and in the case of a continuing offence with a fine which may extend to five rupees for every day after the first conviction during which the offence continues.

(2) Upon a conviction under clause (b) of sub-section (1) in respect of any place, the magistrate shall on the application of the Grama Panchayat, Taluk Panchayat or Zilla Panchayat as the case may be, but not otherwise, order such place to be closed, and thereupon appoint such persons or take such other steps to prevent such place being so used; and every person who so uses or permits the use of a place after it has been ordered to be closed, shall be punished with fine which may extend to five rupees for each day during which he continues to use or permits such use of the place after it has been so ordered to be closed.

(3) (a) A Grama Panchayat, Taluk Panchayat or Zilla Panchayat or such officer as the Zilla Panchayat may authorise in this behalf may accept by way of composition a sum of money not exceeding five hundred rupees from any person, who, in the opinion of the Grama Panchayat, Taluk Panchayat or Zilla Panchayat or the authorised officer, as the case may be, has committed,-

(i) any of the aforesaid offences referred to in sub-section (1), or

(ii) any other offence under this Act or under any rule, regulation or bye-law made thereunder which may by notification be declared by the Government as compoundable; and on such composition no proceeding shall be taken against such person in respect of such offence.

(b) On the composition of any offence under clause (a) if proceedings in any criminal court have been instituted against the person concerned in respect of the offence the composition shall be deemed to amount to an acquittal and no further proceedings shall be taken against such person in respect of such offence.

299. Powers Of Police Officers :-

(1) Any police officer may arrest any person committing in his presence any offence against any of the provisions of this Act or of any regulation or bye-law made thereunder if the name and address of such person is not known to him and if he declines to give his name and address, or if the police officer has reason to doubt the accuracy of such name and address given, and such person may be detained at the station house until his name and address shall be correctly ascertained.

(2) Any person arrested under sub-section (1) shall be informed as soon as may be, of the grounds for such arrest and shall be produced before the nearest Magistrate within a period of twenty-four hours of such arrest excluding the time necessary for the journey from the place of arrest to the court of the Magistrate and no such person shall be detained in custody beyond the said period without the authority of a Magistrate.

(3) It shall also be the duty of all police officers to give immediate information to the Adhyaksha or Secretary of the Grama Panchayat, Adhyaksha or Executive officer of Taluk Panchayat, Adhyaksha or Chief Executive Officer of the or Zilla Panchayat the commission of any offence against the provisions of this Act or of any rule, regulation or bye-law made thereunder, or where a member of the Grama Panchayat, Taluk Panchayat or Zilla Panchayat is arrested within twenty-four hours of such arrest and to assist all officers and servants of the Grama Panchayat, Taluk Panchayat or Zilla Panchayat in the exercise of their lawful authority.

300. Annual Administration Report :-

(1) As soon as may be after the first day of April in every year and not later than such date as may be fixed by the Government the Secretary of the Grama Panchayat shall place before the Grama Panchayat a report of the administration of the Grama Panchayat during the preceding official year in such form and with such details as the Government may direct and shall forward the report with the resolution of the Grama Panchayat thereon to the Zilla Panchayat.

(2) As soon as may be after the first day of April in every year and not later than such date as may be fixed by the Government, the Executive Officer of the Taluk Panchayat shall place before the Taluk Panchayat a report of the administration of the Taluk Panchayat during the preceding official year in such form and with such details as the Government may direct and shall forward the report with the resolution of the Taluk Panchayat thereon to the

Zilla Panchayat.

(3) Zilla panchayat shall on receipt of the reports under sub-section (1) and (2) review the working of the Grama Panchayats and Taluk Panchayats and shall submit a consolidated report in this behalf to the Government.

(4) As soon as may be after the first day of April in every year and not later than such date as may be fixed by the Government, the Chief Executive Officer shall prepare a report on the administration of the Zilla panchayat during the preceding year in such form and with such details as the Government may direct and submit the report to the Zilla Panchayat. After approval by the Zilla Panchayat, the report shall be submitted to the Government.

(5) The report submitted under sub-sections (3) and (4) to the Government shall together with a memorandum by the Government reviewing the working of the Grama Panchayats, Taluk Panchayats and Zilla Panchayats, shall be laid before both the Houses of the State Legislature.

301. Adjustment Of Government Dues Etc :-

If a Grama Panchayat, Taluk Panchayat or Zilla Panchayat makes default in the payments of any amount, loan installments or interest due to the Government, the Karnataka State Electricity Board or the salaries, allowances or leave and pensionary contributions of Government servant deputed for service under such Panchayats, the Government may make an order directing the person having the custody of the Fund of the Panchayats concerned to pay the amount due in priority to any other charge against such fund and such person shall so far as the amounts to the credit of such Fund admit be bound to comply with the order.

302. Consequences Of Absorption Of Part Of A Panchayat Area Or On An Area Within The Limits Of The District Or Taluk Into A Larger Urban Area Etc :-

(1) If during the term of office of a member of a Grama Panchayat or Taluk Panchayat or Zilla Panchayat, any area within the limits of a panchayat area, Taluk or district being a whole area comprised in a territorial constituency represented by such member is included in, any larger urban area, smaller urban area or transitional area or if such area within the limits of a panchayat area of Taluk is converted into a smaller urban area or transitional area (hereinafter referred to as other local area) notwithstanding anything contrary contained in this Act, or any other law for the time being in force,

the following consequences shall ensue with effect from the date of such inclusion, or conversion namely:- 1. 302 and 302A Substituted by Act 10 of 1997 w.e.f. 14.8.1997.

(a) such members shall cease to be a member of the Zilla panchayat or Taluk Panchayat or Grama Panchayat, and the total number of elected members of such Zilla Panchayat or Taluk Panchayat or Grama Panchayat as the case may be, as determined already shall stand reduced accordingly;

(b) so much of the Zilla panchayat or Taluk Panchayat or Grama Panchayat fund or other property vested in such Zilla panchayat, Taluk Panchayat or Grama Panchayat, shall be transferred to the fund of such local authority of the other local area, as the Government may by order in writing direct;

(c) the rights and liabilities of the Zilla Panchayat, Taluk Panchayat or Grama Panchayat in respect of civil and criminal proceedings, contracts and other matters or 153 things (Including arrears of taxes, fees, cess and rates) arising in, or relating to the part of the area included in, or converted into the other local area shall vest in the local authority of the other local area and such rights and liabilities may be enforced by or against such local authority under the relevant law governing the local authority or the rules, bye laws and orders made thereunder.

302A. Constitution Of New District Or Taluk By Altering Limits Of The Existing Districts And Taluks :-

(1) If during the term of office of the members of a Zilla Panchayat of a district or Taluk Panchayat of a taluk (hereinafter referred to as an existing Zilla Panchayat or existing Taluk Panchayat) a new district or taluk is constituted (hereinafter referred to as new district or as the case may be, new taluk) under the Karnataka Land Revenue Act, 1964 by altering the limits of such district or taluk, notwithstanding anything to the contrary contained in this Act, the following consequences shall ensue with effect from the date of such constitution of a new district or taluk, namely:-

(a) there shall be a Zilla Panchayat for the new district, or as the case may be, a Taluk Panchayat for the new taluk which shall consist of members of the existing Zilla Panchayat or Taluk Panchayat representing the territorial constituencies, the whole or major part of the area comprised in which is included in the new district or new taluk and other members referred to in section 120 or 159, as the case may be, and the total number of members of the existing Zilla Panchayat or Taluk Panchayat already determined shall stand reduced accordingly;

(b) the Zilla Panchayat of the new district or Taluk Panchayat of the new taluk shall at its first meeting after the constitution of the new district or taluk, as the case may be, elect one of its members to be Adhyaksha, and one of its members other than the Adhyaksha to be the Upadhyaksha;

(c) the Zilla Panchayat of the new district or Taluk Panchayat of the new taluk shall, as soon as may be elect members of the committees under section 148, or as the case may be, under section 186;

(d) the members of the Zilla Panchayat of the new district, or as the case may be,

Taluk panchayat of the new taluk shall, subject to the provisions of sections 128, 129, 135, 136, 167, 168, 174 and 175 hold office for the unexpired portion of their term of office as members in the existing Zilla Panchayat, or as the case may be, existing Taluk Panchayat;

(e) the term of office of the Adhyaksha and Upadhyaksha and the members referred to in clauses (b) and (c) shall, subject to the provisions of sections 138, 140, 148, 177, 179 and 186 expire on such date as the government may by notification specify.

(2) Any appointment, notification, notice, tax, order, scheme, licence, permission, rule, regulation, bye-law or form made issued or imposed in respect of the existing Zilla Panchayat or Taluk Panchayat shall continue in force and be deemed to have been made, issued or imposed in respect of Zilla Panchayat or Taluk Panchayat of the new district or as the case may be, new taluk until it is superceded or modified by any appointment, notification, notice, tax, order, scheme, licence, permission, rule, regulation, bye-law or form made, issued, imposed or granted under the Act: Provided that where a new district or new taluk is constituted by altering the limits of two or more existing districts or taluks, the Government may, by notification, direct that 154 from the date specified thereunder, only such appointment, notification, notice, tax, order, scheme, licence, permission, rule, regulation, bye-law and form made, issued or imposed in respect of such of the existing Zilla Panchayats or Taluk Panchayats shall be applicable to the Zilla Panchayat of the new district and Taluk Panchayat of the new taluk and only such appointments, notifications, notice, tax, order, scheme, licence, permission, rule, regulation, bye-law and form shall thereupon continue in force.

(3) Unexpended balance of the fund and all other properties vesting in the existing Zilla Panchayat or Taluk Panchayat shall be transferred to the Zilla Panchayat of the new district or Taluk panchayat of the new taluk as the Government may by order direct.

(4) The rights and liabilities of existing Zilla Panchayat or Taluk Panchayat in respect of civil and criminal proceedings, properties, contracts agreements and other matters or things (including arrears of taxes, fees, cess and rates) arising in, and relating to any part of the area included in the new district or the new taluk shall vest in such Zilla Panchayat of the new district or Taluk Panchayat of the new taluk, as the Government may by order direct.

(5) Such officers and servants of the existing Zilla Panchayat or Taluk Panchayat may be transferred to Zilla Panchayat of the new district, or as the case may be, to the Taluk Panchayat of the new Taluk as the Government may by order direct and shall, until other provisions are made in according with this Act, be entitled to receive the same salary and allowances and be subject to the same conditions of service as they were entitled or subject to immediately before such transfer.

(6) All proceedings including appeals, pending before the existing Zilla Panchayat or Taluk panchayat or any officer immediately before the constitution of the new district or the new taluk and all prosecutions instituted by or on behalf of the existing Zilla panchayat or Taluk Panchayat or any officer thereof, pending immediately before such constitution shall be continued by or against or disposed of by, the existing Zilla Panchayat or Taluk Panchayat or such officer.

(7) The Government may, by notification, make such provision as appearing to it to be necessary or expedient,-

(i) for making deletions from, additions to, adaptations or modifications in any rule, bye-law, notification, scheme, permission or licence referred to in sub-section (2) in its application to the Zilla Panchayat of the new district, or as the case may be, the Taluk Panchayat of the new district, or as the case may be, the Taluk Panchayat of the new taluk: or

(ii) for removing difficulties arising in connection with the working of the existing Zilla Panchayat or existing Taluk Panchayat or the Zilla Panchayat of the new district or Taluk Panchayat of the new taluk.]

302B. Consequences Of Absorption Of Part Of A Panchayat Area Or Any Area Within The Limits Of A District Or Taluk

In Another Panchayat Area, Taluk Or District :-

If during the term of office of,- 1. Substituted by Act 29 of 1997 w.e.f. 20.10.1997.

(i) a member of Grama Panchayat, any local area within the limits of a panchayat area, being the whole or major part of the area comprised in the territorial constituency represented by such member is included in any other panchayat area by virtue of a notification under section 4 of this Act; or

(ii) a member of a Taluk Panchayat, any local area within the limits of a Taluk being the whole or major part of the area comprised in the territorial constituency represented by such member is included in another taluk by virtue of a notification under section 4 of the Karnataka Land Revenue Act, 1964; or

(iii) a member of a Zilla Panchayat, any local area within the limits of a district being the whole or major part of the area comprised in the territorial constituency represented by such member is included in another district by virtue of a notification under section 4 of the Karnataka Land Revenue Act, 1964, then, notwithstanding anything contrary contained in this Act, the following consequences shall ensue with effect from the date of such inclusion, namely:-

(a) such member of the Zilla Panchayat, Taluk Panchayat or Grama Panchayat as the case may be, (hereinafter referred to as earlier Zilla Panchayat, Taluk Panchayat or Grama Panchayat) shall cease to be a member of the earlier Zilla Panchayat, Taluk Panchayat or Grama Panchayat, as the case may be, and the total number of elected members of the earlier Zilla Panchayat, or Taluk Panchayat or Grama Panchayat, as the case may be, as determined already shall stand reduced to that extent;

(b) such member of the earlier Zilla Panchayat, Taluk Panchayat or Grama Panchayat as the case may be, shall become the member of the Zilla Panchayat of the District, Taluk Panchayat of the Taluk or Grama Panchayat of the panchayat area, as the case may be, in which such local area is included, (hereinafter referred to as later Zilla Panchayat, Taluk Panchayat or Grama Panchayat), and the total number of elected members of such later Zilla Panchayat or Taluk Panchayat or Grama Panchayat as the case may be, as already determined shall stand increased to that extent;

(c) such member of the later Zilla Panchayat, Taluk Panchayat or Grama Panchayat shall hold office for the remainder of the period for which he would have continued as Member of the earlier Zilla Panchayat, Taluk Panchayat, or Grama Panchayat as the case may be, had there been no such inclusion or till the remainder of the term of the later Zilla Panchayat, Taluk Panchayat or Grama Panchayat, as the case may be, whichever is earlier;

(d) so much of the Zilla Panchayat, Taluk Panchayat or Grama Panchayat fund or any other property vested in earlier Zilla Panchayat, Taluk Panchayat or Grama Panchayat shall be transferred to the fund of the later Zilla Panchayat, Taluk Panchayat or Grama Panchayat as the Government may by order in writing direct.

(e) the rights and liabilities of the earlier Zilla Panchayat, Taluk Panchayat or Grama Panchayat in respect of civil and criminal proceedings, contracts, agreements and other matters or things (including arrears of tax, fees, rates and cess) arising in, or relating to the part of the area included in another panchayat area, Taluk or District shall vest in the later Zilla Panchayat, Taluk Panchayat and Grama Panchayat, as the case may be, and such rights and liabilities may be enforced by or against such later Zilla Panchayat, Taluk Panchayat or Grama Panchayat under this Act or rules, bye-laws and orders made thereunder.]

303. Transfer Of Property May Be Subject To Conditions :-

The grant, lease, sale or other transfer of moveable or immovable property by a Grama Panchayat, Taluk Panchayat or Zilla Panchayat may be subjected to such conditions as the Grama Panchayat, Taluk Panchayat or Zilla Panchayat may specify.

304. Saving Of Acts And Proceedings :-

No act done or proceedings taken under this Act shall be questioned on the ground merely of any defect or irregularity not affecting the merits of the case.

305. Procedure For Consultation :-

Whenever any action has to be taken under this Act after consultation with any authority or body, such consultation shall be deemed to have been made if the authority or body concerned had been informed of the proposed action and given a reasonable time to furnish its views.

306. Method Of Serving Notices, Etc :-

(1) Save as otherwise provided in this Act , the service of any notice or other document under this Act or order made thereunder on any person to whom it is by name addressed shall be affected,-

(a) by giving or tendering the said notice or document to such person, or

(b) if such person is not found by leaving such notice or document at his last known place of residence or business, or by giving or tendering the same to some adult member or servant of his family, or

(c) if such person does not reside in the village or town and his address elsewhere is known to the officer directing the issue of such notice or document by sending the same to him by registered post, or

(d) if none of the means aforesaid be available, by affixing such notice or document on some conspicuous part of the house, if any , in which the person is known to have last resided or carried on business or personally worked for gain.

(2) When any notice or other document has to be served upon an owner or occupier of any building or land, it shall not be necessary to name the owner or occupier therein, and the service thereof in cases not otherwise specially provided for in this Act, shall be effected either,-

(a) by giving or tendering the notice or document to the owner or occupier or if there be more owners or occupiers than one, to any one of them, or

(b) if no such owner or occupier be found, then by giving or tendering the notice or document to some adult member or servant of the family of any such owner or occupier as aforesaid, or

(c) if none of the means aforesaid be available, then by causing the

notice or document to be affixed upon some conspicuous part of the building or land to which the same relates.

(3) Every notice which this Act requires or empowers a Grama Panchayat, Taluk Panchayat or Zilla Panchayat to give or to serve either as a public notice, or generally, or by provisions which do not expressly require notice to be given to individuals therein specified shall be deemed to have been sufficiently given or served if a copy thereof is put up in such conspicuous part of the office of the Grama Panchayat, Taluk Panchayat or Zilla Panchayat, as the case may be, during such period and in such other public buildings and places, or is published in such local papers or in such other manner as the Grama Panchayat, Taluk Panchayat or Zilla Panchayat may in this behalf direct. 157

(4) No notice or bill shall be invalid for defect of form.

(5) Whenever in any notice or other document served under this Act or the rules, regulations, bye-laws or order made thereunder, a period is fixed within which any tax or other sum is to be paid or any work executed or anything provided such period shall, in the absence of any provision to the contrary in this Act, or the said rules, regulations, bye-laws or orders thereunder, be calculated from the date of such service.

(6) When any notice under this Act, or any rule, regulation, bye-law or order requires any act to be done for which no time is fixed the notice shall fix a reasonable time for doing the same.

(7) In the event of non-compliance with the terms of the notice it shall be lawful for the Grama Panchayat, Taluk Panchayat or Zilla Panchayat or an officer authorised by it to take such action or such steps as may be necessary for the doing of the act thereby required to be done, and all the expenses therein incurred by the Grama Panchayat, Taluk Panchayat or Zilla Panchayat shall be paid by the person or persons upon whom the notice was served, and shall be recoverable in the manner provided under Chapter XIII.

307. Official Display Of Flag :-

(1) No person shall fly any flag other than the National Flag or flag approved by the Government on the office of the Grama Panchayat or Taluk Panchayat or Zilla Panchayat.

(2) Whoever contravenes sub-section (1) shall be punished with imprisonment for a term which may extend to three months or with fine which may extend to rupees five thousand or with both and in the case of continuing contravention with a further fine which may

extend to rupees five hundred for each day during which the contravention continues.

308. State Election Commission :-

(1) The superintendence, direction and control of the preparation of electoral rolls for, and the conduct of, all elections to the Grama Panchayat, Taluk Panchayat or Zilla Panchayat shall be vested in the State Election Commission consisting of a State Election Commissioner to be appointed by the Governor.

(2) The conditions of service and tenure of office of the State Election Commissioner shall be such as the Governor may by rule determine: Provided that the State Election Commissioner shall not be removed from his office except in like manner and on the like grounds as a judge of a High Court and conditions of service of the State Election Commissioner shall not be varied to his disadvantage after his appointment.

(3) The Governor shall when so requested by the State Election Commission, make available to the State Election Commission such staff as may be necessary for the discharge of the functions conferred on the State Election Commission under subsection (1).

308A. Account Of Election Expenses And Maximum Thereof :-

(1) Every candidate at an election to Zilla Panchayat or Taluk Panchayat under this Act shall either by himself or by his election agent, keep a separate and correct account of all expenditure in connection with the election, incurred or authorized by him or by his 158 election agent between the date of which he has been nominated and the date of declaration of the result thereof, both dates inclusive. 1. 308A to 308D Inserted by Act 37 of 2003 w.e.f. 1.10.2003.

(2) Any expenditure incurred or authorized in connection with the election of the candidate referred to in sub-section (1) by a political party or by any other association or body or persons or by any individual (other than the candidate or his election agent) shall not be deemed to be the expenditure in connection with the election incurred or authorized by the candidate or by his election agent for the purpose of sub-section (1). Explanation 1: For the purposes of this sub-section, Political Party shall have the same meaning as in the Election Symbols (Reservation and Allotment) Order, 1968 for the time being in force. Explanation 2: For the removal of doubts, it is hereby declared that any expenditure incurred in respect of any arrangement made facilities provided or any other act or thing done by any person in the service of the government or the service of the Zilla Panchayat or Taluk Panchayat as the case may be, the discharge or purported discharge of his official duty for, or to, or in relation to any candidate or his election agent or any other person acting with the consent of the candidate or his election agent (whether by reason of the office held by the candidate or for any other reason) shall not be deemed to be expenditure in connection with the election incurred or authorized by a candidate or by his election agent for the purpose of this section.

(3) The account shall contain such particulars as may be prescribed.

(4) The total of the said expenditure shall not exceed such amount as may be prescribed.

308B. Lodging Of Account With The Returning Officer :-

Every contesting candidate at the election to the Zilla Panchayat or Taluk Panchayat under this Act shall within thirty days from the date of election of the returned candidate or, if there are more than one returned candidate at the election and the dates of the election are different, the later of those two dates lodge with the Returning Officer appointed at an election under this Act an account of his election expenses which shall be a true copy of the account kept by him or by his election agent under section 308A.

308C. Failure To Lodge An Account Of Election Expenses :-

If the State Election Commission is satisfied that any person,-

(a) has failed to lodge an account of election expenses within the time and in the manner required by or under this Act; and

(b) has no good reason or justification for the failure; the State Election Commission shall by order published in the Official Gazette declare him to be disqualified and any such person shall be disqualified for a period of six years from the date of the order.

308D. Returning Officer Etc., Deemed To Be On Deputation To State Election Commission :-

The returning officers, presiding officers, polling officers and any other officer or staff employed in connection with the preparation, revision and correction of electoral roll for, and the conduct of all elections to the Zilla Panchayat, Taluk Panchayat and Grama Panchayat shall be deemed to be on deputation to the State Election Commission for the period during which they are so employed and such officers and staff shall, during that period, be subject to the control, superintendence and discipline of the State Election Commission. If during that period the officer concerned commits any misconduct action shall be taken against him under the Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957]

309. Preparation Of Development Plan :-

(1) Every Grama Panchayat shall 1 [having due regard to the development programmes suggested by the Grama Sabha] 1 prepare every year a development plan and 1 [forward] 1 it to the Taluk Panchayat before such date and in such form as may be prescribed.

1. Inserted by Act 29 of 1997 w.e.f. 20.10.1997.

(2) Every Taluk Panchayat shall prepare every year a development plan for the Taluk after including the development plans of the Grama Panchayats and 1 [forward] 1 it to the Zilla Panchayat before such date and in such form as may be prescribed. 1.

Substituted by Act 29 of 1997 w.e.f. 20.10.1997.

(3) Every Zilla Panchayat shall prepare every year a development plan of the district after including the development plans of the Taluk Panchayats and 1 [forward] 1 it to the District Planning Committee constituted under section 310. 1. Substituted by Act 29

of 1997 w.e.f. 20.10.1997.

310. District Planning Committee :-

(1) The Government shall constitute in every district a District Planning Committee to consolidate the plans prepared by the Zilla Panchayats, Taluk Panchayats, Grama Panchayats, 1 [Town Panchayat] 1 , Municipal Council and Municipal Corporations in the district and to prepare a draft development plan for the district as a whole. 1. Substituted by Act 29 of 1997 w.e.f. 20.10.1997.

(2) The District Planning Committee shall consist of,-

(a) members of the House of People who represent the whole or part of the district;

(b) members of the Council of State who are registered as electors in the district;

(c) Adhyaksha of the Zilla Panchayat;

(d) Mayor or the President of the Municipal Corporation or the Municipal Council respectively, having jurisdiction over the head quarters of the district;

(e) such number of persons, not less than four-fifth of the total number of members of the Committee as may be specified by the Government, elected in the prescribed manner from amongst the members of the Zilla Panchayat, 1 [Town Panchayat] 1 , and Councillors of the Municipal Corporation and Municipal Councils in the district, in proportion to the ratio between the population of the rural areas and of the urban areas in the district. 1. Substituted by Act 29 of 1997 w.e.f. 20.10.1997.

(3) All the members of the State Legislative Assembly whose constituencies lie within the district, the members of the State Legislative Council who are registered as electors in the district and the Deputy Commissioner shall be permanent invitees of the committee.

(4) The Chief Executive officer shall be the Secretary of the committee. 1 [(5) The Adhyaksha of the Zilla Panchayat shall be the Chairman of the District Planning Committee, and the Mayor or President of the Municipal Corporation or the 160 Municipal Council respectively having jurisdiction over the headquarters of the district, shall be the Vice-Chairman.] 1 1. Substituted by Act 29 of 1997 w.e.f. 20.10.1997.

(6) The District Planning Committee shall consolidate the plans prepared by the Zilla Panchayats, Taluk Panchayats, Grama Panchayats, 1 [Town Panchayats] 1 Municipal Councils and the

Municipal Corporations in the district and prepare a draft development plan for the district as a whole. 1. Substituted by Act 29 of 1997 w.e.f. 20.10.1997.

(7) Every District Planning Committee shall in preparing the draft development plan,-

(a) have regard to,-

(i) the matters of common interest between the Zilla Panchayats, Taluk Panchayats, Grama Panchayats, 1 [Town Panchayats] 1 , Municipal Corporations and Municipal Councils in the district, including spatial planning, sharing of water and other physical and natural resource, the integrated development of infrastructures and environmental conservation; 1. Substituted by Act 29 of 1997 w.e.f. 20.10.1997.

(ii) the extent and type of available resources whether financial or otherwise: 1 [Provided that it shall not result in the alteration of the plans prepared by the local bodies referred to in item

(i), but the recommendations of the District Planning Committee, if any, may be considered by such local bodies before finalising the plan.] 1 1. Inserted by Act 29 of 1997 w.e.f. 20.10.1997.

(b) consult such institutions and organisations as the Governor may, by order, specify.

(8) The Chairpersons of every District Planning Committee shall forward the development plan, 1 [for being integrated into the State plan] 1 as recommended by such committee to the Government. 1. Inserted by Act 29 of 1997 w.e.f. 20.10.1997.

310A. State Panchayat Council :-

(1) The Government shall constitute a State Panchayat Council to act as a forum for elected representatives to voice their aspirations and offer their suggestions to improve the Panchayat Raj system and make it more responsive to the peoples needs. 1. Subsection 1 to 4 Inserted by Act 29 of 1997 w.e.f. 20.10.1997.

(2) The State Panchayat Council shall consist of,-

(i) the Chief Minister as Chairman,

(ii) the Minister for rural Development and Panchayat Raj as Vice-Chairman,

(iii) five other ministers nominated by the Government as members, 1 [(iv) Ten Adhyakshas of the Zilla Panchayats nominated by the Government as members; 1. Substituted by Act 37 of 2003 w.e.f. 1.10.2003.

(v) Adyakshas of one Grama Panchayath and one Taluk Panchayath nominated by each Zilla Panchayath as members and; 161

(vi) five Members of Legislative Assembly nominated by the Speaker of the Legislative Assembly and two Members of Legislative Council nominated by the Chairman of the Legislative Council as members; and

(vii) Secretary, Department of Rural Development and Panchayat Raj as member-secretary.] 1

(3) The State Panchayat Council shall meet at least once in a year.

(4) The State Panchayat Council shall discuss matters relating to functioning of the panchayats in the State.]

311. Power Of Government To Make Rules :-

(1) The Government may after previous publication, by notification in the Official Gazette make rules to carry out the purposes of this Act.

(2) A rule under this Act may be made with retrospective effect and when such a rule is made the reasons for making the rule shall be specified in a statement laid before both Houses of the State Legislature. Subject to any modification made under section 320 every rule made under this Act shall have effect as if enacted in this Act.

(3) In making a rule under this section, the Government may provide that a person guilty of breach thereof shall, on conviction, be punished with fine which may extend to five hundred rupees and where the breach is a continuing one with further fine which may extend to twenty-five rupees for every day on and after the first day on which the breach continues.

312. Amendment Of Schedules I, II And III :-

The Government may, 1 [in consultation with the State Panchayat Council] 1 by notification, in the official Gazette omit, amend or add any activity, programme or scheme covered by or mentioned in Schedule I, II or III. On the issue of such notification the Schedule shall be deemed to have been amended accordingly. Every such notification shall be placed before each House of the State Legislature. 1. Inserted by Act 29 of 1997 w.e.f. 20.10.1997.

313. Power Of Zilla Panchayat To Make Regulations :-

(1) A Zilla Panchayat may subject to the provisions of this Act and the rules made under section 311 and with the previous sanction of the Government, by notification, make regulations to carry out the purposes of this Act in so far as it relates to its powers and duties.

(2) The regulations made under sub-section (1) shall be subject to the condition of previous publication and such publication shall be in such manner as may be prescribed.

314. Power Of Taluk Panchayat To Make Regulations :-

(1) A Taluk Panchayat may subject to the provisions of this Act and the rules made under section 311 and with the previous sanction of the Government, by notification, make regulations to carry out the purposes of this Act in so far as it relates to its powers and duties.

(2) The regulations made under sub-section (1) shall be subject to the conditions of previous publication and such publication shall be in such manner as may be prescribed.

315. Power Of Grama Panchayats To Make Bye-Laws :-

(1) A Grama Panchayat may subject to the provisions of this Act and the rules made under section 311 and the regulations made under section 313 and with the previous sanction of the Zilla 162 Panchayat make bye-laws to carry out the purposes of this Act in so far as it relates to its powers and duties.

(2) In particular and without prejudice to the generality of the foregoing power, a Grama Panchayat may make bye-laws,-

(a) for the purification and protection from pollution of all sources of water used for drinking purposes;

(b) for the prohibition of the removal or use for drinking purposes of any water from any stream, tank, well or other source, where such removal or use causes, or is likely to cause disease or injury to health and for the prevention of such removal or use by the filling in or covering over of such tank or well, or by any other method which may be considered advisable;

(c) for the prohibition of the deposit or storage of manure, refuse or other offensive matter in a manner or in places prejudicial to the public health, comfort or convenience;

(d) for the regulation of dangerous or offensive callings or trade;

(e) for the disposal of corpses by burning or burial;

(f) for excavation of earth and filling up of excavations and depressions injurious to health or offensive to the neighborhood;

(g) for the removal of noxious vegetation;

(h) for the repair and removal of dangerous or ruinous buildings;

(i) for the prevention of the erection of buildings without adequate provision for ventilation or the laying out and location of streets;

(j) for specifying fees payable under section 70;

(k) for the control of fairs and bazaars and the regulation of markets, slaughter houses and cart stands;

(l) for the inspection and destruction of unfit food and drink exposed for sale;

(m) for general regulation of sanitation and conservancy;

(n) the management and maintenance of cattle pounds; and

(o) performance of other duties assigned by the Government, Zilla Panchayat or Taluk Panchayat.

(3) In making any bye-laws under sub-sections (1) and (2), the

Grama Panchayat may provide that a contravention thereof shall be punishable,-

(a) with fine which may extend to twenty-five rupees;

(b) with fine which may extend to twenty-five rupees, and in case of continuing contravention with an additional fine which may extend to two rupees for every day during which such contravention continues after conviction for the first such contravention; or

(c) with fine which may extend two rupees for every day during which the contravention continues after receipt of a notice from the Grama Panchayat or any officer duly authorised in this behalf, by the person contravening the bye-law requiring such person to discontinue such contravention; 163

(4) any such bye-law may also provide that a person contravening the same shall be required to remedy so far as lies in his power, the mischief, if any, caused by such contravention.

(5) All bye-laws made under this section shall be subject to the condition of previous publication and such publication shall be in such manner as may be prescribed.

316. Power Of Government To Make Model Regulations And Bye-Laws And Adoption Of Such Regulations And Bye-Laws By The Panchayats :-

(1) The Government may , subject to the provisions of this Act and the rules made under section 311 and after previous publication of the draft for not less than one month, make model regulations and bye-laws for Grama Panchayats, Taluk Panchayats and Zilla Panchayats.

(2) A Grama Panchayat, Taluk Panchayat or Zilla Panchayat may by resolution adopt the model bye-laws or regulations, as the case may be, made under sub-section (1), and such bye-laws and regulations shall come into force within the jurisdiction of the Grama Panchayat, Taluk Panchayat or Zilla Panchayat from such date as the Grama Panchayat, Taluk Panchayat or Zilla Panchayat, as the case may be, may specify in a notice published in the prescribed manner.

(3) The Government may by order direct any Grama Panchayat, Taluk Panchayat or Zilla Panchayat to adopt the model bye-laws and regulations in respect of any matter within such period not being less than three months from the date of receipt of the direction by the Panchayat concerned.

(4) If any Grama Panchayat, Taluk Panchayat or Zilla Panchayat, fails to take any action for adopting the model bye-laws or regulations, as the case may be, the Government may, by notification, declare that the said model bye-laws or regulations, as the case may be, shall come into force within the jurisdiction of the Grama Panchayat, Taluk Panchayat or Zilla Panchayat from such date as may be specified in such notification, and such bye-laws or regulations, as the case may be, shall come into force accordingly.

(5) The provisions of this section will have the effect notwithstanding any thing contained in sections 313, 314, and 315.

317. Power Of Government To Adapt Laws :-

For the purpose of bringing the provisions of any law in force in accordance with the provisions of this Act, the Government may by order published in the official Gazette make such adaptations and modifications of such law, whether by way of repeal or amendment, as may be necessary or expedient, and provide that the law shall, as from such date as may be specified in the order, have effect subject to adaptations and modifications so made and any such adaptation or modification shall not be questioned in any court of law. Explanation.- The expression "law in force" in this section shall include a law passed or made by the State legislature or other competent authority in the State before the commencement of this Act and not previously repealed, notwithstanding that it or parts of it may not be then in operation either in all, or any particular areas in the State.

318. Repeal And Savings :-

The Karnataka Zilla Parishads, Taluk Panchayat Samithis, Mandal Panchayats and Nyaya Panchayats Act, 1983 (Karnataka Act 20 of 1985) is hereby repealed: 164 Provided that such repeal shall not affect,-

(a) the previous operations of the said Act or anything duly done or suffered thereunder, or

(b) any right, privilege, obligation or liability acquired, accrued or incurred under the said Act; or

(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against the said Act; or

(d) any investigation, legal proceeding or remedy in respect of such right, privilege obligation, liability, forfeiture or punishment as aforesaid, and any such investigation, legal proceeding or remedy may be instituted continued or enforced, and any such penalty, forfeiture or punishment may be imposed as if this Act had not

been passed: Provided further that,-

(a) subject to the preceding provision, anything done or any action taken (including any appointment or delegation made, tax, fee or cess imposed, notification, order, instrument or direction issued, rule, regulation, form, bye-law or scheme framed, certificate obtained, permit or licence granted or registration effected) under the said Act shall be deemed to have been done or taken under the corresponding provisions of this Act and shall continue to be in force accordingly unless and until superseded by anything done or any action taken under this Act;

(b) every officer and servant of a Mandal Panchayat or Zilla parishad, other than such class of servants as the Government may specify by order, shall until other provisions are made receive the salary and allowances and be subject to the conditions of service to which they were entitled immediately before the commencement of this section;

(c) it shall be competent to the Grama Panchayat, Taluk Panchayat or Zilla Panchayat subject to the previous sanction of the Government to discontinue the service of any officer or servant who, in its opinion, is not necessary or suitable to the requirements of the Grama Panchayat, Taluk Panchayat or Zilla Panchayat after giving such notice as is required to be given by the terms of his employment and every officer or servant whose services are discontinued, shall be entitled to such leave, pension, provident fund and gratuity as he would have been entitled to take or receive on being invalidated out of service as if the Mandal Panchayat or Zilla Parishad in the employ of which he was, had not ceased to exist;

(d) all assets and liabilities of, and all contracts made by or on behalf of a Mandal Panchayat or a Zilla Parishad before the date of commencement of this Act and subsisting on that day shall stand transferred to such Grama Panchayat, Taluk Panchayat or Zilla Panchayat in accordance with such orders as the Government may make in this behalf;

(e) where a provident fund or superannuation fund or any other like fund has been established for the benefit of the employees of the Mandal Panchayat or a Zilla Parishad, the moneys standing to the credit of any such fund on the date of commencement of this Act together with any other assets belonging to such fund shall stand transferred to and vest in the Government and the Government shall be liable to discharge the obligations of the Mandal Panchayat and Zilla Parishad in respect of such fund;

(f) any reference in any enactment or in any instrument to any provision of the repealed Act shall unless a different intention appears be construed as a reference to the corresponding provisions of this Act.

319. Orders Bringing This Act Into Force :-

(1) Notwithstanding anything contained in this Act or in any other law for the time being in force, the Government may by order published in the Official Gazette make such provision as appears to it to be necessary or expedient,-

(a) for making omissions from, additions to and adaptations and modifications of the rules, regulations, bye-laws, notifications and orders referred to in the second proviso to section 318 in their application to the local authorities established or continued under this Act;

(b) for removing difficulties arising in connection with the transition to the provisions of this Act, including difficulties in the construing of reference to authorities in any law;

(c) for authorising the continued carrying in for the time being on behalf of the local authorities of services and activities previously carried on by any of the local authorities; and

(d) so far as it appears necessary or expedient in connection with any of the matters aforesaid for varying the powers or jurisdiction of any court or authority and empowering new courts or other authorities to exercise such jurisdiction as may be specified in such order.

(2) The provisions made by any order under sub-section (1) shall subject to the provisions of section 320 have effect as if enacted in this Act, and any such order may be made so as to be retrospective to any date not earlier than the date of commencement of this Act: Provided that no person shall be deemed to be guilty of an offence by reason of so much of any such orders as makes any provision thereof retrospective to any date before the making thereof.

320. Rules And Orders To Be Laid Before The Houses Of The State Legislature :-

Every rule made under section 311 and every order made under section 319 shall be laid, as soon as may be after it is made, before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two or more sessions and if before the expiry of the said period, either House of the State Legislature makes any modification in any

rule or order or directs that any rule or order shall not have effect, and if the modification or direction is agreed to by the other House, such rule or order shall thereafter have effect only in such modified form or be of no effect, as the case may be.

321. Removal Of Difficulties :-

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

SCHEDULE 1

SCHEDULE I

(see section 58) I. General functions :

- (1) Preparation of annual plans for development of the panchayat area.
- (2) Preparation of annual budget.
- (3) Providing reliefs in natural calamities.
- (4) Removal of encroachments on public properties.
- (5) Organising voluntary labour and contribution for community works.
- (6) Maintenance of essential statistics of the villages. II. Agriculture, including agricultural extension :

- (1) Promotion and development of agriculture and horticulture.
- (2) Development of waste lands.
- (3) Development and maintenance of grazing lands and preventing their unauthorised alienation and use. III. Animal husbandry, dairying and poultry :

- (1) Improvement of breed of cattle, poultry and other livestock.
- (2) Promotion of dairy farming, poultry and piggery.
- (3) Grassland development. IV. Fisheries : Development of fisheries in the villages.

V. Social and farm forestry, minor forest produce, fuel and fodder:

- (1) Planting and preservation of trees on the sides of roads and other public lands under its control.

- (2) Fuel plantations and fodder development.

- (3) Promotion of farm forestry.

- (4) Development of social forestry. VI. Khadi, village and cottage industries :

- (1) Promotion of rural and cottage industries

- (2) Organisation of conferences, seminars and training programmes, agricultural and industrial exhibitions for the benefit of the rural areas. VII. Rural housing :

- (1) Distribution of house sites within Gramathana limits.

- (2) Maintenance of records relating to the houses, sites and other private and public properties. VIII. Drinking water :

- (1) Construction, repair and maintenance of drinking water , wells, tanks and ponds.

- (2) Prevention and control of water pollution.

- (3) Maintenance of rural water supply schemes. 167 IX. Roads, buildings, culverts, bridges, ferries, waterways and other means of communication :

- (1) Construction and maintenance of village roads, drains and culverts.

- (2) Maintenance of buildings under its control or transferred to it by the Government or any public authority.

- (3) Maintenance of boats, ferries and waterways. X. Rural Electrification including distribution of electricity ; Providing for and maintenance of lighting of public

streets and other places. XI. Non-conventional energy source :

- (1) Promotion and development of non-conventional energy schemes.
- (2) Maintenance of community non-conventional energy devices, including bio-gas plants.

(3) Propagation of improved chulhas and other efficient energy devices. XII. Poverty alleviation programmes :

- (1) Promotion of public awareness and participation in poverty alleviation programmes for fuller employment and creation of productive assets etc.
- (2) Selection of beneficiaries under various programmes through Grama Sabhas.
- (3) Participation in effective implementation and monitoring. XIII. Education, including primary and secondary schools :

(1) Promotion of public awareness and participation in primary and secondary education.

(2) Ensuring full enrollment and attendance in primary schools. XIV. Adult and non-formal education : Promotion of adult literacy. XV. Libraries : Village libraries and reading rooms. XVI. Cultural activities : Promotion of social and cultural activities.

XVII. Markets and fairs : Regulation of fairs (including cattle fairs) and festivals.

XVIII. Rural sanitation :

- (1) Maintenance of general sanitation.
- (2) Cleaning of public roads, drains, tanks, wells and other public places.
- (3) Maintenance and regulation of burning and burial grounds.
- (4) Construction and maintenance of public latrines.
- (5) Disposal of unclaimed corpses and carcasses.
- (6) Management and control of washing and bathing ghats. XIX. Public health and family welfare ;

- (1) Implementation of family welfare programmes.
- (2) Prevention and remedial measures against epidemics.
- (3) Regulation of sale of meat, fish and other perishable food articles. 168
- (4) Participation in programmes of human and animal vaccination.
- (5) Licensing of eating and entertainment establishments.
- (6) Destruction of stray dogs.

(7) Regulation of curing, tanning and dyeing of skins and hides.

(8) Regulation of offensive and dangerous trades. XX. Women and child development :

- (1) Participation in the implementation of women and child welfare programmes.
- (2) Promotion of school health and nutrition programmes. XXI Social welfare, including welfare of the handicapped and mentally retarded:

(1) Participation in the implementation of the social welfare programmes, including welfare of the handicapped, mentally retarded and destitute.

(2) Monitoring of the old-age and widows pension schemes. XXII. Welfare of the weaker sections and in particular the Scheduled Castes and Scheduled Tribes :

(1) Promotion of public awareness with regard to welfare of Scheduled Castes, Scheduled Tribes and other weaker sections.

(2) Participation in the implementation of the specific programmes for the welfare of the weaker sections. XXIII. Public distribution system :

(1) Promotion of public awareness with regard to the distribution of essential commodities.

(2) Monitoring the public distribution system. XXIV. Maintenance of community assets :

(1) Maintenance of community assets.

(2) Preservation and maintenance of other community assets. XXV. Construction

and maintenance of dharmashalas, chatras and similar institutions. XXVI. Construction and maintenance of cattle sheds, pounds and cart stands. XXVII. Construction and maintenance of slaughter houses. XXVIII. Maintenance of public parks, playgrounds etc. XXIX. Regulation of manure pits in public places XXX. Establishment and control of shandies. XXXI. Such other functions as may be entrusted.

SCHEDULE 2

SCHEDULE II

(see section 145) I. General Functions :

(1) Preparation of the annual plans in respect of the schemes entrusted to it by virtue of the Act and those assigned to it by the Government or the Zilla Panchayat and submission thereof to the Zilla Panchayat within the prescribed time for integration with the district plan. 169

(2) Consideration and consolidation of the Annual Plans of all Grama Panchayats in the taluk and submission of the consolidated plan to the Zilla Panchayat.

(3) Preparation of Annual budget of the taluk and its submission within the prescribed time to the Zilla Panchayat.

(4) Performing such functions and executing such works as may be entrusted to it by the Government or the Zilla Panchayat.

(5) Providing relief in natural calamities. II. Agriculture, including agricultural extension :

(1) Promotion and development of agriculture and horticulture.

(2) Maintenance of agricultural seed farms and horticultural nurseries.

(3) Storing and distribution of insecticides and pesticides.

(4) Propagation of improved methods of cultivation.

(5) Promotion of cultivation and marketing of vegetables, fruits and flowers.

(6) Training of farmers and extension activities. III. Land improvement and soil conservation : Assisting the Government and Zilla Panchayat in the implementation of land improvement and soil conservation programmes of the Government. IV. Minor irrigation, water management and watershed development:

(1) Assisting the Government and Zilla Panchayat in the construction and maintenance of minor irrigation works.

(2) Implementation of community and individual irrigation works. V. Animal husbandry, dairying and poultry :

(1) Maintenance of veterinary and animal husbandry services.

(2) Improvement of breed of cattle, poultry and other livestock.

(3) Promotion of dairy farming, poultry and piggery.

(4) Prevention of epidemics and contagious diseases. VI. Fisheries : Promotion of fisheries development. VII. Kadhi, village and cottage industries :

(1) Promotion of rural and cottage industries.

(2) Organisation of conferences, seminars and training programmes, agricultural and industrial exhibitions. VIII. Rural housing : Implementation of housing schemes and distribution of house sites in villages outside gramathana limits. IX. Drinking water :

(1) Establishment, repairs and maintenance of rural water supply schemes.

(2) Prevention and control of water pollution.

(3) Implementation of rural sanitation schemes. 170 X. Social and farm forestry minor forest produce, fuel and fodder :

(1) Planting and preservation of trees on the sides of roads and other public lands under its control.

(2) Fuel plantation and fodder development.

(3) promotion of farm forestry. XI. Roads, building, bridges, ferries waterways and other means of communication :

(1) Construction and maintenance of public roads, drains, culverts and other means of communications which are not under the control of any other locality authority or the Government.

(2) Maintenance of any building or other property vested in the Taluk Panchayat.

(3) Maintenance of boats, ferries and waterways. XII. Non-conventional energy sources : Promotion and development of non-conventional energy sources. XIII.

Poverty alleviation programmes : Implementation of poverty alleviation programmes. XIV. Education, including primary and secondary schools :

(1) Promotion of primary and secondary education.

(2) Construction, repair and maintenance of primary school buildings.

(3) Promotion of social education through youth clubs and mahila mandals. XV.

Technical training and vocational education : Promotion of rural artisan and vocational training. XVI. Adult and non-formal Education : Implementation of adult literacy. XVII. Cultural activities : Promotion of social and cultural activities. XVIII.

Markets and fairs : Regulation of fairs and festivals. XIX. Health and family welfare ;

(1) Promotion of health and family welfare programmes.

(2) Promotion of immunisation and vaccination programmes.

(3) Health and sanitation at fairs and festivals. XX. Women and child development :

(1) Promotion of programmes relating to development of women and children.

(2) Promotion of school health and nutrition programmes.

(3) Promotion of participation of voluntary organisations in women and child development programmes. XXI. Social welfare, including welfare of the handicapped and mentally retarded :

(1) Social welfare programmes including welfare of the handicapped, mentally retarded and destitute.

(2) Monitoring of the old-age and widows pensions and pensions for the handicapped. XXII. Welfare of the weaker sections and in particular, of the Scheduled Castes and Scheduled Tribes :

(1) Promotion of welfare of Scheduled Castes, Scheduled Tribes and other weaker sections.

(2) Protecting such castes and classes from social injustice and exploitation. XXIII. Maintenance of community assets :

(1) Maintaining all community assets vested in it or transferred by the Government or any local authority or organisation.

(2) Preservation and maintenance of other community assets. XXIV. Public distribution system : Distribution of essential commodities. XXV. Rural electrification : Promotion of rural electrification. XXVI. Co-operation : Promotion of co-operative activities. XXVII. Libraries : Promotion of libraries. XXVIII. Such other functions as may be entrusted.

SCHEDULE 3

SCHEDULE III

(see section 184) I. General functions : Overall supervision, co-ordination and integration of development schemes at taluk and district levels and preparing the plan for the development of the district II. Agriculture (including agricultural extension) and horticulture :

(1) Promotion of measures to increase agricultural production and to popularise the use of improved agricultural implements and the adoption of improved agricultural

practices.

(2) Opening and maintenance of agricultural and horticultural farms and commercial farms.

(3) Establishment and maintenance of godowns.

(4) Conducting agricultural fairs and exhibitions.

(5) Management of agricultural and horticultural extension and training centers.

(6) Training of farmers . III. Land improvement and soil conservation : Planning and implementation of land improvement and Soil Conservation programmes entrusted by the Government. IV. Minor irrigation, water management and watershed development:

(1) Construction, renovation and maintenance of minor irrigation works.

(2) Providing for the timely and equitable distribution and full use of water under irrigation schemes under the control of the Zilla Panchayat.

(3) Water shed development programmes.

(4) Development of ground water resources. V. Animal husbandry, dairying and poultry :

(1) Establishment and maintenance of taluk and village veterinary hospitals, firstaid centers and mobile veterinary dispensaries.

(2) Improvement of breed of cattle, poultry and other livestock.

(3) Promotion of dairy farming, poultry and piggery.

(4) Prevention of epidemics and contagious diseases. VI. Fisheries :

(1) Development of fisheries in irrigation works vested in the Zilla Panchayat.

(2) Promotion of inland, brackish water and marine fish culture.

(3) Implementation of fishermens welfare programmes. VII. Kadhi, village and cottage industries :

(1) Promotion of rural and cottage industries.

(2) Establishment and management of training-cum-production centers.

(3) Organisation of marketing facilities for products of cottage and village industries.

(4) Implementation of schemes of State Boards and All India Boards and Commissions for development of rural and cottage industries . VIII. Small-scale industries including food processing industries : Promotion of small-scale industries. IX. Rural housing : Promotion of rural housing programme. X. Drinking Water : Promotion of drinking water and rural sanitation programmes. XI. Minor forest produce and fuel and fodder :

(1) Promotion of social and farm forestry, fuel plantation and fodder development.

(2) Management of minor forest produce of the forest raised in community lands.

(3) Development of wasteland. XII. Roads, buildings, bridges, ferries, waterways and other means of communications :

(1) Construction and maintenance of district roads and culverts, causeways and bridges (excluding State Highways and village roads).

(2) Construction of administrative and other buildings in connection with the requirements of the Zilla Panchayat. XIII. Non-conventional energy sources :

(1) Promotion and development of non-conventional energy sources. XIV. Poverty alleviation programmes : Planning, supervision and monitoring the implementation of poverty alleviation programmes. 173 XV. Education, including primary and secondary schools :

(1) Promotion of educational activities in the district including the establishment and maintenance of primary and secondary schools.

(2) Establishment and maintenance of ashram schools and orphanages.

(3) Survey and evaluation of education activities. XVI. Technical training and vocational education :

- (1) Establishment and maintenance of rural artisan and vocational training centers.
- (2) Encouraging and assisting rural vocational training centers. XVII. Adult and non-formal education : Planning and implementation of programmes of adult literacy and non-formal educational programmes. XVIII. Markets and fairs : Regulation of important fairs and festivals in the district. XIX. Health and family welfare :
 - (1) Management of hospitals and dispensaries excluding those under the management of Government or any other local authority.
 - (2) Implementation of maternity and child health programmes.
 - (3) Implementation of family welfare programmes.
 - (4) Implementation of immunisation and vaccination programme. XX. Women and child development :
 - (1) Promotion of programmes relating to development of women and children.
 - (2) Promotion of school health and nutrition programmes.
 - (3) Promotion of participation of voluntary organisations in women and child development programmes. XXI. Social welfare, including welfare of the handicapped and mentally retarded: Promotion of social welfare programmes, including welfare of the handicapped, mentally retarded and destitute. XXII. Welfare of the weaker sections and in particular of the Scheduled Castes and Scheduled Tribes :
 - (1) Promotion of educational, economic, social, cultural and other interests of the Scheduled Castes, Scheduled Tribes and Backward Classes.
 - (2) Protecting such castes, tribes and classes from social injustice and all forms of exploitation.
 - (3) Establishment and management of hostels of such castes, tribes and classes.
 - (4) Supervision and management of hostels in the district, distribution of grants, loans and subsidies to individuals and other scheme for the welfare of Schedule Castes, Scheduled Tribes and Backward Classes. XXIII. Maintenance of community assets :
 - (1) Maintenance of community assets vested in it or transferred to it by the Government or any local authorities or organisations. 174
 - (2) Assisting the Government in the preservation and maintenance of other community assets. XXIV. Cultural activities : Promotion of social and cultural activities. XXV. Public distribution system : XXVI. Rural electrification : XXVII. Co-operation : Promotion of co-operative activities. XXVIII. Libraries : Promotion of libraries. XXIX. Such other functions as may be entrusted.

(v) For every bicycle or tricycle 5 D. FEES ON BUSSTANDS Two rupees per bus per day. E. FEE ON MARKETS. 175

(i) For every plot measuring not Fifty Paise per day. more than one square meter.

(ii) For every additional plot of one Twenty five paise per day. square meter or part thereof. Eight rupees per month.

(iii) Per basket or bag of any Twenty five Paise commodity.

(iv) Per cart load bag of any Five rupees per month commodity. F. TAX ON ADVERTISEMENT AND HOARDINGS For every square meter or Five rupees per month part thereof G. FEE ON REGISTRATION OF CATTLE For every head of cattle brought One rupee for sale in shandies or fairs. * * * * The Karnataka Panchayat Raj Act 1993(14 of 1993) has been amended by the following Acts namely:-

Amendments (chronological)

Sl. No.	No. and year of the Act	Sections Amended	Remarks
1.	14 of 1993	-	w.e.f. 10.5.1993 By Notn. No.RDP 259 ZPS 93 dt. 10.5.1993
2.	10 of 1995	2(2), 5(2), 5(3), 44(2), 123(2), 138(2), 162,177(2),	w.e.f 13-1-1995
3.	9 of 1996	152, 156(1), 156(3), 193, 197(1)	w.e.f 29.11.1995
4.	17 of 1996	53(1),138(1)138(3),148(2A),177(1), 177(3), 186(2A) ,205	w.e.f 23.9.1996
5.	1 of 1997	141(2) , 153 ,180(2), 180(2)(e), 194,	w.e.f. 26.2.1997
6.	10 of 1997	117, 138(3), 177(3), 302,	w.e.f.23.9.1996
7.	29 of 1997	Preamble, 2(21), 2(36), 2(38), 4(1),12,17(1), 17(2), 17(3), 17(4), 17(5), 17(6), 17(7), 18, 18(2), 19(1), 19(2), 20(1), 20(2), 21, 23, 24, 31A, 31B, 43, 43A, 44(1), (2), 45, 48(4), (5), 49, 58(1), (1A), 61A, 61B, 62(1) (c), 63, 64(5), 70(3), 97(b), Chapter-IV, heading, 114, 115 (2), 116(1), 117(1), 118, 119, 120(1), 120(2), 122, 123(1), 123(2), 123(3), 128(1), (2), 129(2), 130(3), 132(1), 132(2), 135, 136, 138(4), , 140(3) , 141(6), 145, 148(2), (3), 156(2), (3), 158(1), 159(2), 160, 161, 162(1), (2), (3), 163(c), 167(1), 167(2), 168(2), 169(3), 171(1), (2), 174, 177(1), 179(1), (3), 180(2), (4), 184, 186(2), (3), 196(2), 197(2), (3), 198(4), 213(2), 219,(2), 230, 232, 233(1), (4), 234(1), (2), (3), (4),235(1), (2), 236(1), 237 (1), (2), (3), (4), (5), 268(1), (3), 3A, 269 272(1), 302B, 309(1), (2), (3), 310(1),(2), (5), (6),	w.e.f.20.10.1997 By Notn. No. RDP 151 ZPS 97 (p) Dt. 20.10.1997

		(7), (8), 310A, 312	
8.	29 of 1998	5(2), (3), (4), (5), (6), (8), 10(3), 126(3), 196(1)	w.e.f. 24.8.1998
9.	10 of 1999	5 (4)	w.e.f. 28.1.1999
10.	21 of 1999	165	w.e.f.4.8.1999
11.	8 of 2000	44(1), 45(1), 46, 61(1), (1A), (1B), 123(1), 133, 138(2), 172, 177(2)	w.e.f.3.4.2000
12.	11 of 2000	4(1), 5(1), (2), (4), 12, 128(1), , 162(1), 167(1),	w.e.f.25.4.2000
13.	30 of 2001	58A	w.e.f. 13.9.2001
14.	8 of 2003	205(1),(2), (3), (4), (5)	w.e.f.3.4.2000
15.	37 of 2003	Chapter-II, 2(16), 2(42A), 3,3A, 13, 52(1), (4), 53(1), (4), (4A), (6), 55(1), (2), 58(1), 58(1A), 58(3), 61B, 62(1), 63, 79, 111, 113, (2), (4), 113A, 121, 122, 123(1), (2), (3), 124, 128(1) ,(3), 129(1), 136A, 140(6), 141(2), (3), (4), 152 (c), 152(d), 156(1), 160, 161, 162(2), (3), 163, 167(1), 168, 175A, 179(6), 180(2)(c), 182(2) (g), (3), (4), (6), 193(c), 197(1), 202(2), (3), 206, 209, 215, 222(1), 308A to 308D, 310A	w.e.f.1.10.2003

Amendments (section-wise)

Sections	Act No. and year	Remarks	Sections	Act No. and year	Remarks
2	10/95, 29/97, 37/2003		153	1/97	
3	37/2003		156	9/96, 29/97, 37/2003	
4	29/97 10/99 11/2000		SS.160	10/95, 29/97, 8/2000	
5	10/95, 29/97 29/98, 10/99 21/99,11/2000		161	29/97, 8/2000, 37/2003	
10	29/98		162	10/95, 29/97, 8/2000, 11/2000 37/2003	
12	29/97, 11/2000		163	29/97, 8/2000, 37/2003	
13	37/2003		165	21/99	
Ins.-31-A 31-B	29/97		167	29/97, 11/2000, 37/20003	
43	29/97		168	29/97 37/2003	
	10/95, 8/2000				

44	29/97		169	29/97	
45	1/97, 8/2000		171	29/97	
46	8/2000		172	29/97 8/2000	
48	29/97		174	29/97	
49	29/97		Ins. 175-A	37/2003	
52	37/2003		177	10/95 17/96 10/97 29/97 8/2000	
53	17/96, 37/2003		179	29/97 37/2003	
55	37/2003		180	29/97 37/2003	
58	37/2003, 27/97		184	29/97	
Ins. 58-A	30/2001		186	29/97, 17/96	
61	8/2000		193	9/96, 37/2003	
Ins.61-A 61-B	29/97 37/2003, 29/97		194	1/97	
62	29/97 37/2003		196	29/97, 29/98	
63	37/2003, 29/97		197	9/96 29/97 37/2003	
64	29/97		198	29/97	
70	29/97		202	37/2003	
SS-79	37/2003		205	17/96 8/2003	
97	29/97		206	11/2000 37/2003	
AC-VI	29/97		209	37/2003	
SS-III	37/2003		213	29/97	
113	37/2003		215	37/2003	
Ins- 113A	37/2003		219	29/97	
121	29/97, 8/2000, 37/2003		222	37/97	
122	29/97, 8/2000, 37/20003		230	29/97	
123	10/95, 29/97, 8/2000,37/2003		232	29/97	
124	29/97, 8/2000, 37/2003		233	29/97	
126	29/98		234	29/97	
128	29/97,11/2000, 37/2003		235	29/97	
129	29/97, 37/2003		236	29/97	
130	29/97		237	29/97	
132	29/97		268	29/97	
133	29/97 8/2000		269	29/97	
135	29/97		Ins. 302B	29/97	

136	29/97		SS.302	29/97	
Ins. 136- A	37/2003		Ins. 308A- 308D	37/2003	
138	10/95, 10/97, 17/96, 29/97, 8/2000		309	29/97	
140	29/97 37/2003		310	29/97	
141	29/97, 37/2003, 1/97		Ins. 310A	29/97	
SS-145	29/97		310A	37/2003	
148	17/96		312	29/97	
152	37/2003, 9/96				

(The above translation of the passed by both Houses of Legislature, in the English language was published in the Official Gazette (Extraordinary) dated 18.5.1993 in Part IV -2B as No. 327 under the authority of the Governor of Karnataka under clause (3) of article 348 of the Constitution of India.) NOTIFICATIONS I Bangalore, dated 10.5.1993 [No. RDP 259 ZPS 93] In exercise of the powers conferred by sub-section (2) of section 1 of the Karnataka Panchayat Raj Act, 1993 (Karnataka Act 14 of 1993), the Government of Karnataka hereby specify the 10th day of May, 1993 as the date on which all the provisions of the said Act shall come into force in the whole of the State of Karnataka. By Order and in the name of the Governor of Karnataka, (K.P.PANDEY) Secretary to the Government, Rural Development & P.Raj Department. II Bangalore, dated 20.10.1997 [No. RDP 151 ZPS 97 (p)] In exercise of the powers conferred by sub-section (2) of section 1 of the Karnataka Panchayat Raj (3rd Amendment) Act, 1997 (Karnataka Act 29 of 1997), the Government of Karnataka hereby specify the 20th day of October, 1997 as the date on which all the provisions of the said Act shall come into force in the whole of the State of Karnataka. By Order and in the name of the Governor of Karnataka, (PARAVATHY KESHAVACHAR) Under Secretary to Government, Rural Development & P.Raj Department.