

**Madhya Pradesh Panchayat Raj Avam Gram Swaraj
Adhiniyam, 1993**

1 of 1994

[24 January 1994]

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Madhya Pradesh Panchayat Raj Avam Gram Swaraj Adhiniyam, 1993

1 of 1994

[24 January 1994]

An act to consolidate and amend the law relating to establishment of Panchayats with a view to ensure effective involvement of the Panchayati Raj Institutions in the local administration and development activities. Be it enacted by the Madhya Pradesh Legislature in the Forty-Fourth Year of the Republic of India as follows :- 1. Received the assent of the Governor on the 24th January, 1994, assent first published in the "Madhya Pradesh Gazette (Extraordinary)" dated the 25th January, 1994.

CHAPTER 1 PRELIMINARY

1. Short Title, Extent And Commencement :-

(1) This Act may be called the Madhya Pradesh 1[Panchayat Raj Avam Gram Swaraj] Adhiniyam, 1993.

(2) It extends to the whole of Madhya Pradesh :

2[Provided that it extends to the Scheduled Areas subject to the exceptions and modifications as are provided in Chapter XIV-A.]

(3) It shall come into force at once.

1. Substituted by M.P. Act No. 3 of 2001 (w.e.f. 26-1-2001).

2. Inserted by M.P. Act No. 43 of 1997 (w.e.f. 5-12-1997).

2. Definitions :-

In this Act, unless the context otherwise requires,-

(i) "Block" means such area in a district as the Governor may

specify to be a block under sub-section (2) of Section 10;

1[(i-a) "Committee of Gram Sabha" means standing committee, ad hoc committee or any other committee of members of Gram Sabha;]

(ii) "Co-operative Society" shall have the same meaning as assigned to it in the Madhya Pradesh Co- operative Societies Act, 1960 (No. 17 of 1961);

1[(ii-a) "Development Commissioner" shall have the same meaning as assigned to it in clause (h) of Section 2 of the Special Economic Zones Act, 2005 (28 of 2005);

2[(iii) "District" means a district notified by the State Government to be a district for the purposes of this Act, and includes one or more revenue districts so modified];

3[(iv) "Election" means an election to fill a seat or seats in a Panchayat and includes election of Sarpanch of Gram Panchayat;

(v) "Election Proceedings" means the proceedings commencing from the issue of the notice for election and ending with the declaration or results of such election;]

(vi) "Factory" shall have the same meaning as assigned to it in the Factories Act, 1948 (LXIII of 1948);

(vii) "Gram Panchayat" means a Gram Panchayat established under sub-section (1) of Section 10;

4[(viii) "Gram Sabha" means a body consisting of persons registered in the electoral rolls relating to a revenue village or forest village comprised within the area of the Gram Panchayat;

(ix) "Janpad Panchayat" means a Janpad Panchayat established under sub-section (2) of Section 10;

(x) "Local Authority" shall have the same meaning as assigned to it in the Madhya Pradesh General Clauses Act, 1957 (No. 3 of 1958);

(xi) "Member" means a panch of a Gram Panchayat, a member of a Janpad Panchayat or a member of a Zila Panchayat, as the case may be;

(xii) "Offensive matters" include animal carcasses, dung, dirt, sewage or putrid substances or filth of any kind;

(xiii) "Office-bearer" means a Panch, Sarpanch or Up-Sarpanch of a Gram Panchayat, a Member, President or Vice-President of a Janpad Panchayat or a Member, or President or Vice-President of Zila Panchayat, as the case may be;

(xiv) "Other Backward Classes" means category of persons belonging to backward classes as notified by the State Government;

(xv) "Owner" when used with reference to any land or building

includes the person receiving the rent of the land or building or of any part of the land or building, whether on his own account or as agent or trustee for any person or society or as a receiver;

(xvi) "Panch" means a panch of a Gram Panchayat;

(xvii) "Panchayat" means a Gram Panchayat, a Janpad Panchayat or a Zila Panchayat, as the case may be;

(xviii) "Panchayat Area" means the territorial area of a Panchayat establishment under this Act;

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

(xx) "President" and "Vice-President" means the President and Vice-President respectively of 5[Gram Nirman Samiti or Gram Vikas Samiti or Janpad Panchayat] or Zila Panchayat, as the case may be;

(xxi) "Prescribed Authority" in any provision of this Act means such officer or authority as the State Government may, by notification, direct to discharge the functions of a prescribed authority under that provision;

(xxii) "Public Market" or "Public Mela" means a market or mela, as the case may be, notified under the proviso to Section 58;

(xxiii) "Public Place" means any place, building or structure not being private property, which is open to use of the public, whether such place, building or structure is vested in a Panchayat or not;

(xxiv) "Public Street" means any street, footway, road, square, alley or passage, used by the public whether permanently or temporarily;

(xxv) "Sarpanch" and "Up-Sarpanch" means the Sarpanch and Up-Sarpanch respectively of a Gram Panchayat, as the case may be;

6[(xxv-a) "Scheduled Areas" means the Scheduled Areas referred to in clause (1) of Article 244 of the Constitution of India];

1[(xxv-b) "Special Economic Zone" shall have the same meaning as assigned to it in clause (za) of Section 2 of the Special Economic Zones Act, 2005 (28 of 2005);]

(xxvi) "Standing Committee" means a Standing Committee of a Panchayat, a Janpad Panchayat or a Zila Panchayat constituted under the provisions of this Act, as the case may be;

(xxvii) "State Election Commission" means State Election Commission constituted by the Government under Article 243-K (1) of the Constitution;

(xxviii) "Tax" includes a tax, cess, rate or fee leviable under this Act;

(xxix) "Village" means a village specified by the Governor by public notification to be a village for the purposes of this Act and includes a group of villages so specified;

Explanation.--Terra village includes revenue village and forest village;

(xxx) "Zila Panchayat" means a Zila Panchayat established under sub-section (3) of Section 10.

1. Inserted by M.P. Act No. 18 of 2007 (w.e.f. 4-7-2007).
2. Substituted by M.P. Act No. 28 of 1998 (w.e.f. 3-9-1998).
3. Substituted by M.P. Act No. 26 of 1994 (w.e.f. 30-5-1994).
4. Substituted by M.P. Act No. 5 of 1999 (w.e.f. 5-4-1999).
5. Substituted by M.P. Act No. 16 of 2004 (w.e.f. 1-1-2005).
6. Inserted by M.P. Act No. 43 of 1997 (w.e.f. 5-12-1997).

CHAPTER 2

GRAM SABHA

3. Notification Of Village :-

The Governor shall, by public notification, specify a village or group of villages to be a village for the purpose of this Act.

4. List Of Voters Of A Village :-

For every village specified under Section 3 there shall be a list of voters which shall be prepared in accordance with the provisions of this Act and rules made there under.

5. Registration Of Voters Of A Village :-

Every person who is qualified to be registered in the Assembly roll relating to a village or whose name is entered therein and is ordinarily resident within the village shall be entitled to be registered in the list of voters of that village :

Provided that,-

- (a) no person shall be entitled to be registered in the list of voters for more than one village;
- (b) no person shall be entitled to be registered in the list of voters if he is registered in the electoral roll relating to any other local authority.

Explanation :-(1) The expression "ordinary resident" shall have the meaning assigned to it in Section 20 of the Representation of the Peoples Act, 1950 (No. 43 of 1950) subject to the modification that reference to "Constituency" therein will be construed as a reference

to "village".

(2) A person shall be disqualified for registration in the list of voters of a village if he is disqualified for registration in the Assembly roll.

5A. Constitution And Incorporation Of Gram Sabha :-

1[There shall be a Gram sabha for every village. The Gram Sabha shall be a body corporate by the name specified therefore, having perpetual succession and a common seal and shall by the said name sue and be sued and shall be subject to the provisions of this Act and the rules made thereunder have power to acquire, hold and dispose of any property movable or immovable, to enter into contract and to do all other things necessary for the purpose of this Act.]

1. Inserted by M.P. Act No. 3 of 2001 (w.e.f. 26-1-2001).

6. Meeting Of Gram Sabha :-

1[2[(1) The meetings of Gram Sabha shall be held at least in January, April, July and October, and besides this Gram Sabha may convene additional meeting, if required, and the Collector of the district shall nominate a Government Officer or employee for suitable arrangement of such meetings, who shall ensure the circulation of the agenda and notice of the date, time and place of meeting to be served within time and shall also ensure the due conduction of the proceedings of the meeting.]

3[(2) The quorum of every meeting of Gram Sabha shall not be less than one-tenth of the total number of members of the Gram Sabha or five hundred members of the Gram Sabha, whichever is less.]

(3) The meeting of the Gram Sabha shall be presided over by Sarpanch or in the absence of Sarpanch by Up-Sarpanch. In the event of both Sarpanch and Up-Sarpanch being absent, the meeting of the Gram Sabha shall be presided over by a Panch to be elected for the purpose by the members present in the meeting.

(4) If any dispute arises as to whether a person is entitled to attend a meeting of the Gram Sabha, the same shall be decided by the person presiding regard being had to the entry in the list of voters of the Gram Sabha area and his decision shall be final.

(5) Any dispute arising between Gram Sabha or any matter concerning more than one Gram Sabha comprised within the area of Gram Panchayat and all matters contained in sub-section (2) of Section 7 shall be brought before a joint meeting of all Gram Sabhas of that Gram Panchayat.

(6) The decision taken at the joint meeting under sub-section (5) shall be deemed to be the decision taken by each of the Gram Sabha.]

1. Substituted by M.P. Act No. 3 of 2001 (w.e.f. 26-1-2001).
2. Substituted by M.P. Act No. 16 of 2004 (w.e.f. 1-1-2005).
3. Substituted by M.P. Act No. 20 of 2005.

6A. Special Meeting Of Gram Sabha :-

1[If the Sarpanch, or more than ten per cent of the members or fifty members of the Gram Sabha whichever is less, give requisition in writing for a special meeting of the Gram Sabha, the Secretary shall call such a meeting within seven days of the receipt of such requisition.]

1. Sections 6-A to 6-C Inserted by M.P. Act No. 3 of 2001 (w.e.f. 26-1-2001).

6B. Secretary Of Gram Sabha :-

The Secretary of the Gram Panchayat shall also be the Secretary of the Gram Sabha. The Secretary shall be under the control of the Gram Sabha and perform such duties as assigned to him by the Gram Sabha.

6C. Decision By Gram Sabha :-

(1) All matters brought before any meeting of Gram Sabha shall be decided, as far as possible, unanimously failing which by general consensus of the members present :

Provided that where there is difference of opinion on any issue such matter shall be brought before the next meeting. If a decision is not taken unanimously or by general consensus in successive two deferred meetings then such matter shall be decided by majority of members present thereat by secret voting. In the case of equality of votes, the person presiding over the meeting shall have a second or casting vote.

(2) If any dispute arises as to whether a person is entitled to vote, the same shall be decided by the person presiding regard being had to the entry in the list of voters of the Gram Sabha area and his decision shall be final.

7. Powers And Functions And Annual Meeting Of Gram Sabha :-

1[(1) Subject to the rules, which the State Government may make in this behalf, and subject to the general or special orders, as may be issued by the State Government from time to time, the Gram Sabha shall have the following powers and functions, namely,-

(a) to lay down the principles for identification of schemes and their priority for economic development of the village;

(b) to approve all plans including Annual Plans, programmes and projects for social and economic development before such plans, programmes and projects are taken up for implementation by the Gram Panchayat;

(c) to consider the Annual Budget of the Gram Panchayat, and make recommendations thereon;

(d) to consider the report of audit and accounts of the Gram

Panchayat;

(e) to ascertain and certify the proper utilization by the Gram Panchayat of the funds for plans, programmes and projects referred to in clause (b);

(f) to identify and select persons as beneficiaries under the property alleviation and other programmes;

(g) to ensure proper utilization and disbursement of funds and assets to the beneficiaries;

(h) to mobilize people for community welfare programmes; (i) to ensure active participation of people in implementation, maintenance and equitable distribution of benefits of development schemes in the village;

(j) to promote general awareness amongst the people;

2[(j-i) to exercise control over institutions and functionaries in social sectors transferred to or appointed by Gram Panchayat through that Panchayat;

(j-ii) to manage natural resources including land, water, forests within the area of the village in accordance with provisions of the Constitution and other relevant laws for the time being in force;

(j-iii) to advise the Gram Panchayat in the regulation and use of minor water bodies;

(j-iv) to control local plans, resources and expenditure for such plans;]

3[(k) sanitation, conservancy and prevention and abatement of nuisance;

(l) construction repair and maintenance of public wells, ponds and tanks and supply of water for domestic use;

(m) construction and maintenance of sources of water for bathing and washing and supply of water for domestic animal;

(n) construction and maintenance of village roads, culverts, bridges, bunds and other works and building of public utility;

(o) construction, maintenance and clearing of public streets, latrines, drains, tanks, wells and other public places;

(p) filling in of disused wells, unsanitary ponds, Pools ditches and pits and conversion of step wells into sanitary wells;

(q) lighting of village streets and other public places;

(r) removing of obstructions and projections in public streets and places and sites not being private property or which are open to use of public, whether such sites are vested in the Panchayat or belongs to the State Government;

(s) regulating and control over entertainment shows, shops, eating houses and vendors of drinks, sweet meats, fruits, milk and of

other similar articles;

- (t) regulating the construction of house, latrines, urinals, drains and water closets;
- (u) management of public land and management, extension and development of village site;
- (v) (i) regulating places for disposal of dead bodies, carcasses and other offensive matters;
- (ii) disposal of unclaimed corpses and carcasses;
- (w) earmarking places for dumping refused;
- (x) regulation of sale and preservation of meat;
- (y) maintenance of Gram Sabha property;
- (z) establishment and management of cattle ponds and maintenance of records relating to cattle;
- (aa) maintenance of ancient and historical monuments other than those declared by or under law made by Parliament to be of national importance, grazing lands and other lands vesting in or under the control of the Gram Sabha;
- (bb) maintenance of records of births, deaths and marriages;
- (cc) rendering assistance in the census operation and in the surveys conducted by the State Government or Central Government or any other local authority lawfully constituted;
- (dd) rendering assistance in prevention of contagious diseases;
- (ee) rendering assistance in inoculation and vaccination and enforcement of other preventive measures for safety of human being and cattle prescribed by Government Department concerned;
- (ff) rendering assistance to the disabled and destitutes;
- (gg) promotion of youth welfare, family welfare and sports;
- (hh) establishment of Raksha Samiti for :-
 - (a) safety of life and property;
 - (b) prevention of fire and extinguishing fire and safety of property during outbreak of such fires;
- (ii) plantation and preservation of village forest;
- (jj) removal of social evils like dowry;
- (kk) granting loans for the purposes of,-
 - (i) providing medical assistance to indigent persons in serious and emergency cases;
 - (ii) disposal of dead body of an indigent person or any member of his family; or
 - (iii) any other purpose for the benefit of an indigent person as may be notified by the State Government from time to time subject to such terms and conditions as may be prescribed;
- (ll) (i) carrying out the directions or orders given or issued by the

State Government, the Collector or any other Officer authorized by the State Government in this behalf with respect to the measures for amelioration of the condition of the Scheduled Castes and Scheduled Tribes and Other Backward Classes and in particular in regard to the removal of untouchability;

(ii) perform such functions as may be entrusted to it by Zila Panchayat or Janpad Panchayat by general or special order;

(iii) to exercise and perform such powers and functions as the State Government may confer on or entrust to under this Act or any other law for the time being in force in the State;

(iv) with prior approval of Janpad Panchayat may also perform other functions as it may desire to perform :

Provided that where any such function is entrusted to the Gram Sabha, it shall act as an agent of the State Government, Zila Panchayat, as the case may be, and necessary funds and other assistance for the purpose shall be provided to it by the State Government, Zila Panchayat or Janpad Panchayat, as the case may be;

(mm) plan and manage basic amenities;

(nn) select beneficiaries under various programmes;

(oo) implement, execute and supervise development schemes and construction work within the Gram Sabha area;

(pp) control and monitor beneficiary oriented schemes and programmes;

(rr) organize voluntary labor and contribution for community work and promote the concept of community ownership;

(ss) to plan, own and manage minor water bodies up to a specified water area situated within its territorial jurisdiction;

(tt) to lease out any minor water body up to a specified area for the purpose of fishing and other commercial purposes;

(uu) to regulate the use of water of rivers, streams, minor water bodies for irrigation purposes;

(vv) to exercise control over institutions and functionaries in all social sectors transferred to or appointed by the Gram Sabha.]

(2) The annual meeting of the Gram Sabha shall be held not less than three months prior to the commencement of the next financial year, and the Gram Panchayat shall place before such meeting,-

(a) the annual statement of accounts;

(b) the report of administration of the preceding financial year;

(c) the development and other programme of the works proposed for the next financial year;

(d) the last audit note and replies, if any, thereto; and

4[(e) the Annual Budget and Annual Plan for the next financial year of the Gram Panchayat].

2[(2-A) The Gram Panchayat shall place such matters before the Gram Sabha which the Janpad Panchayat, the Zila Panchayat, the Collector or any Officer authorized in this behalf may require to be placed before such meeting.]

(3) The Gram Panchayat shall carry out the recommendations, if any, made by the Gram Sabha in regard to the matters before it under this section].

1. Substituted by M.P. Act No. 43 of 1997 (w.e.f. 5-12-1997).

2. Inserted by M.P. Act No. 5 of 1999 (w.e.f. 5-4-1999).

3. Subs for clause (k) by M.P. Act No. 3 of 2001 (w.e.f. 26-1-2001).

4. Substituted by M.P. Act No. 5 of 1999 (w.e.f. 5-4-1999).

7A. Standing Committee And Adhoc Committee Of Gram Sabha :-

1[2[(1) The Gram Panchayat shall, for discharging its functions and duties, constitute the following standing committees of Gram Sabha, namely :-

(i) Gram Nirman Samiti; and

(ii) Gram Vikas Samiti).

(2) In addition to the Standing Committees mentioned in sub-section (1) the Gram Sabha may constitute one or more such Adhoc Committees as it may deem necessary for the implementation of any time-bound work. The Committee shall comprise of members who are stake-holders of work assigned to the committee. The committee shall cease to exist after submitting the completion report and evaluation of the work by the Gram Sabha.

(3) The Committees which are already functioning within the area of jurisdiction of the Gram Sabha shall continue to function with the approval of the Gram Sabha.

(4) The number of members, reservation of seats, term of office, procedure for resignation and removal, conduct of business, eligibility for becoming a member, meeting, mode of filling of vacancies and procedure of Standing Committees and Adhoc Committees shall be such as may be prescribed.

1. Inserted by M.P. Act No. 3 of 2001 (w.e.f. 26-1-2001).

2. Substituted by M.P. Act No. 16 of 2004 (w.e.f. 1-1-2005).

7B. Composition And Functions Of Standing Committees :-

1[(1) The Gram Nirman Samiti shall Act as an agency of Gram Panchayat and shall execute all construction works and other works entrusted by the Gram Panchayat or Gram Sabha, up to five lac rupees.

2[(2) Sarpanch of Gram Panchayat shall be the ex-officio President of the Gram Nirman Samiti and Gram Vikas Samiti.]

3[(3) Omitted.]

(4) The composition and functions of Gram Vikas Samiti shall be such as may be prescribed.

(5) The members of the Gram Nirman Samiti shall be included in the Gram Vikas Samiti in such manner as may be prescribed.]

4[(6) All disputes relating to constitution and election of Standing Committees shall be dealt with the provisions of Section 122 and the rules made there under.]

1. Substituted by MP. Act No. 16 of 2004 (w.e.f. 1-1-2005).
2. Substituted by M.P. Act No. 20 of 2005.
3. Omitted by M.P. Act No. 20 of 2005.
4. Inserted by M.P. Act No. 18 of 2007 (w.e.f. 4-7-2007).

7C. Omitted :-

1[Omitted]

1. Omitted by M.P. Act No. 16 of 2004 (w.e.f. 1-1-2005)

7D. Powers, Functions And Duties Of Committees :-

The powers, functions and duties of the committee shall be such as may be entrusted to it by the Gram Sabha from time to time. Every committee shall be responsible and accountable to the Grain Sabha and shall work under its control and supervision.

7E. Removal Of Member :-

The Gram Sabha shall have power to remove any member of the Committee at any time for the reasons to be recorded in writing.

7F. Powers And Duties Of Gram Nirman Samiti And Gram Vikas Samiti :-

1[The Gram Nirman Samiti and Gram Vikas Samiti shall jointly prepare a plan for overall development of village and submit it for the approval of the Gram Sabha.]

1. Substituted by M.P. Act No. 16 of 2004 (w.e.f. 1-1-2005).

7G. Secretary Of Standing Committees :-

1[(1) The Secretary of Gram Panchayat shall also be the ex-officio Secretary of the Gram Nirman Samiti and Gram Vikas Samiti.]

1. Substituted by M.P. Act No. 20 of 2005.

7GA. Preparing Of Long Term Development Plan Of Gram Sabha :-

1[The Gram Sabha shall evaluate next ten years approximate fund to be received, and make a ten years long term plan for village development, with the help of experts and approve the same.

(2) The plan under sub-section (1) shall be prepared keeping in view the land use plan and requirement of basic amenities of Gram Sabha, on priority basis of long term plan through a yearly plan based on the financial resources to be received per year to the Gram Kosh of a Gram Sabha.

1. Inserted by M.P. Act No. 16 of 2004 (w.e.f. 1-1-2005).

7GB. Disciplinary Action Against President And Members Of The Gram Nirman Samiti And Gram Vikas Samiti :-

The President and every member of the Gram Nirman Samiti and Gram Vikas

Samiti shall be deemed to be public servant within the meaning of Section 21 of the Indian Penal Code, 1860 (45 of 1860) for taking any disciplinary action against them.

7H. Appeal In A Committee Against The Decision Of Gram Sabha :-

An appeal against the decision of a Gram Sabha shall lie to a committee consisting of the President of Janpad Panchayat, a member of Janpad Panchayat of that area and the Sub-Divisional Officer (Revenue) in such manner as may be prescribed.

7I. Budget :-

Every Gram Sabha shall prepare annually in such form and in such manner and by such date as may be prescribed, budget estimates of its receipt and expenditure for the next financial year.

7J. Gram Kosh :-

Every Gram Sabha shall establish a fund to be called the Gram Kosh consisting of following four parts :-

- (i) Anna Kosh;
 - (ii) Shram Kosh,
 - (iii) Vastu Kosh;
 - (iv) Nagad Kosh;
- and there shall be credited thereto,-

- (a) donations;
- (b) income from other sources;
- 1[(c) any sum received from the District Panchayat Raj Fund or from the Funds of three-tier Panchayats, the proceeds of the land revenue, cess on land revenue, royalty received on minor minerals, income received from lease of fishing rights, grazing fees and shala bhawan upkar as prescribed or fixed by the State Government;
- (d) the taxes, duties tolls and fees imposed as mentioned in the Schedule I-A and Schedule II-A and other income of the Gram Sabha;
- (e) any sums received by Gram Panchayat under various schemes sponsored by the Central Government or the State Government, to be allotted to the Gram Sabha according to norms prescribed by the Central Government or the State Government.

(2) Subject to the provisions of this Act and the rules made there under all property vested in the Gram Sabha and the Gram Kish shall be applied for the purposes of this Act or for other purposes connected with the activities for the development of village or for such other expenses as the Gram Sabha may approve :

Provided that funds received under any scheme shall be utilized according to the guidelines issued by the Central Government, or the State Government, as the case may be.

(3) The Gram Kosh shall be kept and maintained in such manner and in such form as may be prescribed.

1[(4) The Gram Kosh shall be operated by the Gram Vikas Samiti and all amounts from the Gram Kosh shall be drawn under joint signature of the 2[President of the Gram 3[Vikas] Samiti and the Secretary of the Gram Panchayat] with the approval of Gram Sabha and accounts of the drawl shall be maintained by the Secretary of the Gram Vikas Samiti. The information regarding all receipts into and draws from the Gram Kosh shall be placed before the Gram Sabha in its next meeting.]

4[(5) x x x]

1. Substituted by M.P. Act No. 23 of 2001 (w.e.f. 10-10-2001).

2. Substituted by M.P. Act No. 16 of 2004 (w.e.f. 1-1-2005).
3. Substituted by M.P. Act No. 20 of 2005.
4. Omitted by M.P. Act No. 16 of 2004 (w.e.f. 1-1-2005).

7K. Account And Audit :-

The Gram Sabha shall cause to be maintained proper books of accounts and prepare annual statement of accounts. The accounts of the Gram Sabha shall be audited from time to time in such manner and by such authority as may be prescribed and the Audit Report submitted shall be placed before the next meeting of the Gram Sabha.

7L. Control Over Government Employees :-

- (1) The Gram Sabha shall have the power to withhold salary, sanction leave, inspect and supervise the work of a Government employee whose area of jurisdiction lies within the limits of Gram Sabha area.
- (2) Gram Sabha shall have the power to recommend to the competent authority imposition of penalties in respect of a Government employee referred to in sub-section (1) for misconduct and negligence of duties.

7M. Power Of State Government In Relation To Functions Of Gram Sabha :-

The State Government may, by general or special order, add or withdraw functions and duties entrusted to Gram Sabha when the State Government undertakes execution of any of the functions entrusted to Gram Sabha.

CHAPTER 3

ESTABLISHMENT OF PANCHAYATS

8. Constitution Of Panchayats :-

There shall be constituted for the purpose of this Act,-

- (a) a Gram Panchayat for a village;
- (b) a Janpad Panchayat for a Block; and
- (c) a Zila Panchayat for a district.

9. Duration Of Panchayat :-

(1) Every Panchayat shall continue for five years from the date appointed for its first meeting and no longer unless sooner dissolved under this Act.

(2) An election to constitute a Panchayat shall be completed,-

- (a) before the expiry of its duration specified in sub-section (1);
- (b) before the expiration of a period of six months from the date of its dissolution :

Provided that where the remainder of the period for which the dissolved panchayat would have continued is less than six months

it shall not be necessary to hold any election under this clause for constituting the Panchayat for such period.

(3) A Panchayat constituted upon the dissolution of a Panchayat before the expiration of its duration shall continue only for the remainder of the period for which the dissolved panchayats, would have continued under clause (1) had it not been so dissolved.

10. Establishment Of Gram Panchayat, Janpad Panchayat And Zila Panchayat :-

(1) There shall be a Gram Panchayat for every village specified as a village for the purposes of this Act under Section 3.

(2) The Governor may, by notification, divide a district into blocks. The notification shall specify the name of every such block, its headquarters and the area comprised therein. For every block there shall be a Janpad Panchayat which shall be known by the name of the block.

(3) There shall be a Zila Panchayat for every district :

1[Provided that every Municipal Corporation, Municipal Council or Nagar Panchayat constituted under the relevant law for the time being in force shall form a separate administrative unit for the area within its jurisdiction.]

1. Substituted by M.P. Act No. 26 of 1994 (w.e.f. 30-5-1994).

11. Incorporation Of Panchayats :-

Every Gram Panchayat, Janpad Panchayat and Zila Panchayat shall be body corporate by the name specified, therefore in the order under Section 3 for village or notification under Section 10 for Janpad Panchayat and Zila Panchayat as the case may be, having perpetual succession and a common seal and shall by the said name, sue and be sued and shall subject to the provisions of this Act and the rules made there under, have power to acquire, hold or transfer property movable or immovable, to enter into contracts and to do all other things necessary for the purpose of this Act.

12. Division Of Gram Panchayat Into Wards :-

Each Gram Panchayat area shall be divided into not less than ten wards as may be determined by the Collector and each ward shall be a single member ward :

Provided that where the population of Gram Panchayat area is more than one thousand it shall be divided into wards in such manner

that the total number of wards shall not exceed twenty and the population of each ward shall as far as practicable, be the same in each ward :

Provided further that the ratio between the population of the Gram Panchayat area and the number of wards in such panchayat shall, so far as practicable, be the same throughout the block within which the Panchayat area falls.

13. Constitution Of Gram Panchayat :-

1[(1) Every Gram Panchayat shall consist of elected Panchas and a Sarpanch].

2[(2) If any village or ward fails to elect a Sarpanch or as the case may be, a Panch, fresh election proceedings shall be commenced to fill the seat in such village or as the case may be, such ward within six months :

Provided that pending the election of Sarpanch under this sub-section, elected panchas shall subject to the provisions of sub-sections (2), (3) and (4) of Section 17, in the first meeting under Section 20 elect a Sarpanch from amongst themselves who shall discharge all the functions of Sarpanch under the Act till a Sarpanch elected under this sub-section enters upon the office :

Provided further that further proceedings for constituting the Gram Panchayat shall not be stayed pending the election of Panch in accordance with this sub-section :

Provided also that if any village or ward again fails to elect a Sarpanch or as the case may be, a Panch, fresh election proceedings shall not be commenced in such village or as the case may be, in such ward unless the State Election Commission is satisfied that there is likelihood of the village or as the case may be, a ward electing a Sarpanch or a Panch; and in case the Commission decides not to hold fresh election of Sarpanch, the Sarpanch elected under the first proviso shall continue to discharge all the functions of Sarpanch under the Act.]

3[(3) x x x]

(4) (i) Seats shall be reserved in every Gram Panchayat for,-

(a) the Scheduled Castes, and

(b) 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 to be filled by direct election in that Gram Panchayat as the population of the Scheduled Castes or of the Scheduled Tribes in that Gram Panchayat area bears to the total population of that

area and such seats shall be allotted by the prescribed authority 4[x x x] to different wards in that Gram Panchayat, in the prescribed manner.

(ii) In a Gram Panchayat where fifty percent or less than fifty percent seats have been reserved both for the Scheduled Castes and Scheduled Tribes, twenty five percent seats of the total number of seats shall be reserved for Other Backward Classes and such seats shall be allotted by rotation to different wards in that Gram Panchayat by the Collector in the prescribed manner.

(5) Not less than 5[half] of the total number of seats reserved under sub-section (4) shall be reserved for women belonging to the Scheduled Castes or, as the case may be, the Scheduled Tribes or Other Backward Classes.

(6) Not less than 6[half] including the number of seats reserved for women belonging to the Scheduled Castes, the Scheduled Tribes and Other Backward Classes of the total number of seats to be filled by direct election in every Gram Panchayat shall be reserved for women and such seats may be allotted by the prescribed authority by drawing of Tots and by rotation to different wards in the a Gram Panchayat in the prescribed manner.

4[x x x]

3[x x x]

7[(7) The wards which have no population of Scheduled Castes, Scheduled Tribes or Other Backward Classes shall be excluded for allotment of seats reserved for the Scheduled Castes or Scheduled Tribes or Other Backward Classes, as the case may be.]

1. Substituted by M.P. Act No. 26 of 1994 (w.e.f. 30-5-1994).

2. Substituted by M.P. Act No. 26 of 1994 (w.e.f. 30-5-1994).

3. Omitted by M.P. Act No. 26 of 1994 (w.e.f. 30-5-1994).

4. Omitted by M.P. Act No. 5 of 1999 (w.e.f. 5-4-1999).

5. Substituted by M.P. Act No. 18 of 2007 (w.e.f. 4-7-2007).

6. Substituted by *ibid*.

7. Inserted by M.P. Act No. 5 of 1999 (w.e.f. 5-4-1999).

14. Qualification To Vote And To Be A Candidate :-

(1) Every person whose name is included in the list of voters of a village shall be qualified to vote at the election of an office-bearer of a Panchayat within whose area the village is comprised.

(2) Every such person unless disqualified under this Act or any other law for the time being in force shall be qualified to be 1[elected] as office-bearer of a Panchayat.

1. Substituted by MP. Act No. 26 of 1994 (w.e.f. 30-5-1994).

15. Prohibition Of Simultaneous Membership :-

No person shall be eligible for seeking election as an office bearer of a Panchayat from more than one ward of constituency as the case may be.

16. Omitted :-

1[x x x].

1. Omitted by M.P. Act No. 26 of 1994 (w.e.f. 30-5-1994).

17. Election Of Sarpanch And Up-Sarpanch :-

(1) In every Gram Panchayat there shall be a Sarpanch and an Up-Sarpanch. A person who,-

(i) is qualified to be elected as panch;

(ii) is not a member of either House of Parliament or member of State Legislative Assembly; and

(iii) is not Chairman or Vice-Chairman of Co-operative Society;

shall be elected as a Sarpanch, subject to provisions of sub-sections (2), (3) and (4), by persons whose names are included in the list of voters of the Gram Panchayat area in such manner as may be prescribed.

(2) (i) Such number of seats of Sarpanchas of Gram Panchayats shall be reserved for Scheduled Castes and Scheduled Tribes in the Gram Panchayat within the block which bears the same proportion to the total number of Sarpanchas in the block as the proportion of the Scheduled Castes and Scheduled Tribes in the block bears to the total population of the block :

1[Provided that for the purpose of computing the number of Sarpanch of Gram Panchayat to be reserved for Scheduled Tribes in the block, other than the Scheduled Areas forming part of that block, the total population of the Scheduled Areas falling within that block and the population of Scheduled Tribes therein shall be excluded.]

(ii) Where the total population of Scheduled Castes and Scheduled Tribes in the Block is less than fifty percent, twenty five percent of seats of Sarpanchas of Gram Panchayats within the Block shall be reserved for Other Backward Classes.

(3) Not less than 2[half] of the total number of seats of Sarpanchas within the block shall be reserved for women.

(4) The seats reserved under this section shall be allotted by the prescribed authority in the Gram Panchayat within the block by rotation in the prescribed manner :

3[Provided that the Gram Panchayat, which has no population of Scheduled Castes or Scheduled Tribes or other Backward Classes, shall be excluded for allotment of seat reserved for Scheduled Castes, Scheduled Tribes or Other Backward Classes, as the case may be.]

4[(5) After every election of Panchayats, the State Election Commission shall immediately hold the election of Up-Sarpanch of Gram Panchayats, in such member as may be prescribed.]

(6) If the Sarpanch of the Gram Panchayat does not belong to Scheduled Castes, or Scheduled Tribes or Other Backward Classes the Up-Sarpanch shall be elected from amongst the Panchas belonging to such castes or tribes or backward classes.

(7) If the Sarpanch or the Up-Sarpanch becomes the member of either House of Parliament or a member of the State Legislative Assembly or Chairman or Vice-Chairman of a Co-operative Society he shall be deemed to have vacated his office as Sarpanch or Up-Sarpanch, as the case may be, with effect from the date of becoming such member or Chairman or Vice-Chairman and a casual vacancy shall be deemed to have occurred in such office for the purpose of Section 38.

(8) Notwithstanding anything contained in this section the Sarpanch shall be deemed to be a Panch of Gram Panchayat for the purpose of this Act.

1. Inserted by M.P. Act No. 43 of 1997 (w.e.f. 5-12-1997).

2. Substituted by M.P. Act No. 18 of 2007 (w.e.f. 4-7-2007).

3. Inserted by MP. Act No. 39 of 1995 (w.e.f. 15-12-1995).

4. Substituted by MP. Act No. 20 of 2005.

18. Handing Over Charge By Outgoing Sarpanch Or President Of Gram Nirman Samiti :-

1[2[(1) The newly elected Sarpanch 1[or President of Gram Nirman Samiti] shall be deemed to have assumed the charge of the office with effect from the date of first meeting as provided in Section 20.]

2[(2) If the outgoing Sarpanch 1[or President of Gram Nirman Samiti] fails or refuses to hand over any papers or property in his possession to the newly elected Sarpanch 1[or President of Gram Nirman Samiti], the prescribed authority may by order, in writing

direct the outgoing Sarpanch 1[or President of Gram Nirman Samiti] to hand over forthwith all papers and property in his possession as Sarpanch 1[or President of Gram Nirman Samiti] to the new Sarpanch, 1[or President of Gram Nirman Samiti] Up-Sarpanch or Secretary of the Gram Panchayat, as the case may be.]

(3) If an out-going Sarpanch 1[or President of Gram Nirman Samiti] fails to comply with the direction under sub-section (2), the prescribed authority shall proceed against him in accordance with Section 92 and shall take necessary steps to launch prosecution under Section 98.

(4) A Sarpanch 1[or President of Gram Nirman Samiti] against whom an action has been taken under sub-section (3) and who has been found guilty, shall be disqualified to be member or an office-bearer of Panchayat for a period of six years from the date on which he has been found guilty :

Provided that such disqualification may be removed or the period thereof may be reduced by the State Government for reasons to be recorded in writing.

1. Inserted by MP. Act No. 16 of 2004 (w.e.f. 1-1-2005).

2. Substituted by MP. Act No. 26 of 1994 (w.e.f. 30-5-1994).

19. Notification Of Election :-

1[Every Election of Sarpanch. Up-Sarpanch and Panchas shall be published by the prescribed authority in such manner as may be prescribed.]

1. Substituted by M.P. Act No. 26 of 1994 (w.e.f. 30-5-1994).

20. First Meeting And Term Of Office :-

(1) First meeting of the Gram Panchayat shall be held within 30 days of the date of the publication under Section 19. Such meeting shall be convened by the prescribed authority and the provisions of Section 44 regarding meeting as far as may be, shall apply in respect of the said meeting.

(2) The office-bearers of the Gram Panchayat shall hold office for five years from the date of the first meeting and no longer :

Provided that notwithstanding anything contained in this sub-section every person becoming an office -bearer of a Gram Panchayat shall cease to hold office forthwith,-

1[(i) on his ceasing to be a voter of the Gram Panchayat area; or]

(ii) on his becoming a member of State Legislative Assembly or

member of either House of Parliament.

(3) If before the expiry of the period mentioned in sub-section (2), the Gram Panchayat is not reconstituted, it shall stand dissolved on the expiry of the said period and the provisions of Section 87 shall apply thereto for a period not exceeding six months within which the Gram Panchayat shall be reconstituted in accordance with the provisions of this Act.

1. Substituted by M.P. Act No. 26 of 1994 (w.e.f. 30-5-1994).

21. No-Confidence Motion Against Sarpanch And Up-Sarpanch :-

(1) On a motion of no-confidence being passed by the Gram Panchayat by a resolution passed by majority of not less than three fourth of Panchas present and voting and such majority is more than two third of the total number of Panchas constituting the Gram Panchayat for the time being, the Sarpanch or Up-Sarpanch against whom such motion is passed, shall cease to hold office forth with.

(2) Notwithstanding anything contained in this Act or the rules made there under a Sarpanch or an Up -Sarpanch shall not preside over a meeting in which a motion of no-confidence is discussed against him. Such meeting shall be convened in such manner as may be prescribed and shall be presided over by an officer of the Government as the Prescribed Authority may appoint. The Sarpanch or the Up- Sarpanch, as the case may be, shall have a right to speak at, or otherwise to take part in, the proceeding of the meeting.

(3) No-confidence motion shall not lie against the Sarpanch or Up-Sarpanch within a period of,-

(i) 1[two and half year] from the date on which the Sarpanch or Up-Sarpanch enter their respective office;

(ii) six months preceding the date on which the term of office of the Sarpanch or Up-Sarpanch, as the case may be, expires;

(iii) 2[six months] from the date on which previous motion of no-confidence was rejected.

3[(4) If the Sarpanch or the Up-Sarpanch, as the case may be, desires to challenge the validity of the motion carried out under sub-section (1), he shall, within seven days from the date on which such motion was carried, refer the dispute to the Collector who shall decide it, as far as possible, within thirty days from the date on which it was received by him, and his decision shall be final.]

1. Substituted by M.P. Act No. 18 of 2007 (w.e.f. 4-7-2007).
2. Substituted by *ibid*.
3. Inserted by M.P. Act No. 2 of 1997 (w.e.f. 7-1-1997).

21A. Recalling Of Office Bearers Of Gram Panchayat :-

1[(1) Every Sarpanch of a Gram Panchayat shall forthwith be deemed to have vacated his office if he is recalled through a secret ballot by a majority of more than half of the total number of the members constituting the Gram Sabha within the Gram Panchayat in accordance with the procedure, as may be prescribed :

Provided that no such process of recall shall be initiated unless a notice is signed by not less than one- third of the total number of members of the Gram Sabha and presented to the prescribed authority :

Provided further that no such process shall be initiated,-

- (i) within a period of two and a half years from the date on which such Sarpanch elected at the General Election enters his office; or
- (ii) if half of the period of tenure of the Sarpanch elected in a bye-election has not expired.

(2) Every panch of a Gram Panchayat shall forthwith be deemed to have vacated his office if he is recalled through a secret ballot by a majority of more than half of the total number of members of the Gram Sabha constituting the ward from which the Panch is elected.

(3) The provisions of sub-section (1) shall apply mutatis mutandis in relation to recall of a Panch.

(4) If such Sarpanch or Panch, as the case may be, desires to challenge the validity of recalling him under the foregoing sub-sections he shall within seven days from the date on which he is deemed to have vacated the office, refer dispute to the Collector who shall decide it, as far as possible, within 30 days from the date on which it was received by him, and his decision shall be final.]

1. Inserted by M.P. Act No. 5 of 1999 (w.e.f. 5-4-1999).

22. Composition Of Janpad Panchayat :-

(1) Every Janpad Panchayat shall consist of the following :-

(i) Members elected from the constituencies;

1[(ii) x x x]

(iii) All members of the State Legislative Assembly returned from the constituencies which wholly or partly fall within the block :
Provided that a member of the State Legislative Assembly whose constituency wholly falls within an urban area shall not be a member of the said Janpad Panchayat:

2[Provided further that a Member of the State Legislative Assembly who is a member of the Janpad Panchayat, may nominate his representative, who possesses such qualifications as may be prescribed in this behalf, to attend the meeting of the Janpad Panchayat if he is unable to do so owing to absence, illness or any other cause.]

2[(iv) One-fifth of the Sarpanchas in the territorial area of the Janpad Panchayat by rotation for a period of one year as the

prescribed authority may determine by drawing lots :

Provided that a Sarpanch who is a member under this clause for one term shall not be eligible to become a member for another term :

Provided further that a Sarpanch who is a member under this clause shall not be a member of the committees under Section 47.]

1[(2) x x x]

1[(3) x x x]

1[(4) x x x]

1[(5) x x x]

1[(6) x x x]

3[(7) If any constituency fails to elect a member, fresh election proceedings shall be commenced in such constituency within six months to fill the seat :

Provided that further proceedings of election of President and Vice-President of Janpad Panchayat shall not be stayed pending the election of a member in accordance with this sub-section :

Provided further that if any constituency again fails to elect a member fresh election proceedings shall not be commenced in such constituency unless the State Election Commission is satisfied that there is likelihood of the constituency electing a member.]

1. Omitted by M.P. Act No. 26 of 1994 (w.e.f. 30-5-1994).

2. Inserted by M.P. Act No. 2 of 1997 (w.e.f. 7-1-1997).

3. Substituted by M.P. Act No. 26 of 1994 (w.e.f. 30-5-1994).

23. Division Of Block Into Constituencies :-

(1) Subject to the provisions of sub-section (2), the State Government shall by notification divide a block into such number of constituencies that each constituency has as far as practicable a population of five thousand and every constituency shall be a single member constituency :

Provided that where the population of a Block is less than fifty thousand it shall be divided into not less than ten constituencies and the population of each constituency shall as far as practicable be the same in each constituency :

Provided further that the total number of constituencies in a block shall not exceed twenty-five.

(2) The ratio between the population of the territorial area of a Janpad Panchayat and the number of constituencies in such Janpad Panchayat shall, so far as practicable, be the same throughout the State.

(3) (i) Seats shall be reserved for,--

(a) the Scheduled Castes; and

(b) the Scheduled Tribes, in every Janpad Panchayat 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 that Janpad Panchayat as the population of the Scheduled Castes in that Janpad Panchayat area or the Scheduled Tribes in that Janpad Panchayat area bears to the total population of that area and such seats may be allotted by the prescribed authority 1[x x x] to different 2[constituencies] in that Janpad Panchayat in the prescribed manner :

3[Provided that for the purpose of computing the number of seats to be reserved for Scheduled Tribes in the Janpad Panchayat, other than the Scheduled Areas forming part of that Janpad Panchayat area, the total population of the Scheduled Areas falling within that Janpad Panchayat and the population of Scheduled Tribes therein shall be excluded.]

(ii) In the Janpad Panchayat where fifty per cent or less than fifty per cent seats have been reserved both for the Scheduled Castes and Scheduled Tribes twenty five per cent seats of the total number of seats shall be reserved for Other Backward Classes and such seats shall be allotted by rotation to different constituencies by the Collector in the prescribed manner.

(4) Not less than 4[half] of the total number of seats reserved under sub-section (3) shall be reserved for women belonging to the Scheduled Castes or, the Scheduled Tribes, or other Backward Classes, as the case may be.

(5) Not less than 5[half], (including the number of seats reserved for women belonging to the Scheduled Castes and Scheduled Tribes and Other Backward Classes) of the total number of seats to be filled by direct election in every Janpad Panchayat shall be reserved for women and such seats may be allotted by the prescribed authority by drawing lots and by rotation to different 2[constituencies] in a Janpad Panchayat in the prescribed manner.

1[x x x]

6[(6) The constituencies which have no population of Scheduled Castes, Scheduled Tribes or Other Backward Classes shall be excluded for allotment of seats reserved for Scheduled Castes or Scheduled Tribes or Other Backward Classes, as the case may be.]

1. Omitted by M.P. Act No. 5 of 1999 (w.e.f. 5-4-1999).

2. Substituted by M.P. Act No. 26 of 1994 (w.e.f. 30-5-1994).

3. Inserted by M.P. Act No. 43 of 1997 (w.e.f. 5-12-1997).

4. Substituted by M.P. Act No. 18 of 2007 (w.e.f. 4-7-2007).
5. Substituted by ibid.
6. Inserted by M.P. Act No. 5 of 1999 (w.e.f. 5-4-1999).

24. Section 24 :-

1[x x x]

1. Omitted by M.P. Act No. 26 of 1994 (w.e.f. 30-5-1994).

25. Election Of President And Vice-President Of Janpad Panchayat :-

1[(1) After every election of Panchayats, the State Election Commission shall immediately hold the elections of President and Vice-President of Janpad Panchayats, in such manner, as may be prescribed.]

(2) (i) Office of President of Janpad Panchayat shall be reserved for,--

(a) the Scheduled Castes; and

(b) the Scheduled Tribes,

and the number of offices of President reserved for the Scheduled Castes and the Scheduled Tribes in the district shall bear as nearly as may be, the same proportion to the total number of such offices in the district as the population of the Scheduled Castes or the Scheduled Tribes, as the case may be, bears to the total population of the District:

2[Provided that for the purpose of computing the number of offices of President of Janpad Panchayat to be reserved for Scheduled Tribes in the district other than the Scheduled Areas forming part of that district, the total population of the Scheduled Areas falling within the district and the population of Scheduled Tribes therein should be excluded :]

Provided further that not less than 3[half] of the total number of offices of President of Janpad Panchayat subject to a minimum of one shall be reserved for women :

Provided also that the offices under this section shall be reserved by the prescribed authority in the Janpad Panchayat within the district by rotation in the prescribed manner :

Provided also, that Janpad Panchayat where there is no reservation of seats for the Scheduled Castes or Scheduled Tribes as the case may be, shall be excluded for reservation of offices of President belonging to such castes or, such tribes, as the case may be.

(ii) Where the total population of Scheduled Castes and Scheduled

Tribes in the district is less than fifty per cent, twenty five percent of seats of President of Janpad Panchayat within the district shall be reserved for Other Backward Classes.

4[(3) Subject to the provisions of sub-sections (2) and (4) the President and Vice-President of the Janpad Panchayat shall be elected by and from amongst the elected members thereof.]

(4) If the President of Janpad Panchayat does not belong to the Scheduled Castes, Scheduled Tribes or Other Backward Classes, the Vice-President shall be elected from amongst the members belonging to such castes or tribes or classes.

(5) If a President or Vice-president of Janpad Panchayat becomes a member of either House of Parliament or a member of the State Legislative Assembly or a Chairman or Vice-Chairman of Co-operative Society, he shall be deemed to have vacated his office as President or Vice-President as the case may be, with effect from the date of his becoming such member or Chairman or Vice-Chairman, and a casual vacancy shall be deemed to have occurred in such office for the purposes of Section 38.

1. Substituted by M.P. Act No. 20 of 2005.

2. Inserted by M.P. Act No. 43 of 1997 (w.e.f. 5-12-1997).

3. Substituted by M.P. Act No. 18 of 2007 (w.e.f. 4-7-2007)

4. Substituted by M.P. Act No. 26 of 1994 (w.e.f. 30-5-1994).

26. Publication Of Names Of Members, President And Vice-President :-

The names of the members, President and Vice-President of Janpad Panchayat shall be published by the prescribed authority in such manner as may be prescribed.

27. First Meeting And Term Of Office :-

(1) First meeting of the Janpad Panchayat shall be held within 30 days of the date of publication under Section 26. Such meeting shall be convened by prescribed authority and provisions of Section 44 regarding meeting, as far as may be, shall apply in respect of the said meeting.

(2) Unless otherwise provided in the Act, the office-bearers of Janpad Panchayat shall hold office for five years from the date of the first meeting and no longer:

1[Provided that notwithstanding anything contained in this sub-section an office bearer of Janpad Panchayat shall cease to hold office forthwith on his ceasing to be a voter of a Gram Panchayat

area within the Block.]

(3) If before the expiry of the period prescribed in sub-section (2), the Janpad Panchayat is not newly constituted, it shall stand dissolved on the expiry of the said period and the provisions of Section 87 shall apply thereto for a period not exceeding six months within which the Janpad Panchayat shall be reconstituted in accordance with the provisions of this Act.

1. Substituted by M.P. Act No. 26 of 1994 (w.e.f. 30-5-1994).

28. No-Confidence Motion Against President Or Vice-President :-

(1) On a motion of no-confidence being passed by Janpad Panchayat by resolution passed by a majority of not less than three-fourth of the 1[elected members] present and voting and such majority is more than two-third of the total number of 1[elected members] constituting the Janpad Panchayat for the time being, the President or the Vice-President against whom such resolution is passed shall cease to hold office forthwith.

(2) Notwithstanding anything contained in this Act or the Rules made thereunder, a President or a Vice-President shall not preside over a meeting in which a motion of no-confidence is discussed against him. Such meeting shall be convened in such manner as may be prescribed and shall be presided over by an officer of the Government as the prescribed authority may appoint. The President or the Vice-President, as the case may be, shall have a right to speak at or otherwise to take part in the proceeding of the meeting.

(3) No-confidence motion shall not lie against the President or Vice-President within a period of,--

(i) 2[two and half year] from the date on which the President or Vice-President enter their respective office;

(ii) six months preceding the date on which the term of office of the President or Vice-President, as the case may be, expires;

(iii) 3[six months] from the date on which previous motion of no-confidence was rejected.

4[(4) If the President or the Vice-President, as the case may be, desires to challenge the validity of the motion carried out under sub-section (1), he shall, within ten days from the date on which such motion was carried, refer the dispute to the Commissioner, who shall decide it, as far as possible, within thirty days from the date on which it was received by him, and his decision shall be

final.]

1. Substituted by M.P. Act No. 32 of 1994 (w.e.f. 7-10-1994).
2. Substituted by M.P. Act No. 18 of 2007 (w.e.f. 4-7-2007).
3. Substituted by ibid.
4. Inserted by M.P. Act No. 2 of 1997 (w.e.f. 7-1-1997).

29. Constitution Of Zila Panchayat :-

(1) Every Zila Panchayat shall consist of the following :--

(i) Member elected from the constituencies;

1[(ii) x x x]

(iii) All members of Lok Sabha representing Parliamentary constituencies which wholly or partly from part of district;

(iv) All Members of Rajya Sabha returned from the State of Madhya Pradesh whose name appear in the list of voters of a Gram Panchayat area within the district;

(v) All members of the State Legislative Assembly returned from the district :

Provided that the members of Lok Sabha and Members of State Legislative Assembly whose constituencies wholly fall within the urban area shall not be the members of the Zila Panchayat :

2[Provided further that a member of the State Legislative Assembly or a member of Parliament who is a member of the Zila Panchayat, may nominate his representative, who possesses such qualifications as may be prescribed in this behalf, to attend the meeting of the Zila Panchayat if he is unable to do so owing to absence, illness or any other cause.]

2[(vi) All Chair-persons of Janpad Panchayats in the district :

Provided that Chair-person of Janpad Panchayat who is a member under this clause shall not be a member of the committees under Section 47.]

1[(2) x x x]

1[(3) x x x]

3[(4) If any constituency fails to elect a member, fresh election proceedings shall be commenced in such constituency within six months to fill the seat :

Provided that further proceedings of election of President and Vice-President of Zila Panchayat shall not be stayed pending the election of a member in accordance with this sub-section :

Provided further that if such constituency again fails to elect a member, fresh election proceedings shall not be commenced in such constituency unless the State Election Commission is satisfied

that there is likelihood of such constituency electing a member.]

1. Omitted by M.P. Act No. 26 of 1994 (w.e.f. 30-5-1994).

2. Inserted by M.P. Act No. 2 of 1997 (w.e.f. 7-1-1997).

3. Substituted by M.P. Act No. 26 of 1994 (w.e.f. 30-5-1994).

30. Division Of District Into Constituencies :-

(1) Subject to the provisions of sub-section (2), the State Government shall by notification divide a district into such number of constituencies that each constituency shall have as far as practicable, a population of fifty thousand and every constituency shall be a single member constituency :

Provided that where the population of a District is less than five lacs, it shall be divided into not less than ten constituencies and the population of each constituency shall as far as practicable, be the same in each constituency:

Provided further that the total number of constituencies shall not exceed thirty five.

(2) The ratio between the population of the territorial area of the Zila Panchayat and number of constituencies in such Zila Panchayat area, shall, as far as practicable, be the same throughout the State.

(3) (i) Seats shall be reserved for,--

(a) the Scheduled Castes; and

(b) the Scheduled Tribes,

in every Zila Panchayat 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 Zila Panchayat as the population of the Scheduled Castes or the Scheduled Tribes in that Zila Panchayat area bears to the total population of that area and such seats may be allotted by the prescribed authority 1[x x x] to different constituencies in that Zila Panchayat in the prescribed manner:

2[Provided that for the purpose of computing the number of seats to be reserved for Scheduled Tribes in the Zila Panchayat, other than the Scheduled Areas forming part of that district, the total population of the Scheduled Areas falling within that district and the population of Scheduled Tribes therein shall be excluded.]

(ii) In the Zila Panchayat where fifty per cent or less than fifty per cent seats have been reserved both for Scheduled Castes and Scheduled Tribes, twenty five per cent seats of the total number of seats shall be reserved for Other Backward Classes and such seats shall be allotted by rotation to different constituencies by the

Collector, in the prescribed manner.

(4) Not less than 3[half] of the total number of seats so reserved shall be reserved, for women belonging to the Scheduled Castes or, the Scheduled Tribes or Other Backward Classes, as the case may be.

(5) Not less than 3[half] (including the number of seats reserved for women belonging to Scheduled Castes, Scheduled Tribes and Other Backward Classes) of the total number of seats to be filled by direct election of Zila Panchayat shall be reserved for women and seats may be allotted by the prescribed authority by drawing lots and by rotation to different constituencies in a Zila Panchayat in the prescribed manner.

1[x x x]

4[(6) The constituencies which have no population of Scheduled Castes, Scheduled Tribes or Other Backward Classes shall be excluded for allotment of seats reserved for Scheduled Castes or Scheduled Tribes or Other Backward classes, as the case may be.]

1. Omitted by M.P. Act No. 5 of 1999 (w.e.f. 5-4-1999).

2. Inserted by M.P. Act No. 43 of 1997 (w.e.f. 5-12-1997).

3. Substituted by M.P. Act No. 18 of 2007 (w.e.f. 4-7-2007).

4. Inserted by M.P. Act No. 5 of 1999 (w.e.f. 5-4-1999).

31. Section 31 :-

1[x x x]

1. Omitted by M.P. Act No. 26 of 1994 (w.e.f. 30-5-1994).

32. Election Of President And Vice-President Of Zila Panchayat :-

1[(1) After every election of Panchayats, the State Election Commission shall immediately hold the election of President and Vice-President of Zila Panchayats, in such manner, as may be prescribed.]

(2) (i) Offices of President shall be reserved for,--

(a) the Scheduled Castes; and

(b) the Scheduled Tribes,

and the number of offices of President reserved for the Scheduled Castes and Scheduled Tribes 2 [including the number of offices of President reserved for the Scheduled Tribes in the Scheduled Areas under Chapter XIV-A] shall bear as nearly as may be, the same proportion to the total number of such offices in the State as the population of Scheduled Castes or, as the case may be, the

Scheduled Tribes bears to the total population of the State :
 Provided that not less than 3[half] of the total number of offices of President of Zila Panchayat shall be reserved for women ;
 4[Provided further that the offices of President reserved under this section shall be reserved by the prescribed authority in the Zila Panchayat within the State by rotation in the prescribed manner.]
 Provided also that the Zila Panchayat where there is no reservation of seats for the Scheduled Castes or as the case may be, the Scheduled Tribes shall be excluded from drawing of lots for reservation of offices of Presidents for such castes, or such Tribes, as the case may be;
 (ii) Twenty five per cent of seats of President of the Zila Panchayats in the State shall be reserved for Other Backward Classes.
 5[(3) Subject to the provisions of sub-sections (2) and (4), the President and the Vice-President of the Zila Panchayat shall be elected by and from amongst the elected members thereof.]
 (4) If the President of a Zila Panchayat does not belong to the Scheduled Castes or the Scheduled Tribes or Other Backward Classes the Vice-President shall be elected from amongst the members belonging to such Castes or Tribes or Classes.
 (5) If a President or a Vice-President of Zila Panchayat becomes a member of either House of Parliament or a member of the State Legislative Assembly or a Chairman or Vice-Chairman of a Co-operative Society, he shall be deemed to have vacated his office as President or Vice-President, as the case may be, with effect from the date of his becoming such member or Chairman or Vice-Chairman and a casual vacancy shall be deemed to have occurred in such office for the purpose of Section 38.

1. Substituted by M.P. Act No. 20 of 2005.
2. Inserted by M.P. Act No. 43 of 1997 (w.e.f. 5-12-1997).
3. Substituted by M.P. Act No. 18 of 2007 (w.e.f. 4-7-2007).
4. Substituted M.P. Act No. 5 of 1999 (w.e.f. 5-4-1999).
5. Substituted by M.P. Act No. 26 of 1994 (w.e.f. 30-5-1994).

33. Publication Of Names Of Members, President And Vice-President Of Zila Panchayat :-

The names of members, President and Vice-President of Zila Panchayat shall be published by the prescribed authority in such manner as may be prescribed.

33A. Correction Of Clerical Error Or Omission :-

1[Notwithstanding anything contained in the Act or the rules made thereunder, the clerical error or omission apparent on the face of the record regarding reservation of seats under sub-sections (4), (5) and (6) of Section 13, sub-sections (2), (3) and (4) of Section 17, sub-sections (3), (4) and (5) of Section 23, sub-section (2) of Section 25, sub-sections (3), (4) and (5) of Section 30 and sub-section (2) of Section 32, may be corrected by the prescribed authority with the prior permission of the State Government or the officer authorised by it for the purpose, at any time before the commencement of election proceedings.]

1. Inserted by M.P. Act No. 2 of 1997 (w.e.f. 7-1-1997).

34. First Meeting And Term Of Office :-

(1) First meeting of the Zila Panchayat shall be held within 30 days of the date of publication under Section 33. Such meeting shall be convened by the prescribed authority and provisions of Section 44 regarding meeting, as far as may be, shall apply in respect of the said meeting.

(2) Unless otherwise provided in this Act the office-bearers of Zila Panchayat shall hold office for five years from the date of the first meeting and no longer:

Provided that notwithstanding anything contained in this sub-section an office-bearer of Zila Panchayat shall cease to hold office forthwith on his ceasing to be,--

(a) a voter of the Gram Panchayat area within the district;

1[(b) x x x].

(3) If before the expiry of the period prescribed in sub-section (2) the Zila Panchayat is not newly constituted, it shall stand dissolved on the expiry of the said period and the provisions of Section 87 shall apply thereto for a period not exceeding six months within which the Zila Panchayat shall be reconstituted in accordance with the provisions of this Act.

1. Omitted by M.P. Act No. 26 of 1994 (w.e.f. 30-5-1994).

35. No Confidence Motion Against President And Vice-President Of Zila Panchayat :-

(1) On a motion of no-confidence being passed by Zila Panchayat by resolution passed by a majority of not less than three-fourth of the 1[elected members] present and voting and such majority is more than two-third of the total number of 1[elected members] constituting the Zila Panchayat for the time being the President or the Vice-President against whom such motion is passed shall cease to hold office forthwith.

(2) Notwithstanding anything contained in this Act or the rules made thereunder, President or Vice- President shall not preside

over a meeting in which a motion of no-confidence is discussed against him. Such meeting shall be convened in such a manner as may be prescribed and shall be presided over by an officer of the Government as the prescribed authority may appoint. The President or Vice- President as the case may be, shall have right to speak at or otherwise to take part in the proceeding of the meeting.

(3) No-confidence motion shall not lie against the President or Vice-President within a period of :--

(i) 2[two and half year] from the date on which the Zila President or Vice- President enter their respective office;

(ii) six months preceding the date on which the term of office of the President or Vice-President as the case may be, expires;

(iii) 3[six months] from the date on which previous motion of no-confidence was rejected.

4[(4) If the President or Vice-President, as the case may be, desires to challenge the validity of the motion carried out under sub-section (1), he shall within fifteen days from the date on which such motion was carried, refer the dispute to the State Government, which shall decide it, as far as possible, within forty-five days from the date on which it was recovered by it, and its decision shall be final.]

1. Substituted by M.P. Act No. 32 of 1994 (w.e.f. 7-10-1994).

2. Substituted by M.P. Act No. 18 of 2007 (w.e.f. 4-7-2007).

3. Substituted by ibid.

4. Inserted by M.P. Act No. 2 of 1997 (w.e.f. 7-1-1997).

36. Disqualification For Being Office-Bearer Of Panchayat :-

(1) No person shall be eligible to be an office-bearer of Panchayat who,--

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

(i) of an offence under the Protection of Civil Rights Act, 1955 (No. 22 of 1955) or under any law in connection with the use, consumption or sale of narcotics or any law corresponding thereto in force in any part of the State, unless a period of five years or such lesser period as the State Government may allow in any particular case has elapsed since his conviction; or

(ii) of any other offence and had been sentenced to imprisonment for not less than six months, unless a period of five years or such less period as the State Government may allow in any particular case has elapsed since his release; or

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

(c) is an applicant to be adjudged an insolvent or is an undischarged insolvent; or

1[2[(ca) Omitted]

(cb) has not paid all the dues which are recoverable by Panchayat and has not filed with nomination paper, the declaration of such intention that no money is due to be paid by him on any account payable to the Panchayat; or

(cc) has encroached upon any land or buildings of the Panchayat and Government; or]

(d) hold an office of profit under any Panchayat or is in the service of any other local authority or Co- operative Society or the State Government or Central Government or any Public Sector Undertaking under the control of the Central Government or the State Government :

Provided that no person shall be deemed to have incurred disqualification under this clause by reason of being appointed as a Patel under the Madhya Pradesh Land Revenue Code, 1959 (No. 20 of 1959); or

3[(e) has been dismissed from the service of the State Government or Central Government, or a Panchayat, or any other local authority, or a Co-operative Society, or any Public Sector Undertaking under the control of the Central Government or the State Government for corruption or for disloyalty; or]

(f) has directly or indirectly any share or interest in any contract with, by or on behalf of the Panchayat, while owning such share or interest :

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

(i) having share in any joint stock company or a share or interest in any Association registered under the Madhya Pradesh Society Registrikaran Adhiniyam, 1973 (No. 44 of 1973) or in any Co-operative Society which shall contract with or be employed by or on behalf of the Panchayat; or

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

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

(g) is employed as paid legal practitioner on behalf of the Panchayat; or

(h) is suffering from a variety of leprosy which is infectious; or
(i) has voluntarily acquired the citizenship of a Foreign State, or is under any acknowledgment of allegiance or adherence to a Foreign State; or
(j) has been disqualified under the Act repealed by Section 130 during the period of five years preceding the date of filing a nomination paper in any election to be held for the first time under this Act and the period of such disqualification has not elapsed or the disqualification has not been removed; or
(k) is disqualified by or under any law for the time being in force for the purpose of election to the State Legislative Assembly :
Provided that no person shall be disqualified on the ground that he is less than 25 years of age if he has attained the age of 21 years;
(l) is so disqualified by or under any law made by the legislature of the State.

4[(m) has more than two living children one of whom is born on or after the 26th day of January, 2001.]

(2) If any person having been elected 5[x x x] as an office-bearer of Panchayat,--

(a) subsequently becomes subject to any of the disqualification mentioned in sub-section (1) and such disqualification is not removable or being removable is not removed 3[or becomes office-bearer concealing his disqualification for it which has not been questioned and decided by any election petition under Section 122];

(b) accepts employment as legal practitioner against the Panchayat;

(c) absents himself from three consecutive meetings of the Panchayat or its Committee or does not attend half the number of meetings held during the period of six months without the leave of the Panchayat;

he shall, subject to the provisions of sub-section (3), cease to be such office-bearer and his office shall become vacant:

Provided that where an application is made by an office-bearer to the Panchayat for leave to absent himself under clause (c) and the Panchayat fails to inform the applicant of its decision on the application within a period of one month from the date of receipt of the application, the leave applied for, shall be deemed to have been granted by the Panchayat.

(3) In every case the authority competent to decide whether a vacancy has occurred under sub-section (2) shall be Collector in respect of Gram Panchayat and Janpad Panchayat and

Commissioner in respect of Zila Panchayat who may give his decision either on an application made to him by any person or on his own motion. Until, the Collector or the Commissioner, as the case may be, decides that the vacancy has occurred, the person shall not cease to be an office-bearer :

Provided that no order shall be passed under this sub-section against any office-bearer without giving him a reasonable opportunity of being heard.

(4) Any person aggrieved by the decision of Collector or Commissioner, as the case may be, under sub-section (3), may, within a period of 30 days from the date of such decision appeal to Commissioner or Board of Revenue respectively whose orders in such appeal shall be final.

1. Inserted by M.P. Act No. 16 of 2004 (w.e.f. 15-12-2004).

2. Omitted by M.P. Act No. 18 of 2007 (w.e.f. 4-7-2007).

3. Substituted by M.P. Act No. 5 of 1999 (w.e.f. 5-4-1999).

4. Inserted by M.P. Act No, 14 of 2000 (w.e.f. 26-1-2001).

5. Omitted by M.P. Act No. 26 of 1994 (w.e.f. 30-5-1994).

6. Inserted by M.P. Act No. 5 of 1999 (w.e.f. 5-4-1999).

37. Resignation Of Office- Bearer Of Panchayat :-

(1) A Panch of a Gram Panchayat or a member of Janpad Panchayat or a member of Zila Panchayat may resign his office by giving notice in writing to that effect to the Sarpanch or President as the case may be.

(2) The Sarpanch or Up-Sarpanch of a Gram Panchayat or the President or Vice-President of a Janpad Panchayat or Zila Panchayat may resign his office by giving notice in writing to the prescribed authority.

(3) The manner of giving notice and procedure for tendering resignation and its becoming effective shall be as may be prescribed :

Provided that a person tendering resignation may withdraw his resignation before it becomes effective.

38. Filling Up Of Vacancies :-

1[(1) (a) In the event of death, resignation, no confidence motion, or removal of an office-bearer of a Panchayat or on his becoming a member of State Legislative Assembly or a member of either House of Parliament before the expiry of his term, a casual vacancy shall be deemed to have occurred in his office and such vacancy shall be

filled as soon as may be by election in accordance with the provisions of the Act and the rules made thereunder;

2[(b) in the event of occurrence of a casual vacancy in the office of the Sarpanch of a Gram Panchayat, the Secretary of the Gram Panchayat, as the case may be, shall cause to be called a special meeting of the Panchayat immediately, but not later than fifteen days from the date of receipt of information from the prescribed authority regarding the vacancy and the members shall elect from amongst themselves a person to hold the office temporarily till a new Sarpanch, as the case may be, is elected in accordance with the provisions of this Act and the rules made thereunder and such officiating Sarpanch, as the case may be, shall perform all the duties and exercise all the powers of Sarpanch, during the pendency of election :

Provided that if the office of the Sarpanch is reserved for the member of Scheduled Castes or Scheduled Tribes or Other Backward Classes or for a woman, the officiating Sarpanch shall be elected from amongst the members belonging to the same category :

Provided further that where the office of Sarpanch is reserved for a woman belonging to Scheduled Castes or Scheduled Tribes or Other Backward Classes, and there is no other woman belonging to that category who can be elected to officiate as Sarpanch, any other woman belonging to the other reserved categories may be elected to officiate as Sarpanch during the casual vacancy.]

(c) If the out-going office-bearer fails to hand over any record, article, money or property of the Panchayat forthwith to his successor the prescribed authority may by order in writing direct him to do so and on his failure to comply with such direction the prescribed authority may proceed against him in accordance with Section 92 and take necessary steps to prosecute him under Section 98.]

3[(2)x x x];

1. Substituted M.P. Act No. 26 of 1994 (w.e.f. 30-5-1994).

2. Substituted M.P. Act No. 43 of 1997 (w.e.f. 5-12-1997).

3. Omitted by M.P. Act No. 43 of 1997 (w.e.f. 5-12-1997).

39. Suspension Of Office- Bearer Of Panchayat :-

(1) The prescribed authority may suspend from office any office-bearer,--

(a) against whom charges have been framed in any criminal

proceedings under 1[Chapters V-A, VI, IX], IX-A, X, XII, Sections 302, 303, 304-B, 305, 306, 312 to 318, 366-A, 366-B, 373 to 377 of Chapter XVI, Sections 395 to 398, 408, 409, 458 to 460 of Chapter XVII and Chapter XVIII of the Indian Penal Code, 1860 (XLV of 1860) or under any Law for the time being in force for the prevention of adulteration of food stuff and drugs, 2[suppression of immoral traffic in women and children, Protection of Civil Rights and Prevention of Corruption]; or

3[(b) x x x].

(2) The order of suspension under sub-section (1) shall be reported to the State Government within a period of ten days and shall be subject to such orders as the State Government may deem fit to pass. If the order of suspension is not confirmed by the State Government within 90 days from the date of receipt of such report it shall be deemed to have vacated.

4[(3) In the event that the Sarpanch of Gram Panchayat, President of Janpad Panchayat or Zila Panchayat, as the case may be, is suspended under sub-section (1), the Secretary or the Chief Executive Officer of the concerned Panchayat shall cause to be called a special meeting of the Panchayat immediately, but not later than fifteen days from the date of receipt of information from prescribed authority and the members shall elect from amongst themselves, a person to hold the office of Sarpanch or President temporarily, as the case may be, and such officiating Sarpanch or President shall perform all the duties and exercise all the powers of Sarpanch or President, as the case may be, during the period for which such suspension continues :

Provided that if the office of the Sarpanch or President is reserved for the member of Scheduled Castes or Scheduled Tribes or Other Backward Classes or for a woman, the officiating Sarpanch or President shall be elected from amongst the members belonging to the same category :

Provided further that where the office of Sarpanch or President is reserved for a woman belonging to Scheduled Castes or Scheduled Tribes or Other Backward Classes and there is no other woman member of the Panchayat belonging to that category who can be elected to officiate as Sarpanch or President, as the case may be, any other woman member belonging to the other reserved categories, may be elected to officiate as Sarpanch or President as the case may be].

(4) A person who has been suspended under sub-section (1) shall also forthwith stand suspended from the office of member or office-

bearer of any other Panchayat of which he is a member or office-bearer. Such person shall also be disqualified for being elected 5[x x x] under the Act during his suspension.

1. Substituted by M.P. Act No. 5 of 1999 (w.e.f. 5-4-1999).
2. Substituted by MP, Act No. 5 of 1999 (w.e.f. 5-4-1999).
3. Omitted by M.P. Act No. 43 of 1997 (w.e.f. 2-10-1997).
4. Substituted by M.P. Act No. 43 of 1997 (w.e.f. 5-12-1997).
5. Omitted by M.P. Act No. 26 of 1994 (w.e.f. 30-5-1994).

40. Removal Of Office- Bearers Of Panchayat :-

(1) The State Government or the prescribed authority may after such enquiry as it may deem fit to make at any time, remove an office-bearer,--

(a) if he has been guilty of misconduct in the discharge of his duties; or

(b) if his continuance in office is undesirable in the interest of the public :

Provided that no person shall be removed unless he has been given an opportunity to show cause why he should not be removed from his office.

Explanation.--For the purpose of this sub-section "Misconduct" shall include,--

(a) any action adversely affecting,--

(i) the sovereignty, unity and integrity of India; or

(ii) the harmony and the spirit of common brotherhood amongst all the people of State transcending religious, linguistic, regional, caste or sectional diversities; or

(iii) the dignity of women; or

(b) gross negligence in the discharge of the duties under this Act;

1[(c) the use of position or influence directly or indirectly to secure employment for any relative in the Panchayat or any action for extending any pecuniary benefits to any relative, such as giving out any type of lease, getting any work done through them in the Panchayat by an office-bearer of Panchayat.

Explanation.--For the purpose of this clause, the expression relative shall mean father, mother, brother, sister, husband, wife, son, daughter, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law or daughter-in-law :]

2[Provided further the final order in the inquiry shall be passed within 90 days from the date of issue of show cause notice to the concerned office-bearer and where the pending case is not decided

within 90 days, the prescribed authority shall inform all facts to his next senior officer in writing and request extension of time for disposal of the inquiry but, such extension of time shall not be more than 30 days.]

(2) A person who has been removed under sub-section (1) shall forthwith cease to be a member of any other Panchayat of which he is a member, such person shall also be disqualified for a period of six years to be elected 3[x x x] under this Act.

1. Inserted by M.P. Act No. 2 of 1997 (w.e.f. 7-1-1997).

2. Substituted by M.P. Act No. 20 of 2005.

3. Omitted by M.P. Act No. 26 of 1994 (w.e.f. 30-5-1994).

41. Bar To Hold More Than One Office :-

1[(1) A person who is elected to more than one office of Panchayats, may by notice in writing signed by him and delivered to the prescribed authority within 10 days from the date on which he is elected, or the later dates, if he is elected on different dates, intimate in which of the Panchayats he wishes to serve as an office-bearer and thereupon his seat in other Panchayats in which he does not wish to serve shall become vacant.

(2) In default of such intimation within the aforesaid period he shall be deemed to have opted for only one of the offices in the following order of preference,--

(a) a member of Zila Panchayat;

(b) a member of Janpad Panchayat;

(c) a Sarpanch of Gram Panchayat;

(d) a Panch of Gram Panchayat :

Provided that if such a person has attended a meeting of a Panchayat before delivering the notice he shall be deemed to have opted for the office in the said Panchayat.

(3) Any intimation under sub-section (1) shall be final and irrevocable.

(4) For the purposes of this section, a person shall be deemed to be elected on the date of declaration of the result.

1. Substituted by M.P. Act No. 26 of 1994 (w.e.f. 30-5-1994).

CHAPTER 4

CONDUCT OF ELECTION

42. Powers Of The State Election Commission :-

The superintendence, direction and control of the preparation of electoral rolls for and the conduct of all elections to the Panchayats

shall be vested in the State Election Commission.

42A. Power To Appoint Officers And Staff And To Assign Duties And Functions To Them :-

1[(1) In the exercise of powers under Section 42, the State Election Commission may, in consultation with the State Government, appoint officers and members of staff for conducting elections to Panchayats.

(2) The State Election Commission may assign such duties and functions to officers and members of staff appointed under sub-section (1) and invest such officers and members of staff with such powers and in relation to such areas as it may deem necessary or consider fit in relation to conduct of elections and matters connected therewith or incidental thereto.]

1. Inserted by M.P. Act No. 26 of 1994 (w.e.f. 30-5-1994).

43. Power To Make Rules :-

1[The State Government shall in consultation with the State Election Commission make rules for the preparation of Electoral rolls and conduct of all Elections to the Panchayats.]

1. Substituted by M.P. Act No. 26 of 1994 (w.e.f. 30-5-1994).

CHAPTER 5

CONDUCT OF BUSINESS AND THE PROCEDURE AT THE MEETING OF THE PANCHAYATS

44. Procedure Of Meeting :-

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

(2) The Chairperson of a Panchayat and other members of a Panchayat whether or not chosen by direct election from territorial constituencies shall have the right to vote in the meeting of the Panchayats.

(3) 1[The quorum for a meeting of Zila Panchayat and Janpad Panchayat shall be one-third, and for a meeting of Gram Panchayat shall be one-half, of the members constituting the concerned Panchayat for the time being]. If there be no quorum present at a meeting, the presiding authority shall, adjourn the meeting to such date and hour as may be fixed by it. A notice of the meeting so fixed shall be pasted in the office of the Panchayat. No quorum shall be necessary, for such postponed meeting, and no new subject for consideration may be brought before such meeting.

(4) The President or Sarpanch shall call a meeting of the Zila Panchayat, Janpad Panchayat or Gram Panchayat, as the case may be, atleast once every month. If the President or Sarpanch fails to

call the meeting in any month the 2[the Chief Executive Officer of the Zila Panchayat or Janpad Panchayat or Secretary of the Gram Panchayat as the case may be) shall issue a notice of the meeting of the Panchayat concerned as soon as twenty five days elapsed after the date of the last meeting.

(5) A report about the income and expenditure of the Gram Panchayat between the period of last meeting and the current meeting as well as the cumulative income and expenditure in the current financial year up to the current meeting shall be placed before the Gram Panchayat, in addition to any other subjects, by the Secretary of Gram Panchayat and such report shall be discussed by the Gram Panchayat. In case of Janpad Panchayat and Zila Panchayat such report shall be placed 2[by the Chief Executive Officer] in its meeting once in three months. The reports shall be prepared in such manner as may be prescribed.

(6) If more than fifty percent of the members of the Panchayat give requisition in writing for a special meeting of the Panchayat, the President or Sarpanch, as the case may be, shall call such a meeting within seven days of receipt of such requisition. If the President or Sarpanch as the case may be, fails to call the meeting on such requisition the members who have given requisition of a special meeting may call the meeting themselves and thereupon 2[the Chief Executive Officer of the Zila Panchayat or Janpad Panchayat or the Secretary of the Gram Panchayat as the case may be], shall issue notice of the meeting.

(7) If the President or the Sarpanch, as the case may be, fails on at least three occasions to act in accordance with sub-section (4) or sub-section (6), he shall be liable to be removed from his office under Section 40 and the provisions of Section 40 shall be applicable to him, who has been so removed.

1. Substituted by M.P. Act No. 43 of 1997 (w.e.f. 5-12-1997).

2. Substituted by M.P. Act No. 26 of 1994 (w.e.f. 30-5-1994).

45. Reconsideration Of Subjects Finally Disposed Of By Panchayats :-

No subject once finally disposed of by Panchayat shall within six months be reconsidered by it unless the recorded consent of not less than three-fourth of its members entitled to vote has been obtained thereto or unless the prescribed authority has directed its reconsideration.

46. Standing Committees Of Gram Panchayat :-

(1) A Gram Panchayat may for discharging its functions and duties, constitute standing committees not exceeding three and such committees shall exercise such powers as may be assigned to them by the Gram Panchayat. The committee shall be under the general control of the Gram Panchayat.

(2) No person shall be a member of more than two committees at a time.

(3) The term of office of the members of standing committee and the procedure for the conduct of business of the standing committee shall be such as may be prescribed.

47. Standing Committees Of Janpad Panchayat And Zila Panchayat :-

(1) Every Janpad Panchayat and every Zila Panchayat shall from amongst its 1[elected members] constitute the following standing committees, namely :--

(a) General Administration Committee.--

For all matters connected with establishment and service of Janpad or Zila Panchayat Administration, Integrated Rural Development Programme Planning, Budget, Accounts, Taxation and other financial matters and subjects not covered by the functions allotted to any other committee;

(b) Agriculture Committee.--

For Agriculture, animal husbandry, power, reclamation including soil conservation and contour bunding and fisheries compost manuring, seed distribution and other matters connected with development of agriculture and live-stock.

(c) Education Committee.--

For education including adult education, social welfare of the disabled and the destitutes, women and child welfare, removal of untouchability, relief of distress caused by floods, drought, earthquakes, hail storm, scarcity, locust worms and other such emergencies, temperance or prohibition, health and sanitation, tribal and harijan welfare;

(d) Communication and Works Committee.--

For communication, minor irrigation, rural housing, rural water supply, drainage and other public works;

(e) Co-operation and Industries Committee.--

For co-operation, thrift and small savings, cottage and village industries, markets and statistics.

(2) In addition to the five standing committees referred to in sub-section (1), a Janpad Panchayat or Zila Panchayat may with the approval of the prescribed authority, constitute one or more such committees for other matters not specified in the said sub-section.

2[(2-A) The Janpad Panchayat or Zila Panchayat may with the approval of the prescribed authority re-allocate the matters entrusted to any committee under sub-section (1) or sub-section (2) to any other such committees or entrust such committees any other matters not otherwise specified.]

(3) The General Administration Committee shall consist of Chairman of all the Standing Committees specified in sub-section (1) and constituted under sub-section (2).

(4) Every Committee except the General Administration Committee shall consist of at least five members to be elected by members, of the Janpad Panchayat or Zila Panchayat as the case may be, from amongst themselves in the manner prescribed :

Provided that a Committee, may co-opt not more than two persons having experience or special knowledge of the subjects assigned to the Committee. The persons so co-opted shall not have the right to vote in the proceedings of the Committee :

Provided further that the members of the Education Committee shall include atleast one women and a person belonging to Scheduled Castes or Scheduled Tribes.

3[x x x]

4[(4-A) (a) Every member of the Legislative Assembly who is a member of Janpad Panchayat, shall be ex-officio member of each Committee of that Panchayat;

(b) Every Member of Parliament who is a member of a Zila Panchayat shall be ex-officio member of any two committees of his choice in that Panchayat; and

(c) Every Committee of Zila Panchayat shall co-opt not more than two members of the Legislative Assembly who are members of that Panchayat, subject to the condition that a member of the Legislative Assembly shall not be member of more than two Committees.)

5[(5) Every Committee except the General Administration Committee and the Education Committee shall elect from amongst its elected members a Chairperson within such time and in such manner as may be prescribed :

Provided that :--

(i) The President of the Janpad Panchayat or Zila Panchayat, as the case may be, shall be ex-officio Chairperson of the General

Administration Committee;

(ii) the Vice-President of the Janpad Panchayat or Zila Panchayat, as the case may be, shall be ex-officio Chairperson of the Education Committee; and

(iii) the President and Vice-President of the Zila Panchayat and Janpad Panchayat, as the case may be, shall not be member of any Committee other than the Committee of which he is the Chairperson by virtue of clauses (i) and (ii) of this proviso.]

(6) Every Committee shall, in relation to the subject assigned to it exercise such powers and perform such of the functions of the Janpad Panchayat or Zila Panchayats as the case may be, as may be prescribed.

(7) No person shall be a member of more than three committees other than General Administration Committee at a time.

1. Substituted by M.P. Act No. 26 of 1994 (w.e.f. 30-5-1994).

2. Inserted by M.P. Act No. 26 of 1994 (w.e.f. 30-5-1994).

3. Omitted by M.P. Act No. 39 of 1995 (w.e.f. 19-12-1995).

4. Inserted by M.P. Act No. 39 of 1995 (w.e.f. 19-12-1995).

5. Substituted by M.P. Act No. 32 of 1999 (w.e.f. 7-10-1994).

47A. Resignation :-

1[A member of Standing Committee other than General Administration Committee and the Chairman of a Standing Committee other than the General Administration and Education Committees may resign by tendering his resignation in person to the President of the Janpad Panchayat or Zila Panchayat, as the case may be, and his resignation shall take effect from the date of its receipt by the President.

1. Inserted by M.P. Act No. 39 of 1995 (w.e.f. 19-12-1995).

47B. Dispute Regarding Validity Of Election Of Member Or Chairman :-

(1) The provisions of Section 122 relating to election disputes and rules made thereunder shall apply mutatis mutandis in relation to election of Member or Chairman under Sections 46 and 47.

(2) All legal proceedings relating to such election disputes pending before the State Government and its subordinate officers, shall stand transferred to the specified officers having jurisdiction under Section 122.

48. Powers And Duties Of Sarpanch, Up-Sarpanch, President And Vice-President :-

The Sarpanch and Up-Sarpanch and the President and Vice-President shall exercise such powers and perform such functions, as may be prescribed.

49. Functions Of Gram Panchayat :-

It shall be the duty of a Gram Panchayat in so far as the Gram Panchayat funds allow to perform within its areas the following functions :--

1[(1) to (17) omitted];

(18) establishment management and regulation of markets and melas other than public markets and public melas;

1[(19) to (29) omitted].

1. Omitted by M.P. Act No. 3 of 2001 (w.e.f. 26-1-2001).

49A. Other Functions Of The Gram Panchayat :-

1[Subject to the provisions of this Act and rules made thereunder and subject to policy, directions, instructions, general or special orders as may be issued by the State Government from time to time. It shall be duty of the Gram Panchayat to,--

(i) prepare annual plans for economic development and social justice of Panchayat area and submission thereof to the Janpad Panchayat within the prescribed time for integration with the Janpad Panchayat plan;

2[(ii) to (iv) omitted];

(v) ensure the execution of schemes, works, projects entrusted to it by any law and those assigned to it by the Central or State Government or Zila Panchayat or Janpad Panchayat;

2[(vi) to (viii) omitted];

3[(ix) consider the application for establishment of colonies falling within the Gram Panchayat area as defined in Section 61-A;]

2[(x) to (xiv) omitted];

(xv) to exercise control over local plans resources and expenditure for such plans];

4[(xvi) co-ordinate, evaluate and monitor activities of committees constituted by Gram Sabha;

(xvii) re-allocate to Gram Sabha the funds made available by the Central Government or State Government, pertaining to functions assigned to Gram Sabha, works, schemes and projects as per the norms fixed by the Central Government or State Government.]

1. Inserted by M.P. Act No. 2 of 1997 (w.e.f. 7-1-1997).

2. Omitted by M.P. Act No. 3 of 2001 (w.e.f. 26-1-2001).

3. Inserted by M.P. Act No. 43 of 1997 (w.e.f. 5-12-1997).

4. Inserted by M.P. Act No. 3 of 2001 (w.e.f. 26-1-2001).

50. Functions Of Janpad Panchayat :-

(1) Subject to the provisions of this Act and the rules made thereunder, and subject to general or special orders, as may be issued by the State Government, from time to time, it shall be the duty of a Janpad Panchayat, so far as the Janpad Panchayat funds allows to make reasonable provision in the Block for the following matters,--

(a) Integrated Rural Development, Agriculture, Social Forestry,

Animal Husbandry and Fisheries, Health and Sanitation, Adult Education, Communication and Public Works, Co-operation, Cottage Industries, Welfare of Women, youth and children, welfare of disabled and the destitutes and welfare of backward classes, family planning and sports and rural employment programmes;

(b) provision of emergency relief in cases of distress caused by fires, floods, drought, earthquake, scarcity, locust swarms, epidemics and other natural calamities;

(c) arrangement in connection with local pilgrimage and festivals;

(d) management of public ferries;

(e) management of public markets, public melas and exhibitions; and

(f) any other function with the approval of the State Government or Zila Panchayat.

1[(1-A) Subject to the provisions of this Act and rules made thereunder and subject to Policy, directions, instructions, general or special orders as may be issued by the State Government from time to time, it shall be the duty of the Janpad Panchayat to,--

(i) prepare the annual plan in respect of the schemes of economic development and social justice entrusted to it by the Act and those assigned to it by the State Government or the Zila Panchayat and submission thereof to Zila Panchayat within the prescribed time for integration with the District Panchayat Plan;

(ii) consider and consolidate the annual plan in respect of the scheme of economic development and social justice of all Gram Panchayats and the Janpad Panchayats and submission of the consolidated plan to Zila Panchayat;

(iii) prepare plan of works and development schemes to be undertaken from Janpad Panchayat Fund;

(iv) undertake regional planning and infrastructural development within the Janpad Panchayat;

(v) sanction, supervise, monitor and manage the works of development schemes from Janpad Panchayat Funds and for this purpose incur expenditure therefrom;

(vi) ensure the execution of schemes, works, projects entrusted to it by any law and those assigned to it by the Central or State Government or Zila Panchayat;

(vii) implement, execute, supervise, monitor and manage works, schemes programmes and projects through Gram Panchayats or through executing agencies, transferred by the State Government to Panchayats;

(viii) recommend for the consideration of Zila Panchayat any works

or development schemes which could be taken up by the Zila Panchayat in the block, and indicate the extent to which local resources are likely to be available in such works or schemes;

(ix) co-ordinate and guide the Gram Panchayats within the block;

(x) secure the execution of plans, projects, schemes or other works common to two or more Gram Panchayats in the block;

(xi) reallocate to Gram Panchayat funds made available by Central or State Government or the Zila Panchayat pertaining to the transferred schemes, works and projects as per the norms fixed by the Central or State Government or the Zila Panchayat, as the case may be;

(xii) take all necessary measures to mobilise resources by exercising the powers entrusted to it by any law or the Central or the State Government;

(xiii) exercise and perform such other powers and functions as the State Government may entrust to it.]

(2) The Janpad Panchayat shall control and supervise the administration of the community development block or tribal development block within its jurisdiction, as the case may be, and the functions and schemes assigned to such block by the State Government shall be implemented under the superintendence, directions and control of the Janpad Panchayat in accordance with the instructions issued by the State Government from time to time.

1. Inserted by M.P. Act No. 2 of 1997 (w.e.f. 7-1-1997).

51. Entrustment Of Certain Functions Of State Government To Janpad Panchayat :-

(1) The State Government may entrust, to a 1[Janpad Panchayat or Zila Panchayat] functions in relation to any matter to which the executive authority of the State Government extends or in respect of functions which have been entrusted to the State Government by the Central Government and the 1 [Janpad Panchayat or Zila Panchayat] shall be bound to perform such functions. It shall have necessary powers to perform such functions.

(2) Where functions are entrusted to a 1[Janpad Panchayat or Zila Panchayat) under sub-section (1), the 1[Janpad Panchayat or Zila Panchayat] shall in the discharge of those functions, act as an agent of the State Government.

(3) There shall be paid by the State Government to the 1[Janpad Panchayat or Zila Panchayat] such sum as may be deemed necessary for discharging the functions entrusted to it under this

section.

(4) The 1[Janpad Panchayat or Zila Panchayat] shall, for the purposes of discharging the functions entrusted to it under this section, be under the general control of the State Government or any other authority appointed by it and shall comply with such directions as may from time to time be given to it.

1. Substituted by M.P. Act No. 43 of 1997 (w.e.f. 5-12-1997).

52. Functions Of Zila Panchayat :-

1[2[(1) Subject to the provisions of this Act and rules made thereunder and subject to policy, directions, instructions, general or special orders as may be issued by the State Government from time to time, it shall be the duty of Zila Panchayat to,--

(i) prepare annual plans for economic development and social justice of the district and to ensure the co-ordinated implementation of such plan in respect of the matters transferred to Panchayats;

(ii) prepare annual plans in respect of the schemes entrusted to it by the law and those assigned to it by the Central or State Government;

(iii) co-ordinate, evaluate, and monitor activities and guide the Janpad Panchayat and Gram Panchayat;

(iv) ensure overall supervision, co-ordination and consolidations of the plans prepared by the Janpad Panchayat;

(v) ensure the execution of schemes, works, projects entrusted to it by any law and those assigned to it by the Central or State Government;

(vi) ensure the execution of transferred or delegated functions, works, schemes and projects of the Central or State Government;

(vii) reallocate to Janpad Panchayat and Gram Panchayats the funds made available by Central or State Government pertaining to the transferred functions, works, schemes and projects, as per the norms fixed by the Central or State Government;

(viii) co-ordinate the proposals for grants for any special purpose received from the Janpad Panchayat and forward them to the State Government;

(ix) secure the execution of plans, projects, schemes or other works common to two or more Janpad Panchayats;

(x) execute works, schemes and projects through Gram Panchayat or through the executing agencies transferred by the State Government to Panchayats, irrespective of their source of fund;

(xi) advise the State Government in development activities protection of the environment, social forestry, family welfare, welfare of the disabled, destitute, women, youth, children and weaker sections of the society;

(xii) administer and control the employees appointed and posted in Panchayats including staff transferred by the State Government to the Panchayats;

Explanation.--The administration and control of the staff transferred by the State Government shall include the exercise of such power as may be defined by the State Government from time to time by special or general order;

(xiii) take all necessary measures to mobilise the resources by exercising the powers entrusted to it by any law or the Central or State Government;

(xiv) exercise and perform such other powers and functions as the State Government may confer or entrust upon it].

3[(2) (a) Notwithstanding anything contained in the Madhya Pradesh Societies Registrikaran Adhiniyam, 1973 (No. 44 of 1973.) or any other State enactment for the time being in force, the District Rural Development Agency of the district shall stand merged with the Zila Panchayat of the district and all the assets and liabilities and functions of the said Agency shall stand transferred and be vested in, and be discharged and performed by the Zila Panchayat concerned.

(b) Notwithstanding anything contained in this Act, or any rules or bye-laws made thereunder, the pay, allowances and other benefits of all permanent employees of District Rural Development Agency, on the date of commencement of this sub-section shall be the existing pay, allowances and other benefits.]

1. Substituted by M.P. Act No. 26 of 1994 (w.e.f. 30-5-1994).

2. Substituted by M.P. Act No. 2 of 1997 (w.e.f. 7-1-1997).

3. Substituted by M.P. Act No. 43 of 1997 (w.e.f. 2-10-1997).

53. Powers Of State Government In Relation To Functions Of Panchayats :-

1[(1) (a) Subject to such conditions as may be specified by general or special order issued by the State Government, the Panchayat at the appropriate level shall have the powers and authority as may be necessary to enable them to function as institutions of self Government in relation to matters listed in Scheduled IV, including preparation of plans, implementation of schemes for economic

development and social justice, and other duties and functions assigned to them under Sections 49, 49-A, 50, 52 and Chapter XIV-A.

(b) The State Government may, by notification, endow Panchayats at the appropriate level with powers and responsibilities for the selection, recruitment, appointment and management of any cadre or cadres of employees required for the efficient implementation of schemes, subject to the staffing pattern approved by the State Government and such other conditions as it may deem fit.]

(2) The State Government may, by general or special order, add to any of the functions of Panchayats or withdraw the functions and duties entrusted to such Panchayatas, when the State Government undertakes the execution of any of the functions entrusted to Panchayat. The Panchayat shall not be responsible for such functions so long as the State Government does not re-entrust such functions to the Panchayats.

1. Substituted by M.P. Act No. 43 of 1997 (w.e.f. 2-10-1997).

54. Powers Of Gram Panchayat As To Public Health Facilities And Safety :-

Subject to the rules as the State Government may make in this behalf the Gram Panchayat shall have power :--

- (i) to regulate the offensive or dangerous trade;
- (ii) to remove the structures and trees;
- (iii) to maintain the sanitation, conservancy, drainage, water works, sources of water supply;
- (iv) to regulate the use of water;
- (v) to regulate slaughter of animals;
- (vi) to regulate establishment of workshops, factories and other industrial units;
- (vii) to ensure environmental control; and
- (viii) to carry out such functions as are necessary by or under the provisions of this Act.

55. Control Of Erection Of Building :-

(1) Subject to the provisions of this section no person shall erect any building or alter or add to any existing building or reconstruct any building without the permission in writing of the Gram Panchayat and except in accordance with bye-laws made in this behalf under this Act. Permission shall be presumed to have been granted if no refusal of such permission is communicated by the

Gram Panchayat within forty five days of the receipt of the application.

(2) If any person erects, alters, adds to or reconstructs any building without the permission of Gram Panchayat and contrary to any such conditions under which permission has been granted the Gram Panchayat may by written notice direct such person to stop the erection, alteration, addition or reconstruction and to alter or demolish such erection, alteration, addition or reconstruction, as it may deem necessary in the public interest within a period specified in notice.

(3) If any person fails to comply with the directions contained in the notice served under sub-section (2) by the Gram Panchayat within the period specified in such notice, the Gram Panchayat may, itself take such action as required to be done by such persons at the expense of such person which shall be paid by him within thirty days from the date on which a demand notice has been served by the Gram Panchayat. On failure to pay the expenses within specified period, the same shall be recovered as an arrear of land revenue.

1[(3-A) Notwithstanding anything contained in sub-section (3) whoever contravenes any provision of this section or the rules or bye-laws made thereunder or the conditions of permission granted by the Gram Panchayat or fails to comply with any lawful directions or requisition made under any of the said provisions may be prosecuted by the Gram Panchayat or the officer authorised by the State Government for this purpose and on conviction he shall be punished with simple imprisonment which may extend to six months or with fine which may extend to two thousand rupees or with both, and in case of continuing offence with further fine which may extend to two hundred and fifty rupees for every day during which the offence continued after the date of first conviction.]

(4) An appeal may be preferred to the prescribed authority from any direction or notice of the Gram Panchayat under sub-section (2) and the decision of the prescribed authority on such appeal shall be final.

1. Inserted by M.P. Act No. 5 of 1999 (w.e.f. 5-4-1999).

56. Hindrances, Obstructions And Encroachment Upon Public Streets And Open Sites :-

(1) Whoever within the Gram Panchayat area causes any hindrance, obstruction or encroachment over any public street or

open site or upon any drain in such street,--

(a) by building or setting up any wall, fence, rail, post, stall, verandah, platform, plinth, step or any other structure; or

(b) without written permission of the Gram Panchayat or contrary to the conditions mentioned in such permission by putting up any verandah, balcony, room or other structure so as to project over any public street or upon any drain in such street; or

(c) by unauthorisedly removing earth, sand or other material from any site; or

(d) by unauthorisedly cultivating any grazing or other land, may be punished with fine, which may extend to 1[one thousand rupees] and in case of continuing offence with further fine which may extend to 1[twenty rupees] for every day during which such encroachment, obstructions or projection continues after the date of first conviction for such offence.

(2) Notwithstanding anything contained in sub-section (1), the Gram Panchayat shall have power to remove any such obstruction or encroachment and to remove any crop unauthorisedly cultivated on grazing or any other land not being private property and shall have the like power to remove any unauthorised obstruction or encroachment or projection of the like nature in any open site not being private property, whether such site is vested in Gram Panchayat or not and the expenses of such removal shall be paid by the person who has caused the said encroachment and on failure to pay such expenses the same may be recovered from such person as an arrear of land revenue :

2[Provided that notwithstanding anything contained in sub-section (1) and this sub-section if the Gram Panchayat resolves to remove any hindrances, obstruction or encroachment on any land vested in the State Government it may refer to the Tehsildar to remove such hindrances, obstruction or encroachment from such land and the Tehsildar shall proceed to do so under the provisions of the Madhya Pradesh Land Revenue Code, 1959 (No. 20 of 1959)].

(3) Notwithstanding anything contained in this section the Gram Panchayat may allow any temporary occupation or erection in or putting projection over any public place for not exceeding ten days in such manner so as not to cause inconvenience to the public or any individual, on occasions of festivals and ceremonies in accordance with the bye-laws made under this Act.

(4) The Gram Panchayat shall not pass any order in the exercise of powers under this section until the person concerned has been given a reasonable opportunity of being heard.

1. Substituted by M.P. Act No. 26 of 1994 (w.e.f. 30-5-1994).
2. Substituted by M.P. Act No. 28 of 1998 (w.e.f. 4-9-1998).

56A. Delegation Of Powers Of Gram Panchayat Under Sections 55 And 56 :-

1[In case of a Special Economic Zone, the powers of Gram Panchayat under Section 55 and 56 shall be delegated to the Development Commissioner.]

1. Inserted by M.P. Act No. 18 of 2007 (w.e.f. 4-7-2007).

57. Powers To Name Streets And Number Of Building :-

The Gram Panchayat may cause a name given to any street and may also cause a number to be affixed to any building and from time to time, cause such name of streets and number of buildings to be altered.

58. Regulation Of Markets Or Melas :-

(1) Save as provided in the Madhya Pradesh Krishi Upaj Mandi Adhiniyam, 1972 (No. 24 of 1973), no person except Gram Panchayat shall within the Gram Panchayat area set up, establish or use any place for the purpose of a market or a mela :

Provided that the State Government, may by notification, declare any market or mela to be public market or public mela and the public market or public mela, as the case may be, so declared shall vest in the Janpad Panchayat.

(2) The State Government may make rules to regulate the market or the mela specified in sub-section (1).

59. Powers Of Janpad Panchayat To Turn, Divert, Discontinue Or Close Roads :-

A Janpad Panchayat may, with the sanction of the prescribed authority, turn, divert, discontinue or permanently close any road which is under the control and administration of, or is vested in the Janpad Panchayat.

60. Encroachment Upon Road And Land Vested In Janpad Panchayat :-

(1) Whoever erects or encroaches or obstructs any road, street, land, building or structure which vest in the Janpad Panchayat shall on conviction be punished with a fine, which may extend to 1[one thousand rupees].

(2) The Chief Executive Officer shall have power to remove any such obstruction or encroachment and the expenses of such removal shall be paid by the person who has caused the said obstruction or encroachment and on his failure to pay, the same shall be recoverable as an arrear of land revenue :

Provided that before proceeding to remove any such obstruction or encroachment, the Chief Executive Officer may, by a written notice, call upon the person who has caused such obstruction or encroachment to remove it within the time specified in the notice, or show cause as to why the same should not be removed.

(3) Nothing in this section shall prevent a Janpad Panchayat from allowing any temporary occupation of erection on, the places mentioned in sub-section (1) on occasions of festivals and ceremonies for such period as it may deem fit, in such manner so as not to cause inconvenience to the public or any individual.

1. Substituted by M.P. Act No. 26 of 1994 (w.e.f. 30-5-1994).

61. Power To Compromise :-

A Panchayat may, with the previous sanctions of the prescribed authority, compromise any suit instituted by or against it or any claim or demand arising out of any contract entered into it under this Act on such terms as it may deem fit.

Chapter : VIA - COLONIZATION

61A. Definitions :-

For the purposes of this Chapter "Gram Panchayat area means such area which is situated in the Gram Panchayat within a distance of,--

- (i) sixteen kilometers from the limits of a Municipal Corporation constituted under the Madhya Pradesh Municipal Corporation Act, 1956 (No. 23 of 1956);
- (ii) eight kilometers from the limits of a Municipal Council or Nagar Panchayat constituted under the Madhya Pradesh Municipalities Act, 1961 (No. 37 of 1961);
- (iii) three kilometers from the limits of an urban area other than those specified in (i) and (ii) above;
- (iv) one kilometers from the side of a National Highway specified in or declared under the National Highway Act, 1956 (XLVII of 1956) or public road notified under Section 2 of the Madhya Pradesh Highway Act, 1936 (XXXIV of 1936).

1. Inserted by M.P. Act No. 43 of 1997 (w.e.f. 5-12-1997).

61B. Registratio n Of Colonizer :-

(1) Any person who intends to undertake the establishment of a colony in the Gram Panchayat area for the purpose of dividing land into plots, with or without developing the area, transfers or agrees to transfer gradually, or at a time, to persons desirous of settling down on those plots by constructing residential, non-

residential or composite accommodation shall apply to the Sub-Divisional Officer (Revenue) for the grant of a registration certificate, alongwith a copy of the resolution duly passed by the Gram Panchayat in support of the establishment of the colony.

(2) On receipt of the application for registration under sub-section (1), the Sub-Divisional Officer (Revenue) shall, subject to the rules made in this behalf, either issue or refuse to issue the registration certificate within thirty days :

Provided that if the Sub-Divisional (Revenue) refuses to issue the registration certificate, the reasons for refusal shall be intimated to the applicant.

(3) The State Government shall have power to make rules prescribing the form of application, amount of fees for registration and other terms and conditions, for issue of registration certificate.

61C. Development Of Colonies :-

The registration certificate shall entitle the Colonizer to undertake the development of colonies in the Gram Panchayat area subject to the provisions of this Act and the rules made in this behalf.

61D. Punishment For Illegal Colonization :-

(1) A Colonizer who, in contravention of the provisions of Section 172 of the Madhya Pradesh Land Revenue Code, 1959 (No. 20 of 1959) and the rules made thereunder, diverts the land or part thereof, commits an offence of illegal diversion of land.

(2) A Colonizer who divides his land or the land of any other person into plots with the object of establishing a colony in breach of the requirements contemplated in this Act or the rules made in this behalf, commits an offence of illegal colonization.

(3) Whoever commits or abets the commission of an offence of illegal diversion or illegal colonization shall be punished with simple imprisonment which may extend to six months or with a minimum fine of ten thousand rupees or with both.

(4) Whoever constructs a building in an area of illegal diversion or illegal colonization commits an offence of illegal construction.

(5) Whoever commits an offence of illegal construction shall be punished with simple imprisonment which may extend to six months or with a minimum fine of one thousand rupees or with both.

61E. Punishment For Abetment Of Offence Of Illegal Construction :-

Whoever in the area of illegal diversion or illegal colonization or illegal construction,--

(i) being an officer having power to sanction layout or map for the construction of a building grants sanction or approves such layout or map; or

(ii) being an officer under a primary duty to do so knowingly omits to report illegal diversion of land or illegal construction of a building in such an area to the proper authority; or

(iii) being an officer or an employee responsible to take action against the illegal diversion of land or illegal colonization or illegal construction of a building in such an area fails to take action; or

(iv) being an officer or the authority competent to sanction electrical or water supply connection grants such sanction with respect to the building in such an area; or

(v) illegally influences the officers aforesaid in granting such sanction or in omitting to make a report of such illegal diversion of land or construction of building in areas;

shall be punished with simple imprisonment which may extend to six months or with fine or with both :

Provided that nothing contained in clause (iv) shall apply to the cases where the Collector, with the approval of the State Government, certifies that in public interest there is no objection to provide electrical and water supply connection to the building in the area of illegal diversion or illegal colonization.

61F. Transfer Of Plots In Area Of Illegal Diversion Or Illegal Colonization To Be Void :-

(1) Notwithstanding anything contained in the Madhya Pradesh Land Revenue Code, 1959 (No. 20 of 1959) the transfer or agreement to transfer of plots made by a colonizer, in an area of illegal diversion or illegal colonization, shall be void.

(2) The prescribed authority may after giving show cause notice to the parties takes over the management of the land, cause the area to be planned and developed and shall thereafter allot the land preferentially amongst the plot holders in such manner and subject to such conditions as may be prescribed.

(3) The allottee shall on fulfilment of the conditions be deemed to be a valid transferee of the plot from the Colonizer and the power of the prescribed authority as manager of the plot shall come to an end.

61G. Forfeiture Of The Land Involved In Illegal Colonization :-

The right, title or interest of the colonizer in the land under illegal colonization, shall upon and from the date of conviction of the Colonizer under sub-section (3) of Section 61-D stand forfeited and vested in the Gram Panchayat free from all encumbrances.

CHAPTER 7

FUND AND PROPERTY OF PANCHAYAT

62. State Government May Vest Certain Property In Panchayat :-

(1) The State Government may by notification and subject to such conditions and restrictions as it may think fit to impose, vest in a Gram Panchayat, Janpad Panchayat or Zila Panchayat as the case may be, any property vested in the State Government.

(2) The State Government may, resume any property vested in the Panchayat under sub-section (1). No compensation other than the amount paid by the Panchayat for such transfer or the market value at the date of resumption of any building or works erected or executed on such property by the Panchayat shall be payable :

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

63. Assignment Of Funds To The Panchayat :-

The State Government may assign to a Panchayat such taxes, tolls and fees levied and collected by the State Government and may make grant-in-aid from the consolidated fund of the State for such purpose and subject to such conditions and limits as the State Government may deem fit.

64. Grant-In-Aid To Panchayat :-

The State Government shall make grant-in-aid to the Panchayats as may be decided on the basis of recommendations of the State Finance Commission.

65. Transfer Of Immovable Property :-

(1) No immovable property vested in or belonging to a Panchayat shall be transferred by sale, gift, mortgage or exchange or by lease for a period exceeding three years, or otherwise except with the sanction of the State Government or any officer authorised by it in this behalf.

(2) The procedure of transfer of immovable property shall be such as may be prescribed.

66. Panchayat Fund :-

(1) Every Panchayat shall establish a fund to be called the Panchayat Fund and all sums received by the Panchayat, shall form part of the said Fund.

(2) Subject to the provisions of this Act and the rules made thereunder, all property vested in the Panchayat and the Panchayat Fund shall be applied for the purposes of this Act or for other purposes connected with activities for the development of Panchayats generally or for such other expenses as the State Government may approve on an application of Panchayat or otherwise in the public interest. The Panchayat Fund shall be kept in the nearest Government Treasury or Sub-Treasury or Post Office or Co-operative Bank or Scheduled Bank or its branch.

(3) An amount allotted to the Panchayat by the State Government or any other person or local authority for any specified work or purpose shall be utilised exclusively for such work or purposes and in accordance with such instructions as the State Government may either generally or specially issue in this behalf.

1[(4) All amounts from the Panchayat Fund shall be drawn under,--
(i) the joint signature of the Sarpanch and Secretary in the case of

a Gram Panchayat;

(ii) the signature of the Chief Executive Officer or any other officer authorised by Chief Executive Officer, in the case of a Janpad Panchayat or Zila Panchayat, as the case may be :

Provided that in the case of a Janpad or Zila Panchayat all amounts shall be drawn only in accordance with the Annual Budget, Detailed Action Plan setting out purposes and with the prior approval of the General Administration Committee of the Janpad Panchayat or Zila Panchayat, as the case may be :

Provided further that information regarding all receipts into and drawals from the Panchayat Fund shall be placed before the Panchayat in its next meeting].

2[(5) & (6) x x x]

1. Substituted by M.P. Act No. 43 of 1997 (w.e.f. 5-12-1997).

2. Omitted by M.P. Act No. 43 of 1997 (w.e.f. 5-12-1997).

67. Mode Of Executing Contract :-

The mode of the executing the contracts by the Panchayats shall be such as may be prescribed.

68. Powers To Make Grant -In-Aid :-

Subject to the previous sanction of the State Government or the prescribed authority the Panchayat may make grant-in-aid for any work of public utility.

CHAPTER 8

ESTABLISHMENT, BUDGET AND ACCOUNTS OF PANCHAYATS

69. Appointment Of Secretary And Chief Executive Officer :-

(1) The State Government or the prescribed authority may appoint a Secretary for a Gram Panchayat or group of two or more Gram Panchayats :

Provided that the person holding the charge of a Secretary of Gram Panchayat immediately before the commencement of this Act shall continue to function as such till a Secretary is appointed in accordance with this section.

1[Provided further that a person shall not hold charge of a Secretary of Gram Panchayat, if such a person happens to be relative of any office-bearer of the concerned Gram Panchayat.

Explanation.--For the purpose of this sub-section the expression "relative" shall mean father, mother, brother, sister, husband, wife,

son, daughter, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law.]

2[(2) The State Government shall appoint for every Janpad Panchayat a Chief Executive Officer and may also appoint one or more Additional Chief Executive Officers, who shall discharge such functions and perform such duties as may be assigned to them by the Chief Executive Officer].

3[(3) The State Government shall appoint for every Zila Panchayat a Chief Executive Officer and may also appoint one or more Additional Chief Executive Officers, Deputy Chief Executive Officers and Executive Officers who shall discharge such functions and perform such duties as may be assigned to them by the Chief Executive Officer].

(4) During the absence of a Secretary of Gram Panchayat or 4[Chief Executive Officer of Janpad Panchayat or Zila Panchayat] due to leave, retirement, death, resignation or otherwise the prescribed authority shall, as soon as possible, make such arrangements as he deems fit, for carrying on the office of Secretary of Gram Panchayat or 5[Chief Executive Officer of Janpad Panchayat or Zila Panchayat] as the case may be. A person while carrying on such office shall exercise all powers conferred by this Act or rules made thereunder on the Secretary of Gram Panchayat or 5[Chief Executive Officer of Janpad Panchayat or Zila Panchayat] as the case may be.

(5) The Secretary of the Gram Panchayat, the 5[Chief Executive Officer of Janpad Panchayat or Zila Panchayat] shall be responsible for keeping and maintaining the records of the Janpad Panchayat, Janpad Panchayat or Zila Panchayat as the case may be.

1. Inserted by M.P. Act No. 2 of 1997 (w.e.f. 7-1-1997).

2. Substituted by M.P. Act No. 43 of 1997 (w.e.f. 5-12-1997).

3. Substituted by M.P. Act No. 2 of 1997 (w.e.f. 7-1-1997).

4. Substituted by M.P. Act No. 26 of 1994 (w.e.f. 30-5-1994).

5. Substituted by Ibid.

70. Other Officers And Servants Of Panchayat :-

(1) Subject to the provisions of Section 69 every panchayat may with previous approval of prescribed authority appoint such other officers and servants as it considers necessary for the efficient discharge of its duties.

(2) The qualification, method of recruitment, salaries, leave, allowance and other conditions of service including disciplinary

matters of such officer and servants shall be such as may be prescribed.

71. Deputation Of Government Servant :-

The State Government may depute to the service of the Panchayat such of its servants as it considers necessary. The service conditions of such deputed servants shall be such as may be prescribed, by the State Government from time to time.

72. Functions Of Chief Executive Officer And Secretary :-

The functions of Secretary of a Gram Panchayat, Chief Executive Officer of Janpad Panchayat and 1 [Chief Executive Officer of Zila Panchayat] shall be such as may be prescribed.

1. Substituted by M.P. Act No. 26 of 1994 (w.e.f. 30-5-1994).

73. Budget And Annual Accounts :-

(1) Every Panchayat shall prepare annually in such form and in such manner and by such date, as may be prescribed, budget estimates, of its receipts and expenditure for the next financial year.

(2) The budget estimates prepared under sub-section (1) shall be approved by such authorities and in such manner as may be prescribed.

(3) The annual accounts and report of administration by panchayats shall be presented to the prescribed authority in the prescribed manner.

CHAPTER 9

TAXATION AND RECOVERY OF CLAIMS

74. Power To Levy Cess On Land :-

1[(1) Every tenure holder and Government lessee shall be liable to pay for each revenue year for the purpose of this Act, a cess in respect of land held by him within the 2[Gram Sabha area] at the rate of fifty paise on every rupee or part thereof exceeding fifty paise on the land revenue or rent assessed on such land.

(2) A 2[Gram Sabha] may increase the rate specified in sub-section (1) to the extent of ten rupees through a resolution passed to this effect in the prescribed manner.

(3) The cess levied under sub-sections (1) and (2) and the development tax levied under sub-section (3) of Section 77 shall be

in addition to the land revenue or rent or any other cess or tax on such land under the Madhya Pradesh Land Revenue Code, 1959 (No. 20 of 1959) or under any other enactment for the time being in force and shall be payable and collected so far as may be in the same manner as the land revenue.

Explanation.--In this section the expression "tenure holder" "Government lessee," "land revenue" and "rent" shall have the same meaning as assigned to them in the Madhya Pradesh Land Revenue Code, 1959 (No. 20 of 1959)].

1. Substituted by M.P. Act No. 2 of 1997 (w.e.f. 1-10-1998).
2. Substituted by M.P. Act No. 23 of 2001 (w.e.f. 10-10-2001).

75. Duty On Transfer Of Property Within Block :-

The duty imposed under the Indian Stamp Act, 1899 (No. 2 of 1899), on instrument relating to sale, gift or mortgage of immovable property situated within the block be increased by one percent on the value of such property or in the case of mortgage on the amount secured by the instrument :

1[Provided that such extra stamp duty levied in respect of mortgage shall not exceed the amount of stamp duty thereon :

Provided further that no extra stamp duty is leviable in respect of any instrument exempted from stamp duty under the Indian Stamp Act, 1899 or the rules made thereunder.]

1. Inserted by M.P. Act No. 2 of 1997 (w.e.f. 7-1-1997).

76. District Panchayat Raj Fund :-

1[(1) There shall be constituted and operated in such manner as may be prescribed by the State Government, a separate fund at the district level by the name "District Panchayat Raj Fund" (hereinafter referred to as the "said Fund").

2[(2) The proceeds of development tax under sub-section (3) of Section 77 along with such other taxes, duties, tolls, fees and other receipts as may be specified by the State Government shall, after deducting the collection charges, as may be determined by the State Government from time to time, be credited into the said fund.

(3) The proceeds of the extra stamp duty under Section 75 shall first be credited to the Consolidated Fund of the State in such manner as may be prescribed and the State Government shall at the commencement of each financial year, if the Legislative Assembly by appropriation made by law in this behalf so provides,

withdraw from the Consolidated Fund of the State an amount equivalent to the proceeds realised by the State Government in the proceeding financial year].

1. Substituted by M.P. Act No. 2 of 1997 (w.e.f. 1-10-1998).

2. Substituted by M.P. Act No. 23 of 2001 (w.e.f. 10-10-2001).

76A. Distribution Of Amount Amongst Panchayats :-

1[2[(1) x x x]

2[(2) x x x]

(3) The development tax realised under sub-section (3) of Section 77 from a Janpad Panchayat area shall be transferred to the concerned Janpad Panchayat and the Gram Panchayats within that Janpad Panchayat, in such proportion and manner as may be prescribed.

(4) The amount pertaining to extra stamp duty, shall be paid to Janpad Panchayats as grant-in-aid subject to such rules as may be made in this behalf.

(5) The amount realised in the fund pertaining to other taxes, duties, tolls, fees and other receipts specified under sub-section (2) of Section 76, shall be distributed among the Panchayats in such manner, as may be prescribed.]

1. Inserted by M.P. Act No. 2 of 1997 (w.e.f. 1-10-1997).

2. Omitted by M.P. Act No. 23 of 2001 (w.e.f. 10-10-2001).

77. Other Taxes :-

(1) Subject to the provisions of this Act and to such conditions and exceptions, as may be prescribed every Gram Panchayat and Janpad Panchayat shall impose the taxes specified in Schedule I.

(2) With the previous approval of the Janpad Panchayat, a Gram Panchayat and with the previous approval of the Zila Panchayat, a Janpad Panchayat may impose any of the taxes specified in the Scheduled II.

(3) A Janpad Panchayat may levy development tax on agriculture land. The tax so levied shall be payable in the same manner as land revenue.

77A. Power To Impose Tax :-

1[(1) Subject to the provisions of this Act and to such conditions and exceptions as may be prescribed, every Gram Sabha shall impose the taxes specified in Schedule I-A.

(2) A Gram Sabha may impose any of the taxes specified in Schedule II-A.]

1. Inserted by M.P. Act 3 of 2001 (w.e.f. 26-1-2001).

78. Power Of State Government To Regulate Taxes :-

(1) The State Government may make rules to regulate the imposition, assessment, collection and sharing of taxes under Section 77.

(2) No objections shall be taken to any assessment nor shall be the liability of any person to be assessed or taxed be questioned otherwise than in accordance with the provisions of this Act or the rules made thereunder.

79. Appeal Against Taxation :-

An appeal against any tax, imposed under Section 77 may be preferred to the prescribed authority in such manner and within such time as may be prescribed and the decision of such authority shall be final.

80. Lease Of Market Fee Etc. :-

The Panchayat may by public auction in the prescribed manner, lease the collection of any fee specified in Schedule III.

81. Recovery Of Arrears :-

Any arrear of tax, or fee and fines imposed, or any amount due under this Act shall be recoverable by the Collector as if it were an arrear of land revenue.

82. Penalty For Evasion :-

1[When a person is in default in making a payment of any tax, fee, rate or any other amount due, shall in addition to the amount of arrears, be liable, by way of penalty, to pay a sum of five hundred rupees or ten times the amount of such tax, fee, rate or any other amount due, whichever is higher.]

1. Substituted by M.P. Act No. 26 of 1994 (w.e.f. 30-5-1994).

83. Power Of State Government In Regard To Relief In Taxes :-

(1) If on a complaint made to it or otherwise it appears to the State Government that any tax imposed by a Panchayat is excessive in its incidence on tax payer it may, after calling a report from the Panchayat in this regard, abolish any tax or suspend or reduce the amount or rate of any tax.

(2) The State Government may, on its own motion or otherwise after giving the Panchayat an opportunity of expressing its view in the matter, by order, exempt from the payment of any tax in whole or in part any person or class of persons or any property or

description of properties subject to such conditions as may be specified in such order.

CHAPTER 10
CONTROL

84. Inspection Of Works Of Panchayats :-

(1) The officer of the State Government duly authorised by the State Government in this behalf may, subject to such terms as may be prescribed, inspect the proceedings of a Panchayat.

(2) The officers authorised under sub-section (1) shall, for the inspection of the Panchayats, exercise such powers as may be prescribed.

(3) The office-bearers, and the officers and servants of the Panchayat shall be bound to afford access to all such information and records as may be demanded by the inspecting authority.

85. Power To Suspend Execution Of Orders Etc. :-

(1) The State Government or the prescribed authority may by an order in writing and for reasons to be stated therein suspend the execution of any resolution passed, order issued, licence or permission granted or prohibit the performance of any act by a Panchayat, if in his opinion,--

(a) such resolution, order, licence, permission or act has not been legally passed, issued, granted or authorised;

(b) such resolution, order, licence, permission or act is in excess of the powers conferred by this Act or is contrary to any law; or

(c) the execution of such resolution or order, or the continuance in force of such licence or permission or the doing of such act is likely,--

(i) to cause loss, waste or misapplication of any money or damage to any property vested in the Panchayat;

(ii) to be prejudicial to the public health, safety or convenience;

(iii) to cause injury or annoyance to the public or any class or body of persons; or

(iv) to lead to a breach of peace.

1[(2) Whenever an order is made by the prescribed authority under sub-section (1), it shall forthwith and in no case later than ten days from the date of order, forward to the State Government or the Officer nominated by the State Government for this purpose, copy of the order with the statement of reasons for making it, and the State Government or the officer nominated by it 2[may confirm, set

aside, revise or modify the order or direct that it shall continue to be in force with or without modification permanently or for such period as may be deemed fit :

Provided that no order of the prescribed authority passed under sub-section (1) shall be confirmed, 3 [set aside], revised or modified by the State Government or the officer nominated by it without giving the Panchayat concerned a reasonable opportunity of being heard against the proposed order].

1. Substituted by M.P. Act No. 2 of 1997 (w.e.f. 7-1-1997).

2. Substituted by M.P. Act No. 43 of 1997 (w.e.f. 5-12-1997).

3. Inserted by M.P. Act No. 43 of 1997 (w.e.f. 5-12-1997).

86. Power Of State Government To Issue Order Directing Panchayat For Execution Of Works In Certain Cases :-

1[(1) The State Government or the prescribed authority may, by an order in writing, direct any Panchayat to perform any duty imposed upon it, by or under this Act, or by or under any other law for the time being in force or any work as is not being performed or executed, as the case may be, by it and the performance or execution thereof by such Panchayat is, in the opinion of the State Government or prescribed authority, necessary in public interest].

(2) The Panchayat shall be bound to comply with direction issued under sub-section (1) and if it fails to do so 1[the State Government or the prescribed authority shall have all necessary powers to get the directions complied with at the expense, if any, of the Panchayat] and in exercising such powers it shall be entitled to the same protection and the same extent under this Act as the Panchayat or its officers or servants whose powers are exercised.

1. Substituted by M.P. Act No. 43 of 1997 (w.e.f. 5-12-1997).

87. Power Of State Government To Dissolve Panchayat For Default, Abuse Of Powers Etc. :-

(1) If at any time it appears to the State Government or the prescribed authority that a Panchayat is persistently making default in the performance of the duties imposed on it by or under this Act or under any other law for the time being in force, or exceeds or abuses its powers or fails to carry out any order of the State Government or the competent authority, the State Government or the prescribed authority, may after such enquiry as it may deem fit, by an order dissolve such Panchayat and may order a fresh constitution thereof.

(2) No order under sub-section (1) shall be passed unless reasonable opportunity has been given to the Panchayat for furnishing its explanation. The notice calling explanation shall be addressed to the Sarpanch or President of Gram Panchayat, Janpad Panchayat or Zila Panchayat as the case may be, and shall be served according to the provisions of Section 119. The reply of the Panchayat to the notice shall be supported by the resolution of the Panchayat.

(3) On dissolution of Panchayat under sub-section (1), the following consequences shall ensue namely,--

(a) all the office-bearers, shall vacate their offices with effect from the date of such order;

(b) all powers and duties of the Panchayat shall, until the Panchayat is reconstituted, be exercised and performed by such person or committee of persons as the State Government or the prescribed authority may appoint in this behalf and where a committee of persons is so appointed, the State Government or the prescribed authority shall also appoint a head of such committee;

(c) where a committee is appointed under clause (b) any member of such committee duly authorised by it may issue or institute or defend any action at law on behalf of by or against the Panchayat.

(4) Any person appointed to exercise and perform the powers and duties of a Panchayat during the period of dissolution may receive from the fund of the Panchayat concerned such payment for his service as the State Government may, by order determine.

(5) A Panchayat dissolved under sub-section (1) shall be reconstituted in accordance with the provisions of this Act within six months of its dissolution. Such reconstituted Panchayat shall function for the remaining term of the Panchayat :

Provided that if the unexpired period is less than six months the reconstitution of the Panchayat shall not be done for this period.

88. Inquiry Into Affairs Of Panchayat :-

The State Government may, from time to time, cause an inquiry to be made by any of its officers in regard to any Panchayat on matters concerning it or to any matter with respect to which the sanction, approval, consent or order of the State Government is required by or under this Act or the rules made thereunder or under any law for the time being in force.

89. Liability Of Panch Etc. For Loss, Misappropriation :-

(1) Every Panch, member, office-bearer, officer or servant of Panchayat 1[or Gram Nirman Samiti and Gram Vikas Samiti] 2[or Committee of Gram Sabha] shall be personally liable for loss, waste or misapplication of any money or other property of the Panchayat 1[or Gram Nirman Samiti and Gram Vikas Samiti] 2[or Committee of Gram Sabha] to which he has been a party or which has been caused by him by misconduct or gross neglect of his duties. The amount required for reimbursing such loss, waste, or misapplication shall be recovered by the prescribed authority :

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

(2) If the person concerned fails to pay the amount, such amount shall be recovered as arrears of land revenue and credited to the funds of the Panchayat 1[or Gram Nirman Samiti and Gram Vikas Samiti] 2[or Committee of Gram Sabha] concerned.

1. Inserted by M.P. Act No. 16 of 2004 (w.e.f. 1-1-2005).

2. Inserted by M.P. Act No. 18 of 2007 (w.e.f. 4-7-2007).

90. Disputes Between Panchayats And Other Local Authorities :-

(1) In the event of any dispute arising between two or more Panchayats or Panchayat and any other local authority in any matter in which they are jointly interested such dispute shall be referred to the State Government and the decision of the State Government thereon shall be final :

Provided that if the dispute is between a Panchayat and a Cantonment Board the decision of the State Government shall be subject to approval of the Central Government.

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

91. Appeal And Revision :-

An appeal or revision against the orders or proceedings of a Panchayat and other authorities under this Act, shall lie to such authority and in such manner as may be prescribed.

92. Power To Recover Records, Articles And Money :-

(1) Where the prescribed authority is of the opinion that any person has unauthorisedly in his custody any record or article or money belonging to the Panchayat, 1[or Gram Nirman Samiti and Gram Vikas Samiti] 2[or Committee of Gram Sabha] he may, by a written order, require that the record or article or money be delivered or paid forthwith to the Panchayat 1[or Gram Nirman Samiti and Gram Vikas Samiti] 2[or Committee of Gram Sabha], in the presence of such officer as may be appointed by the prescribed authority in this behalf.

(2) If any person fails or refuses to deliver the record or article or pay the money as directed under sub-section (1), the prescribed authority may cause him to be apprehended and may send him with a warrant in such form as may be prescribed, to be confined in a Civil Jail for a period not longer than thirty days.

(3) The prescribed authority may,--

(a) for recovering any such money direct that such money be recovered as an arrear of land revenue; and

(b) for recovering any such record or articles 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 (No. 2 of 1974).

(4) No action under sub-section (1) or (2) or (3) shall be taken unless a reasonable opportunity has been given to the person concerned to show cause why such action should not be taken against him.

(5) A person against whom an action is taken under this section shall be disqualified to be member of any Panchayat 1[or Gram Nirman Samiti and Gram Vikas Samiti] 2[or Committee of Gram Sabha] for a period of 3[six] years commencing from the initiation of such action.

1. Inserted by M.P. Act No. 16 of 2004 (w.e.f. 1-1-2005).

2. Inserted by M.P. Act No. 18 of 2007 (w.e.f. 4-7-2007).

3. Substituted by M.P. Act No. 26 of 1994 (w.e.f. 30-5-1994).

93. Delegation Of Powers :-

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

(2) The powers delegated under sub-section (1) shall be exercised in accordance with the general or special order issued by the State

Government in this behalf.

(3) The State Government may by notification prescribe various authorities under this Act.

94. General Power Of Control :-

In all matters connected with this Act or the rules made thereunder all officers empowered to act by or under this Act shall be subject to the same control by the same authority under whose administrative control they normally perform the functions of their office.

CHAPTER 11

RULES AND BYE-LAWS

95. Power To Make Rules :-

(1) The State Government may make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the matters which under any provision of this Act, are required to be prescribed or to be provided for by rules.

(3) All rules shall be subject to the condition of previous publication.

(4) All rules shall be laid on the table of Legislative Assembly.

(5) In making any rule, the State Government may direct that a breach thereof shall be punishable with fine which may extend to two hundred fifty rupees and in the case of continuing breach with a further fine which may extend to five rupees for every day during which the breach continues after the first conviction.

96. Bye- Laws :-

(1) A 1[Panchayat or Gram Sabha] may make bye-laws consistent with this Act and rules made thereunder.

(2) In making bye-laws under sub-section (1) the 2[Panchayat or Gram Sabha] may direct that a breach thereof shall be punishable with a fine which may extend to two hundred fifty rupees and in the case of the continuing breach with a further fine which may extend to five rupees for every day during which the breach continues after the first conviction.

(3) A bye-law shall not come into force until it has been confirmed by the prescribed authority.

(4) The manner of making bye-laws and their approval shall be such as may be prescribed.

1. Substituted by M.P. Act No. 3 of 2001 (w.e.f. 26-1-2001).

2. Substituted by M.P. Act No. 3 of 2001 (w.e.f. 26-1-2001).

97. Model Bye- Laws :-

(1) The State Government may from time to time make model bye-laws for the guidance of 1 [Panchayat or Gram Sabha].

(2) The State Government may direct 1[Panchayat or Gram Sabha] to adopt a model bye-law after modifying the same to suit the local conditions.

(3) If the 1[Panchayat or Gram Sabha] fails to comply with a direction under sub-section (2) within six months the State Government may apply to such 1[Panchayat or Gram Sabha] such model bye-laws.

(4) The provisions of sub-section (4) of Section 96 shall apply to the adoption or application of bye- laws under this section.

1. Substituted by M.P. Act No. 3 of 2001 (w.e.f. 26-1-2001).

CHAPTER 12

PENALTY

98. Penalty For Acting As Panch, Member, Sarpanch, Up-Sarpanth, President, Vice-President, When Disqualified :-

(1) Whosoever acts as a panch or member of Panchayat knowing that he is not entitled or has ceased to be entitled to hold office as such, shall on conviction be punished with a fine which may extend to fifty rupees for every day on which he sits or votes as such panch or member.

(2) Whoever acts as Sarpanch or Up-Sarpanch, President or Vice-President, knowing that he is not entitled or has ceased to be entitled to hold office as such shall, on conviction, be punished with a fine which may extend to one hundred rupees for every day on which he acts or functions as such.

1[(3) Any person whose term of office has expired or who has tendered resignation or against whom a no confidence motion has been passed or who has been removed from an office of the Panchayat fails to hand over forthwith any record, article or money or other properties vested in or belonging to the Panchayat which are in his possession or control to his successor in office shall on conviction be punished with a fine which may extend to rupees two thousand.]

1. Substituted by M.P. Act No. 26 of 1994 (w.e.f. 30-5-1994).

99. Penalties For Interested Members Voting :-

Whosoever, having interest in any matter under consideration of a Panchayat votes in that matter shall, on conviction, be punished with a fine which may extend to two hundred fifty rupees.

100. Penalty For Acquisition By A Member, Office Bearer Or Servant Of Interest In Contract :-

If a member or office bearer or servant of Panchayat knowingly acquires, directly or indirectly any personal share or interest in any contract or employment, with, by or on behalf of a Panchayat without the sanction of or permission of the prescribed authority he shall be deemed to have committed an offence under Section 168 of the Indian Penal Code, 1860 (XLV of 1860).

101. Wrongful Restraint Of Officers, Etc. :-

Any person who prevents any officer or servant of a Panchayat or any person to whom such officer or servant has, lawfully delegated his powers of entering on or into and any place, building or land from exercising his lawful powers of entering thereon or therein, shall be deemed to have committed an offence under Section 341 of the Indian Penal Code, 1860 (No. XLV of 1860).

102. Prohibition Against Obstruction Of Member Etc. Of Panchayats :-

Any person obstructing any member, office-bearer or servant of a Panchayat or any person with whom a contract has been entered into by or on behalf of a Panchayat in the discharge of his duties or anything shall on conviction be punished with a fine which shall extend to two hundred fifty rupees.

103. Prohibition Against Removal Of Obliteration Notice :-

Any person who without authority in that behalf removes, destroys, defaces or otherwise obliterated any notice exhibited or any sign or mark erected by, or under the order of a Panchayat or any of its officers shall on conviction be punished with a fine which may extend to fifty rupees.

104. Penalty For Not Giving Information Or Giving False

Information :-

Any person required by this Act or the rules made thereunder or notice or other proceedings issued thereunder to furnish any information omits to furnish such information or knowingly furnishing wrong information shall, on conviction be punished with a fine which may extend to two hundred fifty rupees.

105. Prohibition Of Bidding :-

(1) No member or servant of a 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 two hundred fifty rupees and if he is an officer or servant of a Panchayat, he shall also be liable to be removed from service.

106. Procedure To Make Good The Damage To Any Panchayat :-

If through any act, neglect or default on account of which any person shall have incurred any penalty imposed by or under this Act and any damage to the property of any Panchayat have been caused by any 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, by whom the person incurring such penalty has been convicted and on non-payment of such value on demand, the same shall be recoverable as arrears of land revenue.

CHAPTER 13**MISCELLANEOUS****107. Indemnity For Acts Done In Good Faith :-**

No suit shall be maintainable against any 1[(Panchayat or Gram Sabha], or any of its committee or any office-bearer, officer or servant thereof or any person acting under the direction of any such 1 [Panchayat or Gram Sabhaj its committee, office-bearer, officer or servant in respect of anything in good faith done or intended to be done under this Act or under any rules or bye-laws made thereunder.

1. Substituted by M.P. Act No. 3 of 2001 (w.e.f. 26-1-2001).

108. Bar Of Suit In Absence Of Notice :-

(1) No suit shall be instituted against any 1[Panchayat or Gram Sabha] or any office-bearer, officer or servant thereof or any person acting under the direction of any of the authorities, mentioned in this Act for anything done or purporting to be done under this Act unless a notice under Section 80 of the Civil Procedure Code, 1908 (No. V of 1908) has been duly served.

(2) Every such suit shall be dismissed unless it is instituted within six months from the date of the accrual of the alleged cause of action.

(3) Nothing in this section shall be deemed to apply to any suit instituted under Section 38 of the Specified Relief Act, 1963 (No. 47 of 1963).

1. Substituted by M.P. Act No. 3 of 2001 (w.e.f. 26-1-2001).

109. Certain Suits Against Members, Officers, Etc. To Be Defended At Cost Of Panchayat Or Gram Sabha :-

1[With the previous permission of the Collector suit against any office-bearer, officer or servant of a 1 [Panchayat or Gram Sabha] arising out of anything done or any action taken by him under this Act or the rules or bye-laws made thereunder, shall be defended by the 1[Panchayat or Gram Sabha] concerned on behalf of such person and the expenses incurred on such defence shall be paid out of the funds of the 1[Panchayat or Gram Sabha] concerned.

1. Substituted by M.P. Act No. 3 of 2001 (w.e.f. 26-1-2001).

110. Bar Of Other Proceeding In Respect Of Tax Etc. :-

(1) No objection shall be taken to any valuation, assessment or levy in any manner other than the manner provided in this Act and the rules made thereunder.

(2) No suit for damages or for specific performance shall be maintainable against any 1[Panchayat or Gram Sabha] or any office-bearer, officer or servant thereof, on the ground that any of the duties specified in this Act have not been performed.

1. Substituted by M.P. Act No. 3 of 2001 (w.e.f. 26-1-2001).

111. Members And Servants Of Panchayat To Be Public Servant :-

Every office-bearer of Panchayat and every officer or servant thereof shall be deemed to be public servant within the meaning of Section 21 of the Indian Penal Code, 1860 (XIV of 1860).

112. Vacancy Or Defect In Constitution Or Procedure, Etc. Not To Invalidate Act Of Panchayat :-

No act of Panchayat shall be invalid merely by reason of,--

- (a) any vacancy in or defect in the constitution thereof; or
- (b) any defect in the election, co-option or appointment of a person acting to be office-bearer, thereof; or
- (c) any irregularity in its procedure not effecting the merits of the case.

113. Acquisition Of Land :-

(1) Where any land is required for the purpose of this Act and the Panchayat is unable to acquire it by agreement, the State Government may, at the request of the Panchayat and on the recommendation of the Collector proceed to acquire it under the provisions of Land Acquisition Act, 1894 (No. 1 of 1894) and on payment by the Panchayat of compensation awarded under that Act, and all other charges incurred by the State Government in connection with the proceedings, the land shall vest in the Panchayat on whose account it has been so acquired.

(2) The Panchayat shall not without the previous sanction of the State Government transfer any land which has been acquired under sub-section (1) or divert such land to a purpose other than the purpose for which it has been acquired.

114. Central Government Or State Government Not To Obtain Licence Or Permission :-

Notwithstanding anything contained in this Act or any rules or bye-laws made thereunder the Central Government or State Government shall not be required to obtain any permission or licence in respect of any property of such Government or any place in occupation or under the control of such Government.

115. Power Of Panchayat To Borrow Money :-

Subject to the restrictions contained in any enactment for the time being in force relating to raising of loans by local authorities, a Panchayat may, with the previous sanction of the State

Government raise a loan for carrying out the purposes of this Act :
Provided that nothing contained in the Local Authorities Loans Act, 1914 (No. 2 of 1914) or the Madhya Bharat Local Authorities Loans Act Samvat, 2007 (1950) (No. 64 of 1950) and rules made under the aforesaid enactment shall apply in respect of loan taken from the Government or any other authority constituted under any law for the time being in force and which is in respect of a grant from the State Government.

116. Writing Off Of Irrecoverable Sums And Unuseful Material :-

The irrecoverable sums due to Panchayats and such material as may not be useful shall be written off in the prescribed manner.

117. Prohibition Of Remuneration To Members, Etc. :-

No member of a Panchayat shall be granted any remuneration or allowance of any kind whatsoever by the panchayat except in accordance with the rule made in this behalf.

118. Records Of Panchayat Or Gram Sabha Open To Inspection :-

1[Subject to rules made under this Act and on the payment of such fee as may be prescribed the records of 1[Panchayat or Gram Sabha] or any committee thereof, shall be open to inspection to such person, as may desire it and certified copies thereof shall be given to such person as may apply for them on payment of such fee as may be prescribed.

1. Substituted by M.P. Act No. 3 of 2001 (w.e.f. 26-1-2001).

119. Method Of Serving Documents, Etc. :-

Save as otherwise provided in this Act the service of any notice or other documents under this Act or under any rule, bye-law or order made thereunder shall be effected in the prescribed manner.

120. Entry For Purposes Of Act Etc. :-

It shall be lawful for the office-bearers of a 1[Panchayat or Gram Sabha] or officer authorised by such 1[Panchayat or Gram Sabha] in this behalf to enter in connection with any work relating to the 1 [Panchayat or Gram Sabha] between sunrise and sunset with such

assistants as he may deem necessary into and upon any building or land :

Provided that no building or land which may be occupied at the time shall be entered unless a written notice of twenty four hours has been given to the occupants :

Provided further that in the case of building used as human dwelling due regard shall be paid to the social and religious customs of the occupiers.

1. Substituted by M.P. Act No. 3 of 2001 (w.e.f. 26-1-2001).

121. Bar To Interference By Courts In Electoral Matters :-

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

122. Election Petition :-

(1) An election 1[x x x] under this Act shall be called in question only by a petition presented in the prescribed manner :--

(i) in case of 2[Panchayat or Gram Sabha] to the Sub-Divisional Officer (Revenue);

(ii) in case of Janpad Panchayat to the Collector; and

(iii) in case of Zila Panchayat to the Divisional Commissioner and not otherwise.

(2) No such petition shall be admitted unless it is presented within thirty days from the date on which the election 1[x x x] in question was notified.

(3) Such petition shall be enquired into or disposed of according to such procedures as may be prescribed.

1. Omitted by M.P. Act No. 26 of 1994 (w.e.f. 30-5-1994).

2. Substituted by M.P. Act No. 3 of 2001 (w.e.f. 26-1-2001).

123. Power To Expel Persons Who Refuse To Pay Fee :-

When any fee has been imposed under this Act or the right to collect it has been leased thereunder, any person employed by the 1[Panchayat or Gram Sabha] concerned or any person duly authorised in this behalf by it or by the lessee to collect such fees, may subject to the condition of the lease to collect the fee expel from the place for the use of which a fee is payable, any persons who is liable to pay the fee but refuses to pay it.

1. Substituted by M.P. Act No. 3 of 2001 (w.e.f. 26-1-2001).

124. Panchayat Or Gram Sabha In Default Of Owner Or Occupier May Execute Work And Recover Expenses :-

1[Whenever under the provision of this Act any work is required by the owner or occupier of any building or land and default is made in the execution of such work the 1[Panchayat or Gram Sabha], 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 in case of default of payment, it shall be recoverable as arrears of land revenue.

1. Substituted by M.P. Act No. 3 of 2001 (w.e.f. 26-1-2001).

125. Change Of Headquarters Of Gram Panchayat Division, Amalgamation And Alteration Of Panchayat Area :-

(1) The Governor or the authority authorised by him may by order change the headquarters of a Gram Panchayat or alter, the limits of a Gram Panchayat area by including within it any local area in the vicinity thereof or by excluding therefrom any local area comprised therein or amalgamate two or more Gram Panchayat areas and from one Gram Panchayat area in their place or split up a Gram Panchayat area and from two or more Gram Panchayat areas in its place :

Provided that no order under this section shall be made unless a proposal in this behalf is published for inviting suggestions and objections in such manner as may be prescribed and objections are considered.

(2) On the issuance of the order under sub-section (1), the Governor or the prescribed authority shall pass such consequential orders as may be necessary.

126. Disestablishment Of Village :-

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

Provided that no such order shall be issued unless a notice of the proposal inviting objections from persons likely to be affected thereby the date to be specified therein has been published in the prescribed manner and the objections received have been

considered.

(2) On making of the order under sub-section (1), the Governor or the authority authorised by him may pass such consequential orders as may be necessary.

127. Alteration In Limits Of Block And Zila Panchayat :-

(1) The 1[Governor] may, by notification 2[change the headquarters of a Block or] alter the limits of a Block by including therein any local area in the vicinity thereof or by excluding therefrom any local area comprised therein :

Provided that no such notification shall be issued unless a notice signifying such intention and inviting objections from persons likely to be affected by the alteration in the limits of the Blocks by the date to be specified therein has been published in the prescribed manner and the objections received have been considered :

2[Provided further that no such notification to change the headquarters of a Block shall be issued except to change such headquarters which exist outside the limits of the Block to a place within that Block].

(2) On the issuance of the notification under sub-section (1), the 1[Governor] or the authority authorised by him may pass such consequential orders as may be necessary.

(3) On the alteration of the limits of a district, the State Government may pass such consequential orders in respect of Zila Panchayat as may be necessary.

1. Substituted by M.P. Act No. 39 of 1995.

2. Inserted by M.P. Act No. 43 of 1997 (w.e.f. 5-12-1997).

128. Management Of Government Lands :-

Any Government land transferred to a 1[Panchayat or Gram Sabha] shall be managed by such 1 [Panchayat or Gram Sabha] in accordance with such rules as the State Government may make in this behalf.

1. Substituted by M.P. Act No. 3 of 2001 (w.e.f. 26-1-2001).

CHAPTER 14

AUDIT

129. Audit Of Panchayats :-

(1) There shall be a separate and independent Audit Organisation under the control of the State Government to perform audit of

accounts of Panchayats.

(2) The Audit Organisation shall consist of such officers and servants, to be appointed by the State Government, as the State Government may deem fit from time to time.

(3) The manner of audit of Panchayat accounts, payment of audit fees and action on such audit reports shall be such as may be prescribed.

Chapter : XIVA - SPECIAL PROVISIONS FOR PANCHAYATS IN THE SCHEDULED AREAS

129A. Definitions :-

1[Notwithstanding anything contained in this Act and unless the context otherwise requires in this Chapter :--

(a) Gram Sabha means a body consisting of persons whose names are included in the electoral rolls relating to the area of a Panchayat at the village level, or part thereof, for which it is constituted.

(b) "Village" means a village in the Scheduled Areas which shall ordinarily consist of a habitation or a group of habitations or a hamlet or a group of hamlets comprising a community and managing its affairs in accordance with traditions and customs.

1. Inserted by M.P. Act No. 43 of 1997 (w.e.f. 5-12-1997).

129B. Constitution Of Village And Gram Sabha :-

(1) The Governor shall by public notification specify a "Village" for the purposes of this Chapter.

(2) Ordinarily, there shall be a Gram Sabha for a "village" as defined in sub-section (1) :

Provided that if the member of the Gram Sabha so desired, more than one Gram Sabha may be constituted in a village, in such manner as may be prescribed, and each such Gram Sabha may consist of a habitation or a group of habitations or a hamlet or a group of hamlets comprising a community and managing its affairs in accordance with tradition and customs.

1[(3) The quorum of every meeting of Gram Sabha shall not be less than one-tenth of total number of members of the Gram Sabha or five hundred members of the Gram Sabha, whichever is less.]

(4) The meeting of "Gram Sabha" shall be presided over by a member of the Gram Sabha belonging to the Scheduled Tribes not being the Sarpanch or the Up-Sarpanch or any member of the Panchayat, to be elected for the purpose by the majority of the members present in that meeting.

1. Ins by M.P. Act No. 18 of 2007 (w.e.f. 4-7-2007).

129C. Powers And Functions Of Gram Sabha :-

In addition to the powers and functions contained in Section 7, the Gram Sabha in Scheduled Areas shall also have the following powers and functions, namely,--

(i) to safeguard and preserve the traditions and customs of the people, their cultural identity and community resources and the customary mode of dispute resolution;

1[(ii) x x x]

(iii) to manage natural resources including land, water and forests within the area of the village in accordance with its tradition and in harmony with the provisions of the Constitution and with due regard to the spirit of other relevant laws for the

time being in force;

1[(iv) x x x]

(v) to manage village markets and melas including cattle fair, by whatever name called, through the Gram Panchayat;

(vi) to control local plans, resources and expenditure for such plans including tribal sub-plans, and;

(viii) to exercise and perform such other powers and functions as the State Government may confer on or entrust under any law for the time being in force.

1. Omitted by M.P. Act No. 5 of 1999 (5-4-1999).

129D. Functions Of Gram Panchayat :-

Without prejudice to the generality of powers conferred by this Act, the Gram Panchayat in Scheduled Areas, under the general superintendence, control and direction of the Gram Sabha shall also have the following powers, namely,--

1[(i) x x x]

(ii) to manage village markets and melas including cattle fairs by whatever name called;

1[(iii) x x x]

1[(iv) x x x]

1[(v) x x x]

1[(vi) x x x]

(vii) to exercise control local plans, resources and expenditure for such plans including tribal sub-plans; and

(viii) to exercise and perform such other powers and functions as the State Government may confer on or entrust under any law for the time being in force.

1. Omitted by M.P. Act No. 5 of 1999 (5-4-1999).

129E. Reservation Of Seats :-

(1) The reservation of seats for Scheduled Castes and Scheduled Tribes in every Panchayat in Scheduled Areas shall be in proportion to their respective population in that Panchayat:

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

Provided further that all seats of Sarpanch or President, as the case may be, of Panchayats at all levels in Scheduled Areas shall be reserved for members of the Scheduled Tribes.

1[Provided also that the Gram Panchayats in the Scheduled Areas which have no population of Scheduled Tribes shall be excluded in prescribed manner from allotment of seats or the offices as the case may be, reserved for Panchas or Sarpanchas belonging to Scheduled Tribes.]

(2) The State Government may nominate persons belonging to such Scheduled Tribes as have no representation in a Panchayat in the Scheduled Areas at the intermediate level or in a Panchayat in the Scheduled Areas at the district level :

Provided that such nomination shall not exceed one-tenth of the total members to be elected in that Panchayat.

(3) In a Panchayat in Scheduled Areas such number of seats shall be reserved for persons belonging to Other Backward Classes, which together with the seats already reserved for Scheduled Tribes, and Scheduled Castes, if any, shall not exceed three-fourths of all the seats in that Panchayat.

1. Applicable to only Scheduled Areas by Notfn. No. F. 1-8-97-XXII-P-2, date 20-3-1999.

129F. Powers Of Janpad And Zila Panchayat :-

Without prejudice to the generality of powers conferred by this Act, the Janpad Panchayat or the Zila Panchayat, as the case may be, in Scheduled Areas shall also have the following powers, namely,--

- (i) to plan, own and manage minor water bodies up to a specified water area;
- (ii) to exercise, control over institutions and functionaries in all social sectors transferred to them;
- (iii) to exercise control local plans resources and expenditure for such plans including tribal sub-plans; and
- (iv) to exercise and perform such other powers and functions as the State Government may confer or entrust under any law for the time being in force].

CHAPTER 15

REPEAL

130. Repeal And Savings :-

(1) On and from the date of commencement of this Act the Madhya Pradesh Panchayat Raj Adhiniyam, 1990 (No. 13 of 1990), shall stand repealed (hereinafter referred to as the repealed Act) :

Provided that the repeal shall not affect,--

- (a) the previous operation of the repealed Act or anything duly done or suffered thereunder; or
- (b) any right, privilege obligation or liability acquired, accrued or incurred under the repealed Act; or
- (c) any penalty, forfeiture of punishment incurred in respect of any offence committed against the repealed Act; or
- (d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, penalty, 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 has not been enforced :

Provided further that, subject to the preceding proviso anything done or any action taken (including any appointment, or delegation made, notification, notice, order, instruction or direction issued, rule, regulation, bye-laws, form or scheme framed, certificate obtained, permit or licence granted, registration affected, tax imposed or fee or rate levied), under the repealed Act shall, in so far as it is in force immediately before the coming into force of this Act and is not inconsistent with the provisions of this Act 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.

(2) The arrangement existing for the Gram Panchayat, Janpad Panchayat and Zila Parishad under Section 127 of the repealed Act

shall continue, until the corresponding Gram Panchayat, Janpad Panchayat and Zila Parishad as the case may be, are constituted under this Act.

(3) The Collector, shall apportion the assets and liabilities of the existing Gram Panchayat amongst the corresponding Gram Panchayat constituted under this Act according to the guideline issued by the State Government for the purposes.

1[(4) The assets and liabilities of existing Janpad Panchayat and Zila Parishad shall stand transferred to Janpad Panchayat and Zila Panchayat respectively constituted under this Act].

1. Substituted by M.P. Act No. 26 of 1994 (w.e.f. 30-5-1994).

131. Savings As To Existing Permanent Employees :-

Notwithstanding anything contained in this Act or any rules or bye-laws made thereunder the pay and allowances, pension and retirement benefits of all permanent officers and servants or other employees of the Panchayat on the date on which this Act comes into force shall be existing pay and allowances, pension and retirement benefits.

132. Power To Remove Difficulties :-

(1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order, do anything not inconsistent with the provisions thereof which appears to it to be necessary or expedient for the purposes of removing the difficulty : Provided that no such order shall be made under this section after the expiry of two years from the commencement of this Act.

(2) Every order made under this section shall be laid on the table of the Legislative Assembly.

SCHEDULE 1

SCHEDULE I

[See sub-section (1) of Section 77]

A. OBLIGATORY TAXES TO BE IMPOSED BY GRAM PANCHAYATS

1[1. to 4.]

5. Market fees on persons exposing goods for sale in any market or at any place or any building or structure therein belonging to or under the control of the Gram Panchayat.

6. A fees on the registration of cattle sold in any market or in any place belonging to or under the control of the Gram Panchayat.

7. 2[x x x]

B. TAX TO BE IMPOSED BY JANPAD PANCHAYAT

A tax on theatre or theatrical performances and other performances of public entertainments.

1. Omitted by M.P. Act No. 3 of 2001 (w.e.f. 26-1-2001).
2. Omitted by M.P. Act No. 43 of 1997 (w.e.f. 5-12-1997).

Schedule - SCHEDULE I-A

1[SCHEDULE I-A

[See Section 77-A]

OBLIGATORY TAXES TO BE IMPOSED BY GRAM SABHA

(1) A property tax on the lands or buildings or both, the capital value of which including the value of the land is more than 6000 Rupees other than,--

(a) the buildings and lands owned or vested in the Union or State Government, Gram Sabha, Gram Panchayat, Janpad Panchayat, or Zila Panchayat;

(b) the buildings and lands or portions thereof used exclusively for religious or educational purposes including boarding houses 2[:]

3[Provided that in the case of Special Economics Zone, the Development Commissioner may impose property tax on the lands or buildings or both.]

(2) A tax on private latrines payable by the occupier or owner of the buildings to which such latrines are attached when cleaned by Gram Sabha Agency.

(3) A light tax, if light arrangements have been made by the Gram Sabha.

(4) A tax on person, exercising any profession or carrying on any trade or calling within the limits of Gram Sabha area].

1. Inserted by M.P. Act No. 3 of 2001 (w.e.f. 26-1-2001).

2. Substituted by M.P. Act No. 18 of 2007 (w.e.f. 4-7-2007).

3. Inserted by ibid.

SCHEDULE 2

SCHEDULE II

[See sub-section (2) of Section 77]

A. OTHER OPTIONAL TAXES FEES ETC. TO BE IMPOSED BY GRAM PANCHAYATS

1[1. & 2. omitted.]

3. A tax on the bullock-carts, bicycles, rickshaws used for hire within the limits of Gram Panchayat area.

1[4. omitted.]

5. A water rate where arrangements are made by the Gram Panchayat for regular supply of water.

6. Fees for drainage where system of drainage has been introduced by the Gram Panchayat.

1[7. omitted.]

8. A fees payable by the owners of the vehicles other than motor-vehicle, where such vehicles other than the motor vehicles enter the Gram Panchayat area.

1[9. to 14. omitted]

B. OTHER OPTIONAL TAXES TO BE IMPOSED BY JANPAD PANCHAYAT

Fees for any licence or permission granted by the Janpad Panchayat under the Act or for use and occupation of lands or other properties vested in or maintained by the Janpad Panchayat.

1. Omitted by M.P. Act No. 3 of 2001 (w.e.f. 26-1-2001).

Schedule - SCHEDULE IIA

1[SCHEDULE II-A

[See Section 77-A]

OTHER OPTIONAL TAXES, FEES ETC. TO BE IMPOSED BY GRAM SABHA

1. A tax on building not covered under Item (1) of Schedule I-A.

2. A tax on animals used for riding, driving, drought or burden or on dogs or pigs payable by the owners thereof.

3. Fees for the use of sarais, dharamshalas, rest houses, slaughter houses and

encamping grounds.

4. A water rate where arrangements are made by the Gram Sabha for regular supply of water.
 5. A tax on persons carrying on the profession of purchaser, agent, commission agent, weighman, or a measurer within the meaning of Madhya Pradesh Krishi Upaj Mandi Adhiniyam, 1972 (No. 24 of 1973), in the area of Gram Sabha excluding the area of a Mandi.
 6. A temporary tax for special works of public utility.
 7. A tax for the construction or maintenance of public latrines and a general scavenging tax for removal and disposal of refuse.
 8. Fees for bullock-cart stand and tonga stand.
 9. Fees for temporary structure or any projection over any public place of temporary occupation thereof.
 10. Fees for grazing cattle over grazing grounds vested in the Gram Sabha.
 11. Any other tax, which the State legislature has power to impose under the Constitution of India].
1. Inserted by M.P. Act No. 3 of 2001 (w.e.f. 26-1-2001).

SCHEDULE 3

SCHEDULE III

[See Section 80]

LEASE OF COLLECTION OF FEES BY GRAM PANCHAYATS

1. A fees on persons exposing goods for sale in any market or any place belonging to or under the control of Gram Panchayat or for the use of any building or structure therein.
2. A fees on the registration of cattle sold in any market or place belonging to it under the control of the Gram Panchayat.
3. A fee for the use of sarais, dharamshalas, rest houses, slaughter houses and encamping grounds.
4. A fee for bullock-cart stand or tonga stand.
5. A fee for grazing cattle over the grazing grounds vested in Gram Panchayat.
6. Any other fees imposed by Janpad Panchayat.

SCHEDULE 4

SCHEDULE IV

[See sub-section (1) of Section 53]

1. Agriculture, including agricultural extension.
2. Land improvement and soil conservation.
3. Minor irrigation, water management and watershed development.
4. Animal husbandry, dairying and poultry.
5. Fisheries.
6. Social Forestry and farm forestry.
7. Minor forest produce.
8. Small scale industries, including food processing industries.
9. Khadi Village and Cottage Industries.
10. Rural Housing.
11. Drinking water.
12. Fuel and fodder.
13. Roads, culverts, bridges, ferries, waterways and other means of communication.
14. Rural electrification, including distribution of electricity.
15. Non-conventional energy sources.
16. Poverty alleviation programme.

17. Education including primary and secondary schools.
18. Technical training and vocational education.
19. Adult and non-formal education.
20. Libraries.
21. Cultural activities.
22. Market and fairs.
23. Health and sanitation, including hospitals, primary health centers and dispensaries.
24. Family Welfare.
25. Women and Child Development.
26. Social Welfare, including welfare of the handicapped and mentally retarded.
27. Welfare of the weaker sections, and in particular of the Scheduled Castes and Scheduled Tribes.
28. Public Distribution System.
29. Maintenance of community assets.