

Haryana Panchayati Raj Act, 1994

11 of 1994

[22 April 1994]

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Haryana Panchayati Raj Act, 1994

11 of 1994

[22 April 1994]

An Act to provide for the Constitution of Gram Panchayats, Panchayat Samitis and Zila Parishads for better administration of the rural areas and for matters connected therewith or incidental thereto. Be it enacted by the Legislature of the State of Haryana in the Forty-fifth Year of the Republic of India as follows:-

PART 1

PRELIMINARY

1. Short Title, Extent And Commencement :-

- (1) This Act may be called the Haryana Panchayati Raj Act, 1994.
- (2) It extends to the whole of the State of Haryana.
- (3) It shall come into force on such date as the State Government may, by notification, in the Official Gazette, appoint.

2. Definitions :-

In this Act, unless the context otherwise requires,--

- (i) "Additional Director" means an officer appointed by the Government to perform the functions of an Additional Director under this Act;
- (ii) "Adult" means a person, male or female, who has attained the age of eighteen years;
- (iii) "Assembly" means the Haryana Legislative Assembly;
- (iv) "Backward Classes" means such classes of citizens as may be specified by the Government from time to time;
- (v) "block" means such local area in a district as may be declared by the Government, by notification in the Official Gazette, to be a block at intermediate level;
- (vi) "Block Development and Panchayat Officer" means an officer appointed as such by the Government;
- (vii) "building" means any shop, house, hut, out-house, shed or stable, whether used for the purpose of human habitation or otherwise and whether of masonry , bricks, wood, mud, thatch, metal or any other material whatsoever and includes a wall and a well;
- (viii) "business" includes any trade, commerce or manufacture or an adventure or concern in the nature of trade, commerce or manufacture;
- (ix) "bye-laws" means the bye-laws made by a Gram Panchayat, Panchayat Samiti or Zila Parishad under this Act;
- (x) "casual vacancy" means a vacancy occurring otherwise than by efflux of time;
- (xi) "cattle" means and includes bulls, bullocks, heifers, cows and their youngs, elephants, camels, buffaloes, horses, mares, ponies, colts, mules, asses, swine, sheep, ewes, rams, lambs, goats, and kids;
- (xii) "Chairman" means a Chairman of Panchayat Samiti elected under this Act;
- (xiii) "Chief Executive Officer" means the Chief Executive Officer of a Zila Parishad;
- (xiv) "Collector" means the Collector of a district in which the village is situated and includes any officer appointed by the Government to perform the functions of a Collector under this Act;
- (xv) "Committee" means any Standing Committee or Local Committee or Sub-Committee constituted under this Act;
- (xvi) "common land" means land which is not in the exclusive use

of any individual and has, by usage, custom or prescription, been reserved for the common purposes of village community or has been acquired for such purposes;

(xvii) "competent authority" means such Government officer or authority as the Government may, by notification in the Official Gazette appoint to perform the functions of a competent authority under this Act;

(xviii) "Deputy Commissioner" means the Deputy Commissioner of a district and includes any officer not below the rank of an Assistant Commissioner appointed by the Government to perform the functions of a Deputy Commissioner under this Act;

(xix) "Director" means the Director of Panchayats appointed under this Act;

(xx) "District" means a revenue district in the State of Haryana;

(xxi) "District Development and Panchayat Officer" means an officer appointed by the Government to perform the functions of a District Development and Panchayat Officer under this Act;

(xxii) "erection or re-erection or enlargement" of any building includes-

(a) any material alteration or enlargement of any building;

(b) the conversion, by structural alteration, into a place of human habitation of any building not originally constructed for human habitation;

(c) the conversion of two or more places of human habitation into a lesser number of such places;

(d) the conversion of one or more places of human habitation into a greater number of such places;

(e) such alteration of a building as would affect a change in the drainage or sanitary arrangements or materially affect its security;

(f) the addition of any rooms, buildings out-houses or their structures to any building;

(g) the conversion, by any structural alteration into a place of religious worship or into a building used for a sacred purpose or any place or building not original meant or constituted for such purposes;

(h) roofing or covering an even space between walls or buildings, in respect of the structure which is formed by roofing or covering such space;

(i) conversion into a stall, shop, warehouse or godwon of any building not originally constructed for use as such or vice versa; and

(j) construction of a door in a wall adjoining any street or land not

vested in the owner of the wall and opening on such street or land;

(xxiii) "Executive Officer" means an Executive Officer of a Panchayat Samiti;

(xxiv) "factory" means a factory as defined in the Factories Act, 1948 (Act 13 of 1948);

(xxv) "Finance Commission" means the Finance Commission constituted under clause (1) of article 243-1 of the Constitution of India;

(xxvi) "general election" means the election held under this Act for the constitution or reconstitution of a Gram Panchayat, Panchayat Samiti or Zila Parishad, as the case may be, after the expiry of its term or otherwise;

(xxvii) "Government" means the Government of the State of Haryana;

(xxviii) "Gram Fund" means Gram Fund provided under this Act;

(xxix) "Gram Panchayat" means the Panchayat constituted at village level under this Act;

(xxx) "Gram Sabha" means a body consisting of persons registered as voters in the electoral rolls of a village comprised within the area of the Panchayat at the village level;

(xxxi) "Gram Sachiv" means a Gram Sachiv of a Gram Panchayat or group of Gram Panchayats appointed by the Government;

(xxxii) "Joint Director" means an officer appointed by the Government to perform the functions of a Joint Director under this Act;

(xxxiii) "Local Authority" means a Municipal Corporation, Municipal Council, Municipal Committee, Cooperative Society, Market Society, Improvement Trust, Cantonment Board, Urban Development Authority, Gram Panchayat, Panchayat Samiti, Zila Parishad, a Board or Company or Corporation financed or aided by Central or State Government;

(xxxiv) "market" means a place for the sale or purchase of goods or animals;

(xxxv) "member" means a member of Panchayat Samiti or Zila Parishad, as the case may be;

(xxxvi) "municipality" means municipality as defined in the Haryana Municipal Act, 1973;

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

vicinity or of persons who may have occasion to exercise a public right;

(xxxviii) "octroi" or "octroi duty" means a tax on the entry of goods into Panchayat, Panchayat Samiti or Zila Parishad area, for consumption, use or sale therein;

(xxxix) "offensive or dangerous trade" means any trade, business or industry dangerous to life, health or property or likely to cause nuisance, and which is so notified by the Government;

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

(xli) "panch" means a member of a Gram Panchayat elected under this Act 1[***];

(xlii) "Panchayat area" means the territorial area of a Gram Panchayat;

(xliii) "Panchayat Samiti" means a Panchayat Samiti constituted for a block under this Act and having jurisdiction over the block area as notified in the official Gazette;

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

(xlv) "prescribed" means prescribed by rules made under this Act;

(xlvi) "prescribed authority" means such authority as may be prescribed by rules made under this Act;

(xlvii) "President" means a president of a Zila Parishad elected under this Act;

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

(xlix) "public market" means any market owned by a Gram Panchayat, Panchayat Samiti or Zila Parishad acquired, constructed, maintained or managed by a Gram Panchayat or Panchayat Samiti or Zila Parishad;

(l) "public place" means any place, building or structure situated within the jurisdiction of a Gram Panchayat, Panchayat Samiti, Zila Parishad area to which the public has free access or which is open to be used for enjoyment of the public, whether such place is vested in a Gram Panchayat, Panchayat Samiti, Zila Parishad or not;

(li) "public servant" means a public servant as defined in section 21 of the Indian Penal Code, 1860 (Central Act 45 of 1860) and shall include a panch, 1[***] sarpanch, member of Panchayat Samiti or

Zila Parishad, Chairman or Vice-Chairman and President or Vice-President;

(lii) "public street" means a pathway, road, street, bridge-lane, square, court, alley or passage in a village, which the public has a right to use, and includes the drains or gutters on either side and the land upto the defined boundary of any abutting property, notwithstanding any projection over such land of any verandah or other superstructure;

(liii) "qualifying date" means the 1st day of January of the year in which the list of voters for the purposes of the general election of members for constituting or reconstituting a Gram-Panchayat, Panchayat Samiti or Zila Parishad, as the case may be, is prepared or revised under the provisions of this Act;

(liv) "sabha area" means an area declared to be sabha area under this Act;

(lv) "Samiti Fund" means the Panchayat Samiti Fund under this Act;

(lvi) "Sarpanch" means a Sarpanch of Gram Panchayat elected under this Act;

(lvii) "Schedule" means the Schedule appended to this Act;

(lviii) "Scheduled Castes" means such castes, races or tribes or parts of or groups within, such castes, races or tribes as are deemed to be Scheduled Castes in relation to the State of Haryana under article 341 of the Constitution of India;

(lix) "Secretary" means the Secretary of the Zila Parishad;

(lx) "Social Education and Panchayat Officer" means a Social Education and Panchayat Officer and includes an officer appointed by the Government to perform the functions of a Social Education and Panchayat Officer under this Act;

(lxi) "State Election Commission" means the State Election Commission constituted under article 243K of the Constitution of India;

(lxii) "street" means any road, footway, square, court, alley or passage accessible whether permanently or temporarily to the public, whether a thoroughfare or not;

(lxiii) "Sub-Divisional Officer" means an officer-in-charge of a Sub-Division of a district constituted for revenue and general purposes;

(lxiv) "tax" includes a cess, duty, fee, rate, toll or other impost leviable under this Act;

(lxv) "territorial constituency" means a ward in which a village or group of villages or a Block or a District is divided for the purposes of election of Gram Panchayat, Panchayat Samiti and Zila Parishad;

(Ixvi) "vehicle" means a vehicle as defined in the Motor Vehicles Act, 1988 and includes a bicycle, tricycle, motor car and every wheeled conveyance which is used or capable of being used on a public street;

(Ixvii) "Vice-Chairman" means a Vice-Chairman of a Panchayat Samiti elected under this Act;

(Ixviii) "Vice-President" means a Vice-President of a Zila Parishad elected under this Act;

(Ixix) "village" means a revenue estate in the revenue records of a district in which it is situated or a village as may be specified, by notification, in the Official Gazette, by the Government;

(Ixx) "village level functionary" means any person performing his official duties in the sabha area and includes patwari, school teacher, secretary of a co-operative society, forest guard, village extension worker, agriculture development officer, multi-health purpose worker, anganwari worker and supervisor, auxiliary nurse, midwife, tubewell operator of Public Health Department, employees of civil and veterinary dispensaries, craft-teacher, gram sevika, lineman of Electricity Board etc.;

(Ixxi) "watercourse" means any channel which is maintained at the cost of the irrigators and is supplied with water from any canal to which the Haryana Canal and Drainage Act, 1974 (Haryana Act 29 of 1974), the Punjab Minor Canals Act, 1905 (Punjab Act 3 of 1905), or any other Act for the time being in force, applies and includes all subsidiary works connected with such channel except the sluice or outlet through which water is supplied to such channel;

(Ixxii) "Zila Parishad" means a Zila Parishad constituted at district level under this Act;

(Ixxiii) "Zila Parishad Fund" means the Zila Parishad Fund under this Act.

1. Omitted by Haryana Act No. 10 of 1999 dated 5.3.1999

3. Duration Of Gram Panchayat, Panchayat Samiti And Zila Parishad :-

(1) Every Gram Panchayat, Panchayat Samiti and Zila Parishad, unless sooner dissolved under any law for the time being in force, shall continue for five years from the date appointed for its first meeting and no longer:

Provided that all the Gram Panchayats and Panchayati Samitis existing immediately on the commencement of the Constitution

(Seventy-third Amendment) Act, 1992, shall continue till the expiration of their duration, unless sooner dissolved by a resolution passed to that effect by the Assembly.

(2) An election to constitute a Gram Panchayat, Panchayat Samiti and Zila Parishad, as the case may be, shall be completed:--

(a) before the expiry of its duration specified in sub-section (1);

(b) before the expiry of a period of six months from the date of its dissolution:

Provided that where the remainder of the period for which the dissolved Gram Panchayat, Panchayat Samiti or Zila Parishad, as the case may be, would have continued is less than six months, it shall not be necessary to hold any election for constituting the Gram Panchayat, Panchayat Samiti or Zila Parishad for such period, as the case may be.

(3) A Gram Panchayat, Panchayat Samiti or Zila Parishad constituted upon the dissolution of a Gram Panchayat, Panchayat Samiti or Zila Parishad before the expiration of its duration shall continue only for the remainder of the period for which the dissolved Gram Panchayat, Panchayat Samiti or Zila Parishad, as the case may be, would have continued under sub-section (1) had it not been so dissolved.

1[(4) If a Gram Panchayat, Panchayat Samiti or Zila Parishad, as the case may be, is not reconstituted before the expiration of its duration laid down in sub-section (1), it shall be deemed to have been dissolved on the expiry of the said duration and, thereupon, provisions of sub-section (2) of section 52, sub-section (1) of section 111 or sub-section (4) of section 158, as the case may be, shall be applicable.]

1. Added by Haryana Act No. 11 of 2000 dated 4.4.2000

4. Oath :-

(1) Before entering upon the duties of their office as Panches, Sarpanches, Members, Chairmen, Vice-Chairmen, Presidents or Vice-Presidents, as the case may be, they shall take an oath of allegiance or make affirmation in the Form specified in Schedule I;

(2) If any person mentioned in sub-section (1) refuses to take or make oath or affirmation, his election shall be deemed to be invalid and a fresh election shall be held.

(3) No person whose election is deemed to be invalid under this section, shall be eligible for election to any Gram Panchayat, Panchayat Samiti or Zila Parishad, as the case may be, for a period

of two years from the date on which he ought to have taken or made oath or affirmation.

5. Resignation :-

A Panch, Sarpanch, Member, Chairman, Vice-Chairman, President or Vice-President, as the case may be, may resign his office by giving in writing his intention to do so to the Director and on such resignation being accepted he shall be deemed to have vacated his office.

6. Filling Of Casual Vacancy :-

(1) Whenever a vacancy occurs by death, resignation, removal or otherwise of a Panch, Sarpanch, Member, Chairman, Vice-Chairman, President or Vice-President, as the case may be, a new Panch, Sarpanch, Member, Chairman, Vice-Chairman, President or Vice-President, as the case may be, shall be elected in the manner as may be prescribed.

(2) Any person elected to fill up a vacancy under this section shall hold office for the unexpired portion of the term for which the person in whose place he is elected would have otherwise continued in office.

PART 2

SABHA AREA ESTABLISHMENT AND CONSTITUTION OF GRAM SABHA AND GRAM PANCHAYATS

7. Demarcation Of Sabha Area :-

(1) The Government may, by notification, declare any village or a part of a village or group of contiguous villages with a population of not less than five hundred to constitute one or more sabha areas:

Provided that Government may in exceptional cases, by reasons to be recorded in writing, relax the limit of population of 500:

Provided further that neither the whole nor any part of a --

(a) municipality constituted under the Haryana Municipal Act, 1973;

(b) cantonment;

shall be included in a sabha area unless the majority of voters in any municipality desire the establishment of a Gram Panchayat in which case the assets and liabilities, if any, of the municipality shall vest in the Gram Panchayat and the municipality shall cease to exist.

(2) The population shall be ascertained on basis of last preceding decennial census of which the relevant figures have been published.

(3) Government may, by notification, include any area in or exclude any area from the sabha area.

(4) If the whole of the sabha area is included in a municipality or a cantonment, the Gram Panchayat shall cease to exist and the assets and liabilities of it shall vest in the municipality or cantonment, as the case may be.

(5) If the whole of the sabha area is included in the Faridabad Complex under the Faridabad Complex (Regulation and Development) Act, 1971, the Gram Panchayat shall cease to exist and its assets and liabilities shall vest in the Faridabad Complex.

8. Establishment And Constitution Of Gram Panchayat :-

(1) The Government may, by notification, establish a Gram Panchayat by name in every sabha area.

(2) Every Gram Panchayat shall consist of:-

(a) Sarpanch who shall be elected by the Gram Sabha from amongst its voters, by secret ballot;

(b) six or twenty Panches from wards in a Panchayat area in the manner prescribed;

(c) 1[***]

(3) All the above seats referred to in clause (b) of sub-section (2) shall be filled in by persons chosen by direct election from the wards in the Panchayat area and for this purpose each Panchayat area shall be divided into wards in such manner that the ratio between the population of each ward and the number of the seats of Panches allotted to it shall, so far as possible, be the same throughout the Panchayat area.

1. Omitted by Haryana Act No. 10 of 1999 dated 5.3.1999

9. Reservation Of Seats In Gram Panchayat :-

(1) Seats shall be reserved for the Scheduled Castes in every Gram Panchayat and the number of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of seats to be filled by election in that Panchayat as the population of the Scheduled Castes in the Panchayat area bears to the total population of that area and such seats may be allotted to such wards having maximum population of persons belonging to Scheduled Castes.

(2) Not less than one-third of the total numbers of seats reserved under sub-section (1) shall be reserved for women belonging to the Scheduled Castes and such seats may be allotted by rotation and by lots to different wards reserved under sub-section (1).

(3) Not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes) of the total number of seats to be filled by direct election in every Panchayat, shall be reserved for women and such seats may be allotted by rotation and by lots to different wards in a Panchayat except those falling under sub-sections (1) and (2).

(4) The offices of the Sarpanches in the Gram Panchayat in a block shall be reserved for the Scheduled Castes and Women:

Provided that the number of offices of Sarpanches reserved for the Scheduled Castes in the Block shall bear, as may be, the same proportion to the total number of such offices in the Block as the population to the Scheduled Castes in the State bears to the total population of the State:

Provided further that not less than one-third of the total number of offices of Sarpanches in the block shall be reserved for women including one-third offices of women Sarpanches from Scheduled Castes:

Provided further that the number of offices of Sarpanches reserved under this sub-section shall be rotated to different Gram Panchayats first having the largest maximum population of Schedule Castes and secondly having the second largest maximum population of such classes and so on.

(5) The reservation of the seats under sub-sections (1) and (2) and the reservation of offices of Sarpanches (other than the reservation of women) under sub-section (4) shall cease to have effect on the expiration of the period specified in article 334 of the Constitution of India.

(6) Every Panchayat shall have one panch belonging to Backward Classes if their population is two per centum or more of the total population of the sabha area and such seat shall be allotted to such ward having maximum population of persons belonging to Backward Classes.

(7) Reservation of seats as mentioned in aforesaid sub-sections shall be reviewed after every decennial census.

10. Term Of Office :-

1[The term of office of Sarpanch shall be five years unless removed

otherwise.]

1. Substituted by Haryana Act No. 10 of 1999 dated 5.3.1999

11. Meeting And Quorum Of Gram Sabha :-

1[2{(1) Every Gram Sabha shall hold minimum three general meetings each year at such date, time and venue, as may be fixed by Block Development and Panchayat Officer concerned.}]

(2) In the event of the Sarpanch failing to hold two consecutive general meetings of the Gram Sabha on the dates fixed 3[***] under sub-section (1), he shall automatically cease to hold office from the date on which the second meeting was to be held. The Block Development and Panchayat Officer shall immediately intimate the happening of such cessation to the Director who shall accordingly notify this fact to the Zila Parishad, Panchayat Samiti, Gram Panchayat and the Sarpanch.

(3) The Director may reinstate the Sarpanch on his showing sufficient cause for the default within a period of thirty days from the date of the notification of his cessation as Sarpanch.

(4) The Sarpanch may, at any time and where a requisition in writing of the Panchayat Samiti or of not less than 4[one-tenth] of the total number of members of the Gram Sabha has been received by him, shall within thirty days from the receipt of such requisition, call an extraordinary general meeting of the Gram Sabha.

(5) If a general meeting as required by sub-section (1), or an extraordinary general meeting as required by sub-section (4) is not called, the Block Development and Panchayat Officer shall call such meeting.

(6) The meetings of the Gram Sabha shall be conducted and the time and place of such meeting shall be published in such manner as may be prescribed.

4[(7) For any extraordinary meeting of the Gram Sabha one-tenth of the total number of its members shall form a quorum.]

(8) The Block Development and Panchayat Officer and the Gram Sachiv, as the case may be, of a Gram Panchayat shall attend every general meeting of the Gram Sabha; and if for any reason beyond his control the Block Development and Panchayat Officer is unable to attend any meeting, the Social Education and Panchayat Officer or such Block Extension Officer as may be deputed by the Block Development and Panchayat Officer shall attend the meeting. The Gram Panchayat may call every village level functionary serving in the sabha area to attend such a meeting and tender

advice in respect of any matter coming up before it.

5[(9) Save in the circumstances beyond human control, every Panch shall attend the Gram Sabha meetings.]

1. Substituted by Haryana Act No. 16 of 2000 dated 25.9.2000
2. Substituted vide Haryana Act No. 28 of 2006.
3. Omitted by Haryana Act No. 10 of 1999 dated 5.3.1999
4. Substituted by Haryana Act No. 10 of 1999 dated 5.3.1999
5. Added by Haryana Act No. 10 of 1999 dated 5.3.1999

12. Powers And Functions Of Gram Sabha :-

The Gram Sabha shall exercise and perform the following powers and functions:-

- (i) it shall consider the budget prepared by the Gram Panchayat and the future development programmes and the plans for the sabha area at its Sawani meeting. The Gram Sabha at its Hari meeting shall review the general progress of the development plans;
- (ii) it will consider the actual income and expenditure of the Panchayat concerning last financial year;
- (iii) it will consider and scrutinise the existing schemes and all kinds of activities of Panchayats;
- (iv) it shall maintain a complete register for all development works undertaken by Gram Panchayat or by any other Government department specifying the costs, date of completion of work, name of assets etc;
- (v) it will scrutinize the completed works and all kinds of activities of the Gram Panchayat;
- (vi) it can ask questions to the Sarpanch and Panches of the Gram Panchayat to clarify the particular activity, income, expenditure, scheme and other matters and Sarpanch and Panch of the Gram Panchayat shall be responsible to it;
- (vii) it shall locate the places of schemes and other works;
- (viii) it shall consider audit reports and their compliances;
- (ix) it shall consider the progress report of every kind of Gram Panchayat works; and
- (x) it shall exercise and perform such other powers and functions as may be prescribed.

13. Meeting Of Gram Panchayat And Quorum :-

1[(1) The meeting of a Gram Panchayat shall be public and shall be held at least twice a month at a public place within the sabha area

for which it is established, whenever called by the Sarpanch or during the vacancy of his office by Gram Sachiv:

Provided that the Sarpanch, when required in writing by a majority of the Panches to call a meeting, shall do so within three days, failing which Panches shall, with the previous approval of the prescribed authority, be entitled to call a meeting after giving a weeks notice to the Sarpanch and other Panches. Save as otherwise provided by or under this Act, at every meeting of Gram Panchayat, the Sarpanch shall preside over the meeting or in his absence the members present shall choose one from amongst themselves to preside over the meeting.]

(2) Majority of Panches including Sarpanch, for the time being holding officer shall form a quorum. If at the time appointed for the meeting, there is no quorum, the presiding authority shall wait for one hour and if within 2[such period there is no quorum], the presiding authority shall adjourn the meeting to such time on the following day or such future day as he may decide. The business which could have been brought before the original meeting if there has been a quorum shall be brought before, and transacted at the adjourned meeting.

3[***]

(3) The decisions of the Gram Panchayat shall be by majority and when the voting is equal, the presiding authority shall have an additional or casting vote.

1. Substituted by Haryana Act No. 10 of 1999 dated 5.3.1999.
2. Corrected vide Corrigendum dated 2.3.2006, Published in Haryana Government Gazette (Extra.), Legislative Supplement, Part IV, dated March 24, 2006.
3. Omitted by Haryana Act No. 10 of 1999 dated 5.3.1999

14. Appointment Of Gram Sachivs :-

1[2{There shall be a Gram Sachiv 3{for every Gram Panchayat or group of Gram Panchayats}, who shall be appointed by Government.

1. Substituted by Haryana Act No. 14 of 2003 dated 22.5.2003
2. Substituted by Haryana Act No. 7 of 2006 with saving clause
3. Saving.--

(1) The office of Gram Sachiv Sahayak created under the Haryana Panchayati Raj (Amendment) Act, 2003 (Haryana Act 14 of 2003), shall stand abolished and consequently the incumbent of the said officer shall forthwith stand relieved of his duties.

(2) Any action taken by the Gram Sachiv during the enforcement of the Haryana Panchayati Raj (Amendment) Act, 2003 (Haryana Act 14 of 2003), shall be deemed to have been done or taken under the principal Act.

(3) Notwithstanding this amendment anything done or any action taken under the Haryana Panchayati Raj (Amendment) Act, 2003 (Haryana Act 14 of 2003) and the Haryana Panchayati Raj (Amendment) Act, 2004 (Haryana Act 19 of 2004), shall be deemed to have been done or taken under this Act.

3. Corrected vide Corrigendum, published in Haryana Govt. Gaz. (Extra), Feb. 20, 2006. Panchayat in the discharge of its duties and functions under this Act or under any other law for the time being in force;

15. Duties Of Gram Sachivs :-

(1) It shall be the duty of the Gram Sachiv to--

(i) maintain accurate and up-to-date entries in accounts, record and other property of the Gram Panchayat under the general supervision of the Sarpanch and to assist the Gram

(ii) assist in carrying out the resolutions of the Gram Panchayats; and

(iii) perform such other duties as may be prescribed.

(2) A Gram Sachiv, subject to the control of the Sarpanch--

(a) after recording the proceedings, shall append his signatures in the proceeding book;

(b) shall prepare the replies of audit notes and submit the same to the Block Development and Panchayat Officer after approval of the Gram Sabha, within one month of the receipt of such notes; and

(c) shall sign daily balances in cash book.}]

16. Employment Of Other Servant :-

(1) Subject to such rules as may be made in this behalf and with the previous approval of the Panchayat Samiti, a Gram Panchayat may employ such other servants other than the Gram Sachiv as are considered necessary for carrying out the duties imposed on it by this Act and may suspend, dismiss or otherwise punish such servants.

(2) Gram Panchayat shall pay the remuneration, provident fund and gratuity as may be prescribed to such servants out of the Gram Fund.

17. Modification Or Cancellation Of Resolution :-

No resolution of a Gram Panchayat shall be modified, amended, varied or cancelled by a Gram Panchayat within a period of three months from the date of the passing thereof, except by a resolution supported by three-fourth of the total number of panches of such Gram Panchayat.

18. Custody Of Gram Panchayat Record, Property And Liability To Hand Them Over :-

(1) 1[The Sarpanch and in his absence the Panch] elected by the Gram Panchayat or authorised by the Block Development and Panchayat Officer in this behalf shall be responsible for the custody and charge of such movable or immovable property of the Gram Panchayat and such of its records as may be prescribed.

(2) Notwithstanding anything contained in sub-section (1), the Block Development and Panchayat Officer may, within a period of seven days prior to the publication of election programme of the Gram Panchayat or in the event of suspension or removal of 1[a Sarpanch or Panch, as the case may be, require, by a general or special order, a Sarpanch or a Panch, as the case may be,] to hand over the records, registers and other property referred to in the said sub-section to the Social Education and Panchayat Officer or Gram Sachiv, who shall hold them in his custody on behalf of the Gram Panchayat and shall hand over the same to the person authorised for the custody of the record and property.

(3) If on a requisition made in this behalf by the Block Development and Panchayat Officer, any person within a period of ten days of such requisition 2[or within seven days of the publication of the election schedule, whichever is earlier] fails under sub-section (1) or sub-section (2), as the case may be, to hand over the prescribed records and registers and other property belonging to or vested in the Gram Panchayat to the Sarpanch 3[***] or Panch referred to in sub-section (1) or to the Social Education and Panchayat Officer or Gram Sachiv referred to in sub-section (2) 2[and to get a certificate to that effect from the concerned Block Development and Panchayat Officer] the Block Development and Panchayat Officer shall apply to an Executive Magistrate within whose jurisdiction the sabha area is situated for securing from such person such records, registers and other property.

(4) On receiving an application under sub-section (3) the Executive Magistrate may, by a warrant, authorise any police officer not below the rank of a Sub-Inspector to enter and search any place where such records and registers and other property are kept or are believed to be kept and to seize them; and the records, registers and other property as seized shall be handed over to the Sarpanch 3[***] or Panch authorised by the Block Development and Panchayat Officer referred to in sub-section (1) or the Social Education and Panchayat Officer or Gram Sachiv referred to in subsection (2), as the case may be.

(5) Whoever, wilfully evades under this section the handing over of the prescribed records and registers or other property belonging to or vested in the Gram Panchayat, shall, on conviction by the Judicial Magistrate be punishable with imprisonment which may extend to six months, or with fine or with both notwithstanding anything to the contrary contained in this Act.

(6) The Judicial Magistrate shall not take cognizance of an offence under this section save on a complaint made by the Block Development and Panchayat Officer or such other officer as may be authorised in writing in this behalf by the Block Development and Panchayat Officer.

1. Substituted by Haryana Act No. 10 of 1999 dated 5.3.1999

2. Inserted by Haryana Act No. 10 of 1999 dated 5.3.1999

3. Omitted by Haryana Act No. 10 of 1999 dated 5.3.1999

19. Powers, Functions And Duties Of Sarpanch :-

1[***]2[***] The Sarpanch shall--

- (i) convene meeting of Gram Sabha and Gram Panchayat;
- (ii) preside over the meetings of Gram Sabha and Gram Panchayat;
- (iii) have the general responsibility for the executive and financial administration of the Gram Panchayat;
- (iv) exercise administrative supervision and control over the work of the staff of the Gram Panchayat and the officers and employees whose services may be placed at the disposal of the Gram Panchayat by any other authority; and
- (v) for the transaction of business connected with this Act or for the purpose of making any order authorised thereby, exercise such powers, perform such functions and discharge such duties as may be exercised, performed or discharged by the Gram Panchayat under this Act or the rules made thereunder;
- (vi) exercise such other powers, perform such other functions and

discharge such other duties as the Gram Panchayat may, by general or special resolution, direct or as the Government may, by rules made in this behalf, prescribe.

3[***]

1. Omitted by Haryana Act No. 10 of 1999 dated 5.3.1999
2. The brackets and figure "(1)" omitted by The Haryana Panchayati Raj (Amendment) Act, 2007 (Haryana Act No. 11 of 2007).
3. Sub-section (2) omitted by Haryana Act No. 10 of 1999 dated 5.3.1999

20. Report On Work Of Gram Panchayat :-

(1) The Gram Panchayat shall prepare in the prescribed manner a report on the work done during the previous year and the work proposed to be done during the following year and submit to the prescribed authority and to the Panchayat Samiti concerned within the prescribed time.

(2) The Gram Panchayat shall in the months of December and June every year, prepare a half yearly report showing the amount received by the Gram Panchayat during the previous half year from different sources including the pending balance and the amount actually spent on different items of work and a list of functionaries.

(3) The Gram Panchayat shall immediately after the preparation of the report and the list referred to in sub-section (2), publish the same in the prescribed manner in the office of the Gram Panchayat for the information of the general public.

21. Functions And Duties Of Gram Panchayat :-

Subject to such rules as may be made, it shall be the duty of the Gram Panchayat within the limits of the funds at its disposal, to make arrangements for carrying out the requirements of sabha area in respect of the following matters including all subsidiary works and buildings connected therewith:--

I. General Functions--

(1) Every resolution adopted in a meeting of the Gram Sabha shall be duly considered by the Gram Panchayat and the decision and action taken by the Gram Panchayat shall form part of the report of Panchayat of the following year.

(2) Preparation of annual plans for the development of the Panchayat area.

(3) Preparation of annual budget and submission thereof to Gram

Sabha in its Sawani meeting for consideration.

(4) Power for mobilising reliefs in natural calamities.

(5) Removal of encroachments on public place.

(6) Organising voluntary labour and contribution for community works.

(7) Maintenance of essential statistics of village(s).

II. Agriculture, including Agriculture Extension--

(1) Promotion and Development of agriculture and horticulture.

(2) Development of waste lands.

(3) Development and maintenance of grazing lands and preventing their unauthorised alienation and use.

III. Animal Husbandry, Dairying and Poultry--

(1) Improvement of breed of cattle, poultry and other livestock.

(2) Promotion of dairy farming, poultry and piggery.

(3) Grassland development.

IV. Fisheries-

Development of fishes in the villages(s).

V. Social and Farm Forestry, Minor Forest Produce, Fuel Fodder--

(1) Planting and preservation of trees on the sides of roads and other public lands under its control.

(2) Fuel plantations and fodder development.

(3) Promotion of farm forestry.

(4) Development of social forestry.

VI. Khadi, Village and Cottage Industries--

(1) Promotion of rural and cottage industries.

(2) Organisation of awareness camps, seminars and training programmes, agricultural and industrial exhibitions for the benefit of the rural areas.

VII. Rural Housing--

(1) Distribution of house sites within its jurisdiction.

(2) Maintenance of records relating to the houses, site and other private and public properties.

VIII. Drinking Water--

(1) Construction, repairs and maintenance of drinking water wells, tanks and ponds

(2) Prevention and control of water pollution.

(3) Maintenance of rural water supply schemes.

IX. Buildings, Waterways-

(1) Maintenance of buildings under its control or transferred to it by the Government or any public authority.

(2) Maintenance of boats, ferries and waterways.

X. Rural Electrification including distribution of Electricity providing

for and maintenance of lighting of public streets and other public places.

XI. Non-conventional Energy Sources--

(1) Promotion and Development of non-conventional energy schemes.

(2) Maintenance of community non-conventional energy devices, including bio-gas plants and windmills.

(3) Propagation of improved chulhas and other efficient devices.

XII. Poverty Alleviation Programme--

(1) Promotion of public awareness and participation in poverty alleviation programmes for full employment and creation of productive assets including employment assurance scheme.

(2) Selection of beneficiaries under various programmes throughout Gram Sabhas.

(3) Participation in effective implementation and monitoring.

XIII. Education including Primary and Secondary Schools--

(1) Promotion of public awareness and participation in primary and secondary education.

(2) Ensuring full enrolment and attendance in Primary and Middle Schools and its management.

XIV. Adult and non-formal Education--

Promotion of Adult Literacy.

XV. Libraries--

Village Library and reading rooms.

XVI. Cultural Activities-

Promotion of social and cultural activities.

XVII. Markets and fairs-

Regulation of fairs excluding cattle fairs and festivals other than religious.

XVIII. Rural Sanitation-

(1) Maintenance of general sanitation.

(2) Cleaning of public roads, drains, tanks, wells and other public places.

(3) Maintenance and regulation of cremation and burial grounds.

(4) Construction and maintenance of public latrines.

(5) Disposal and unclaimed corpses and carcasses.

(6) Management and control of washing and bathing ghats.

XIX. Public Health and Family Welfare programme-

(1) Implementation of family welfare programme.

(2) Prevention and remedial measures against epidemics.

(3) Regulation of sale of meat, fish and other perishable food articles.

- (4) Participation in programme of human and animal vaccination.
- (5) Licensing of eating and entertainment establishment.
- (6) Destruction of stray dogs.
- (7) Regulation of curing, tanning and dyeing of skins and hides.
- (8) Regulation of offensive and dangerous trades.

XX. Women and child development--

- (1) Participation in the implementation of women and child welfare programme.
- (2) Promotion of child health and nutrition programmes.

XXI. Social Welfare including Welfare of the Handicapped and Mentally Retarded--

- (1) Participation in the implementation of the social welfare programmes including welfare of the handicapped, mentally retarded and destitute.
- (2) Monitoring of the old age and widows pension scheme.

XXII. Welfare of the Weaker Sections and in particular the Scheduled Castes-

Promotion of public awareness with regard to welfare of Scheduled Castes and other weaker sections.

XXIII. Public Distribution System--

- (1) Promotion of public awareness with regard to the distribution of essential commodities.
- (2) Monitoring the public distribution system.

XXIV. Maintenance of Community Assets.

XXV. Construction and Maintenance of Dharamshalas and similar Institutions.

XXVI. Construction and Maintenance of Cattle Sheds, Ponds and Cart Stands.

XXVII. Construction and Maintenance of Slaughter-house.

XXVIII. Maintenance of Public Parks, Play Grounds etc.

XXIX. Regulation of Manure Pits in Public places.

XXX. Other Functions-

Such other functions as may be entrusted by the Government or any Local Authority.

22. Sub-Committees And Local Committees :-

(1) Every Gram Panchayat shall constitute the following sub-committees, namely -

- (i) Production sub-committee for performing functions relating to agriculture production, animal husbandry, rural industries and poverty alleviation programmes;

(ii) Social Justice sub-committee for performing functions relating to--

(a) promotion of education, economic, social, cultural, sports, games and other interests of the Scheduled Castes and Backward Classes and other weaker sections;

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

(c) promotion of welfare of women and children;

(iii) Amenities sub-committee in respect of education, public health, public works and other functions of sub-committees of the Gram Panchayat;

(iv) Where a Gram Panchayat is constituted for more than one village, it shall have a local committee comprising of Panches of the village concerned and appointed members from amongst Gram Sabha members;

(v) Any other committee the Gram Panchayat may deem fit to constitute.

1[(2) Each sub-committee and local committee shall consist of not less than five members, including Sarpanch. The Sarpanch shall be the ex-officio member and Chairman of Production Committee and Amenities Committee. Panch nominated by the Gram Panchayat by majority shall be the ex-officio member and Chairman of Social Justice Committee:

Provided that the Social Justice Committee shall consist of at least one woman member and one member belonging to the Scheduled Caste.]

(3) Each Committee shall be competent to appoint in such manner as may be prescribed, members of farmers clubs, mahila mandals, yuvak mandals and other similar bodies. A representative of co-operative societies in the panchayat area shall be appointed in the Production Committee. The rights and liabilities of the appointed members shall be such as may be prescribed.

(4) Each sub-committee shall perform the functions referred to in subsection (1) to the extent the powers are delegated to them by the Gram Panchayat.

1. Substituted by Haryana Act No. 10 of 1999 dated 5.3.1999

23. Functions Of Panchayat Samiti Which May Be Delegated To Gram Panchayat :-

The Panchayat Samiti may and shall, if so required by Government, delegate any of the following functions and duties to the Gram

Panchayat, namely:--

- (a) any matter under the direct administrative control of the Panchayat Samiti;
- (b) the maintenance or improvement of any property under the control or management of the Panchayat Samiti; and
- (c) the control and management of cattle pond which are under the control of the Panchayat Samiti:

Provided that funds necessary for the performance of the functions and duties so delegated shall be placed by the Panchayat Samiti at the disposal of the Gram Panchayat and in case of default, the Government may, by order in writing, direct the persons having the custody of the Panchayat Samiti Fund to place the funds at the disposal of the Gram Panchayat.

24. Power To Require Removal Of Encroachment And Nuisance :-

(1) A Gram Panchayat either suo motu or on receiving a report or other information and on taking such evidence, if any, as it thinks fit, may make a conditional order requiring within a time to be fixed in the order-

- (a) the owner or the occupier of any building or land-
 - (i) to remove any encroachment on a public street, place or drain;
 - (ii) to close, remove, alter, repair, clean, disinfect or put in good order any latrine, urinal, water closet, drain, cesspool or other receptacle for filth, sullage water, rubbish or refuse or to remove or alter any door or trap or construct any drain for any such latrine, urinal or water closet, by a sufficient roof and wall or fence from the view of persons passing by or dwelling in the neighbourhood;
 - (iii) to cleanse, repair, cover, fill up, drain off, deepen or to remove water from a private well, reservoir, pool, pit, ditch, depression or excavation therein which may appear to the Gram Panchayat to be injurious to health or offensive to the neighbourhood;
 - (iv) to remove any dirt, dung, night soil, manure or any noxious or offensive matter therefrom and to cleanse the land to building;
- (b) the owner of any wall or building which is deemed by the Gram Panchayat to be dangerous in any way to remove or repair any such wall or building;
- (c) the owner or occupier of any building or property to keep his building or property in a sanitary condition;
- (d) the owner of any dog or other animal suffering or reasonably suspected to be suffering from rabies or which is dangerous, to

destroy, confine or cause to be confined such dog or animal;
(e) the owner or occupier of any agricultural land to destroy Pohli or any other such harmful weed from such land;
(f) the owner or occupier concerned to reclaim an unhealthy place;
(g) the owner or occupier of any building or land to maintain in proper repair the level and surface of any road or street passing in front of the building or through his land;
(h) the owner or person incharge of a private khal to keep it in a state of reasonable repair, or if he objects so to do, to appear before it at a time and place to be fixed by the order, and to move to have the order set aside or modified in the manner hereinafter provided. If he does not perform such act or appear and show cause, the order shall be made absolute. If he appears and show cause against the order of the Gram Panchayat shall take evidence and if it is satisfied that the order is not reasonable and proper no further proceeding shall be taken in the case. If it is not satisfied the order shall be made absolute.

(2) If any of the act mentioned in sub-section (1) is not performed within the time fixed, the Gram Panchayat may cause it to be performed and may recover the costs of performing it from such person.

1[(3) No street or pavement in a village shall be dug, altered or damaged In any manner whatsoever by any person for any purpose except with prior permission of the Sarpanch or Block Development and Panchayat Officer concerned. No such permission shall be granted by the Sarpanch or Block Development and Panchayat Officer unless the person seeking permission has deposited with the Gram Panchayat or Block Development and Panchayat Officer an amount as may be prescribed, to restore the street or pavement to its original state.

(4) Any person whoever contravenes any provision contained in subsection (3) shall be punishable with a fine which may extend to one thousand rupees and in addition to this an expenditure incurred by the Gram Panchayat in restoring the street or pavement to its original state, shall also be recoverable from him.]

1. Added by Haryana Act No. 10 of 1999 dated 5.3.1999

25. Power To Make General Order :-

A Gram Panchayat may, by general order to be published in the manner prescribed,-

(a) prohibit the use of water of a well, pond or other excavation

suspected to be dangerous to the public health;

(b) regulate or prohibit the use of water by cattle or for bathing or washing at or near wells, ponds or other excavations reserved for drinking purposes;

(c) regulate or prohibit the dyeing or tanning of skins within four hundred and forty metres of the residential area of a village:

Provided that where the dyeing or tanning of skins was so practised at the time when the Gram Panchayat under the Punjab Village Panchayat Act, 1939 (Punjab Act XI of 1939) or the Punjab Village Panchayat Act, 1922 (Act III of 1922) or any other Act was in force, its working shall not be prohibited unless the Gram Panchayat provide reasonable facilities of practising it outside the four hundred and forty metres limits;

(d) regulate or prohibit the excavation of earth or stone or other materials within two hundred and twenty metres of residential area of a village:

Provided that nothing shall be done under this clause to prevent excavation meant to be filled in by the foundation of buildings or other structure;

(e) regulate or prohibit the establishment of brick kilns and charcoal kilns within eight hundred and eighty metres and pottery kilns within two hundred and twenty metres of the limits of residential area of a village:

Provided that where a pottery kiln was working at the time when Gram Panchayat under the Punjab Village Panchayat Act, 1939 (Punjab Act XI of 1939) and the Punjab Village Panchayat Act, 1922 (Punjab Act III of 1922) or any other Act was in force, its working shall not be prohibited unless the Gram Panchayat provides reasonable facilities for its working outside the two hundred and twenty metres limits;

(f) direct the carrier of the carcasses of all animals dying within the village except the carcasses of animals slaughtered for consumption, shall not be disposed of within a radius of four hundred and forty metres of the limits of the residential area of the village;

(g) regulate the construction of new building or the extension or alteration of any existing building in the abadi;

(h) regulate with the previous permission of the Government, the parking of public vehicles;

(i) regulate such matters as may be necessary for the general protection of standing crops and trees on common land and the planting of such trees;

- (j) regulate the conditions of sanitation and taking curative and preventive measures to remove and prevent the spread of epidemics;
- (k) regulate the maintenance of water courses meant for irrigation purposes;
- (l) regulate the killing of stray dogs;
- (m) regulate the slaughter of animals;
- (n) prohibit beggary;
- (o) direct the taking of measures for the prevention of water logging;
- (p) regulate the flaying and disposal of dead animals;
- (q) prohibit the sale of harmful eatables within the sabha area;
- (r) regulate the offensive and dangerous trades or practices;
- (s) prohibit the playing of obscene gramophone records.

26. Preparation Of Map Of Abadi Den :-

(1) The Gram Panchayat shall cause to be prepared in the manner hereinafter appearing, a map of abadi deh in the sabha area showing therein the boundaries of the buildings, public streets and other public open spaces.

(2) After preparation of the map, the gram panchayat shall publish, in the manner prescribed, a notice stating therein--

(i) that the map of the abadi deh has been prepared;

(ii) the place at which the map may be inspected by the public; and

(iii) that the objections may be filed by any person within a period of thirty days of the date of publication of such notice in respect of the said map.

(3) After the expiry of the period specified in sub-section (2) the Gram Panchayat shall consider the objections or representations, if any, received by it and after giving a reasonable opportunity to the persons who have filed any objection or representation, shall finalise the map after making such modifications therein as it may consider necessary

(4) The final map so prepared under sub-section (3), shall then be authenticated by the Gram Panchayat and the copies of this map shall be kept in the offices of Gram Panchayat, Block Development and Panchayat Officer, Chief Executive Officer for inspection by the public. A notice to the effect that the map has been finalised shall be published in the manner prescribed.

(5) Any person desiring to inspect the map may do so on payment

of a fee of five rupees. A copy of final map may also be obtained by making a separate application and on payment of such fee, as may be prescribed.

27. Penalty For Disobedience Of A Special Or General Order Of Gram Panchayat :-

Any person who disobeys an order passed under sections 24 and 25 by the Gram Panchayat, shall be liable to a penalty which may extend to one hundred rupees and if the breach is continuous with a further penalty which may extend to ten rupees for everyday after the first during which the breach continues:

Provided that the penalty for recurring breach shall not exceed the sum of one thousand rupees.

28. Appeal :-

Any person aggrieved by an order of the Gram Panchayat made under sections 24, 25 and 27, may within a period of thirty days of such order, prefer an appeal to the Director whose decision shall be final and shall not be liable to be questioned in any court of law.

29. Power To Enquire And Make Report About Misconduct Of Petty Officials :-

(1) On a complaint being made to the Gram Panchayat by any person that a peon, bailiff, constable, chowkidar, patrol of the Irrigation Department, forest guard, patwari, vaccinator, canal overseer, head constable, game watcher or any other class of public servants to which Government may, by notification, extend the provisions of this section has misconducted himself in his official capacity, the Gram Panchayat may enquire into the matter and submit a report, along with the prima facie evidence to the superior officer whom it may concern or to the Chief Executive Officer, as the case may be. The authority shall after such further enquiry as may be required, take suitable action and inform the Gram Panchayat accordingly:

Provided that nothing in this section shall be construed as empowering the Gram Panchayat to summon any official or to exercise control or to take disciplinary action against such official or otherwise.

(2) On the report being made by any person that a patwari or chowkidar has failed to perform any duty imposed upon him by any

law or rules, the Gram Panchayat may, by notice fixing a reasonable period, require him to perform the said duty and on his failure to do so, shall report the matter to the superior officer whom it may concern, or to the Chief Executive Officer, as the case may be. Result of the action taken thereon shall be communicated to Gram Panchayat.

30. Power To Contract For Collection Of Taxes And Other Dues :-

A Gram Panchayat may, notwithstanding any law to the contrary, in respect of any area within its jurisdiction, enter into contract with Government or a Local Authority to collect land revenue or any taxes or dues payable to Government or a Local Authority on being allowed such collection charges as may be prescribed.

31. Power To Introduce Prohibition :-

(1) A Gram Panchayat may, at any time, during the period commencing on the 1st day of April and ending with the 30th day of September of any year by resolution passed by majority of Panches holding office for the time being, direct that intoxicating liquor may not be sold at any licensed shop within the local area of the Gram Panchayat.

(2) When a resolution has been passed under sub-section (1) and is received in the office of the Excise and Taxation Commissioner, Haryana, on or before the 31st day of October, it shall take effect from the 1st day of April of the year next after such resolution.

(3) Notwithstanding anything contained in the Punjab Excise Act, 1914 (Punjab Act 1 of 1914) or any other Act for the time being in force and the rules made thereunder with regard to the powers and functions of the Collector under the said Act, such a resolution will be binding upon the Excise and Taxation Commissioner:

Provided that if the Excise and Taxation Commissioner is of the opinion for reasons to be recorded in writing that within such local area illicit distillation or smuggling of alcohol has been carried on or connived at within two years preceding the date of the passing of such resolution in such local area, such resolution shall not be binding upon him, unless the Government orders that it shall be so binding.

32. Entry And Inspection :-

The Sarpanch, if authorised in writing in this behalf by the Gram Panchayat or any Panch, may enter into or upon any building or land, with or without assistants or workmen, in order to make an inspection or survey or to execute a work which a Gram Panchayat is authorised by this Act or by rules or bye-laws made thereunder to make or execute, or which it is necessary for a Gram Panchayat for any of the purposes or in pursuance of any of the provisions of this Act or of rules or bye-laws to make or execute:

Provided that:--

- (a) except when it is otherwise expressly provided for under this Act, no such entry shall be made between sunset and sunrise;
- (b) sufficient notice, shall in every instance be given even when any premises can otherwise be entered without notice to enable the inmates of an apartment occupied by women to remove themselves to some part of the premises where privacy shall not be disturbed; and
- (c) due regard shall always be had to the social and religious usages of the occupants of the premises entered.

33. Power To Manage Fairs And Markets :-

The Gram Panchayat may, with the consent of Panchayat Samiti manage, start and regulate new fairs and markets with such conditions as to the share of income accruing therefrom as may be mutually agreed upon.

34. Power Over Waterways Etc. :-

A Gram Panchayat shall have control of all public streets, waterways other than canals as defined in clause (1) of section 2 of the Haryana Canal and Drainage Act, 1974 (Haryana Act 29 of 1974), or any other Act for the time being in force, situated within its jurisdiction not being a private street or waterways and not being under the control of Government or Panchayat Samiti or any other authority specified by Government and may do all things necessary for the maintenance and repair thereof, and may-

- (a) construct new bridges or culverts;
- (b) divert, discontinue or close any public street, culvert or bridge;
- (c) widen, open, enlarge or otherwise improve any public street, culvert or bridge with minimum damage to the neighbouring fields;
- (d) deepen or otherwise improve waterways;
- (e) with the sanction of the prescribed authority and where a canal exists under the Haryana Canal and Drainage Act, 1974, or any

other Act for the time being in force with the sanction also of such officer of the Irrigation Department as the Government may appoint to undertake small irrigation projects;

(f) cut any hedge or branch of any tree projecting on a public street; and

(g) notify the setting apart of any public watercourse for drinking or culinary purposes, and prohibit bathing, washing of clothes and animals or doing of other acts likely to pollute the course so set apart:

Provided that nothing shall be done under clause (g) which may affect a canal covered by the Haryana Canal and Drainage Act, 1974, or any other Act for the time being in force, without the prior permission of the authority prescribed by Government in this behalf.

35. Power Regarding Naming Of Streets And Numbering Of Buildings :-

(1) A Gram Panchayat may --

(a) cause a name to be given to a street by fixing it to or painting it on any building or otherwise in such a position or manner as it may think fit; and

(b) cause a number to be fixed to or painted on any building in such a position or manner as it may think fit.

(2) The Gram Panchayat may require the owner or occupier of any building to paint thereon a number or itself cause such a number to be painted on any building.

(3) Any person destroying, pulling down, defacing or altering any name plate of a street or number affixed to or painted on a building under subsections (1) and (2) or affixing to or painting on a building a different name or number other than that affixed or painted by or under the order of the Gram Panchayat, shall, on conviction by the Gram Panchayat, be liable to a fine which may extend to fifty rupees.

36. Power To Take Over Management Of Institutions, Etc. :-

Subject to rules made under this Act and the conditions agreed upon in writing, a Gram Panchayat may receive from any person any property vested in him, or the management of any institution, or the execution or maintenance of any work, or the performance of any duty, within its area:

Provided that no work costing more than five thousand rupees shall

be entrusted to, or undertaken by a Gram Panchayat except with the previous approval of the Director.

37. Help In Maintenance And Improvement Of Schools And Hospitals Or Dispensaries :-

(1) The Gram Panchayat shall, subject to such terms and conditions as may be prescribed, give help to the educational institutions, hospitals and dispensaries in or near its jurisdiction for their maintenance , improvement or efficient running.

(2) Notwithstanding anything contained in this Act, a Gram Panchayat may contribute funds to-

(a) any charitable or national cause or any work or scheme for removing distress and ameliorating the conditions of the people in the rural area in the State sponsored or approved by Government; or

(b) the execution of any other scheme which, in the opinion of Gram Panchayat is likely to be beneficial to the inhabitants of the Sabha area:

Provided that no contribution shall be made under clause (b) without the previous approval of the Government.

38. Establishment Of Primary Schools, Hospitals Or A Dispensary For A Group Of Gram Panchayats :-

Where a group of neighbouring Gram Panchayats areas have no primary school, hospital or Ayurvedic or Unani dispensary, the Gram Panchayats thereof shall, if so directed by the prescribed authority, combine to help in establishing such a school, hospital or Ayurvedic or Unani dispensary and it shall be managed in the manner prescribed:

Provided that Government or the Panchayat Samiti or Zila Parishad shall place such funds as may be necessary for the purpose, at the disposal of the Gram Panchayats concerned.

39. Gram Fund :-

There shall be a Gram Fund for each Gram Panchayat and the same shall be utilised for carrying out the duties and obligations imposed on the Gram Panchayat or any committee thereof by this or any other Act and for such other purposes of the Gram Panchayat as the Government may prescribe.

40. Source Of Gram Fund :-

The following moneys shall be credited to the Gram Fund--

- (a) all grants from the Government or other local Authorities as may be specified;
- (b) the balances, if any, standing at the credit of the Gram Panchayat at the commencement of this Act;
- (c) the balances and proceeds of all funds which, in the opinion of the Block Development and Panchayat Officer, were or are being collected for common, secular purposes of the village or the villages comprised in the sabha area;
- (d) all donations;
- (e) all taxes, duties, cesses, fines and fees imposed and realized under this Act;
- (f) the sale proceeds of all dust, dirt, dung or refuse collected by the servants of the Gram Panchayats and dead bodies of animals not claimed by any person in accordance with any custom or usage and the trees and other produce of the land vested in the Gram Panchayat;
- (g) income derived from the fisheries which are under the management of Gram Panchayats; and
- (h) income derived from common lands vested in the Gram Panchayat under any law for the time being in force.

41. Power Of Taxation And Fees :-

(1) Subject to rules made under this Act or any order made by Government in this behalf, a Gram Panchayat shall impose--

(a) a house tax payable by the occupier or, where a house is vacant by the owner:

Provided that if any house--

- (i) remains vacant for a period of one year or more; or
- (ii) is owned or occupied by a person who was dependent of the member of the Armed Forces of the Union of India killed in action during the 1962, 1965 or 1971 war 1[or who is/are freedom fighter/children of freedom fighter], it shall be exempted from payment of the house tax;
- (b) if so authorised by the Government, a duty on transfer of property in the form of a surcharge on the duty imposed by the Indian Stamp Act, 1899, on instruments of sale, gift and mortgage with possession of immovable property situated in the sabha area at such rate as may be fixed by the Government not exceeding two per centum, as the case may be, the amount of the consideration,

the value of the property or the amount secured by the mortgagee, as set forth in the instrument;

(c) if so authorised by the Government, any other tax, duty or cess which the Legislature of the State has power to impose:

Provided that if the Gram Panchayat fails to impose the tax, duty or cess, the Government may take necessary steps to impose it and the tax, duty or cess so imposed shall be deemed to have been imposed by the Gram Panchayat:

Provided further the Government may at any time withdraw the authorisation under clause (b) or clause (c) whereupon the tax, duty or cess shall cease to be levied.

(2) The following fees may be levied by a Gram Panchayat--

- (i) teh-bazari from the shopkeepers in fairs other than cattle fairs;
- (ii) service fee including fee on cleaning of streets and lighting of streets and sanitation;
- (iii) fees for registration of animals sold in the sabha area; and (iv) water rates where water is supplied by the Gram Panchayat.

1. Inserted by The Haryana Panchayati Raj (Amendment) Act, 2007 (Haryana Act No. 11 of 2007).

42. Power To Exempt From Taxes And Write Off Irrecoverable Amounts :-

Subject to such restrictions and control as may be prescribed a Gram Panchayat may write off any tax, fee or other amount whatsoever, due to it, whether under a contract or otherwise or any sum payable in connection therewith, if in its opinion such tax, fee, amount or sum is irrecoverable.

43. Audit Of Accounts, Inspection Of Budget And Accounts And Publication Of Abstract Of Accounts :-

(1) Accounts of the receipts and expenditure of every Gram Panchayat shall be made up in such form as may be prescribed and the Gram Panchayat shall make arrangements for the examination and audit of the accounts by such persons as the Government may appoint in this behalf.

(2) Every Gram Panchayat shall cause a copy of its budget considered under section 12 and of account made up under sub-section (1), to be kept at its office; and any member of sabha area may, at all reasonable times, inspect any such budget or account on payment of fee as may be prescribed.

(3) A statement of accounts of the Gram Panchayat for each

financial year, showing the income of the Gram Panchayat under each head of receipt, the charges for establishment, the work undertaken, the sums expended on each work and the balance, if any, of the Fund remaining unspent at the end of, the year, shall be prepared by the Gram Sachiv in such form as may be prescribed and in such manner as the Gram Panchayat may direct.

44. Expenses Of Gram Panchayat :-

The expenses of the Gram Panchayat shall be charged to the Gram Fund in such proportion as may be determined by the prescribed authority.

45. Special Tax And Community Service :-

A Gram Panchayat may, with the previous permission of the Director, impose a special tax on the adult male members of the sabha area for construction of any public work of general utility for inhabitants of the said area provided that it may exempt any member from payment of this tax in lieu of doing voluntary labour or having it done by another person on his behalf:

Provided that in the case of an emergency manual labour may be compulsorily imposed without payment and if any person does not perform such labour without sufficient cause, he shall be liable to be punished by the Gram Panchayat with a fine which may extend to fifty rupees.

46. Access To Records Of Gram Panchayat :-

(1) A Gram Panchayat shall at all reasonable times permit any office or other person whom the Director or Chief Executive Officer, as the case may be, may authorise in this behalf to have access to all its books, proceedings and records and to enter on and inspect any immovable property occupied by, or any work in progress under the orders of or any institution controlled by it.

(2) Notwithstanding anything contained in sub-section (1), the Block Development and Panchayat Officer or the Social Education and Panchayat Officer may for the purpose of this Act, require in writing, a Gram Panchayat to produce before him any book, proceedings or record and may inspect and examine the same and if he has reasonable grounds that anything necessary for the purpose of an investigation may be found in any book proceedings or record, he may seize such book, proceedings or record. The

officer seizing the book, proceedings or record shall forthwith issue a receipt for the same.

(3) Nothing contained in sub-section (1) or sub-section (2) shall affect the right of parties to any proceedings pending before a Gram Panchayat to inspect the records of those proceedings, in the manner prescribed.

47. Powers To Suspend Action Of Gram Panchayat :-

(1) The District Development and Panchayat Officer or Sub-Divisional Officer (Civil), as the case may be, by written order, suspend the execution of any resolution or order of the Gram Panchayat or prohibit the doing of any act which is about to be done or is being done under the provisions of this Act. However, in special circumstances if in the opinion of the Director, the Gram Panchayat has committed gross negligence to perform its duties and functions, the Director may suo motu or on a complaint or report of the District Development and Panchayat Officer or Sub-Divisional Officer (Civil), as the case may be, received in this behalf, and after giving a reasonable opportunity to explain to the Gram Panchayat concerned, may take necessary action and pass such orders as he may deem fit.

(2) In case the resolution or order is suspended by the District Development and Panchayat Officer or Sub-Divisional Officer (Civil), as the case may be, he shall forthwith send a copy of the order passed by him in this behalf with a statement of reasons and with such explanation as the Gram Panchayat may offer, to the Director and the Director may thereupon confirm, modify or rescind the order.

(3) Any Gram Panchayat aggrieved by an order passed under this section, may within a period of thirty days from the date of communication of the order, prefer an appeal to the Government.

48. Control And Subordination :-

In all matters arising under this Act, and unless otherwise provided, the Gram Panchayat, Panchayat Samiti, Zila Parishad and the Director shall be subject to such authority and control as the Government may direct.

49. Default Of Duties :-

(1) If a Gram Panchayat makes default in the performance of any

duty imposed upon it by or under this Act, or under any other law for the time being in force, the Director after such enquiry as it may deem fit, fix a period for the performance thereof, and in case of default may appoint any person to perform it and may direct the expenses arising from, and incidental to, its performance, shall be paid by the Gram Panchayat within the time fixed.

(2) If, in the opinion of the Government, a Gram Panchayat has failed or is otherwise, incompetent to administer its property, movable or immovable, in the best interest of the inhabitants of the sabha area, the Government shall appoint a person to administer such property for and on behalf of Gram Panchayat:

Provided that the Government may at any time terminate such arrangement and thereon the administration of such property shall be resumed by the Gram Panchayat.

(3) The person appointed under sub-section (2) shall exercise all such powers of a Gram Panchayat under this Act, or under any law for the time being in force, as may be necessary for the management of the property and shall be entitled to receive such remuneration as may be fixed by the Government.

(4) The income from the management of the property shall be credited to the Gram Fund and all expenses arising from and incidental to the administration of such property, including the remuneration payable to the person appointed under sub-section (2), shall be met out of the Gram Fund.

(5) If the expenses referred to in sub-section (1) or sub-section (4) are not paid, the Government may make an order directing the person having custody of the Gram Fund to make the payment in whole or in part as may be possible from such balance and if such person does not comply with the order, recover the amount from him, in the manner prescribed.

50. Power To Take Over Management Of Land :-

(1) Notwithstanding anything contained in section 49, if in the opinion of Government, it is necessary to take over, in public interest or to secure proper management of any land held or managed by the Gram Panchayat, the Government may, by notification in the Official Gazette, take over the management of such land for a period not exceeding the duration of the Gram Panchayat:

Provided that the land which has already been leased out shall not be taken over before the expiry of the lease.

(2) The land taken over under sub-section (1) shall be managed in the manner prescribed and the income derived therefrom, after meeting all expenses on its management, shall be credited to the Gram Fund.

51. Suspension And Removal Of A Sarpanch Or Panch :-

(1) The Director or the Deputy Commissioner concerned may, suspend any Sarpanch 1[***] or Panch, as the case may be:-

(a) where a case against him in respect of any criminal offence is under investigation, enquiry or trial, if in the opinion of the Director, or Deputy Commissioners concerned the charge made or proceeding taken against him, is likely to embarrass him in the discharge of his duties or involves moral-turpitude or defect of character;

(b) during the course of an enquiry for any of the reasons for which he can be remove, after giving him adequate opportunity to explain.

2[(2) Any Sarpanch or Panch, as the case may be, suspended under sub-section (1), shall not take part in any act or proceeding of the Gram Panchayat during the period of his suspension and shall hand over the records, money or any other property of the Gram Panchayat in his possession or under his control -

(i) if he is a Sarpanch to a Panch commanding majority in the Gram Panchayat:

(ii) if he is a Panch to Sarpanch:

Provided that the suspension period of a Panch or a Sarpanch, as the case may be, shall not exceed one year from the date of handing over the charge in pursuance of the suspension order except in criminal cases, involving moral turpitude.]

(3) The Director or the Deputy Commissioner concerned may, after such enquiry as he may deem fit and after giving an opportunity of being heard to a Sarpanch 3[***] or a Panch, as the case may be, ask him to show cause against the action proposed to be taken against him, and by order remove him from his office--

(a) if after his election he is convicted by a criminal court for an offence involving moral turpitude and punishable with imprisonment for a period exceeding six months;

(b) if he was disqualified to be a member of the Gram Panchayat at the time of his election;

(c) if he incurs any of the disqualifications mentioned in section 175 after his election as member of the Gram Panchayat;

(d) if he is absent from five consecutive meetings of the Gram Panchayat without prior permission or leave of Gram Panchayat; and

(e) if he has been guilty of misconduct in the discharge of his duties and his continuance in the office is undesirable in the public interest.

(4) A person who has been removed under sub-section (3) may be disqualified for re-election for such period as may be mentioned in the order but not exceeding the period of six years.

(5) Any person who aggrieved by an order passed under sub-sections (1), (3) and (4), may within a period of thirty days from the communication of the order, prefer an appeal to the Government.

2[(6) Any Sarpanch or Panch, as the case may be, removed under Sub section (3), shall hand over the records, money or any other property of the Gram Panchayat in his possession or under his control--

(i) if he is Sarpanch to a Panch commanding majority in the Gram Panchayat; 4{***}

5{(i-a) if he is Sarpanch belonging to reserve category, to a Panch of that reserve category commanding majority, and if no Panch in that category is available, to a Panch of general category commanding majority in the Gram Panchayat; and)

(ii) if he is a Panch to Sarpanch.]

1. The word "Up-Sarpanch" omitted by Haryana Act No. 10 of 1999 dated 5.3.1999

2. Substituted by Haryana Act No. 10 of 1999 dated 5.3.1999

3. Omitted by Haryana Act No. 10 of 1999 dated 5.3.1999

4. The word "and" omitted by The Haryana Panchayati Raj (Amendment) Act, 2007 (Haryana Act No. 11 of 2007).

5. Inserted by The Haryana Panchayati Raj (Amendment) Act, 2007 (Haryana Act No. 11 of 2007).

52. Dissolution Of Gram Panchayat :-

(1) If, in the opinion of the Government, a Gram Panchayat abuses its powers or is not competent to perform or makes persistent defaults in the performance of its duties under this Act or wilfully disregards any instructions given or directions issued by the Panchayat Samiti or Zila Parishad or any instructions issued by competent authority arising out of the audit of accounts of the Gram Panchayat or inspection of the work, the Government may,

after giving the Gram Panchayat an opportunity to render explanation, by an order published, with the reasons thereof, in the Official Gazette, dissolve such Gram Panchayat.

(2) When a Gram Panchayat is dissolved under sub-section (1)--

(i) Sarpanch, 1[***] and all Panches shall vacate their office forthwith;

(ii) all powers and duties of the Gram Panchayat during its dissolution, shall be exercised and performed by such person or persons as the Government may appoint in this behalf; and

(iii) all property in the possession of the Gram Panchayat shall be held by the Government.

(3) Upon dissolution of Gram Panchayat under sub-section (1), the Government shall reconstitute a Gram Panchayat as specified under section 8 and election to reconstitute such Gram Panchayat shall be completed before the expiration of a period of six months from the date of dissolution;

Provided that where the remainder of the period for which the dissolved Gram Panchayat would have continued is less than six months, it shall not be necessary to hold any election under this sub-section for reconstituting the Gram Panchayat for such period.

(4) A Gram Panchayat reconstituted upon the dissolution of the existing Gram Panchayat before the expiration of its duration, shall continue only for the remainder of the period for which the dissolved Gram Panchayat would have continued under section 3 had it not been so dissolved.

1. The word "Up-Sarpanch" omitted by Haryana Act No. 10 of 1999 dated 5.3.1999

53. Liability Of Sarpanch Or Panch :-

(1) Every Sarpanch 1[***] or a Panch of a Gram Panchayat shall be liable for the loss, waste or misapplication of Gram Fund or property belonging to that Gram Panchayat if such loss, waste or misapplication is a consequence of his neglect or misconduct while working as Sarpanch, Up-Sarpanch or a Panch as the case may be.

(2) The Block Development and Panchayat Officer concerned may, on the application of Gram Panchayat or otherwise, for loss, waste or misapplication of Gram Fund or property belonging to that Gram Panchayat and after giving adequate opportunity to Sarpanch 1[***] or Panch, as the case may be, to explain, assess by order in writing the amount due from him on account of such loss, waste or misapplication of such Gram Fund or property and take necessary

steps for its recovery.

(3) Any person aggrieved by an order under sub-section (2) may, within one month of the date of such order apply to the Director to have it set aside and the Director may suspend, vary or rescind such order upon such terms as to costs, payment into court or otherwise, as he thinks fit, but subject to the result of such application, if any, the order shall be conclusive proof of the amount due.

(4) Notwithstanding anything contained in sub-section (3) the Government may, either on its own motion at any time or an application received in this behalf within a period of sixty days from the date of the order, call for the records of any proceedings in which the Director has passed an order under sub-section (3) for the purpose of satisfying itself as to the legality or propriety of such order and may pass such order in relation thereto as it thinks fit:

Provided that the Government shall not pass an order under this subsection prejudicial to any person without giving him a reasonable opportunity of being heard.

(5) Notwithstanding anything contained in this section no person shall be called upon to explain why he should not be required to make good any loss, after the expiry of six years from the occurrence of the loss, waste or misapplication or after the expiry of two years from his ceasing to be a Sarpanch 1[***] or Panch as the case may be, whichever is earlier.

(6) The amount assessed as due from Sarpanch 1[***] or Panch, as the case may be, may after his death be recovered from his legal heirs to the extent of property inherited by them.

1. The word "Up-Sarpanch" omitted by Haryana Act No. 10 of 1999 dated 5.3.1999

54. Penalty For Tempering With The Property :-

(1) 1[Whoever, save as otherwise provided in section 24-]

(i) removes, displaces or makes any alteration in or interferes with any payment, gutter, public street, fence, wall or post thereof, lamp-post or bracket thereof, direction-post, stand-post, hydrant or other property of Gram Panchayat;

(ii) causes any damage to the property of a Gram Panchayat;

(iii) interferes with any right, title or interest, in the land vesting in the Gram Panchayat without written sanction of the Gram Panchayat or other lawful authority shall be punishable with fine which may extend to five hundred rupees and shall also be liable to

pay damages equivalent to the loss caused to the Gram Panchayat.

(2) The Block Development and Panchayat Officer may suo motu, or on the application of the Gram Panchayat, and after giving the person concerned an opportunity to explain, assess by order in writing, the amount of loss caused to the Gram Panchayat.

(3) Any person aggrieved by an order made under sub-sections (1) and (2) may within thirty days of the date of such order file an appeal to the Director whose orders shall be final.

1. The words "after making such enquiry as it may deem fit and after consulting the views of Zila Parishad, Panchayat Samiti or Gram Panchayat concerned," omitted by Haryana Act No. 10 of 1999 dated 5.3.1999

PART 3

PANCHAYAT SAMITI

55. Creation Of Block :-

(1) The Government may, by notification divide a district into blocks each of which shall comprise such areas as may be specified in the notification.

(2) The notification under sub-section (1) shall specify the name of the block by which it shall be known and shall specify the local limits of such block.

(3) The Government may, 1[***] by notification--

(a) exclude from any block or include in any block any village or Gram Panchayat;

(b) divide the area of a block so as to constitute two or more blocks; or

(c) unite the areas of two or more blocks so as to constitute a single block.

1. The words "after making such enquiry as it may deem fit and after consulting the views of Zila Parishad, Panchayat Samiti or Gram Panchayat concerned," omitted by Haryana Act No. 10 of 1999 dated 5.3.1999

56. Constitution Of Panchayat Samiti :-

The Government shall, by notification, constitute a Panchayat Samiti having jurisdiction, save and except as otherwise provided for in this Act, in a block excluding such portion of the block as are included in a municipality or in a cantonment or under the authority or a Municipal Corporation constituted under any law for the time being in force:

Provided that a Panchayat Samiti may have its office in any area comprised within the excluded portion of the block.

57. Composition Of Panchayat Samiti :-

(1) Every Panchayat Samiti shall consist of-

(a) directly elected members from territorial constituencies as determined under section 58 of this Act in the manner as may be prescribed;

(b) the members of Haryana Legislative Assembly representing constituencies which comprise wholly or partly in the Panchayat Samiti, who shall have right to vote in the meeting of the Panchayat Samiti except for election and removal of Chairman and Vice-Chairman and shall be 1[ex officio members,]

(c) 2[***]

Provided that a Sarpanch who was a Member under this clause for one term shall not be eligible to become Member for a second term during the remainder of his term of office as Sarpanch.

(2) There shall be a Chairman and a Vice-Chairman in every Panchayat Samiti, who shall be elected by and from amongst the elected Members, in the manner as may be prescribed.

(3) Notwithstanding anything contained in this section but subject to any general or specified order of the Government, where two-third of the total number of members of any Panchayat Samiti required to be elected, the Panchayat Samiti shall be deemed to have been duly constituted under this Act.

1. Substituted by Haryana Act No. 19 of 1995 dated 27.11.1995

2. The clause omitted by Haryana Act No. 19 of 1999 dated 27.11.1995

58. Number Of Members To Be Elected To Panchayat Samiti :-

(1) The number of elected Members of a Panchayat Samiti shall consist of persons elected from the territorial constituencies in the Panchayat Samiti area which shall not be less than ten and not more than thirty as may be notified from time to time by the Government at the scale of-

(a) one Member for every four thousand population or part thereof, of the Panchayat Samiti area having population upto forty thousand:

Provided that the total number of Members in such Panchayat Samiti shall not be less than ten; and

(b) one Member for every five thousand population or part thereof, of the Panchayat Samiti area, having population of more than forty thousand:

Provided that the total number of Members in such Panchayat Samiti shall not be less than ten and more than thirty.

(2) For the purpose of election of the Panchayat Samiti, the Government may, in accordance with such rules as may be prescribed in this behalf, divide the block area into territorial constituencies in such manner that the population of each ward shall, as far as may be practicable, be the same throughout the block area.

(3) Each ward shall elect one member through direct election in the manner as may be prescribed.

59. Reservation Of Seats :-

(1) Seats shall be reserved for Scheduled Castes in every Panchayat Samiti 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 Panchayat Samiti as the population of the Scheduled Castes in that Panchayat Samiti area bears to the total population of that area and such seats may be allotted to such wards having maximum population of persons belonging to Scheduled Castes.

(2) Not less than one-third of the total number of seats reserved under sub-section (1) shall be reserved for women belonging to Scheduled Castes and such seats may be allotted by rotation and by lots amongst the wards reserved under sub-section (1).

(3) Not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes) of the total number of seats to be filled by direct election in every Panchayat Samiti, shall be reserved for women and such seats may be allotted by rotation and by lots to different territorial constituencies in a Panchayat Samiti except those falling under sub-sections (1) and (2).

(4) The offices of Chairman in the Panchayat Samitis in a district shall be reserved for the Scheduled Castes and women by rotation and by lots:

Provided that the number of offices of Chairmen reserved for Scheduled Castes in the District shall bear as nearly as may be, the same proportion to the total number of such offices in the Panchayat Samitis as the population of the Scheduled Castes in the

State bears to the total population of the State:

Provided further that not less than one-third of the total number of offices of Chairpersons of the Panchayat Samitis in a district shall be reserved for women including the offices of Scheduled Caste women:

Provided further that the number of offices of Chairmen under this subsection shall be rotated to different Panchayat Samitis firstly having the largest maximum population of Scheduled Castes, and secondly having the next largest maximum population of such Classes and so on.

(5) One seat shall be reserved for the persons belonging to Backward Classes in every Panchayat Samiti which shall be allotted in such territorial constituencies as having maximum population of persons belonging to Backward Classes.

(6) The reservation of seats under sub-sections (1) and (2) and the reservation of offices of Chairmen (other than the reservation for women) under sub-section (4) shall cease to have effect on the expiration of the period specified in article 334 of the Constitution of India:

Provided that reservation of seats under sub-sections (1), (2), (3), (4) and (5) shall be reviewed after every decennial census.

60. First Meeting Of Panchayat Samiti And Election Of Chairman And Vice-Chairman :-

(1) On the constitution of Panchayat Samiti under section 56 or under any other provisions of this Act, there shall be called the first meeting thereof for the election of Chairman and Vice-Chairman by and from amongst its elected members, in the manner prescribed by the prescribed authority.

(2) The meeting shall be held on such day within four weeks from the date on which the names of members elected at the election are notified in the Official Gazette by the State Election Commissioner or any other officer authorised by him in this behalf.

61. Powers And Functions Of Chairman And Vice-Chairman :-

(1) (a) The Chairman shall--

(i) convene, preside over and conduct meetings of the Panchayat Samiti;

(ii) have access to the records of the Panchayat Samiti;

(iii) discharge all duties imposed, and exercise all the powers

conferred on him by or under this Act;

(iv) watch over the financial and executive administration of the Panchayat Samiti and submit to the Panchayat Samiti all information connected therewith which shall appear to him to require its orders; and

(v) exercise administrative supervision of the Block Development and Panchayat Officer for securing implementation of resolutions or decisions of the Panchayat Samiti or of any Committee thereof,

(b) The Chairman may in cases of emergency direct the execution or suspension or stoppage of any work or doing any act which requires the sanction of the Panchayat Samiti or any authority thereof and immediate execution or doing of which is, in his opinion, necessary for the service or safety of the public, and may direct that the expenses of executing such work or doing such act shall be paid from the Panchayat Samiti Fund:

Provided that the Chairman shall report forthwith the action taken under this sub-section, and the reasons therefor, to any appropriate standing committee at its next meeting.

(2) The Vice-Chairman shall--

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

(b) exercise such of the powers and perform such of the duties of the Chairman as the Chairman from time to time may, subject to the rules made by the Government in this behalf, delegate to him by an order in writing; and

(c) pending the election of Chairman or during the absence of the Chairman, exercise the powers and perform duties of the Chairman.

62. Term Of Office Of Chairman And Vice-Chairman :-

(1) The term of office of the Chairman and Vice-Chairman of a Panchayat Samiti shall be five years:

Provided that the Chairman or Vice-Chairman shall cease to be the Chairman or Vice-Chairman if by a resolution passed by not less than two-thirds of the total number of its elected Members, the Panchayat Samiti decides at a meeting convened in the manner prescribed that he shall vacate his office:

Provided further that no such meeting shall be convened before the expiry of one year from the date on which the election of the Chairman or Vice-Chairman as the case may be, was notified and, after the expiry of such period, whenever such a meeting is convened during his term of office and the proposal for vacating,

the office fails, no further meeting shall at any time thereafter be convened for considering a similar proposal against the Chairman or Vice-Chairman unless a period of at least one year intervenes between the last failure and the date on which such further meeting is convened.

(2) An outgoing Chairman or Vice-Chairman shall be eligible for fresh election if otherwise qualified.

63. Leave Of Absence :-

(1) Any Member of a Panchayat Samiti who during his term of office absents himself from four consecutive meetings of the Panchayat Samiti without the leave of the said Panchayat Samiti, shall cease to be a Member and his office shall be deemed to have become vacant and thereupon the Panchayat Samiti shall, as soon as may be, inform him, Zila Parishad, State Election Commission and Government accordingly.

(2) Any dispute as to whether a vacancy has or has not occurred under this section shall be referred for decision to the competent authority, whose decision shall be final:

Provided that such reference shall not be entertained if it is made after the expiry of fifteen days from the date on which the Panchayat Samiti informs under sub-section (1).

(3) Whenever leave is granted under sub-section (1) to a Member who is Vice-Chairman, another Member shall be elected to perform all the duties and exercise all the powers of a Vice-Chairman during the period for which such leave is granted on the same terms and conditions.

64. Suspension Of Chairman/Vice-Chairman And A Member :-

(1) The Government may suspend from office any Chairman or Vice-Chairman or Member against whom any criminal proceeding in respect of an offence involving moral turpitude have been instituted in any court, or who has been detained in a prison during trial for any offence or who is undergoing such sentence of imprisonment as would disqualify him for continuing as a Member of the Panchayat Samiti under section 175 or who has been detained under any law relating to preventive detention for the time being in force.

(2) Where any Chairman or Vice-Chairman, as the case may be, has been suspended under sub-section (1) another Member shall be elected by and from amongst the elected members to perform

all the duties and exercise all the powers of a Chairman or a Vice-Chairman during the period for which such suspension continues.

65. Executive Officer Of Panchayat Samiti :-

- (1) The Block Development and Panchayat Officer shall be the ex officio Executive Officer of the Panchayat Samiti.
- (2) The Executive Officer shall be under the administrative control of the Chairman and his condition of service shall be such as are applicable to the class of Government servants to which he belongs.
- (3) The Executive Officer shall not acquire, directly or indirectly, by himself or through any person any share or interest in any contract or employment with, by, or on behalf of, the Panchayat Samiti other than a share or interest as Executive Officer.
- (4) The Executive Officer shall have the right to speak or otherwise take part in the proceedings of any meeting of the Panchayat Samiti but shall not be entitled to vote at any such meeting.

66. Meetings :-

A Panchayat Samiti shall ordinarily meet at least six times in each year for the transaction of its business and not more than two months shall be allowed to elapse between any two successive meetings.

67. Convening Of Ordinary Or Special Meetings :-

- (1) A meeting of a Panchayat Samiti shall be either ordinary or special.
- (2) Any business may be transacted at any ordinary meeting unless required by this Act or the rules made thereunder to be transacted at a special meeting. The date of every meeting except the meeting referred to in sections 60 and 62 shall be fixed by the Chairman, or, in his absence by the Vice-Chairman. Notice of every meeting specifying the time and place thereof and the business to be transacted thereat shall be despatched to every member of the Panchayat Samiti and exhibited at the office of the Panchayat Samiti not less than ten days before an ordinary meeting and four days before a special meeting.

68. Quorum :-

For the transaction of business at a meeting of a Panchayat Samiti, the quorum shall be-

- (a) if it is an ordinary meeting, one-third; and
- (b) if it is special meeting, one-half of the number of Members actually serving for the time being.

69. Power Of Chairman And Executive Officer To Call Special Meetings :-

The Chairman, or in his absence the Executive Officer may whenever he thinks fit and shall on requisition made in writing by not less than one-third of the total Members of the Panchayat Samiti, convene a special meeting within two weeks of the receipt of the written requisition.

70. Adjournment :-

Any meeting of a Panchayat Samiti may, with the consent of the majority of the members present, be adjourned to any other date, but no business other than that left over at the adjourned meeting shall be transacted at the next following meeting.

71. Presiding Authority Of The Meeting Decision By Majority Vote :-

(1) At every meeting except first meeting for the election of Chairman or Vice-Chairman of a Panchayat Samiti, the Chairman if present, or in his absence, the Vice-Chairman, and if there be no Chairman or Vice-Chairman present, then such one of its Members as the Members present may elect, shall preside.

(2) Except as otherwise provided by this Act or the rules made thereunder, all questions coming up before any meeting of a Panchayat Samiti shall be decided by a majority of the Members present and voting and, in case of an equality of votes, the authority presiding at the meeting shall have a second or casting vote.

(3) Any matter finally disposed of by a Panchayat Samiti shall not be reconsidered unless the written consent of not less than three-fourth of its total Members has been obtained thereto or unless the Zila Parishad or the Government, as the case may be, has directed its reconsideration.

72. Records And Publication Of Proceedings :-

(1) Minutes of the proceedings at each meeting of a Panchayat Samiti, shall be drawn up and recorded in a book to be kept for the

purpose and shall be signed by the authority presiding at the meeting or of the next ensuing meeting and shall be published in such manner as the Panchayat Samiti, by bye-law, direct and shall, at all reasonable time, be open for inspection by any Member of the concerned Panchayat Samiti.

(2) A copy of every resolution passed at any meeting of a Panchayat Samiti shall, within three days from the date of meeting, be forwarded to the Chief Executive Officer concerned.

(3) Any person may obtain a copy of resolution passed by the Panchayat Samiti on payment of such fees as may be prescribed.

73. Executive Powers Of Panchayat Samitis :-

(1) The executive power of a Panchayat Samiti shall vest in the Chairman of the Panchayat Samiti and the Executive Officer thereof in the manner as may be prescribed.

(2) The Chairman and the Executive Officer shall perform all the duties and exercise all the powers specifically imposed or conferred on them by or under this Act and subject, wherever it is expressly provided, to the sanction of the Panchayat Samiti and to all other restrictions, limitations and conditions imposed, exercise the executive power for the purpose of carrying out the provisions of this Act and be directly responsible for the due fulfilment of the purposes of this Act:

Provided that the Vice-Chairman, if the Chairman is absent and the Executive Officer, if both the Chairman and Vice-Chairman are absent, may perform the duties or exercise the powers of the Chairman.

74. Extent Of Executive Power Of Chairman And Executive Officer :-

(1) Notwithstanding anything contained in section 73, the Executive Officer of the Panchayat Samiti, shall-

- (a) carry into effect the resolutions of the Panchayat Samiti;
- (b) furnish to the Panchayat Samiti such periodical reports regarding the progress made in carrying out the resolutions of the Panchayat Samiti as it may direct;
- (c) furnish to the Panchayat Samiti such information as it may, by order in writing, from time to time, direct; and
- (d) have power in respect of the matters enumerated in Schedule II.

(2) In all matters not falling within the competence of the

Executive Officer under this section or section 73, the executive power of the Panchayat Samiti shall vest in the Chairman.

75. Functions And Duties :-

(1) Subject to such exceptions and conditions as the Government may, by general or special order, impose, it shall be the duty of a Panchayat Samiti to provide for and make arrangements for carrying out the requirements of the area under its jurisdiction in respect of the following matters, namely:--

I. General Functions-

(a) Preparation of the annual plans in respect of the schemes entrusted to it by virtue of this Act and those assigned to it by the Government or the Zila Parishad and submission thereof to the Chief Executive Officer within a period of two months of its receipt for the consideration of the District Planning Committee constituted under this Act.

(b) Consideration and consolidation of the annual plans of all Gram Panchayats in the block and submission of the consolidated plan to the Zila Parishad.

(c) Preparation of annual budget of the block and its submission within such time, as may be prescribed, to the Zila Parishad.

(d) Performing such functions and executing such works as may be entrusted to it by the Government or the Zila Parishad.

(e) Providing relief in natural calamities.

II. Agriculture, including Agriculture Extension-

(a) Promotion and development of agriculture and horticulture.

(b) Maintenance of agricultural seed farms and horticultural nurseries.

(c) Storing and distribution of fertilizers, insecticides and pesticides.

(d) Propagation of improved methods of cultivation.

(e) Promotion of cultivation and marketing of grains, vegetables, fruits and flowers.

III. Land Improvement and Soil Conservation-

Assisting the Government and Zila Parishad in the implementation of land improvement and soil conservation programmes of the Government.

IV. Minor Irrigation, Water Management and Watershed Development--

(a) Assisting the Government and Zila Parishad in the construction and maintenance of minor irrigation works;

(b) Implementation of community and individual irrigation works.

V. Animal Husbandry, Dairying and Poultry--

- (a) Maintenance of veterinary and Animal Husbandry Service;
- (b) Improvement of breed of cattle, poultry and other livestock;
- (c) Promotion of dairy farming, poultry and piggery;
- (d) Prevention of epidemics and contagious diseases;

VI. Fisheries.--

Promotion of fisheries development.

VII. Khadi, Village and Cottage Industries-

- (a) Promotion of rural and cottage industries;
- (b) Organisation of conferences, seminars and training programmes, agricultural and industrial exhibitions.

VIII. Rural Housing-

Implementation of housing schemes and distribution of house sites in villages.

IX. Drinking Water-

- (a) Establishment, repairs and maintenance of rural water supply schemes;
- (b) Prevention and control of water pollution;
- (c) Implementation of rural sanitation schemes.

X. Social and Farm Forestry, Minor Forest produce, Fuel and Fodder--

- (a) Planting and preservation of trees on the sides of roads and other public lands under its control;
- (b) Fuel plantation and fodder development;
- (c) Promotion of farm forestry;

XI. Maintenance of buildings and property.--

Maintenance of any building or other property vested in the Panchayat Samiti.

XII. Non-conventional Energy Sources-

Promotion and development of non-conventional energy sources.

XIII. Poverty Alleviation Programme-

Implementation of poverty alleviation programme.

XIV. Education-

- (a) Promotion of Primary and Secondary Education;
- (b) Construction, repair and maintenance of primary schools buildings;
- (c) Promotion of social education through youth clubs and Mahila Mandals.

XV. Technical Training and Vocational Education-

Promotion of rural artisan and vocational training.

XVI. Adult and non-formal Education.--

Implementation of Adult Literacy.

XVII. Cultural Activities including Social Education--

Promotion of social and cultural activities--

- (a) Establishment of information, community and recreation centres;
- (b) Organisation of ward and watch;
- (c) Promotion and encouragement of physical, cultural activities, games and sports;
- (d) Training and utilisation of the services of Anganwari Workers and Sanitary Squads.

XVIII. Markets and Fairs--

Regulation of fairs and festivals.

XIX. Health and Family Welfare and Rural Sanitation--

- (a) Promotion of health and family welfare programmes;
- (b) Promotion of immunisation and vaccination programmes;
- (c) Maintenance of health services and control of epidemics;
- (d) Establishment and inspection of Oshdhyalya, dispensaries, Unani or Homoeopathic dispensaries, Veterinary Centres and Primary Health Centres;
- (e) Carrying out environmental sanitation, health campaigns and educating the public--
 - (i) Nutrition;
 - (ii) Maternity and Child health;
 - (iii) Communicable diseases;
- (f) Antimalarial measures and destruction of locusts, rats and other pests;
- (g) Promoting family welfare activities;
- (h) Health and Sanitation at fairs and festivals.

XX. Women and Child Development--

- (a) Promotion of programmes relating to development of women and children;
- (b) Promotion of child health and nutrition programmes;
- (c) Promotion of participation of voluntary organisations in women and child development programmes.

XXI. Social Welfare including welfare of the handicapped and mentally retarded--

- (a) Social Welfare programmes including welfare of physically handicapped, mentally retarded and destitutes;
- (b) Monitoring the old age and widows pension and pensions for the handicapped.

XXII. Welfare of the weaker sections and in particular of the Scheduled Castes--

- (a) Promotion of welfare of Scheduled Castes and Weaker sections;

(b) Protecting such castes and classes from social injustice and exploitation.

XXIII. Maintenance of Community Assets--

(a) Maintaining all community assets vested in it or transferred by the Government or any Local Authority or Organisation;

(b) Preservation and maintenance of other community assets.

XXIV. Public Distribution system--

Distribution of essential commodities.

XXV. Promotion of Rural Electrification.

XXVI. Co-operation--

(a) Promotion of co-operation by helping in the establishment and strengthening of service co-operative, industrial, irrigation, farming and other societies;

(b) Participation in and assistance to service co-operation;

(c) Providing credit for agriculture purposes.

XXVII. Libraries--

Promotion of libraries and reading rooms.

XXVIII. Any other functions entrusted to them.

XXIX. Miscellaneous--

(a) Securing or removing dangerous buildings or places;

(b) Construction, repair and maintenance of relief works, relief houses and other measures of relief on account of famines, floods, earthquakes and natural calamities;

(c) Management of such public ferries as may be entrusted to the charge of Panchayat Samiti under section 7-A of the Northern India Ferries Act, 1878:

Provided that where performance of additional functions or specific duties entrusted to a Panchayat Samiti by the Government or the Zila Parishad, has financial implications, the Government or Zila Parishad, as the case may be, shall provide for such financial assistance, if any, as may be considered appropriate. The order of the Government or the Zila Parishad in this behalf shall be final.

(2) A Panchayat Samiti may, with the approval or at the suggestion of the Government or the Zila Parishad, provide for and make arrangements for the carrying out of the requirements of the area under its jurisdiction in respect of any matter not set out in sub-section (1).

76. Community Development Programme :-

(1) Within the area subject to its authority a Panchayat Samiti shall be the agent to the Government for formulation and execution of

the Community Development Programme financed out of grants made by the Government to the Panchayat Samiti in this behalf.

(2) Where the Government decides to advance loans under the area of a Panchayat Samiti, such loans shall be disbursed by the Panchayat Samiti to such persons as it thinks fit on the terms and conditions applicable to such loans.

77. Relationship Of Panchayat Samiti With Gram Panchayats :-

(1) Notwithstanding anything to the contrary contained in this Act, a Panchayat Samiti shall, in the manner prescribed exercise such supervision and control over the performance of all or any of the administrative functions of the Gram Panchayats within its area or any part thereof as may be specified by the Government by an order issued in this behalf and also render such technical and financial assistance as may be required by the Gram Panchayat within the area of the Panchayat Samiti for the implementation of development schemes which are beyond the powers of such Gram Panchayats to execute.

(2) Subject to such terms as may be agreed upon, a Panchayat Samiti may delegate any of the following duties to a Gram Panchayat, namely:--

(i) any matter under the direct administrative control of Panchayat Samiti; and

(ii) the construction, maintenance or improvement of any property under the control or management of the Panchayat Samiti.

78. Penalty For Dis-Obedience Of Orders Of Panchayat Samiti :-

Whoever disobeys any lawful direction or prohibition given by a Panchayat Samiti by written notice issued by the Executive Officer under any power conferred by this Act or rules made thereunder, or fails to comply with the conditions subject to which any permission was given by the Panchayat Samiti or the Chairman or the Executive Officer on its behalf under any power so conferred, shall if the disobedience or omission is not an offence punishable under any other provision of this Act, be punishable by the Panchayat Samiti with fine which may extend to five hundred rupees and in case of a continuing breach with further fine which may extend to fifty rupees for every day during which the breach continues after conviction for the first such breach or so, however, that it does not

exceed in the aggregate one thousand rupees.

79. Compensation For Damage :-

Every person convicted of an offence under this Act on account of any act or omission, shall, notwithstanding any punishment to which he may have been sentenced for such offence under any other law, pay compensation, the amount of which shall be determined by the Magistrate before whom he was so convicted, to the Panchayat Samiti for any damage that may have occurred to any property of the Panchayat Samiti in consequence of such act or omission.

80. Power To Delegate :-

Notwithstanding anything contained in this Act, a Panchayat Samiti may, by resolution, delegate to the Executive Officer or any other Government servant, all or any of the powers conferred upon it under this Act except the power to make bye-laws under section 210.

81. Extraordinary Powers Of Chairman And Executive Officer :-

(1) In cases of emergency, the Chairman or, in the absence of the Chairman or Vice-Chairman, the Executive Officer may with the previous approval of the Chief Executive Officer direct the execution of any work or the doing of any act which a Panchayat Samiti is empowered to execute or do, and the immediate execution or doing of which is, in his opinion, necessary for the service or safety of the public, and may with the previous approval of the Chief Executive Officer direct that the expenses of executing such work or doing such act shall be paid from the Samiti Fund:

Provided that every such direction shall be reported to the next following meeting of the Panchayat Samiti for confirmation.

(2) The Chairman or the Executive Officer shall not act under subsection (1) in contravention of any order of the Panchayat Samiti.

(3) The Chairman or, in the absence of the Chairman or Vice-Chairman, the Executive Officer may prohibit, until the matter has been considered by the Panchayat Samiti, the doing of any act which is, in his opinion, undesirable in the public interest, provided that the act is one which the Panchayat Samiti has power to

prohibit.

(4) No direction given under this section shall be questioned in any court of law on the ground that the case was not one of emergency.

82. Delegation Of Powers Of Chairman :-

(1) The Chairman may, by an order in writing, delegate any of his powers and functions to the Vice-Chairman:

Provided that he shall not delegate any powers or functions which the Panchayat Samiti expressly forbids him to delegate.

(2) Every order made under this section shall be communicated to the Panchayat Samiti.

(3) The Chairman shall have powers to modify or withdraw any powers or functions delegated to the Vice-Chairman under sub-section (1).

83. Constitution Of Committees :-

(1) Every Panchayat Samiti shall appoint the following Committees, namely:--

(a) General Committee;

(b) Finance, Audit and Planning Committee;

(c) Social Justice Committee.

(2) Each Committee shall consist of such number of members not exceeding six including the Chairman as may be specified by the Panchayat Samiti, elected by the Members of the Panchayat Samiti from amongst the elected Members.

(3) The Chairman shall be the ex-officio member and also Chairman of the General Committee. The Vice-Chairman shall be the ex-officio member and Chairman of the Social Justice Committee.

(4) No elected Member of the Panchayat Samiti shall be eligible to serve on more than one Committee.

(5) The Executive Officer shall be the ex-officio Secretary of every Committee.

84. Functions Of Committees :-

(1) The General Committee shall perform functions relating to the establishment matters, communication, building, rural housing, village extension, relief against natural calamities, water supply and all miscellaneous residuary matters.

(2) The Finance, Audit and Planning Committee shall perform the

functions relating to the finance of the Panchayat Samiti, framing of budgets, scrutinising proposals for increase of revenue, examinations of receipts and expenditure statement, consideration of all proposals affecting the finances of the Panchayat Samiti and general supervision of the revenue and expenditure of the Panchayat Samiti and co-operation, small saving scheme and any other function relating to the development plan of the block.

(3) The Social Justice Committee shall perform functions relating to-

(a) promotion of education, economic, social, cultural and other interests of the Scheduled Castes and Backward Classes;

(b) protecting them from social injustice and all other forms of exploitation;

(c) amelioration of the Scheduled Castes and Backward Classes;

(d) securing social justice to the Scheduled Castes, women and weaker sections of the society.

(4) The Committees shall perform the functions referred to above to the extent the powers are delegated to them by the Panchayat Samiti.

85. Procedure Of Committees :-

(1) The Panchayat Samiti may frame regulations relating to election of members of Committees, conduct of business therein and all other matters relating to them.

(2) The Chairman of every Committee shall in respect of the work of the Committee be entitled to call for any information, return, statement, account or report from the office of the Panchayat Samiti and to enter on and inspect any immovable property of the Panchayat Samiti or work in progress connected with the work of the Committee.

(3) Each Committee shall be entitled to require attendance at its meetings of any officer of the Panchayat Samiti who is connected with the work of Committee. The secretary shall under instructions of the Committee issue notices of the meetings and to ensure that the notice is served to the officers concerned.

86. Delegation Of Powers By Panchayat Samitis :-

The Panchayat Samiti may, by notification, delegate to the Executive Officer or other officer any of the powers conferred by or under this Act on a Panchayat Samiti.

87. Power Of Supervision By Panchayat Samiti Over The Gram Panchayat :-

(1) A Panchayat Samiti shall exercise general power of supervision over Gram Panchayats in the block and it shall be duty of such Gram Panchayats to give effect to the directions of the Panchayat Samiti.

(2) A Panchayat Samiti may-

(a) inspect or cause to be inspected, any immovable property used or occupied by a Gram Panchayat within the block or any work in progress under the direction of a Gram Panchayat;

(b) inspect or examine, or depute an officer to inspect or examine any service, work or thing under the control of the Gram Panchayat;

(c) inspect or cause to be inspected utilisation of funds in respect of schemes or programmes assigned to the Gram Panchayats by the Government for execution either directly or through the Panchayat Samiti or Zila Parishad; and

(d) require a Gram Panchayat, for the purpose of inspection or examination--

(i) to produce any book, record, correspondence or other documents;

(ii) to furnish any return, plan, estimate, statement of accounts or statistics; or

(iii) to furnish or obtain any report or information.

88. Power Of Taxation :-

Subject to general direction and control of the Government, a Panchayat Samiti may with the previous permission of the Chief Executive Officer concerned, impose any tax which the Legislature of the State has power to impose under the Constitution of India.

89. Power To Impose Tax Without Permission Of Chief Executive Officer :-

Notwithstanding anything contained in section 88, the Government may empower any Panchayat Samiti to impose without permission of the Chief Executive Officer any tax referred to in the said section subject to such limitations as it may direct.

90. Procedure In Imposing Taxes :-

- (1) A Panchayat Samiti may at a special meeting pass a resolution to propose the imposition of any tax under section 88 of this Act.
- (2) When a resolution referred to in sub-section (1) has been passed, the Panchayat Samiti shall publish a notice defining the class of persons or description of property proposed to be taxed, the amount or rate of the tax to be imposed and the manner of assessment to be adopted.
- (3) Any person likely to be affected by the proposed tax and objecting to the same, may within thirty days from the publication of the notice, send his objection in writing to the Panchayat Samiti and the Panchayat Samiti shall at a special meeting take his objection into consideration.
- (4) If no objection is received within the said period of thirty days or the objection received is considered to be unacceptable, the Panchayat Samiti shall--
 - (a) where the proposed tax is a tax in respect of which the Government has empowered the Panchayat Samiti, under section 89 to impose it without the permission of the Chief Executive Officer, submit its proposal to the Government; and
 - (b) in any case otherwise, submit its proposal to the Chief Executive Officer concerned with the objections, if any, which have been received alongwith its decision thereon.
- (5) Where a proposal for the imposition of a tax has been received by the Government under clause (a) of sub-section (4), the Government may notify the imposition of the tax in accordance with the proposal and shall in the notification specify a date, not less than thirty days from the date of its publication, on which the tax shall come into force.
- (6) On receiving the proposal under clause (b) of sub-section (4), the Chief Executive Officer may, within a period of thirty days, sanction or refuse to sanction it or return it to the Panchayat Samiti for further consideration.
- (7) If the Chief Executive Officer permits the imposition of the proposed tax, it shall forward the proposal to the Government for taking action in accordance with the provisions of sub-section (5).
- (8) If the Chief Executive Officer refuses permission to impose the proposed tax or returns it to the Panchayat Samiti for further consideration, the Chief Executive Officer shall forward the proposal of the Panchayat Samiti in its original form or as further considered by the Panchayat Samiti, as the case may be, to the Government and the Government may then decide whether a tax is or is not to be imposed or imposed in accordance with the proposals as further

considered by the Panchayat Samiti.

(9) After decision has been taken by the Government under subsection (8) that the proposed tax is to be imposed as originally proposed or as proposed after further consideration, the Government shall take action in accordance with the provisions of sub-section (5).

(10) A notification for the imposition of a tax under this Act shall be a conclusive evidence that tax has been imposed in accordance with law.

91. Levy Of Fees :-

With the previous sanction of the Chief Executive Officer and subject to the general direction and control by the Government a Panchayat Samiti may-

(1) levy fee for the use of or benefits derived from -

(a) public hospitals, dispensaries, schools, sarais, markets, rest houses and other public institutions;

(b) the supply, storage and preservation of water for drinking, bathing and agricultural purposes; and

(c) preservation and reclamation of soil and drainage and reclamation of swamps; and

(2) fix fees at fairs, agricultural shows and industrial exhibitions held under its authority.

92. Taxes How To Be Assessed And Collected :-

The Government may, by notification, determine the persons by whom the cess or any tax imposed under his Act, shall be assessed and collected and make rules for the assessment and collection of the cess or tax and direct in what manner persons employed in the assessment or collection thereof shall be remunerated.

93. Instalments Of Taxes :-

The Government may, by notification, direct in how many instalments and at what times any cess or tax leviable under this Act shall be payable.

94. Delegation Of Powers To Panchayat Samitis :-

In any local area subject to the authority of a Panchayat Samiti, the Government may, by notification, also delegate to the Panchayat Samiti, subject to such conditions as may be specified in

the notification, its powers under section 93.

95. Appeal Against Assessment And Collection :-

In any matter connected with the assessment and collection of any cess or tax leviable under this Act, an appeal from the order of any person authorised to make assessment or collection shall, within sixty days from the date of such order, lie to the Chief Executive Officer or any such other Gazetted Officer subordinate to him and in respect of such areas, as the Chief Executive Officer may direct, whose decision on such appeal shall be final.

96. Reduction, Abolition, Remission And Exemption From Taxation :-

The Government may, by notification, and a Panchayat Samiti may, subject to the confirmation by the Chief Executive Officer concerned, abolish, reduce or remit any tax, cess or fee imposed under this Act or exempt any person or class of persons, or any property or description of property wholly or in part, from liability to pay any such tax, cess or fee and cancel any such reduction, remission or exemption.

97. Power To Lease The Collection Of Fees Or Tolls And Management Of Fairs Etc. :-

The collection of fees or tolls, levied at fairs other than cattle fairs, agricultural shows, industrial exhibitions, markets, tonga stands, ferries or rest houses or the management of such fairs, shows, exhibitions, markets, tonga stands, ferries or rest houses may, with the previous sanction in writing of the Chief Executive Officer concerned be leased by a Panchayat Samiti for a period not exceeding three years, and the lessee and all persons employed by him for the collection of such fees or tolls or for the management of such fairs, shows, exhibitions, markets, tonga stands, ferries or rest houses shall in respect thereof-

(a) be bound by any order made by the Panchayat Samiti for their guidance;

(b) have such powers exercisable by officers of Panchayat Samiti under this Act as the Panchayat Samiti may, from time to time, confer upon them; and

(c) be entitled to the same remedies and subject to same responsibilities as if they were employed by Panchayat Samiti for

the collection of fees or tolls or for the management of such fairs, shows, exhibitions, markets, tonga stands, ferries or rest houses.

98. Samiti Fund :-

There shall be formed for every Panchayat Samiti a fund to be called the "Samiti Fund" and there shall be placed to the credit thereof-

- (a) proceeds of taxes, cesses and fees imposed by the Panchayat Samiti under this Act;
 - (b) all funds allotted to the Panchayat Samiti and income arising from all sources of income placed at its disposal under section 190;
 - (c) all rents and profits accruing from property vested in or managed by the Panchayat Samiti;
 - (d) all sums contributed to the fund by the Central Government or any State Government or by any Local Authority including Gram Panchayat or any private persons;
 - (e) all sums received by the Panchayat Samiti in the discharge of functions exercised by it under this Act;
 - (f) all sums paid by the Government to the Panchayat Samitis to meet expenses for the performances of agency functions;
 - (g) all grants made by the Government for the implementation of Community Development Programme and Rural Development Programme;
 - (h) the proceeds of all sources of income which the Government may order to be placed at the disposal of Panchayat Samiti:
- Provided that the Government may revoke any order made under clause (h).

99. Vesting, Custody And Investment Of Samiti Fund :-

(1) Samiti Fund shall be vested in the Panchayat Samiti and the balance standing at the credit of the fund shall be kept in Government treasury or sub-treasury or in the bank to which the Government treasury business has been made over unless the Government in any case otherwise permits:

Provided that the Government may, by a general or special order, direct all or any of the Panchayat Samitis to keep the balance or a part thereof at such other place as may be specified in this direction.

(2) Subject to such rules as the Government may make in this behalf, a Panchayat Samiti may, from time to time with the previous sanction of the Chief Executive Officer concerned; invest

any portion of the Samiti Fund in securities of the Government or invest it in such other securities or place it in such other manner as the Government may approve in this behalf and, with the previous sanction of the Chief Executive Officer concerned, may vary such investment or placement for another or others of like nature. The income resulting from such securities or placements and the proceeds of the sale of the same shall be credited to the Samiti Fund.

100. Application Of Samiti Fund :-

The Samiti Fund shall be applicable to the payment, in whole or in part, of the charges and expenses incidental to the several matters specified in section 75 and incurred within area subject to the authority of the Panchayat Samiti and also for the following purposes, namely:--

- (a) performance of agency functions entrusted to the Panchayat Samiti under section 105;
- (b) expenses required for the audit of accounts of the Panchayat Samiti;
- (c) cost of the acquisition of land;
- (d) expenses in respect of such portion of the cost of departments for Education, Public Health, Agriculture, Public Works and any other departments as may be held by the Government to be equitably debitable to the Panchayat Samiti in return for the services rendered to the Samiti by those Departments;
- (e) grants-in-aid to the Gram Panchayats and to educational, public health or any other public institution within the area subject to the authority of the Panchayat Samiti;
- (f) charges and expenses incurred outside the Panchayat Samiti area when such application of funds is in the opinion of the Panchayat Samiti for the benefit of that area;
- (g) expenses and charges for the implementation of Community Development Programme subject to the general control of and such particular direction as the Government or any other authority appointed by the Government in this behalf, may from time to time issue to the Panchayat Samiti with respect to the pattern and priority of the scheme under the aforesaid programme;
- (h) any other expenditure which the Government may on a recommendation of the Panchayat Samiti or otherwise declare to be fit and proper charge on the Samiti Fund.

101. Minimum Balance :-

Except with the previous sanction of the Government, the actual cash balance of the Samiti Fund, excluding investments, the unspent balance of loans and grants of all kinds and receipts from the sale of land and buildings, shall not be permitted at any time to fall below an amount equal to ten per cent of the Samitis income of the previous financial year excluding sales or maturity of investment and the amount in suspense accounts:

Provided that the actual cost price of such Post-Office Cash Certificates held by the Panchayat Samiti and such sums placed by the Panchayat Samiti in fixed deposit with any bank as are not earmarked for specific purposes, may be reckoned as forming part of the actual cash balance.

102. Annual Estimates Of Income And Expenditure :-

(1) Every Panchayat Samiti shall on or before a prescribed day in each year hold a meeting at which the Committee for finance and taxation shall submit to the Panchayat Samiti an estimate of income and expenditure (hereinafter referred to as the "Budget") of the Panchayat Samiti for the next financial year in such form as may be prescribed.

(2) The Panchayat Samiti budget shall consist of two parts, Part (1) shall contain the budget of the Community Development Block and Part (2) the funds transferred from the other departments and income derived by the Panchayat Samiti from other sources. The Panchayat Samiti shall consider both parts of the budget and may approve them with or without modification. The Panchayat Samiti budget shall then be placed before the Zila Parishad for its approval. The Zila Parishad will then consider the budget and if it has any recommendations to make, it will return the budget to the Panchayat Samiti with such recommendations. The Panchayat Samiti shall thereupon either:-

(a) accept and enforce the recommendation of the Zila Parishad; or
(b) if it does not accept the recommendations, or a part thereof, repass the budget or the relevant part thereof by a two-third majority of the total members of the Panchayat Samiti. Thereafter, the budget, with such comments of the Panchayat Samiti shall be returned to the Zila Parishad and thereupon the Zila Parishad after considering the aforesaid comments shall give its approval.

103. Inspection Of Budget And Accounts :-

Every Panchayat Samiti shall cause a copy of its budget sanctioned under section 102 and of accounts made under section 105 to be kept at its office; and any member of Panchayat Samiti may, at reasonable times, inspect any such budget or account on payment of prescribed fee.

104. Publication Of Abstract Of Accounts :-

A statement of the accounts of the Panchayat Samiti for each financial year, showing the income of the Panchayat Samiti under each head of receipt, the charges for establishment, the works undertaken, the sums expended on each work and the balance, if any, of the fund remaining unspent at the end of the year, shall be prepared by the Executive Officer in such form as may be prescribed, and an abstract of the same shall be published in the Official Gazette and in such other manner as the Panchayat Samiti may direct.

105. Audit Of Accounts :-

Accounts of the receipts and expenditure of every Panchayat Samiti shall be made up in such form as may be prescribed and the Panchayat Samiti shall make arrangements for the examination and audit of the accounts by such persons as the Government appoints in this behalf.

106. Supervision By Chief Executive Officer :-

(1) The Chief Executive Officer concerned shall have power to:-

(a) enter on and inspect or authorise any other person to enter on and inspect any immovable property within the limits of his jurisdiction occupied or vested in any Panchayat Samiti or any work in progress within such limits under the direction of such Panchayat Samiti;

(b) by order in writing call and inspect any document which may, for the purposes of this Act, be in the possession or under the control of any Panchayat Samiti or any subordinate authority thereof;

(c) by order in writing require any Panchayat Samiti to furnish such statements, accounts, reports or copies of documents as he may think fit;

(d) record in writing for consideration of any Panchayat Samiti any observation he may wish to make.

(2) Every Panchayat Samiti shall forward to the Chief Executive Officer concerned as soon as may be, a copy of the proceedings of its meetings and of its budget and annual report.

107. Supervision By Government :-

(1) The Government shall advise, supervise and co-ordinate the functions of the Panchayat Samitis.

(2) Without prejudice to the generality of the provisions of subsection (1), the Government shall have power to -

(a) issue directives to Panchayat Samitis with respect to the efficient performance of their duties Such directives shall be binding on the Panchayat Samitis:

Provided that if any Panchayat Samiti does not accept any such directive, it may return the same to the Government by means of a resolution giving its reasons. Such a resolution will be passed by two-third majority of its members. The Government shall thereupon consider the aforesaid comments of the Panchayat Samiti and pass order thereon which shall be final;

(b) give advice to Panchayat Samitis on its own motion or at the request of a Panchayat Samiti;

(c) co-ordinate and consolidate development plans prepared in respect of Panchayat Samitis;

(d) secure the execution of plans, projects, schemes or other works common to two or more Panchayat Samitis or blocks in the districts;

(e) exercise and perform such other powers and functions in relation to any development programme as it may deem fit;

(f) advise Panchayat Samitis on all matters relating to development activities and maintenance of services in its area;

(g) allocate work among Gram Panchayats and Panchayat Samitis and co-ordinate it; and

(h) advice Panchayat Samitis on matters concerning the implementation of any statutory or executive order specially referred to them.

(3) The Government shall have the authority to call for any information, statement or record from a Panchayat Samiti which shall comply with any such requisition within a reasonable time.

108. Power To Cancel Or Suspend Resolutions Of Panchayat Samitis :-

(1) The Government may, by an order in writing, cancel any

resolution passed by a Panchayat Samiti or any Committee thereof, if, in their opinion, such resolution -

(a) is not legally passed; or

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

(c) is contrary to the interests of the public or likely to cause, waste or damage of Samiti Fund or of property of a Panchayat Samiti; or

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

(2) The Government shall, before taking action under sub-section (1), give the Panchayat Samiti an adequate opportunity.

(3) If, in the opinion of the Director, immediate action is necessary to suspend a resolution on any of the grounds referred to in clause (d) of subsection (1), he, may, by order in writing, suspend the resolution and make a report to the Government.

(4) The Government may, either suo motu or on a representation made by the Panchayat Samiti aggrieved by the order made under subsection (3), call for the record of the case in which such order was made and pass such order in relation thereto as they may deem fit but the Government shall not pass any order prejudicial to the Panchayat Samiti unless it is given an adequate opportunity.

109. Suspension And Removal Of Members :-

(1) The Government may, during the course of any inquiry suspend a member, Vice-Chairman or Chairman as the case may be, of a Panchayat Samiti for any of the reasons for which he can be removed and debar him from taking part in any act or proceedings of the said body, during the inquiry:

Provided that the suspension period of a Member, Vice-Chairman or Chairman, as the case may be, shall not exceed six months from the date of issuance of suspension order.

(2) The Government may, after such inquiry as it may deem fit, remove any member, Vice-Chairman or Chairman, as the case may be, who, in the opinion of the Government, has been guilty of misconduct in the discharge of his duties.

(3) A person who has been removed under sub-section (2) may be disqualified for re-election for such period not exceeding five years as the Government may fix.

110. Powers Of Government To Dissolve In Case Of Incompetency, Persistent Default Or Abuse Of Power :-

If a Panchayat Samiti is not competent to perform or persistently makes default in the performance of the duties imposed upon it by or under this or any other Act for the time being in force or exceeds or abuses its powers, the Government may, suo motu or on a report received in this behalf and after giving an opportunity to the Panchayat Samiti concerned to show cause why such an order should not be made, by notification, dissolve such Panchayat Samiti.

111. Consequences Of Dissolution :-

(1) When a Panchayat Samiti is dissolved under section 110, the following consequences shall ensure -

(a) all members of the Panchayat Samiti shall, from the date of the notification, vacate the office;

(b) all powers and duties of the Panchayat Samiti may, until the Panchayat Samiti is reconstituted be exercised and performed by such person or persons as the Government may appoint in this behalf; and

(c) all property vested in the Panchayat Samiti shall, until it is reconstituted vest in the Government.

(2) When a Panchayat Samiti is dissolved under section 110, the Government shall constitute Panchayat Samiti in its place before the expiration of a period of six months from the date of its dissolution for the remainder period:

Provided that where the remainder of the period for which the dissolved Panchayat Samiti would have continued is less than six months, it shall not be necessary to hold any election under this sub-section for constituting the Panchayat Samiti for such period.

(3) Any person or persons appointed under clause (b) of sub-section (1) shall be subject to the control of the Government and such other officers as it may direct, and shall be subject to all other restrictions, limitations and conditions imposed by this Act on the Panchayat Samiti, its Chairman or Executive Officer.

112. Power To Provide For Performance Of Duties In Case Of Default Of Panchayat Samitis :-

(1) When the Government, after due enquiry, is satisfied that a Panchayat Samiti has made default in performing any function or duty imposed upon it by or under this Act, the Government may by an order in writing, fix the period for the performance of that function or duty and if it is not performed within the period so

fixed, it may appoint some other person to perform such function or duty and may direct that the expenses of performing it shall be paid, within such time as the Government may fix, by the Panchayat Samiti, to that person.

(2) If the expenses are not so paid, the Government may make an order directing the persons having the custody of the balance of the Samiti Fund to pay the expenses or so much thereof is, from time to time, possible from that balance in priority to all other charges against the same.

113. Settlement Of Dispute Regarding Joint Works Etc. :-

In the case of works and undertakings which benefit more than one Panchayat Samiti areas when Panchayat Samitis fail to agree, the Zila Parishad of the district and when such areas are in different districts the Zila Parishads concerned and when the Zila Parishad concerned fail to agree the Director may determine what proportion of expenses of the work or undertakings shall be borne by each of Panchayat Samiti Fund of the areas benefited thereby and such proportion shall be payable out of the Samiti Funds accordingly.

114. Dispute :-

If any dispute arises between two or more Panchayat Samitis, or between a municipality and a Panchayat Samiti:-

(a) where the dispute is between Panchayat Samitis in the same district then Chief Executive Officer shall decide the dispute;

(b) where the dispute is between Panchayat Samitis situated in different districts or divisions, the Government shall decide the dispute whose decision thereon shall be final;

(c) where the dispute is between a Municipality and Panchayat Samiti in the same district, the Chief Executive Officer shall decide the dispute;

(d) where the dispute is between a municipality and Panchayat Samiti in different districts or divisions, the Chief Executive Officers concerned shall decide the dispute, and if they fail to arrive at a decision, a reference shall be made jointly by the Chief Executive Officers to the Government, whose decision thereon shall be final.

115. Enquiry Into Affairs Of Panchayat Samitis :-

(1) The Government may, at any time, cause an enquiry to be made by any of its officers into the affairs of a Panchayat Samiti in

regard to any matter concerning it or in regard to any matter with respect to which the sanction, approval, consent or order of the Government is required by or under this Act.

(2) The officer holding such enquiry shall have the powers of a Civil Court under the Code of Civil Procedure 1908, to take evidence and to compel the attendance of witnesses and the production of documents for the purposes of the enquiry.

116. Appeals From Orders Of Panchayat Samitis :-

Any person aggrieved by the refusal, notice or order made by a Panchayat Samiti by virtue of powers exercisable by it under bye-law framed under section 210 may appeal within thirty days from the date of such refusal, notice or order to the Chief Executive Officer whose order shall be final:

Provided that no such order shall be passed until the appellant and the Panchayat Samitis have been afforded reasonable opportunity of being heard.

PART 4

ZILA PARISHAD

117. Constitution Of Zila Parishads :-

(1) The Government may, by notification, constitute a Zila Parishad bearing the name of the district having jurisdiction, save as otherwise provided in this Act, over the entire district excluding such portion of the district as are included in a municipality or cantonment:

Provided that the Zila Parishad may have its office in any area comprised within the excluded portion of the district.

(2) The Government may, after making such enquiry as it may deem fit and after consulting the Zila Parishad or the Zila Parishads concerned, as the case may be, by notification, exclude from any district or include in any district any village or Gram Panchayat or a block.

118. Composition Of Zila Parishad :-

(1) Every Zila Parishad shall consist of-

(a) the Members directly elected from the wards in a district under section 119;

(b) the Chairman of all Panchayat Samitis within the district, ex-officio members;

(c) the members of the House of People, Haryana Legislative Assembly whose constituency lie within the district or part thereof, ex-officio member; and

(d) a President and Vice-President who shall be elected by and amongst the elected Members of the Zila Parishad.

(2) All ex-officio members of the Zila Parishad shall have right to vote in the meetings of the Zila Parishad except for election and removal of the President or the Vice-President.

(3) Notwithstanding anything contained in this section, but subject to any general or special order of the Government, where two-third or more of the total number of Members of any Zila Parishad require to be elected have been elected, the Zila Parishad shall be deemed to have been duly constituted under this Act.

119. Elected Members :-

(1) The Government may, by notification in the Official Gazette, determine the number, being not more than thirty and not less than ten of directly elected members from wards keeping in view the total population of the district at the scale of one member for every 40,000 population or part thereof.

(2) For the convenience of election, the Government shall, in accordance with such rules as may be prescribed in this behalf:-

(a) divide a district into wards in such manner, that the population of each ward shall as far as may be practicable, be the same throughout the district:

Provided that the elected members of a Zila Parishad from the wards in the blocks in the district, shall consist of persons to be elected from each block and the wards therein being fixed in accordance with the scale of one member for every forty thousand population or part thereof the population except Morni block in district Ambala and Sadhaura block in district Yamuna Nagar, where it shall constitute one ward for the actual population below forty thousands;

(b) each ward shall elect one member through direct election in the manner prescribed.

120. Reservation Of Seats :-

(1) Seats shall be reserved by the Government for the Scheduled Castes in every Zila Parishad in the State 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 Zila

Parishad as the population of the Scheduled Castes in the district bears to the total population in the district and such seats shall be allotted territorial constituencies in that district having maximum population of persons belonging to Scheduled Castes.

(2) One-third of the total number of seats reserved under sub-section (1) shall be reserved for women belonging to the Scheduled Castes and such seats may be allotted by rotation to wards reserved under sub-section d).

(3) One-third (including the number of seats reserved for women belonging to the Scheduled Castes) of the total number of seats to be filled by direct election in a Zila Parishad shall be reserved for women and such seats shall be allotted by rotation and by lots to different constituencies in that district except those falling in sub-sections (1) and (2).

(4) The offices of the President in the Zila Parishad shall be reserved for the Scheduled Castes and Women:

Provided that the number of offices of the Presidents reserved for the Scheduled Castes in the State shall bear as may be the same proportion to the total number of such offices in the Zila Parishad as the population of the Scheduled Castes in the State bears to the total population of the State:

Provided further that not less than one-third of the total number of offices of Presidents in the Zila Parishad shall be reserved for women including the offices reserved for Scheduled Caste Women:

Provided further that the number of offices of Presidents under the sub-section shall be rotated to different Zila Parishad firstly having the largest maximum population of Scheduled Castes and secondly having the next largest maximum population of such Classes and so on.

(5) The reservation of seats under sub-sections (1) and (2) and the reservation of offices of Presidents (other than the reservation of women) under sub-section (4) shall cease to have effect on the expiration of the period specified in article 334 of the Constitution of India.

(6) One seat in every Zila Parishad shall be reserved for the persons belonging to Backward Classes and such seat shall be allotted to such wards having maximum population of person belonging to Backward Classes:

Provided that reservation of seats under sub-sections (1), (2), (3), (4) and (6) shall be reviewed after every decennial census.

121. First Meeting Of Zila Parishad And Election Of

President And Vice-President :-

(1) On the Constitution of a Zila Parishad under section 117, there shall be called the first meeting for the election of President and the Vice-President by and from amongst its elected members in the manner prescribed, by the prescribed authority.

(2) The meeting shall be held on such day within four weeks from the date on which the names of elected members are published by the State Election Commissioner, or any other officer authorised by him in this behalf.

122. Powers And Functions Of President And Vice-President

:-

(1) (a) The President of Zila Parishad shall -

(i) convene, preside and conduct meetings of the Zila Parishad;

(ii) have access to the records of the Zila Parishad;

(iii) discharge all duties imposed and exercise all the powers conferred on him by or under this Act;

(iv) watch over the financial and executive administration of the Zila Parishad and submit to the Zila Parishad all questions connected therewith which shall appear to him to require its orders; and

(v) exercise administrative supervision over the Chief Executive Officer for securing implementation of resolutions or decisions of the Zila Parishad or of any Committee thereof;

(b) The President may in cases of emergency direct the execution or suspension or stoppage of any work or the doing of any act which requires the sanction of the Zila Parishad or any authority thereof, and immediate execution or doing of which is in his opinion, necessary for the services or safety of the public, and may direct that the expenses of executing such act shall be paid from the Zila Parishad Fund:

Provided that the President shall report forthwith the action taken under this sub-section and, the reasons thereof to the Zila Parishad or any appropriate Committee at its next meetings.

(2) The Vice-President shall:-

(a) in the absence of the President, preside at the meetings of the Zila Parishad;

(b) exercise such of the powers and perform such of the duties of the President, as the President from time to time may, subject to the rules made by the Government in this behalf, delegate to him

by an order in writing;

(c) Pending the election of the President, or during the absence of the President, exercise the powers and perform the duties of the President.

123. Term Of Office Of President And Vice-President And Motion Of No-Confidence Against President And Vice-President :-

(1) The term of the office of President and Vice-President of a Zila Parishad shall be five years unless sooner removed.

(2) If by a resolution passed against the President or Vice-President, as the case may be, two-third of the total number of its elected members of the Zila Parishad decide at a meeting convened by the prescribed authority in the manner prescribed, that the President or Vice-President, as the case may be, shall vacate the office and in such case the Zila Parishad shall elect the new President or Vice-President as the case may be, as specified in section 121 of this Act;

Provided that no such meeting shall be convened before the expiry of one year from the date on which the election of the President or the Vice-President, as the case may be, was notified, and after the expiry of such period, whenever such a meeting is convened during his term of office and the proposal for vacating the office fails, no further meeting shall at any time thereafter be convened for considering a similar proposal against the President or Vice-President unless a period of at least one year intervenes between the last failure and the date on which such further meeting is convened.

124. Leave Of Absence :-

(1) Any member of a Zila Parishad who during his term of office:-

(a) is absent for more than three consecutive months from the district unless leave not exceeding three months so as to absent himself has been granted by the Zila Parishad; or

(b) absents himself from four consecutive meetings of the Zila Parishad without the leave of the said Zila Parishad shall cease to be a member and his office shall be vacant and thereupon the Zila Parishad shall, as soon as may be, inform him that the vacancy has occurred.

(2) Any dispute as to whether a vacancy has or has not occurred under this section shall be referred for decision to the competent

authority, whose decision shall be final:

Provided that such reference shall not be entertained if it is made after the expiry of fifteen days from the date on which the Zila Parishad informs under sub-section (1) to the member as to the vacancy.

(3) Whenever leave is granted under sub-section (1) to a member who is Vice-President, another member shall subject to the condition to which the election of the Vice-President, so absenting himself was subject, be elected to perform all the duties and exercise all the powers of a Vice-President during the period for which leave is granted.

125. Penalty For Refusal To Handover Charge To New President, Vice-President Or Member :-

(1) On the election of a new President. Vice- President or a member, the outgoing President, Vice-President or a member shall forthwith handover charge of his office to such new President, Vice-President, or a Member, as the case may be.

(2) If the outgoing President, Vice-President or a Member fails or refuses to handover charge of his office as required under sub-section (1) the Government or any authority empowered by the Government in this behalf may, by order in writing, direct the President, the Vice-President or a Member, as the case may be, to forthwith handover the charge of his office and all papers and property, of the Zila Parishad, if any, in his possession, as such President, Vice-President or a member to the new President, Vice-President or a member.

(3) If the outgoing President, Vice-President or a member to whom a direction has been issued under sub-section (2), does not comply with such direction, the Government may take steps to recover all papers and property of the Zila Parishad, if any, in the possession of such President, Vice-President or a member and for that purpose the Government may authorise any officer to issue a search warrant and exercise all such powers with respect thereto as may be lawfully exercised by a Magistrate under the provisions of Chapter VII of the Code of Criminal Procedure, 1973. The papers and property so recovered shall be handed over to the new President, Vice-President or a member, as the case may be.

(4) If the outgoing President, Vice-President or a member to whom a direction has been issued under sub-section (2), does not comply with such direction, except for reasons beyond his control, he shall,

on conviction, be punished with simple imprisonment for a term which may extend to one month or with fine which may extend to five hundred rupees, or with both.

126. Meetings :-

A Zila Parishad shall ordinarily meet at least six times in each year for the transaction of its business and not more than two months shall be allowed to lapse between any two successive meetings.

127. Convening Of Ordinary Or Special Meetings :-

- (1) A meeting of a Zila Parishad shall be either ordinary or special.
- (2) Any business may be transacted at an ordinary meeting unless required by this Act or the rules made thereunder to be transacted at a special meeting. The date of every meeting, except the meeting referred to in sections 121 and 123 shall be fixed by the President, or, in his absence by the Vice-President. Notice of every meeting specifying the date, time and place thereof and the business to be transacted thereat shall be despatched to every member of the Zila Parishad and exhibited at the office of the Zila Parishad not less than ten days before an ordinary meeting and four days before a special meeting.

128. Quorum :-

For the transaction of business at a meeting of a Zila Parishad, the quorum shall be:-

- (a) if it is an ordinary meeting, one-third; and
- (b) if it is special meeting, one-half, of the number of members actually serving for the time being.

129. Power Of President And Chief Executive Officer To Call Special Meetings :-

The President or in his absence the Chief Executive Officer may, whenever he thinks fit and shall on a requisition made in writing by not less than one-third of the total members of the Zila Parishad, convene a special meeting within two weeks of the receipt of the written requisition.

130. Adjournment :-

Any meeting of Zila Parishad may, with the consent of the majority

of the members present, be adjourned to any other date, but no business other than that left over at the adjourned meeting shall be transacted at the next following meeting.

131. Presiding Authority Of The Meeting And Decision By Majority Vote. :-

(1) At every meeting of a Zila Parishad, the President if present, or in his absence, the Vice-President, and if there be no President or Vice-President present, such one of its members, as the members present may elect, shall preside.

(2) Except as otherwise provided by this Act or the rules made thereunder, all questions coming up before any meeting of a Zila Parishad shall be decided by a majority of the members present and voting and, in case of any equality of votes, the authority presiding at the meeting shall have a second or casting vote:

Provided that in case of equality of votes at the meeting convened under sections 121 or 123 such authority shall not exercise the casting vote and the result shall be decided by drawing of lots.

(3) Notwithstanding anything contained in sub-section (2), no person shall preside over any meeting at which the question of his own election of office is under consideration.

(4) Any matter finally disposed of by a Zila Parishad shall not be reconsidered unless the recorded consent of not less than three fourths of its total members has been obtained thereto or unless or otherwise the Government has directed for its reconsideration.

132. Record And Publication Of Proceedings :-

(1) Minutes of the proceedings at each meeting of a Zila Parishad shall be drawn up and recorded in a book to be kept for the purpose and shall be signed by the authority presiding at the meeting of the next ensuing meeting and shall be published in such manner as the Zila Parishad may, by bye-laws, direct and shall, at all reasonable times be open to inspection for any member of the Zila Parishad.

(2) A copy of every resolution passed at any meeting of a Zila Parishad shall, within three days from the date of meeting, be forwarded to the Government.

133. Appointment Of Chief Executive Officer And Other Staff :-

(1) The Additional Deputy Commissioner 1[or such other officer as the State Government may designate for this purpose] shall be ex officio Chief Executive Officer of the Zila Parishad.

(2) The Government may also appoint an Accounts Officer and one or more Assistant Accounts Officers as may be required by the Zila Parishad.

2[(3) The Government shall post a Deputy Chief Executive Officer-cum-Secretary for each Zila Parishad from amongst the District Development and Panchayat Officers. However, the Government may designate one or more other officers of the Government working in the district offices as Deputy Chief Executive Officers.]

(4) The Government shall also post from time to time to work under every Zila Parishad such number of other officers and officials of the Government including any officers and officials appointed to such services from amongst persons employed by existing District Rural Development Agency as the Government considers necessary.

(5) Notwithstanding anything contained in this Act or any other law for the time being in force, the Government or any other officer or other authority authorised by it in this behalf shall have power to affect transfer of the officers and officials so posted either within the district or from one district to another district.

(6) The Government may constitute such services for each Zila Parishad as may be prescribed.

1. Inserted by Haryana Act No. 19 of 1995

2. Substituted by Haryana Act No. 14 of 2003

134. Functioning, Powers And Duties Of Chief Executive Officer And Other Officers :-

(1) Save as otherwise expressly provided by or under this Act, the Chief Executive Officer shall -

(a) exercise all the powers specially imposed or conferred upon him or under this Act or under any other law for the time being in force;

(b) lay down the duties and supervise and control the officers and officials of, or holding office under the Zila Parishad in accordance with the rules made by the Government;

(c) supervise and control the execution of all works of the Zila Parishad and Panchayat Samitis including the control of Executive Officers within the jurisdiction of the district;

(d) take necessary measures for the speedy execution of all works and developmental schemes of the Zila Parishad;

(e) have custody of all papers and documents connected with the

proceedings of the meeting of the Zila Parishad and its Committee;
(f) draw and disburse money out of the Zila Parishad Fund;
(g) exercise such other powers and discharge such other functions as may be prescribed.

(2) The Chief Executive Officer shall attend every meeting of the Zila Parishad and shall have right to attend the meeting of any Committee thereof and to take part in the discussion but shall not have the right to move any resolution or to vote. If in the opinion of the Chief Executive Officer any proposal before the Zila Parishad is violative or inconsistent with the provisions of this Act or any other law or the rules or order made thereunder, it shall be his duty to bring the same to the notice of Zila Parishad.

(3) The Chief Executive Officer shall within fifteen days from the date of the meeting of the Zila Parishad or of any of its committees submit to the Government every resolution of the Zila Parishad or any of its Committees which in his opinion is inconsistent with the provisions of this Act or any other law and he shall not implement such resolution otherwise than as decided by the Government.

(4) The Accounts Officer shall advise the Zila Parishad in matters of financial policy and shall be answerable for all matters relating to the accounts of the Zila Parishad including the preparation of the annual accounts and budget.

(5) The Accounts Officer shall ensure that no expenditure is incurred except under proper sanction and in accordance with the provisions of this Act and the rules and regulations made thereunder and shall disallow any expenditure not warranted by the Act or the rules or regulations or for which no provision is made in the budget.

(6) The Deputy Chief Executive Officer-cum-Secretary shall assist the Chief Executive Officer in the performance of his duties.

135. Chief Executive Officers Right To Requisition Records Etc. :-

(1) Every person in possession of money, accounts or other property pertaining to a Gram Panchayat or Panchayat Samiti or Zila Parishad shall on the requisition in writing of the Chief Executive Officer for this purpose, forthwith hand over such money or deliver up such accounts, records or other property to the Chief Executive Officer or the person authorised in the requisition to receive the same.

(2) The Chief Executive Officer may also take steps to recover any

money due from any such person as arrears of land revenue, and for the purpose of recovering the accounts, records and other property pertaining to the Gram Panchayat or Panchayat Samiti or Zila Parishad and may issue a search warrant and exercise all such powers with respect thereto as may lawfully be exercised by the Magistrate under the provisions of Chapter VII of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974).

(3) Every person knowing where any money, accounts, records or other property pertaining to a Gram Panchayat or Panchayat Samiti or Zila Parishad are concealed, shall be bound to give information of the same to the Chief Executive Officer.

(4) An appeal shall lie from an order of the Chief Executive Officer made under this section to the Commissioner of the Division whose decision shall be final.

136. Power To Call Upon Officers To Tender Advice, Etc. :-

(1) Subject to any direction issued by the Government in this behalf a Zila Parishad may require any officer of the Public Works, Education, Medical, Public Health, Agriculture, Co-operative, Industries and Animal Husbandry or other Department of the Government serving in the district and also with the previous permission of the Chief Executive Officer concerned to attend any such meeting of such Zila Parishad and tender advice in respect of any matter which concerns the department to which such officer belongs and every such officer shall comply with such requisition.

(2) Where a Zila Parishad requires any such officer as aforesaid to perform any duty or execute any work, such officer shall, subject to any general or special order of the Government, perform such duty or execute such work.

137. Duties And Functions Of Zila Parishad :-

(1) A Zila Parishad shall advice, supervise and co-ordinate the functions of the Panchayat Samitis in the district.

(2) Without prejudice to the generality of the provisions of sub-section (1), a Zila Parishad shall have power to:-

(a) give advice to Panchayat Samitis on its own motion or on the requirement of the Government or at the request of a Panchayat Samiti;

(b) co-ordinate and consolidate development plans prepared in respect of Panchayat Samitis;

(c) secure the execution of plans, project, schemes or other works

- common to two or more Panchayat Samitis in the district;
- (d) exercise and perform such other powers and functions in relation to any development programme as the Government may, by notification, confer on or entrust to it;
 - (e) advise Government on all matters relating to development activities and maintenance of services in the district, whether undertaken by Local Authorities or Government;
 - (f) advise Government on the allocation work among Gram Panchayats and Panchayat Samitis and co-ordinate their work;
 - (g) advise Government on matters concerning the implementation of any statutory or executive order specially referred to by the Government to the Zila Parishad; and
 - (h) examine and approve the budget of Panchayat Samitis in the manner laid down in section 102 of this Act.
- (3) The Zila Parishad may, with the prior approval of the Government, levy contribution from the funds of the Panchayat Samitis in the district.
- (4) Notwithstanding anything contained to the contrary in this Act, a Zila Parishad shall, when required by the Government to do so, by an order in writing, exercise such supervision and control over the performance of all or any of the administrative functions of the Gram Panchayat and Panchayat Samiti within the district or any part thereof, as may be specified in the said order.

138. Powers Of Zila Parishad To Undertake Works Etc. On Behalf Of Government And To Tender Technical Advice :-

- (1) It shall be lawful for a Zila Parishad to undertake upon such terms and conditions, as may be agreed upon, the construction, maintenance or repair of any work or the management of any institution on behalf of Government, any Local Authority, and corporation incorporated under any law for the time being in force and owned and controlled by Government.
- (2) It shall be lawful for a Zila Parishad to tender on such terms and conditions, as may be agreed upon, technical advice and guidance to a Local Authority in respect of the construction of any work undertaken by such Local Authority.

139. Committees :-

- (1) A Zila Parishad may constitute such Committees as it may deem necessary for executing its functions.
- (2) The President of a Zila Parishad shall be the ex officio Chairman

of each such committee.

(3) The Chief Executive Officer shall be the ex officio Secretary of every such Committee.

140. Procedure Of Committees :-

(1) The Zila Parishad may frame regulations relating to elections of members of Committees, conduct of business therein and all other matters relating thereto.

(2) The Chairman of every Committee shall in respect of the work of that Committee be entitled to call for any information, return, statement or report from the officer of the Zila Parishad and to enter on and inspect any immovable property of the Zila Parishad or any work in progress concerning the Committee.

(3) Each Committee shall be entitled to require attendance at its meetings of any officer of the Zila Parishad who is connected with the work of the Committee. The Chief Executive Officer shall under instructions of the Committee issue notices and secure the attendance of the officer.

141. Delegation Of Powers By Zila Parishad :-

The Zila Parishad may, by notification delegate to the Chief Executive Officer or other officer any of its powers conferred by or under this Act.

142. General Powers Of Zila Parishad :-

(1) A Zila Parishad shall have power to do all acts necessary for or incidental to the carrying out of the functions entrusted or delegated to it and, in particular, and without prejudice to the foregoing powers, to exercise all powers specified under this Act.

(2) Subject to the general or special orders of the Government, a Zila Parishad may:-

(a) incur expenditure on education or medical relief outside its jurisdiction;

(b) provide for carrying out any work or measures likely to promote the health, safety, education, comfort, conveniences, social, economic or cultural well being of the inhabitants of the district;

(c) contribute to associations of all over India, State or Inter-state level, concerned with the promotion of local Government and to exhibitions, seminars and conferences within the district related to the activities of Gram Panchayat, Panchayat Samiti and Zila

Parishad; and

(d) render financial or other assistance to any person for carrying on in the district any such activity which is related to any of the functions of the said bodies.

143. Mode Of Making Contracts :-

(1) The Chief Executive Officer shall execute contracts or agreements on behalf of the Zila Parishad in respect of matters which he is empowered to carry out under the provisions of this Act. He may execute such contract or agreement on behalf of the Zila Parishad upto such amount or value of contract or agreement as may be specified by the Government from time to time. In all other cases he shall execute a contract or agreement only with the prior sanction of the Zila Parishad.

(2) Every contract or agreement entered into on behalf of the Zila Parishad shall be binding on the Zila Parishad only if the said contract or agreement is executed in accordance with the provisions of this section.

144. Property Of Zila Parishad :-

(1) In addition to the movable or immovable property acquired by a Zila Parishad, the following shall vest in the Zila Parishad, namely:-

(a) every building or other work constructed by a Zila Parishad out of the Zila Parishad Fund with or without the Government assistance or other conditions;

(b) any land or property vesting in the Government when transferred to a Zila Parishad by the Government for public purposes on such terms and conditions as the Government may impose;

(c) any land or other property vesting in any other Panchayat, when transferred to the Zila Parishad by the Panchayat for the purposes of this Act;

(d) all lands and other immovable property other than roads, civil dispensaries and hospitals, veterinary dispensaries and hospitals and school buildings, devolved on Government on the abolition of Zila Parishad by the Punjab Panchayat Samitis and Zila Parishads (Haryana Amendment) Act, 1973 (Haryana Act No. 22 of 1973) and other movable property such as moneys deposited in Personal Ledger Account or Banks of erstwhile Zila Parishad, shall revest in Zila Parishad.

(2) All suits, prosecutions and other legal proceedings instituted or which might have been instituted by or against Government in respect of the property referred to in clause (d) of sub-section (1), immediately before the commencement of this Act in relation to any matter may be continued or instituted by or against the Zila Parishad concerned.

(3) Notwithstanding that any immovable property vests in a Zila Parishad no lease, sale or other transfer thereof shall be valid unless it has been made with the previous sanction of the Government:

Provided that in the case of a lease of immovable property other than the property referred to in clause (b) of sub-section (1), no such previous sanction shall be necessary, if the period of lease does not exceed three years.

145. Zila Parishad Fund :-

(1) There shall be in each Zila Parishad a fund which shall be called a Zila Parishad Fund.

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

(a) the proceeds of any tax, cess, toll or fee imposed under this Act;

(b) the sale proceeds of all dust, dirt, dung, refuse or carcasses of animals, except in so far as any person is entitled to the whole or a portion thereof;

(c) 5% to 10% of the funds allotted to a district as grant-in-aid by the Government under plan scheme to Development and Panchayats Department;

(d) all sums received by way of loans from the State Government or otherwise;

(e) All sums received by way of gift or contribution by the Zila Parishad;

(f) the income or proceeds of any property vesting in the Zila Parishad;

(g) the sum realised by way of rent or penalty otherwise than as the amount of any fine in a criminal case.

146. Application Of Zila Parishad Fund :-

(1) All property vested in a Zila Parishad under this Act and all funds received by it in accordance with the provisions of this Act, and all sums accruing to it under the provisions of any law for the

time being in force, shall be applied subject to the provisions and for the purposes of this Act and all such sums and funds shall be kept in such custody as may be prescribed.

(2) Any surplus fund in the hands of a Zila Parishad which may not be required for current charges may be invested in such manner as may be prescribed.

(3) In the case of any loan taken by a Zila Parishad the payment of the principal and the interest thereon shall be a first charge on its fund.

147. Power Of Taxation :-

Subject to general direction and control of the Government, a Zila Parishad may, with the prior approval of the Government, impose any tax which the Legislature of the State has power to impose under the Constitution of India.

148. Procedure In Imposing Taxes :-

(1) A Zila Parishad may, at a special meeting, pass a resolution to propose the imposition of any tax under section 147 of this Act.

(2) When a resolution referred to in sub-section (1) has been passed, a Zila Parishad shall publish a notice defining the class of persons and description of property proposed to be taxed, the amount or rate of the tax to be imposed and the manner of assessment to be adopted.

(3) Any person likely to be affected by the proposed tax and objecting to the same may within thirty days from the publication of the notice, send his objection in writing to the Zila Parishad and the Zila Parishad shall at a special meeting take his objection into consideration.

(4) If no objection is received within the said period of thirty days, or the objection received is considered to be unacceptable, the Zila Parishad shall submit its proposal to the Government with the objection, if any, which have been received alongwith its decision thereon.

(5) On receiving the proposal under sub-section (4), the Government may within a period of thirty days, sanction or refused to sanction it or return it to the Zila Parishad for further consideration.

(6) If it has been taken by the Government under sub-section (5) that the proposed tax is to be imposed as originally proposed or as proposed after further consideration, the Government shall take

action in accordance with the provisions of sub-section (5).

(7) A notification for the imposition of a tax under this Act shall- be conclusive evidence that the tax has been imposed in accordance with law.

149. Levy Of Fees :-

With the previous sanction of the Government and subject to the general direction and control by Government, a Zila Parishad may:-

(i) levy fee for the use of or benefits derived from:-

(a) public hospitals, dispensaries, schools, sarais, markets, rest houses and other public institutions;

(b) the supply, storage and preservation of water for drinking, bathing and agricultural purposes; and

(c) preservation and reclamation of soil and drainage and reclamation of swamps;

(ii) fix fees at fairs, agricultural shows and industrial exhibitions held under its authority.

150. Taxes How To Be Assessed And Collected :-

The Government may by notification, determine the persons by whom the cess or any tax imposed under this Act shall be assessed and collected and make rules for the assessment and collection of the cess or tax and direct in what manner persons employed in the assessment or collection thereof shall be remunerated.

151. Instalments Of Taxes :-

The Government may, by notification, direct in how many instalments and at what times any cess or tax leviable under this Act shall be payable.

152. Budget :-

(1) Every Zila Parishad, shall, at such time and in such manner as may be prescribed, prepare in each year a budget of its estimated receipts and disbursements for the following year and submit it to the Government.

(2) The Government may, within sixty days either approve the budget or return it to the Zila Parishad, for such modifications to be made as deemed fit and the budget shall be resubmitted by the Zila Parishad within sixty days after making the modifications for approval of the Government. If the approval of the Government is

not received by the Zila Parishad by the last day of the year, the budget shall be deemed to be approved by the Government.

(3) No expenditure shall be incurred unless the budget is approved by the Government.

(4) The Zila Parishad may prepare in each year a supplementary estimate providing for any modification of its budget and may submit it to the Government for approval in such manner as may be prescribed.

153. Accounts :-

A Zila Parishad shall keep such accounts in such manner as may be prescribed.

154. Audit :-

(1) The audit of the accounts of the Zila Parishad shall be carried out by the authority as may be prescribed by the Government and a copy of the audit note shall be forwarded to the Zila Parishad within one month of the completion of the audit.

(2) On receipt of the audit report referred to in sub-section (1), the Zila Parishad shall either remedy any defect or irregularities which have been pointed out in audit and send, to the Government within three months, an intimation of its having been done so or shall, within the said period, supply further explanation to the prescribed authority in regard to such defects or irregularities as it may wish to give.

155. Power Of Inspection And Supervision :-

The Government or any other officer appointed in this behalf by orders, may -

(i) inspect the offices or premises of or works taken up by Zila Parishad and for this purpose examine or cause to be examined the books of the accounts, registers and other documents concerned and the Zila Parishad shall comply with the instructions or directions issued after such inspection;

(ii) call for any return, statement, account or report which the Government or any other officer appointed in this behalf, may think fit to require the Zila Parishad to furnish.

156. Technical Supervisions And Inspections :-

(1) The Government or any other officer appointed in this behalf,

may inspect works or development schemes under the control of Parishad and also to inspect the relevant records pertaining to such works or development schemes in the manner prescribed.

(2) The scope of such inspection may cover technical aspects including feasibility, economic liability, the technical quality of the work and the expenditure being incurred

(3) The notes of inspections shall be forwarded to the Chief Executive Officer for appropriate action.

157. Defaults Of Zila Parishad In Performance Of Its Duties

:-

(1) When the Government is informed that a Zila Parishad has made default in performing any duty imposed on it, by or under this Act, or by or under any law for the time being in force, and if satisfied, after due inquiry that the Zila Parishad has failed in performance of such duty, it shall fix a period for the performance of that duty:

Provided that no such period shall be fixed unless the Zila Parishad is given an opportunity to show cause why such an order shall not be made.

(2) If at any time the Zila Parishad fails to comply with the orders under sub-section (1), the Government may appoint a person to perform it, and direct that the expense of performance shall be paid by the defaulting Zila Parishad within such period as the Government may fix.

158. Dissolution Of Zila Parishad :-

(1) If, in the opinion of the Government a Zila Parishad exceeds or abuses its powers or is incompetent to perform or makes persistent defaults in the performance of the duties imposed on it or functions entrusted to it under any provision of this Act or under any other law for the time being in force, or the rules or fails to obey any order made under this Act by the Government or any officer authorised by it, under this Act or persistently disobeys any of such orders, the Government may, after enquiry and after giving the Zila Parishad an opportunity of rendering an explanation, by issuing order in the Official Gazette dissolve such Zila Parishad.

(2) When a Zila Parishad is dissolved under sub-section (1) all members of the Zila Parishad shall from the date specified in the order, vacate their office as such members.

(3) When the Zila Parishad is dissolved, it shall be reconstituted in

the manner provided in this Act and the persons vacating the offices on its dissolution shall be eligible for re-election.

(4) If a Zila Parishad is dissolved:-

(a) all the powers and duties of the Zila Parishad shall during the period of dissolution be exercised and performed by such person or persons as the Government may, from time to time, appoint in that behalf;

(b) all property vested in the Zila Parishad shall during the period of dissolution vest in the Government.

159. Power To Cancel Or Suspend Resolutions Of Zila Parishad :-

The Government may, by an order in writing, cancel any resolution passed by a Zila Parishad or a Committee thereof, if, in its opinion, such resolution-

(a) is not legally passed; or

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

(c) is contrary to the interests of the public or likely to cause waste or damage of Zila Parishad Fund or of the property of a Zila Parishad; or

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

Provided that the Government shall before taking such action, give the Zila Parishad or a Committee an adequate opportunity to be heard.

160. Suspension And Removal Of President, Vice-President And Member :-

(1) (a) The Government may suspend any President or Vice-President or Member, as the case may be, where a case against him/her in respect of any criminal offence is under investigation, inquiry or trial and if, in the opinion of the Government, the charge made, or proceedings taken against him/her are likely to embarrass him/her in the discharge of duties or involves moral turpitude or defect of character;

(b) The Government may, during the course of enquiry suspend any President or Vice-President or member, as the case may be, for any of the reasons mentioned in sub-section (2) for which he can be removed after giving him adequate opportunity;

(c) Any President or Vice-President or Member, as the case may be,

suspended under this sub-section shall not take part in any act or proceeding of the Zila Parishad or a committee during the period of his suspension and shall hand over the records, money or any other property of the Zila Parishad in his possession or under his control to -

- (i) Vice-President, if he is President;
- (ii) President if he is Vice-President; and
- (iii) if both the President and Vice-President are suspended to a member commanding majority in the Zila Parishad:

Provided that the suspension period of a Member, Vice-President or President, as the case may be, shall not exceed six months from the date of issuance of suspension order.

(2) The Government may, after such inquiry as it may deem fit and after giving an opportunity to a President or a Vice-President or a member, as the case may be, to show-cause against the action proposed to be taken against him, by order in writing, remove him from his office -

- (a) if after his election he is convicted by a criminal court for an offence involving moral turpitude and punishable with imprisonment for a period of more than six months;
- (b) if he was disqualified to be member of the Zila Parishad at the time of his election;
- (c) if he incurs any of the disqualifications mentioned in section 175 after his election as member of the Zila Parishad;
- (d) if he absents himself for more than four consecutive, ordinary meeting of the Zila Parishad without the leave of the Zila Parishad or is absent from the Zila Parishad area for more than three consecutive months;
- (e) who has been guilty of misconduct in the discharge of his duties and his continuance in the office is undesirable in the public interest.

(3) A person who has been removed under sub-section (2) may be disqualified for re-election for such period as may be specified in the order but not exceeding six years.

(4) Any President or Vice-President or member, as the case may be, removed under sub-section (2) shall hand over the records, money or any other property of the Zila Parishad in his possession or under his control to

- (i) Vice-President, if he is President;
- (ii) President if he is Vice-President;
- (iii) if both the President and Vice-President are removed, to a member commanding majority in the Zila Parishad.

161. Election Of Gram Panchayat, Panchayat Samitis And Zila Parishad :-

(1) As soon, as notification is issued under this Act by the Government, the election of Panches, 1[***] and Sarpanches of Gram Panchayats, Members, Chairman and Vice-Chairman of Panchayat Samitis and Members, Presidents and Vice-Presidents of Zila Parishads shall be held on such date, as the State Election Commission 2[in consultation with the Government] may appoint in this behalf:

Provided that-

(i) in the case of re-constitution of Gram Panchayat, Panchayat Samiti or Zila Parishad on account of the expiry of their duration of five years, such date shall not be earlier than 3[four months] or later than fifteen days before the expiry of duration;

(ii) in case of re-constitution of a Gram Panchayat, Panchayat Samiti or Zila Parishad on account of dissolution of a Gram Panchayat, Panchayat Samiti or Zila Parishad as the case may be, where the remainder of the period for which the dissolved Panchayat, Panchayat Samiti or Zila Parishad would have continued, is six months or more than six months, such date shall not be later than two months after the date of dissolution of the Gram Panchayat, Panchayat Samiti and Zila Parishad.

(2) Such election shall be conducted in the prescribed manner.

(3) The Superintendence, direction and control of the conduct of such election shall be vested in the State Election Commission.

4[(4) After the declaration of general election results, the names of elected Panches, Sarpanches, Members, Chairmen, Vice-Chairmen, Presidents and Vice-Presidents shall be published in the Official Gazette by the State Election Commission not earlier than one week before the expiry of the duration of the existing Gram Panchayat, Panchayat Samiti and Zila Parishad:

Provided that notification regarding all other election results shall be published in the Official Gazette by the State Election Commission forthwith.]

1. The signs and word "Up-Sarpanches", omitted by The Haryana Panchayati Raj (Amendment) Act, 2007 (Haryana Act No. 11 of 2007).

2. Inserted by Haryana Act No. 14 of 2003

3. Substituted for the words "two months" by Haryana Act No. 26 of 2004.

4. Substituted by Haryana Act No. 26 of 2004, Prior to its

substitution the sub-section 4 was read as under:--

"(4) After the declaration of election results, the names of the elected Panches, Up-Sarpanches, Sarpanches, Members, Chairmen, Vice-Chairmen, Presidents and Vice-Presidents shall be published by the State Election Commission forthwith in the Official Gazette."

PART 5

PROVISIONS RELATING TO ELECTIONS

162. Electoral Division :-

Every sabha area, block and district shall be divided into wards as referred in sections 8(3), 58(2) and 119(b) of this Act.

163. List Of Voters For Every Electoral Division :-

For every electoral division, there shall be a list of voters which shall be prepared and maintained in accordance with the provisions of this Act under the superintendence, direction and control of the State Election Commission.

164. Preparation Of List Of Voters :-

At any time not later than two months before the expiry of the duration of a Gram Panchayat, Panchayat Samiti or Zila Parishad under section 3 and in the case of a Gram Panchayat which is to be constituted or reconstituted under the provisions of this Act otherwise than on the expiry of its duration under section 3 at any such time as the State Election Commission may after consulting the Government, determine there shall be prepared for the purpose of the general election of members for constituting or, as the case may be, reconstituting such Gram Panchayat, Panchayat Samiti or Zila Parishad, a list of voters for every electoral division in respect of such Gram Panchayat, Panchayat Samiti or Zila Parishad as may be determined under section 162 and in force at the time when such list is prepared.

165. Persons Qualified To Be Registered As Voters :-

Every person who is entitled to be registered as voter in the relevant part of the electoral rolls of the Assembly under the Representation of People Act, 1950, shall be entitled to be registered as a voter in the list of voters for the electoral division to be prepared under section 164.

166. List Of Voters :-

(1) The electoral roll of the Assembly prepared under the provisions of the Representation of People Act, 1950, for the time being in force for such part of the constituency of the Assembly as is included in the relevant electoral division, shall, subject to any amendment, deletion or addition made under sub-section (3) or any inclusion of any name under sub-section (5), be the list of voters for that electoral division.

(2) Such officer of the Government as the State Election Commission may specify in this behalf (hereinafter referred to as "the specified officer") shall, subject to superintendence, direction and control of the State Election Commission maintain an up-to-date list of voters for each electoral division. Such list shall be published in the manner as may be prescribed.

(3) If on an application made to him in this behalf or on his own motion the specified officer is satisfied that the list of voters is at variance with the relevant part of the electoral roll of the Assembly on account of any mistake in the list, he shall amend the list so as to bring it in conformity with the said electoral roll and for that purpose may amend, delete or add any entry in that list.

(4) Any person who has become entitled to be registered as voter in the relevant part of the electoral roll of the Assembly under the Representation of People Act, 1950, after the qualifying date may apply to the specified officer for inclusion of his name in the list.

(5) Where the specified officer, after making such inquiry as he may consider necessary, is satisfied that the applicant is entitled to be registered in the relevant part of the electoral roll of the Assembly under the Representation of People Act, 1950, he shall direct the name of the applicant to be included in the list of voters: Provided that no such direction shall be given if the applicant is disqualified to vote under this Act or any other law for the time being in force.

(6) No amendment, deletion or addition of any entry in the list of voters for an electoral division shall be made under sub-section (3) and no direction for inclusion of a name in that list shall be given under sub-section (5) during the period between such date as the State Election Commission may, by general or special order, notify in this behalf and the date of the completion of any concerned election in the electoral division.

Explanation.- In this section the expression "qualifying date", has the same meaning as in clause (b) of section 14 of the

Representation of People Act, 1950.

(7) The list of voters shall after it is finally prepared under this section be published in the prescribed manner and shall come into operation immediately upon its final publication.

167. Name Of Person Not To Be Included In The List Of Voters For More Than One Electoral Division :-

No person shall be entitled to have his name included in the list of voters for more than one electoral division of the same Gram Panchayat, Panchayat Samiti or Zila Parishad.

168. Name Of Person Not To Be Included In The List Of Voters More Than Once :-

No person shall be entitled to have his name included in the list of voters for any electoral division more than once.

169. Availability Of Government Staff :-

The Government shall make available to the State Election Commission such staff as may be necessary for the performance of any duty in connection with the preparation and revision of list of voters for electoral division and conduct of elections in respect of that Gram Panchayat, Panchayat Samiti and Zila Parishad.

170. Jurisdiction Of Civil Courts Barred :-

No Civil Court shall have jurisdiction-

(a) to entertain or adjudicate upon any question whether any person is or is not entitled to have his name included in a list of voters; or

(b) to question the legality of any action taken or decision given by or under the authority of the State Election Commission in connection with the preparation, maintenance or revision of any such list.

171. Making False Declaration :-

If any person makes in connection with,-

(a) the preparation, revision or correction of a list of voters; or

(b) the inclusion or exclusion of any entry in or from a list of voters, a statement or declaration in writing which is false and which he either knows or believes to be false or does not believe to be true,

he shall be punishable with imprisonment for a term which may extend to one year or with a fine of one thousand rupees or with both.

172. Breach Of Official Duty In Connection With The Preparation Etc. Of List Of Voters :-

(1) If any Government servant or any other person required by or under this Act to perform any official duty in connection with the preparation, revision or correction of a list of voters without reasonable cause breaches such official duty, he shall be punishable with fine which may extend to five hundred rupees.

(2) No suit or other legal proceedings shall lie against any such officer or person for a damages in respect of any such breach as aforesaid.

(3) No court shall take cognizance of any offence punishable under sub-section (1) except on a Complaint made by order of, or under authority of the Government or the State Election Commission.

173. Persons Qualified To Vote And Be Elected :-

(1) Every person whose name is in the list of voters shall, unless disqualified under this Act or any other law for the time being in force, be qualified to vote at the election of a Member for the electoral division to which such list pertains.

(2) Every person who has attained the age of twenty-one years and whose name is in the list of voters shall, unless disqualified under this Act or under any other law for the time being in force, be qualified to be elected from any electoral division.

(3) No person whose name is not entered in the list of voters for the villages, shall be qualified to be elected from any electoral division thereof.

(4) Subject to any disqualification of a person the list of voters shall be conclusive proof for the purpose of determining under this section whether any person is or is not qualified to vote, or to be elected at any election, as the case may be.

173A. Application Of Certain Sections Of Central Act 43 Of 1951 To Haryana Act 11 Of 1994 :-

1[The provisions of sections 20B, 33A, 134A, 134B, 135B and 135C of the Representation of the People Act, 1951 (Central Act 43 of 1951), shall mutatis mutandis apply to the provisions of this Act:

Provided that provisions of section 135B shall be applicable to the residents of the

area.]

1. Inserted by Haryana Act No. 22 of 2007.

174. Restriction On Simultaneous Or Double Membership :-

(1) No person shall be a Member of Gram Panchayat, Panchayat Samiti 1[Zila Parishad, Legislative Assembly and Parliament] simultaneously.

1[(1-A) If a Member of Gram Panchayat, Panchayat Samiti or Zila Parishad is elected to the Legislative Assembly or Parliament, he shall cease to continue as an elected member of Gram Panchayat, Panchayat Samiti or Zila Parishad, as the case may be, from the date he is declared elected to the Legislative Assembly or Parliament.]

(2) If any person is simultaneously chosen as a member of a Gram Panchayat, Panchayat Samiti or Zila Parishad the person shall, within fifteen days from the date of the publication of result, intimate to the State Election Commission the name of Gram Panchayat, Panchayat Samiti or Zila Parishad, as the case may be, in which he wishes to serve and thereupon his seat in the Gram Panchayat, Panchayat Samiti or Zila Parishad other than the one in which he wishes to serve, shall become vacant.

(3) Any intimation given under sub-section (2) shall be final and irrevocable.

(4) In default of intimation referred to in sub-section (2) within the aforesaid period, the State Election Commission shall determine the seat which he shall retain and thereupon the remaining seats from which he was chosen, shall become vacant.

1. Substituted by Haryana Act No. 8 of 1997

175. Disqualifications :-

(1) No person shall be a Sarpanch, 1[***] or a Panch of a Gram Panchayat or a member of a Panchayat Samiti or Zila Parishad or continue as such who-

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

(i) of an offence under the Protection of Civil Rights Act, 1955 (Act 22 of 1955), unless a period of five years, or such lesser period as the Government may allow in any particular case, has elapsed since his conviction; or

(ii) of any other offence has been sentenced to imprisonment for not less than six months, unless a period of five years, or such

lesser period as the Government may allow in any particular case, has elapsed since his release; or

(b) has been adjudged by a competent court to be of unsound mind; or

(c) has been adjudicated an insolvent and has not obtained his discharge; or

(d) has been removed from any office held by him in a Gram Panchayat, Panchayat Samiti or Zila Parishad under any provision of his Act or in a Gram Panchayat, Panchayat Samiti or Zila Parishad before the commencement of this Act under the Punjab Gram Panchayat Act, 1952 and Punjab Panchayat Samiti Act, 1961, and a period of five years has not elapsed from the date of such removal, unless he has, by an order of the Government notified in the Official Gazette been relieved from the disqualifications arising on account of such removal from office; or

(e) has been disqualified from holding office under any provision of this Act and the period for which he was so disqualified has not elapsed; or

(f) holds any salaried office or office of profit in any Gram Panchayat, Panchayat Samiti or Zila Parishad;

(g) has directly or indirectly, by himself or his partner any share or interest in any work done by order of the Gram Panchayat, Panchayat Samiti or Zila Parishad;

(h) has directly or indirectly, by himself or, his partner share or interest in any transaction of money advanced or borrowed from any officer or servant or any Gram Panchayat; or

(i) fails to pay any arrears of any kind due by him to the Gram Panchayat, Panchayat Samiti or Zila Parishad or any Gram Panchayat, Panchayat Samiti or Zila Parishad subordinate thereto or any sum recoverable from him in accordance with the Chapters and provisions of this Act, within three months after a special notice in accordance with the rules made in this behalf has been served upon him;

(j) is servant of Government or a servant of any Local Authority; or

(k) has voluntarily acquired the citizenship of a Foreign State or is under any acknowledgment of allegiance or adherence to a Foreign state; or

(l) is disqualified under any other provision of this Act and the period for which he was so disqualified has not elapsed; or

(m) is a tenant or lessee holding a lease under the Gram Panchayat, Panchayat Samiti or Zila Parishad or is in arrears of rent of any lease or tenancy held under the Gram Panchayat, Panchayat

Samiti or Zila Parishad; or

(n) is or has been during the period of one year preceding the date of election, in unauthorised possession of land or other immovable property belonging to the Gram Panchayat, Panchayat Samiti or Zila Parishad; or

2[(o) being a Sarpanch or Panch or a Member of Panchayat Samiti or a Zila Parishad has cash in hand in excess of that permitted under the rules and does not deposit the same along with interest at the rate of twenty-one percentum per year in pursuance of a general or special order of the prescribed authority within the time specified by it; or]

(p) being a Sarpanch, 1[***] or Panch or a Chairman, Vice-Chairman or Member, President or Vice-President or Member of Panchayat Samiti or Zila Parishad has in his custody prescribed records and registers and other property belonging to, or vested in, Gram Panchayat, Panchayat Samiti or Zila Parishad and does not handover the same in pursuance of a general or special order of the prescribed authority within the time specified in the order.

(q) 3[***]

4[(r) admits the claim against Gram Panchayat without proper authorization in this regard;

(s) furnishes a false caste certificate at the time of filing nomination:

Provided that the disqualifications under clauses (r) and (s) shall be for a period of six years.] Explanation 1.- A person shall not be disqualified under clause (g) for membership of a Gram Panchayat, Panchayat Samiti or Zila Parishad by reason only of such person:-

(a) having share in any joint stock company or a share or interest in any society registered under any law for the time being in force which shall contract with or be employed by or on behalf of Gram Panchayat, Panchayat Samiti or Zila Parishad; or

(b) having a share or interest in any newspaper in which any advertisement relating to the affairs of a Gram Panchayat, Panchayat Samiti or Zila Parishad may be inserted; or

(c) holding a debenture or being otherwise concerned in any loan raised by or on behalf of any Gram Panchayat, Panchayat Samiti or Zila Parishad; or

(d) being professionally engaged on behalf of any Gram Panchayat, Panchayat Samiti or Zila Parishad as a Legal Practitioner; or

(e) having any share or interest in any lease of immovable property in which the amount of rent has been approved by the Gram Panchayat, Panchayat Samiti or Zila Parishad in its own case or in

any sale or purchase of immovable property or in any agreement for such lease, sale or purchase; or

(f) having a share or interest in the occasional sale to the Gram Panchayat, Panchayat Samiti or Zila Parishad of any article in which he regularly trades or in the purchase from the Gram Panchayat of any article, to a value in either case not exceeding in any year one thousand rupees.

Explanation 2.- For the purpose of clause (1)-

(i) a person shall not be deemed to be disqualified if he has paid the arrears or the sum referred to in clause (i) of this subsection, prior to the day prescribed for the nomination of candidates;

(ii) 5[***]

1. The word "Up-Sarpanch" omitted by Haryana Act No. 10 of 1999

2. Substituted by Haryana Act No. 10 of 1999

3. Clause (q) of section 175 of the principal Act, and proviso thereunder shall be omitted by THE HARYANA PANCHAYATI RAJ (AMENDMENT) ACT, 2006 (Haryana Act No. 28 of 2006) and shall be deemed to have been omitted with effect from 1st January, 2005, except in situations where the re-elections after removal have been held, by Haryana Act No. 28 of 2006 and prior to its omission the clause (q) was read as under:--

"(q) has more than two living children:

Provided that a person having more than two children on or upto the expiry of one year of the commencement of this Act, shall not be deemed to be disqualified;"

4. Clauses (r) and (s) are substituted for clause (r) by Haryana Act No. 22 of 2007, earlier clause (r) was inserted by Haryana Act No. 10 of 1999.

5. Clause (ii) of Explanation 2 omitted by Haryana Act No. 10 of 1999

176. Determination Of Validity Of Election Enquiry By Judge And Procedure :-

(1) If the validity of any election of a member of a Gram Panchayat, Panchayat Samiti or Zila Parishad or 1[***] Sarpanch of Gram Panchayat, Chairman or Vice-Chairman, President or Vice-President of Panchayat Samiti or Zila Parishad respectively is brought in question by any person contesting the election or by any person qualified to vote at the election to which such question relates, such person may at any time within thirty days after the date of the declaration of results of the election, present an election

petition to the civil court having ordinary jurisdiction in the area within which the election has been or should have been held, for the determination of such question.

(2) A petitioner shall not join as respondent to his election petition except the following persons:-

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

(b) any other candidate against whom allegations of any corrupt practices are made in the election petition.

(3) All election petitions received under sub-section (1) in which the validity of the election of members to represent the same electoral division is in question, shall be heard by the same civil court.

(4) (a) If on the holding such inquiry the civil court finds that a candidate has, for the purpose of election committed a corrupt practice within the meaning of sub-section (5), he shall set aside the election and declare the candidate disqualified for the purpose of election and fresh election may be held.

2[(aa) If on holding such enquiry the Civil Court finds that--

(i) on the date of his election a returned candidate was not qualified to be elected;

(ii) any nomination has been improperly rejected; or

(iii) the result of the election, in so far as it concerns a returned candidate, has been materially affected by improper acceptance of any nomination or by any corrupt practice committed in the interest of the returned candidate by an agent other than his election agent or by the improper reception, refusal or rejection of any vote or the reception of any vote which is void or by any non-compliance with or violation of the provisions of the Constitution of India or of this Act, or any rules or orders made under this Act, election of such returned candidate shall be set aside and fresh election may be held.]

(b) If, in any case to which 3[clause (a) or clause (aa)] does not apply, the validity of an election is in dispute between two or more candidates, the court shall after a scrutiny and computation of the votes recorded in favour of each candidate, declare the candidate who is found to have the largest number of valid votes in his favour, to have been duly elected:

Provided that after such computation, if any, equality of votes is

found to exist between any candidate and the addition of one vote will entitle any of the candidates to be declared elected, one additional vote shall be added to the total number of valid votes found to have been received in the favour of such candidate or candidates, as the case may be, elected by lot drawn in the presence of the judge in such manner as he may determine.

(5) A person shall be deemed to have committed a corrupt practice-

(a) who with a view to induce a voter to give or to refrain from giving a vote in favour of any candidate, offers or gives any money or valuable consideration, or holds out any promise of individual profit, or holds out any threat of injury to any person; or

(b) who, with a view to induce any person to stand or not to stand or to withdraw or not to withdraw from being a candidate at an election, offers or gives any money or valuable consideration or holds out any promise or individual profit or holds out any threat of injury to any person; or

(c) who hires or procures whether on payment or otherwise, any vehicle or vessel for the conveyance of any voter (other than the person himself, the members of his family or his agent) to and from any polling station.

Explanation 1.- A corrupt practice shall be deemed to have been committed by a candidate, if it has been committed with his knowledge and consent by a person who is acting under the general or special authority of such candidate with reference to the election.

Explanation 2- The expression "vehicle" means any vehicle used or capable of being used for the purpose of road transport whether propelled by mechanical power or otherwise, and whether used for drawing other vehicles or otherwise.

1. The word "Up-Sarpanch" omitted by Haryana Act No. 10 of 1999

2. Inserted by Haryana Act No. 17 of 2001 dated 18.12.2001

3. Substituted by Haryana Act No. 17 of 2001 dated 18.12.2001

177. Disqualification For Continuing As Members :-

(1) If any member of a Gram Panchayat, Panchayat Samiti or Zila Parishad-

(a) who is elected, as such, was subject to any of the disqualifications mentioned in section 175 at the time of his election;

(b) during the term for which he has been elected, incurs any of

the disqualifications, mentioned in section 175, shall be disqualified from continuing to be a member, and his office shall become vacant.

(2) In every case, the question whether a vacancy has arisen shall be decided by the Director. The Director may give its decision either on an application made to it by any person, or on its own motion. Until the Director decides that the vacancy has arisen, the members shall not be disqualified under sub-section (1) from continuing to be a member. Any person aggrieved by the decision of the Director may, within a period of fifteen days from the date of such decision, appeal to the Government and the orders passed by Government in such appeal shall be final:

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

178. Fresh Election If Election Is Invalid :-

If the election of any member is set aside under section 176 or his office becomes vacant under section 177 a fresh election for the vacancy so caused shall as soon as may be held in accordance with the provisions of this Act.

179. Power Of The State Election Commission To Require Services Of Government Staff For Election :-

The Government shall make available to the State Election Commission such members of its staff as necessary as Commission may require for the performance of any duties in connection with an election and every such member shall carry out such directions as may be issued to him by such Commission or any officer authorised by it in relation to such election.

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

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

- (a) canvassing for votes;
- (b) soliciting the vote of any voter;
- (c) persuading any voter not to vote at the election;
- (d) persuading any voter not to vote for any particular candidate;

(e) exhibiting any notice or sign (other than an office notice) relating to the election.

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

(3) An offence punishable under this section shall be cognizable.

181. Penalty For Disorderly Conduct In Or Near Polling Station :-

(1) No person shall, on the date or dates on which a poll is held at any polling station-

(a) use or operate, within or at the entrance of the polling station or in any public or private place in the neighbourhood thereof, any apparatus for amplifying or reproducing the human voice, such as a megaphone or a loud speaker; or

(b) shout, or otherwise act in a disorderly manner, within or at the entrance of the polling station or in any public or private place in the neighbourhood thereof, so as to cause annoyance to any person visiting the polling station for the poll, or so as to interfere with the work of the officers and other persons on duty at the polling station.

(2) Any person who contravenes or wilfully aids or abets the contravention of, the provisions of sub-section (1) shall, on the conviction, be punished with fine which may extend to one thousand rupees.

(3) If the presiding officer of a polling station has reasons to believe that any person is committing or has committed an offence punishable under this section, he may direct any police officer to arrest such person and thereupon the police officer shall arrest him.

(4) Any police officer may take such steps and use such force as may be reasonably necessary for preventing any contravention of the provisions of sub-section (1) and may seize any apparatus used for such contravention.

182. Penalty For Misconduct At Polling Station :-

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

(2) The powers conferred by sub-section (1) shall not be exercised

so as to prevent any voter who is otherwise entitled to vote at a polling station for having any opportunity of voting at that station.

(3) If any person who has been so removed from the polling station, re-enters the polling station without the permission of the presiding officer, he shall, on conviction be punished with fine which may extend to one thousand rupees.

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

183. Maintenance Of Secrecy Of Voting :-

(1) Where an election is held, every officer, official, agent or other person who performs any duty in connection with recording or counting of votes shall maintain and aid in maintaining the secrecy of the voting and shall not (except for some purpose authorised by or under any law) communicate to any person any information calculated to violate such secrecy.

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

184. Officer Etc. At Elections Not To Act For Candidates Or Influence Voting :-

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

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

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

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

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

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

185. Breach Of Official Duty In Connection With Election :-

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

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

186. Removal Of Ballot Papers From Polling Station To Be Offence :-

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

(2) If the presiding officer of a polling station has reason to believe that any person is committing or has committed an offence punishable under sub-section (1), such officer may, before such person leaves the polling station, arrest or direct a police officer to arrest such person and may search such person or cause him to be searched by a police officer:

Provided that when it is necessary to cause a woman to be searched, the search shall be made by another woman with strict regard to decency.

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

187. Other Offence And Penalties Therefor :-

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

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

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

- (c) fraudulently defaces or destroys any ballot paper or the official mark on any ballot paper; or
- (d) without due authority supplies any ballot paper to any person; or
- (e) fraudulently puts into any ballot box anything other than the ballot paper which he is not authorised by law to be put in; or
- (f) without due authority destroys, takes, opens or otherwise interferes with any ballot box or ballot papers then in use for the purpose of the election; or
- (g) fraudulently or without any authority, as the case may be, attempts to do any of the foregoing acts or wilfully aids or abets the doing of such acts 1[;or]
- 2[(h) makes false declaration or submits false contents in the affidavit or conceals any information, as the case may be, at the time of filing nomination.]
- (2) Any person guilty of an offence under this section shall:-
- (a) If he is returning officer or a presiding officer at a polling station or any other officer or official employed on official duty in connection with the election, on conviction, be punished with imprisonment for a term which may extend to two years or with fine of rupees one thousand or with both;
- (b) If he is any other person, on conviction be punished with imprisonment for a term which may extend to six months or with fine of five hundred rupees or with both.
- (3) For the purposes of this section, a person shall be deemed to be on official duty if his duty is to take part in the conduct of an election or part of an election including the counting of votes or to be responsible after an election for the used ballot papers and other documents in connection with such election, but the expression "official duty" shall not include any duty imposed otherwise than by or under this Act.
- (4) An offence punishable under clause (b) of sub-section (2) shall be cognizable.

1. Substituted for sign "." by Haryana Act No. 22 of 2007.

2. Added by Haryana Act No. 22 of 2007.

188. Prosecution Of Certain Offences :-

No court shall take cognizance of an offence punishable under section 184 or under section 185 or under clause (b) of sub-section (2) of section 187 except on a complaint made by an order of, or under authority from the State Election Commission.

189. Joint Works And Undertakings :-

A Gram Panchayat, Panchayat Samiti or Zila Parishad may contribute towards any work, measure, institution or service from which the area under the jurisdiction of a Gram Panchayat, Panchayat Samiti or Zila Parishad, as the case may be, benefits although such work, institution or service is undertaken or maintained outside such area and contribute funds to any such work or institution any sum as may appear to the Gram Panchayat, Panchayat Samiti or Zila Parishad reasonable having regard to the extent of benefits derived therefrom.

190. Additional Funds To Be Provided By Government :-

When the control and administration of any matter is, by or under this Act, transferred to a Gram Panchayat, Panchayat Samiti or Zila Parishad, as the case may be, and at the time of such transfer the cost of that control and administration is defrayed by the Government, the Government shall, from time to time, allot to the Gram Panchayat, Panchayat Samiti or Zila Parishad, as the case may be, such funds or place at its disposal such sources of income, as may, in the opinion of the Government, be sufficient for maintaining the efficient control and administration of the said matter.

191. Effect Of Alteration Of Area Of Gram Panchayat, Panchayat Samiti And Zila Parishad :-

Any alteration in the area or boundary of any Gram Panchayat, Panchayat Samiti or Zila Parishad, as the case may be, will have no effect on the existing Gram Panchayats, Panchayat Samitis and Zila Parishads, as the case may be, till their duration is completed.

192. Defect Of Irregularity Not To Vitiating Proceedings :-

(1) No act done or proceedings taken by a Gram Panchayat, Panchayat Samiti, Zila Parishad or any Committee appointed under this Act, shall be questioned in any court on account of any vacancy in membership or any defect in the election or qualifications of a Panch, 1[***] Sarpanch, Member, Chairman, Vice-Chairman, President or Vice-President as the case may be.

(2) Until the contrary is proved, every meeting of Gram Panchayat, Panchayat Samiti, Zila Parishad or any Committee appointed under

this Act, shall be deemed to have been duly convened and held and all persons attending the meeting shall be deemed to have been duly qualified, when the minutes of the meeting or proceedings have been duly signed in accordance with the provisions of this Act.

1. The word "Up-Sarpanch" omitted by Haryana Act No. 10 of 1999.

193. Government Servants To Be Placed At The Disposal Of Gram Panchayat, Panchayat Samiti And Zila Parishad :-

(1) The Government may, by notification, place at the disposal of a Gram Panchayat, Panchayat Samiti and Zila Parishad such of its servants as are required for implementation of the schemes connected therewith and for such other duties and functions as may be assigned to them from time to time.

(2) The aforesaid servants shall thereafter be under the administrative control of Sarpanch, Executive Officer or Chief Executive Officer as the case may be.

(3) The conditions of service of the aforesaid servants shall be the conditions of service applicable to such class of servants of Government to which they belong.

194. Local Authorities :-

For the removal of doubts, it is hereby declared that a Gram Panchayat, Panchayat Samiti or Zila Parishad, as the case may be, shall be deemed to be a Local Authority for the purposes of any law for the time being in force.

195. Rights Of Officers To Attend Meetings :-

Such officers and officials as the Government may, by order specify, shall have the right to speak in or otherwise take part in the proceedings of any meeting of a Gram Panchayat, Panchayat Samiti or Zila Parishad, or any committee thereof, as the case may be, but shall not be entitled to vote at any such meeting.

196. General Powers Of Government And Director :-

In all matters connected with the Act, the Government shall have and exercise over the Director and the Director shall have and exercise over the Chief Executive Officers, Executive Officers, and other officers, officials, the same authority and control as they respectively have and exercise over them in general administration.

197. Servants To Be Public Servants :-

Every servant of a Gram Panchayat, Panchayat Samiti or Zila Parishad, as the case may be, or a Government servant placed at their disposal, every Panch, 1[***] Sarpanch, Member, Chairman, Vice-Chairman, President, Vice-President, every contractor or agent appointed for collecting of tolls and fees, shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, 1860.

1. The word "Up-Sarpanch" omitted by Haryana Act No. 10 of 1999.

198. Government Employees (Conduct) Rules, 1966 :-

The Government Employees (Conduct) Rules, 1966, as amended from time to time, shall apply mutatis mutandis to the servants of Panchayats, Panchayat Samitis and Zila Parishads in so far as they are not inconsistent with the provisions of this Act and the rules made thereunder.

199. Payment Of Honorarium And Allowances :-

The Gram Panchayats, Panchayat Samitis and Zila Parishads shall pay to its Panch, Sarpanch, Member, Chairman, Vice-Chairman, President, and Vice-President, such honorarium and allowances, as may prescribed.

200. Acquisition Of Land :-

When a Gram Panchayat, Panchayat Samiti or Zila Parishad requires any land for carrying out any purposes of this Act, it shall first try to obtain the land by private negotiations and if the parties concerned fail to arrive at any agreement, such Gram Panchayat, Panchayat Samiti or Zila Parishad, as the case be, may make an application to the Government to acquire land and the Government may acquire such land under the provisions of the Land Acquisition Act, 1894, and on payment by Gram Panchayat, Panchayat Samiti or Zila Parishad of the compensation awarded under the said Act and all charges incurred by Government in connection with such proceedings and the land or property shall vest in the Gram Panchayat, Panchayat Samiti or Zila Parishad, as the case may be.

Explanation.- In this section the expression "land", includes benefits arising out of land and things attached to the earth or

permanently fastened to anything attached to the earth.

201. Recovery Of Arrears :-

The Collector shall recover any sum due under this Act except fines in criminal cases as if it were an arrear of land revenue.

202. Power To Borrow :-

With the previous sanction of Government and subject to such conditions as may be prescribed, a Gram Panchayat, Panchayat Samiti or Zila Parishad, as the case may be, may borrow money for carrying out any of the purposes of this Act.

203. Delegation Of Powers :-

(1) Government may, by notification, delegate all or any of its powers under this Act other than the powers to make rules, to the Director or Deputy Commissioner, as the case may be.

(2) The Director may with the previous permission of Government delegate any of his powers to the Deputy Commissioner except those delegated to him.

(3) The Collector may delegate any of his powers to an Assistant Collector of the 1st Grade.

(4) The Deputy Commissioner may delegate of his powers other than those delegated to him under this Act to any officer as may be specified.

204. Bar Of Action :-

(1) No suit or other legal proceedings in a civil or criminal Court shall lie against any Panch, 1[***] Sarpanch, Member, Chairman, Vice-Chairman, President and Vice-President, as the case may be in respect of any act done in good faith under this Act.

(2) No civil suit or proceedings shall lie against any Gram Panchayat, Panchayat Samiti or Zila Parishad, as the case may be, in respect of any act done in the discharge of any of its functions and duties imposed under this Act.

1 . The word "Up-Sarpanch" omitted by Haryana Act No. 10 of 1999.

205. Suits Against Gram Panchayat, Panchayat Samiti Or Zila Parishad Or Any Of Its Officers :-

No suit or legal proceedings shall be instituted against any officer or official of a Gram Panchayat, Panchayat Samiti or Zila Parishad or any of their officers or officials or any person acting under their direction for anything done under this Act, until the expiration of two months next after a notice in writing stating the cause of action, the name and place of abode of the intending plaintiff and the relief which he claims, has been, in the case of any aforesaid body delivered or left at its office and in the case of any individual as aforesaid delivered to him at his office or usual place of abode; and the plaint shall contain a statement that such notice has been so delivered.

206. Incorporation Of Gram Panchayat, Panchayat Samiti And Zila Parishad :-

Every Gram Panchayat, Panchayat Samiti and Zila Parishad constituted under this Act, be a body corporate having perpetual succession and a common seal, and subject to such restrictions as are imposed by or under this Act or any other law for the time being in force, shall have power to acquire, hold, administer and transfer property, movable or immovable and to enter into contracts, and shall by the said name sue or be sued and to do all such things as are necessary for which it is constituted.

207. Transfer Of Assets And Liabilities :-

On the commencement of this Act, all assets and liabilities and all property, movable or immovable and all other rights and interest arising out of such property as were immediately before the commencement of this Act in the ownership, possession, power or control of the Gram Panchayats, Panchayat Samitis shall be transferred to and shall vest in, the corresponding Gram Panchayats or Panchayat Samitis, as the case may be.

208. Duty Of Outgoing Panch, Sarpanch, Member, Chairman, Vice-Chairman, President Or Vice-President :-

On the election of a new Panch, Sarpanch, Member, Chairman, Vice-Chairman, President or Vice-President, as the case may be, it shall be the duty of the outgoing Panch, Sarpanch, Member, Chairman, Vice-Chairman, President or Vice-President, as the case may be, to hand over the charge of his office and deliver the record and property belonging to the Gram Panchayat, Panchayat Samiti

or Zila Parishad, as the case may be, in his custody to his successor.

209. Power To Government To Make Rules :-

(1) The Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may be made-

(a) with reference to all matters in respect of which rules are expressly required or allowed by this Act to be made;

(b) for conduct of proceedings, of Gram Panchayat, Panchayat Samiti and Zila Parishad and for the election of 1[***] Chairman, Vice-Chairman, President and Vice-President thereof;

(c) for generally determining the relations between the Gram Panchayats, Panchayat Samitis and Zila Parishads and guiding the Gram Panchayats, Panchayat Samitis and Zila Parishads and the Government officers in all matters connected with the carrying out of the provisions of this Act;

(d) as to the powers of supervision to be exercised by the Director and Deputy Commissioners;

(e) for regulating the powers of Gram Panchayats, Panchayat Samitis and Zila Parishads to make, vary and dispose of investments;

(f) for regulating the sale, lease or other alienation of public places, lands, and other immovable property belonging to, vested in, or under the management of Panchayat Samitis or Zila Parishads;

(g) for regulating the powers of Gram Panchayats, Panchayat Samitis and Zila Parishads to contract and to do anything necessary for the purposes of their constitution and the mode of executing contracts:

(h) as to the application of the Panchayat Fund, Samiti Fund or Zila Parishad Fund;

(i) as to the appointment and payment of auditors for auditing the accounts of Gram Panchayat, Panchayat Samiti and Zila Parishad, the adoption of preaudit system and the disposal of audit notes and removal of audit objections;

(j) for the guidance of Gram Panchayat, Panchayat Samiti and Zila Parishad when suits or other proceedings are intended to be or have been instituted by or against them in the courts;

(k) for determining the intermediate offices, if any, through which the correspondence between Gram Panchayats, Panchayat Samitis,

Zila Parishads and Government or its officers shall pass;

(l) for determining the language in which business of Gram Panchayats, Panchayat Samitis and Zila Parishads shall be transacted;

(m) as to the conditions on which loans may be granted by Gram Panchayats, Panchayat Samitis and Zila Parishads to their servants;

(n) as to the powers and duties of Inspecting Officers;

(o) as to the control which may be exercised over Gram Panchayats, Panchayat Samitis and Zila Parishads in financial matters generally and as to the authorities who may exercise such control;

(p) as to the forms in which the accounts shall be kept and estimates of income and expenditure or other statements and abstracts shall be prepared;

(q) generally for guidance of Gram Panchayats, Panchayat Samitis, Zila Parishads and Government servants in all matter connected with the Administration of this Act;

(r) for all matters connected with elections;

(s) for regulating the assessment and collection of taxes, cesses and levies, appeals against assessment and collection of taxes, cesses and levies and custody and proper maintenance of Gram Fund, Samiti Fund and Zila Parishad Fund;

(t) authorising and regulating the manner in which and the agency by whom the records, registers, accounts and other proceedings of these bodies shall be inspected;

(u) providing for the procedure of committees appointed by Gram Panchayat, Panchayat Samiti and Zila Parishad.

(3) All the rules made under this section shall be subject to the condition of previous publication.

1. The word "Up-Sarpanch" omitted by Haryana Act No. 10 of 1999.

210. Bye-Laws :-

(1) A Gram Panchayat, Panchayat Samiti and Zila Parishad with the previous sanction of the Government shall, from time to time, make by notification in the Official Gazette, bye-laws consistent with the provisions of this Act and the rules made thereunder, for carrying out all or any of the purposes of this Act, and, without prejudice to the generality of the foregoing powers such bye-laws may make provisions for all or any of the following matters, namely:-

(i) the time and place of the meetings of the Gram Panchayat,

Panchayat Samiti, Zila Parishad and Committees;

- (ii) the manner in which the notice of the meetings and adjourned meetings shall be given;
- (iii) conduct of proceedings at the meeting and adjournment of meetings;
- (iv) custody of common seal and the purposes for which it shall be used;
- (v) persons by whom receipts shall be granted on behalf of the Gram Panchayat, Panchayat Samiti or Zila Parishad for money received under this Act;
- (vi) the conditions on which registers, documents, resolutions, maps and plans of the Panchayat Samiti may be inspected by the public and copies thereof supplied, and fees payable for such inspection or for supply of such copies;
- (vii) any other matter relating to the proceedings of the Gram Panchayat, Panchayat Samiti, Zila Parishad or Committees, exclusion of a Panch or Member, from a meeting in which any contract in which he has a pecuniary interest is under consideration, the holding and dissolution of meetings and conduct of debate, the inspection of minute books and supply of copies of minutes to the Members or other persons and the fees payable thereof;
- (viii) the regulating of the appointment, powers and proceeding of Committees set up by the Gram Panchayat, Panchayat Samiti or Zila Parishad;
- (ix) the defining of the limits of and regulating the use and management of, and for maintaining in a sanitary condition a fair, agricultural show, or an industrial exhibition;
- (x) assessment and collection of fees, taxes and cesses imposed under this Act;
- (xi) licensing and fixation of fees leviable under this Act and the conditions on which licenses are to be granted and may be revoked;
- (xii) maintenance, management and control of all matters defined and duties of the Gram Panchayat, Panchayat Samiti and Zila Parishad under this Act;
- (xiii) protection from injury and interference of the property of the Gram Panchayat, Panchayat Samiti, Zila Parishad entrusted to either of these;
- (xiv) appointment of persons to register sales of animals in a public market or fair and the fixation of fees leviable by them;
- (xv) the sale of articles of food and drink;

(xvi) provision and improvement of pastures and grazing lands;
(xvii) improvement and breeding of cattle, sheep and goats and prevention of cattle diseases;
(xviii) cleansing and protection of springs, tanks, ponds and the like;
(xix) provision and supervision of burial and burning places;
(xx) control of vehicle stands;
(xxi) destruction of mosquitoes and other anti-malaria measures;
(xxii) destruction of rats, locusts and other pests and anti-plague measures;
(xxiii) destruction of dogs and other anti-rabic measures;
(xxiv) housing improvement such as provision of ventilators and other anti tuberculosis measures;
(xxv) provision of play fields and recreation grounds and promotion of physical culture;
(xxvi) seizure and disposal of ownerless animals straying within the limits of the Gram Panchayat, Panchayat Samiti and Zila Parishad;
(xxvii) inspection and proper regulation of encamping grounds, ponds, sarais, bakeries, dhabas, tandurs, smokeless chulhas, aerated water factories, ice factories, flour mills, foodgrain godowns, slaughter houses, dhobi ghats, markets and stalls;
(xxviii) inspection and proper regulation of premises used as stables, cow houses or houses or enclosure for sheep, goats or swine; and
(xxix) inspection and proper regulation of buildings ordinarily utilised for the residence or treatment of persons suffering from infectious diseases.

(2) In making bye-laws under sub-section (1), the Gram Panchayat, Panchayat Samiti or Zila Parishad, as the case may be, may direct that a breach of any bye-law shall be punishable with such penalty as may be specified.

(3) Bye-laws made under this section shall be subject to the condition of previous publication.

211. Power To Government To Hold General Election :-

(1) Notwithstanding anything contained in this Act or the rules made thereunder, the Government shall by notification direct that, by such date as may be specified by the State Election Commission, a general election of Panches, Sarpanches of Gram Panchayats and Members of all Panchayat Samitis and Zila Parishads shall be held and made in the State of Haryana 1[***]

2[***]

(2) As soon as a notification is issued under sub-section (1), the State Election Commissioner and all other authorities concerned, shall take necessary steps for such election under and in accordance with the provisions of this Act and the rules made thereunder.

1. Substituted for the sign":" by Haryana Act No. 26 of 2004.

2. Omitted by Haryana Act No. 26 of 2004, Prior to its omission the proviso was read as under:-

"Provided that the period of not less than five years shall intervene between two consecutive elections of Gram Panchayats, Panchayat Samitis and Zila Parishads."

212. Constitution Of State Election Commission :-

(1) The Government shall constitute a State Election Commission for the superintendence, direction and control of the preparation of electoral rolls for, and the conduct of all elections to the elections to the Gram Panchayats, Panchayat Samitis and Zila Parishads in the State.

(2) The Governor shall appoint a person as State Election Commissioner on the terms and conditions as may be determined by the Government:

Provided that the State Election Commissioner shall not be removed from his office except in like manner and on the like grounds as a Judge of a High Court and the conditions of service of the State Election Commissioner shall not be varied to his disadvantage after his appointment.

(3) The Government shall when so requested by the State Election Commission, make available to the State Election Commission such staff as may be necessary for the discharge of the functions conferred on the State Election Commission by sub-section (1).

213. Constitution Of Finance Commission :-

(1) The Government with the prior approval of the Governor, shall as soon as may be within one year from the commencement of the Constitution (73rd Amendment) Act, 1992, and thereafter at the expiration of every fifth year, constitute a Finance Commission to review the financial position of the Gram Panchayats, Panchayat Samitis and Zila Parishads and to make recommendations to the Government as to:-

(a) the principles which should govern-

- (i) the distribution between the State and the Zila Parishads, Panchayat Samitis and the Gram Panchayats of the net proceeds of the taxes, duties, tolls and fees leviable by the Government , which may be divided between them under this Act and the allocation between the Zila Parishad, Panchayat Samiti and Gram Panchayats at all levels of their respective shares of such proceeds;
 - (ii) the determination of the taxes, duties, tolls and fees which may be assigned to or appropriated by the Panchayats;
 - (iii) the grants-in-aid to the Zila Parishad, Panchayat Samiti and Gram Panchayats from the consolidated Fund of the State;
 - (b) the measures needed to improve the financial position of the Gram Panchayats, Panchayat Samitis and Zila Parishads;
 - (c) any other matter referred by the Governor in the interest of sound finance of the Gram Panchayats, Panchayat Samitis and Zila Parishads.
- (2) The Finance Commission shall consist of one or more members of whom one shall be the Chairman.
- (3) The Chairman or members of the Finance Commission shall possess such qualification, and shall be appointed in such manner as may be prescribed.
- (4) The Finance Commission shall determine its procedure.
- (5) The Chairman or a member of the Finance Commission may resign his office by writing under this hand and addressed to the Governor but he shall continue in office until his resignation is accepted by the Governor.
- (6) The casual vacancy created by the resignation of the Chairman or a member under sub-section (5) or for any other reason may be filled up by fresh appointment and the remaining period for which the Chairman or the member in whose place he was appointed would have held office.
- (7) The Finance Commission shall have the following powers in the performance of its functions, namely:-
- (a) to call for any record from any officer or authority;
 - (b) to summon any persons to give evidence or produce any record; and
 - (c) such other powers as may be assigned to it by the Governor.
- (8) The Governor shall cause every recommendation made by the Financial Commission under this section, together with an explanatory memorandum as to the action taken thereon to be laid before the State Legislature.

214. District Planning Committee :-

District Planning Committee constituted under the Haryana Municipal Act, 1973, shall consolidate the plans prepared by the Gram Panchayats, Panchayat Samitis and Zila Parishad and also prepare a draft development plan for the district as a whole as per the provisions of article 243 ZD of the Constitution of India.

215. Removal Of Difficulties :-

If any difficulty arises in giving effect to the provisions of this Act or any Schedule, the State Government may, as occasion requires, by order do anything which appears to it to be necessary for the purpose of removing the difficulty.

215A. Settling Of Dispute :-

1[If any dispute arises between two or more Gram Panchayats or between a Gram Panchayat and a Panchayat Samiti or between a Gram Panchayat and Municipality, it shall be referred to the prescribed authority whose decision thereon shall be final and shall not be questioned in any court of law.]

1. Inserted by Haryana Act No. 17 of 2002.

216. Annual Administrative Report :-

(1) As soon as may be after the first day of April in every year and not later than such date as may be fixed by the Government, the Executive Officer shall place before the Panchayat Samiti a report of the administration of the Panchayat Samiti during the preceding official year in such form and with such details as the Government may direct and shall forward the report with the resolution of the Panchayat Samiti thereon to the Zila Parishad.

(2) As soon as may be after the first day of April in every year and not later than such date as may be fixed by the Government, the Chief Executive Officer of the Zila Parishad shall prepare a report on the administration of the Zila Parishad during the preceding year in such form and with such details as the Government may direct and submit the report to the Zila Parishad. After approval by the Zila Parishad the report shall be submitted to the Government.

(3) The report submitted to the Government under sub-section (2) shall together with a memorandum by the Government reviewing the working of the Zila Parishad be laid before the Assembly.

217. Appointment Of Director And Other Staff :-

The Government may appoint a person to be the Director and may

appoint as many Additional Directors, Joint Directors or Deputy Directors as well as the Staff and establishment as may be required to assist him. The Government may, by general or special order confer such powers, duties and functions of the Director under this Act upon the Additional Directors, Joint Directors and Deputy Director as it may consider necessary. The salaries of the Director, Additional Directors, Joint Directors and Deputy Directors and the staff and establishment as well as any other expenses which Government may incur in carrying into effect the provisions of this Act, shall be defrayed by the Government.

218. Repeal And Savings :-

The Punjab Gram Panchayat Act, 1952 (Punjab Act No. 4 of 1953) and the Punjab Panchayat Samitis Act, 1961 (Punjab Act No. 3 of 1961), in their application to the State of Haryana are hereby repealed:

Provided that such repeal shall not effect:-

- (a) the previous operation of any Act so repealed or anything duly done or suffered thereunder; or
- (b) any right, privilege, obligation or liability acquired or incurred under any Act so repealed; or
- (c) any penalty, forfeiture or punishment incurred in respect of any offence committed against any Act so repealed; or
- (d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, 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 had not been passed: Provided further that anything done or any action taken under the Acts so repealed shall be deemed to have been done or taken under this Act, and shall continue to be in force accordingly, unless and until superseded by anything done or any action taken under this Act.

PART 6

Preliminary

219. Definitions :-

1[In this Chapter unless the context otherwise requires --

- (a) "amenity" includes roads, water supply, street lighting, drainage, sewerage, public parks, schools, playgrounds, hospitals,

community centres and other community buildings, horticulture, landscaping and any other public utility service as the Government may, by notification specify, to be an amenity for the purposes of this Chapter;

(b) "Authority" means the Haryana Rural Development Authority constituted under sub-section (1) of section 220;

(c) "building" includes --

(i) a house, out-house, stable, latrine, godown, shed, hut, wall and any other structure whether of masonry, bricks, mud, wood, metal or any other material whatsoever;

(ii) a structure on wheels or simply resting on the ground without foundations;

(iii) a ship, vessel, boat, tent, van and any other structure used for human habitation or used for keeping or storing any articles or goods; and

(iv) the gardens, grounds, carriages and stables, if any, appurtenant to any building which is intended to be used for residential, industrial, commercial or other purposes, whether in actual use or not;

(d) "building operations" include re-building operations, structural alterations of, or additions to, buildings and other operations normally undertaken in connection with the construction of buildings;

(e) "Chief Administrator" means the Chief Administrator of the Authority;

(f) "development plan" means a plan prepared under section 249 and published under section 256 of this Act;

(g) "development zone" means the area notified under section 255 of this Act;

(h) "District Planning Committee" means a committee constituted by the Government as per the provisions of article 243 ZD of the Constitution of India and section 203B of the Haryana Municipal Act, 1973 (24 of 1973);

(i) "erect or re-erect any building" includes:-

(i) any material alteration or enlargement of any building;

(ii) the conversion by structural alteration into a place for human habitation of any building not originally constructed for human habitation;

(iii) the conversion into more than one place for human habitation of a building originally constructed as one such place;

(iv) the conversion of two or more places of human habitation into a greater number of such place;

- (v) such alterations of a building as effect its drainage or sanitary arrangements, or materially affect its security;
- (vi) the addition of any rooms, building, out-houses or other structures to any building;
- (vii) the construction in a wall adjoining any street or land not belonging to the owner of the wall, of a door opening on to such street or land;
- (j) "land" includes benefits to arise out of land, and things attached to the earth or permanently fastened to anything attached to the earth;
- (k) "means of access" includes any means of access, whether private, or public, for vehicles or for pedestrians and includes a road;
- (l) "member" means a member of Authority and includes Chairman, Vice- Chairman and Chief Administrator thereof;
- (m) "occupier" means a person including a firm or other body of individuals, whether incorporated or not, who occupies land or building sold, leased or transferred in any manner whatsoever under this Chapter and includes his successors and assignees;
- (n) "operational construction" means any construction, whether temporary or permanent, which is necessary for the operation, maintenance, development or execution of any of the following services, namely:--
 - (i) railways;
 - (ii) national highways;
 - (iii) airways and aerodromes;
 - (iv) posts and telegraphs, telephones, wireless broadcasting and other like forms of communication;
 - (v) regional grid for electricity;
 - (vi) any other service which the Government may, if it is of the opinion that the operation, maintenance, development or execution of such service is essential to the life of the community, by notification, declare to be a service for the purposes of this clause.

Explanation.--

For the removal of doubts, it is hereby declared that the construction of--

- (i) new residential buildings (other than gate, lodges and quarter for limited essential operational staff and the like), roads and drains in railway colonies, hospitals, clubs, institutions and schools, in the case of railways; and
- (ii) a new building, new structure or new installation or any extension thereof, in the case of any other service, shall not be

deemed to be construction within the meaning of this clause;

(o) "Panchayati Raj Institutions" means Gram Panchayat, Panchayat Samiti or Zila Parishad, as the case may be, constituted under this Act;

(p) "public place" means any place or building which is open to the use and enjoyment of public whether it is actually used or enjoyed by the public or not, and whether the entry is regulated by any charge or not;

(q) "regulation" means a regulation made under this Chapter by the Authority;

(r) "rural area" means the area excluding the municipal area or the urban area, as the case may be;

(s) "Secretary" means the Secretary of the Authority.

1. Chapter XXII inserted by The Haryana Panchayati Raj (Amendment) Act, 2007 (Haryana Act No. 11 of 2007).

PART 7

Haryana Rural Development Authority

220. Establishment And Constitution Of Authority :-

(1) With effect from such date, as the Government may by notification in the Official Gazette specify in this behalf, the Government shall establish and constitute for the purposes of this Chapter, an Authority to be known as the Haryana Rural Development Authority with its Headquarter at such place as the Government may specify.

(2) The Authority established and constituted under sub-section (1) shall be a body corporate having perpetual succession and a common seal, with power to hold and dispose of property both movable and immovable, and to contract; and shall, by the said name, sue and be sued.

(3) The Authority shall consist of Chairman, Vice-Chairman, Chief Administrator and such other members, not more than twelve and not less than six, as the Government may, from time to time by notification appoint:

Provided that the number of non-official members shall not, at any time exceed three.

221. Terms Of Office And Conditions Of Service Of Members :-

(1) The terms of office and conditions of service of the members shall be such, as may be prescribed.

(2) The Chief Administrators shall be entitled to receive from the fund of the Authority such salary and such allowances, if any, as may be prescribed.

(3) Any member, other than the Chief Administrator, may be paid from the fund of the Authority such allowances, if any, as may be prescribed.

(4) The members shall hold office during the pleasure of the Government.

(5) The member may resign his office by giving notice in writing to the Government and, on such resignation being accepted by the Government, he shall cease to be a member.

222. Filling Of Vacancies :-

Upon occurrence of any vacancy in the office of Chairman, Vice-Chairman, Chief Administrator or member, a new Chairman, Vice-Chairman, Chief Administrator or member, as the case may be, shall be appointed.

223. Meetings :-

(1) The Authority shall meet at such times and places and subject to the provisions of sub-sections (2) and (3) observe such rules of procedure in regard to the transaction of its business at such meetings as may be provided by regulations.

(2) At every meeting of the Authority, the Chairman, if present, or in his absence, the Vice-Chairman, and if there be no Chairman or Vice-Chairman, present, then, anyone of its members, whom the member present may elect, shall preside.

(3) All questions at a meeting of the authority shall be decided by a majority votes of the members present and voting and in the case of equality of votes, the member presiding shall have a second or casting vote.

(4) Minutes shall be kept of the names of the members present and of the proceedings at each meeting in a book to be kept for the purpose, which shall be signed at the next ensuing meeting by the member presiding at such meeting and shall be open to inspection by any member during office hours.

(5) For the transaction of business at a meeting of the Authority, the quorum shall be one-third of the number of members actually serving for the time being but shall not, in any case, be less than four.

224. Appointment Of Committees :-

Subject to any rules made in this behalf, the Authority may, from time to time, appoint one or more committees for the purpose of securing the efficient discharge of the functions of the Authority and in particular for the purpose of ensuring the efficient maintenance of public amenities and development projects.

225. Temporary Association Of Persons :-

(1) The Authority or any committee appointed under section 224 may associate with itself in such manner and for such purpose, as may be prescribed, any person whose assistance or advice it may require in performing any of its functions under this Chapter.

(2) Any person associated with the Authority or any committee under sub-section (1) for any purpose shall have a right to take part in the discussion of the Authority or committee relevant to that purpose but shall not have a right to vote at a meeting.

226. Validation Of Acts And Proceedings :-

No act done or proceedings taken under this Chapter shall be questioned on the ground merely of --

(a) the existence of any vacancy in, or any defect in the constitution of, the Authority;

(b) any person, associated under section 225, having voted in contravention of the provisions of this Act in this behalf;

(c) the failure to serve a notice on any person where no substantial injustice has resulted from such failure;

(d) any omission, defect or irregularity not affecting the merits of the case.

227. Staff :-

(1) Subject to such control and restrictions, as may be prescribed, the Authority may appoint such number of officers and other employees including experts for technical and legal work, as may be necessary for the efficient performance of its functions and may determine their designation and grades.

(2) The officers and other employees of the Authority shall be entitled to receive, from the fund of the Authority, such salaries and allowances, if any, and shall be governed by such conditions of service as may be determined by regulations made in this behalf.

(3) The exercise of any powers or discharge of any duties or functions under sub-section (1) by any officer or other employee shall be subject to such restrictions, conditions and limitations, if any, as may be laid down by the Authority, and shall also be subject to its control and supervision.

228. General Disqualification Of Officers And Employees :-

No person who has, directly or indirectly, by himself or through his partner or agent, any share or interest in any contract, by or on behalf of the Authority, or any employment under, by or on behalf of the Authority, otherwise than as an officer or employee thereof, shall become or remain an officer or employee of the Authority.

229. Objectives Of Authority :-

The objects of the Authority shall be to promote and secure regulated development of the rural area and development zone in and around villages including Lal Dora and to provide amenities, sanitation and hygiene in rural areas and also to provide residential and housing facilities particularly for weaker section.

230. Duties And Functions Of Authority :-

Subject to such exceptions and conditions as the Government may, by general or special order, impose, it shall be the duty of the Authority within the limits of funds at its disposal to provide for and make arrangements for carrying out the requirements of rural area in respect of the following matters:--

- (a) Identification of rural area for declaration of development zone.
- (b) Preparation of development plans for regulation of the development zone.
- (e) Providing regulated growth in and around villages.
- (d) Providing amenities, sanitation and proper hygiene in rural areas.
- (e) Development of residential and housing facilities in villages particularly for weaker sections by acquisition and development of land.
- (f) Providing financial and technical support to the Panchayati Raj Institutions for the development of rural area and development zone in and around villages.
- (g) Distributions of house sites in the development zone and maintenance of record thereof.

- (h) Maintenance of buildings under its control or transferred to it by the Government or any public authority.
- (i) Maintenance of general sanitation.
- (j) Cleaning of public roads, drains and other public places.
- (k) Maintenance of community assets or any other duties and functions as the Government may direct.

PART 8

Disposal and Resumption of Land

231. Utilization And Disposal Of Land :-

(1) Subject to any directions given by the Government under this Act and the provision of sub-section (5), the Authority may dispose of--

- (a) any land transferred to it by the Government without undertaking or carrying out any development thereon; or
- (b) any such land after undertaking or carrying out such development as it thinks fit, to such persons, in such manner and subject to such terms and conditions, as it considers expedient for securing development.

(2) Nothing in this Chapter shall be construed as enabling the authority to dispose of land by way of gift, but subject to this condition, references in this Chapter to the disposal of land shall be construed as reference to the disposal thereof in any manner, whether by way of sale, exchange or lease or by the creation of any easement right or privilege or otherwise.

(3) Subject to the provisions hereinbefore contained, the Authority may sell, lease, or otherwise transfer whether by auction, allotment or otherwise, any land or building belonging to it on such terms and conditions as it may, by regulations, provide.

(4) The consideration money for any transfer under sub-section (1) shall be paid to the Authority in such manner as may be provided by regulations.

(5) Any land or building or both, as the case may be, shall continue to belong to the Authority until the entire consideration money with interest and other amount, if any, due to Authority, on account of the sale of such land or building or both is paid.

(6) Until the conditions provided in the regulations are fulfilled, the transferee shall not transfer his rights in the land or building except with the previous permission of the Authority, which may be granted on such terms and conditions, as the Authority may deem fit.

232. Resumption And Forfeiture For Breach Of Conditions Of Transfer :-

(1) Where any transferee makes default in the payment of any consideration money, or any instalment, on account of the sale of any land or building, or both, under section 231, the Authority may, by notice in writing, call upon the transferee to show cause within a period of thirty days, why a penalty, which shall not exceed ten percent of the amount due from the transferee, be not imposed upon him.

(2) After considering the cause, if any, shown by the transferee and after giving him a reasonable opportunity of being heard in the matter, the Authority may, for reasons to be recorded in writing, make an order imposing the penalty and direct that the amount of money due along with the penalty shall be paid by the transferee within such period as may be specified in the order.

(3) If the transferee fails to pay the amount due together with the penalty in accordance with the order made under sub-section (2), or commits a breach of any other condition of sale, the Authority may, by notice in writing, call upon the transferee to show cause within a period of thirty days, why an order of resumption of the land or building, or both, as the case may be, and forfeiture of the whole or any part of the money, if any, paid in respect thereof which in no case shall exceed ten per cent of the total amount of the consideration money, interest and other dues payable in respect of the sale of the land or building or both, should not be made.

(4) After considering the cause, if any, shown by the transferee in pursuance of a notice under sub-section (3) and any evidence that he may produce in support of the same and after giving him a reasonable opportunity of being heard in the matter, the Authority, may for reasons to be recorded in writing, make an order resuming the land or building or both, as the case may be, and directing the forfeiture as provided in sub-section (3) of the whole or any part of the money paid in respect of such sale.

PART 9

Finance, Accounts and Audit

233. Funds Of Authority :-

(1) The Authority shall have and maintain its own fund to which shall be credited -

- (a) all moneys received by the Authority from the Government and the Central Government by way of grants, loans, advances or otherwise;
 - (b) all money borrowed by the Authority, from sources other than the Government, by way of loans or debentures;
 - (c) all fees and fines received by the Authority;
 - (d) all fees, fines and remittance charged by any other authority for rural development;
 - (e) all moneys received by the Authority from the disposal of lands, buildings and other properties, movable and immovable;
 - (f) all moneys received by the Authority by way of rents and profits or in any other manner or from any other source.
- (2) The fund shall be applied towards meeting--
- (a) expenditure incurred in the administration of this Chapter;
 - (b) cost of acquisition of land for purposes of this Chapter;
 - (c) expenditure for development of land;
 - (d) expenditure for such other purposes as the Government may direct or permit.
- (3) The Authority shall keep its fund in any Scheduled Bank.
- (4) The Authority may invest any portion of its fund in such securities or in such other manner as may be prescribed.
- (5) The income resulting from investments mentioned in sub-section (4) and proceeds of the sale of the same shall be credited to the fund of the Authority.

234. Power Of Authority To Borrow And Advance Money :-

The Authority may from time to time, borrow money by way of loans or debentures and advance money from such sources, and on such terms and conditions, as may be prescribed.

235. Priority Of Payment For Interest And Repayment Of Loans :-

All payment due from the Authority on account of interest on loans or the repayment of loans shall be made in priority to all other dues from the Authority.

236. Budget :-

The Authority shall prepare in such form, and at such time every year, as may be prescribed, a budget, in respect of the financial year next ensuing showing the estimated receipts and expenditure

of the Authority and shall forward to the Government such number of copies thereof, as may be prescribed.

237. Accounts And Audit :-

(1) The Authority shall maintain proper accounts and other relevant records and prepare an annual statement of accounts including the balance sheet in such form, as may be prescribed.

(2) The accounts of the Authority shall be subject to audit annually by the Accountant General of the Government and any expenditure incurred by him in connection with such audit shall be payable by the Authority to the Accountant General.

(3) The Accountant General or any person appointed by him in connection with the audit of accounts of the Authority shall have the same right, privilege and authority in connection with such audit as the Accountant General has in connection with the audit of the Government accounts, and in particular, shall have the right to demand the production of books, accounts connected vouchers and other documents and papers.

(4) The accounts of the Authority as certified by the Accountant General or any other person appointed by him in this behalf together with the audit report thereon shall be forwarded annually to the Government.

238. Annual Report :-

The Authority shall prepare, for every year, a report on its activities during that year and submit the report to the Government, in such form and on or before such date, as may be prescribed.

239. Provident Fund :-

The Authority shall constitute, for the benefit of its whole time paid members and for its officers and other employees in such manner and subject to such conditions, as may be prescribed, such provident fund as it may deem fit.

240. Delegation By Authority :-

The Authority may, by resolution, authorize that any power exercisable by it and all or any of the duties and functions imposed on it under this Chapter or the rules or regulations made thereunder, except the power to make regulations, may also be exercised by such officers of Government or Panchayati Raj

Institutions, as may be mentioned therein, in such cases and subject to such conditions, if any, as may be specified therein.

241. Power To Make Regulations :-

The Authority may, with the previous approval of the Government, make regulations consistent with this Chapter, and without prejudice to the regulations generality of this power such regulations may provide for--

- (a) the summoning or holding of the meetings of the Authority, the time and place where such meetings are to be held and the conduct of business at such meetings;
- (b) the powers and duties of the officers and other employees of Authority;
- (c) the salaries, allowances and conditions of service of officers and other employees of the Authority;
- (d) the erection of buildings;
- (e) the terms and conditions on which transfer of any right, title and interest in any land or building may be permitted;
- (f) the management of the properties of the Authority;
- (g) any other matter which has to be, or may be, determined by regulations.

PART 10

Inspection and Penalties

242. Power Of Entry :-

The Authority may authorize any person to enter into or upon any land or building other than the land or building owned by the Central Government with or without assistants or workmen for the purpose of--

- (a) making any enquiry, inspection, measurement or survey or taking levels of such land or building;
- (b) examining works under construction and ascertaining the course of sewers and drains;
- (c) digging or boring into the sub-soil;
- (d) setting out boundaries and intended lines of work;
- (e) making levels, boundaries and lines by placing marks and cutting trenches;
- (f) doing any other thing necessary for the efficient administration of this Chapter:

Provided that -

- (i) no such entry shall be made except between the hours of

sunrise and sunset and without giving reasonable notice to the occupier, or if there be no occupier, to the owner of the land or building;

(ii) sufficient opportunity shall in every instance be given to enable women, if any, to withdraw from such land or building;

(iii) due regard shall always be had, so far as may be compatible with the exigencies of the purpose for which the entry is made, to the social and religious usages of the occupants of the land or building entered.

243. Penalties :-

Any person who obstructs the entry of a person authorized under section 242 to enter into or upon any land or building other than the land or building owned by the Central Government or molests such person after such entry, shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees, or with both.

244. Imposition Of Penalty And Mode Of Recovery Of Arrears :-

(1) Where any person makes default in the payment of:-

(i) any rent due in respect of any lease of any land or building or both, as the case may be, under section 231; or

(ii) any fee or contribution payable under this Chapter in respect of any land or building or both, the Authority may direct that in addition to the amount of arrears, a sum not exceeding that amount shall be recovered from the person by way of penalty:

Provided that no such direction shall be made unless the person affected thereby has been given a reasonable opportunity of being heard in the matter.

(2) Where any person makes default in the payment of any amount, being the arrears or penalty or both directed to be paid under sub-section (1), such amount may be recovered from him, in the same manner as the arrears of land revenue.

245. Offences By Companies :-

(1) If the person committing an offence under this Chapter is a company, every person, who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the Company, as well as the

Company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided under this Chapter if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Chapter has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of any director, manager, secretary or other officer, such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.--

For the purpose of this section --

(a) "company" means a body corporate and includes a firm or other association of individuals; and

(b) "director" in relation to a firm means a partner in the firm.

246. Fines When Realised To Be Paid To Authority :-

All fines realized in connection with prosecution under this Act shall be paid to the Authority unless notified by the Government to be retained by Panchayati Raj Institutions.

247. Penalty For Breach Of Rules And Regulations :-

Except as otherwise provided for in this Chapter, any violation of any of the rules or regulations made thereunder shall be punishable with fine which may extend to three times of the market value of the land over which violation has been made, and in the case of continuing violations, with an additional fine, which may extend upto one percent of the fine imposed per day during which such violation continues and the court, while passing any sentence on conviction of any person for the violation of any rule or regulation, may direct that any property or part thereof, in respect of which the rule or regulation has been violated, shall be forfeited to the Authority:

Provided that if a building is begun, erected or re-erected in violation of any of the building regulations, the Chief Administrator shall be competent to require the building to be altered or

demolished, by a written notice delivered to the owner thereof, within a period of six months of its having begun, or having been completed, as the case may be. Such notice shall also specify the period during which such alteration or demolition has to be completed and if the notice is not complied with, the Chief Administrator shall be competent to demolish the said building at the expense of the owner:

Provided further that the Chief Administrator may, instead, of requiring alteration or demolition of any such building, accept by way of composition, such sum as he may deem reasonable.

248. Composition Of Offences :-

(1) Any offence punishable under this Chapter may, either before or after the institution of proceedings, be compounded by the Authority or by any person, or Panchayati Raj Institutions authorized by the Authority in this behalf.

(2) Where an offence has been compounded, the offender, if in custody, shall be discharged and no further proceedings shall be taken against him in respect of the offence compounded.

PART 11

Preparation of Development Plan and Development of Land

249. Development Plan :-

(1) The District Planning Committee in consultation with the Authority shall prepare development plan for such villages, as considered necessary, for regulation of its development zone.

(2) A plan may--

(a) contain reservation of land for residential, commercial, industrial, open spaces, road network and other ancillary usages;

(b) contain provisions concerning matters necessary for proper development of the zone or any area thereof according to plan.

(3) The District Planning Committee shall publish the plan for the purpose of inviting objections and suggestions from the public as may be prescribed.

(4) After considering the objections, suggestions, representations and recommendations, if any, the District Planning Committee may revise and forward the plan to the Authority for recommending it to the Government for approval.

250. Development Of Land In Development Zone :-

(1) Subject to such conditions as may be specified by the Government, the Authority or the Panchayati Raj Institution, as the case may be, shall undertake development of land within the development zone either itself or allow public or private parties to develop the land for residential, institutional or for any other purpose and on payment of such charges and conditions as may be specified by the Government from time to time, in accordance with the development plan.

(2) No land within the development zone shall except with the permission granted under sub-section (1) be developed or fragmented for commercial purposes, but may be used for personal residential or agricultural purposes, as was being used on the date of publication of notification of development zone or the publication of development plan, as the case may be.

(3) No construction within the development zone shall be carried out without getting the building plans approved and necessary permission from the authority as may be prescribed.

251. Prohibition On Fragmentation Of Land And Other Developmental Activities In Development Zone :-

Save as provided in section 250, no person in development zone shall -

(i) without obtaining permission from the Authority, transfer or agree to transfer in any manner plots by fragmenting the land or make an advertisement or receive any amount In respect thereof;

(ii) erect or re-erect any building in respect of which permission has not been granted;

(iii) erect or re-erect any building or make or extend any excavation or layout any means or access to a road on a development zone save in accordance with the plan and the restrictions and conditions referred to in section 249 with the previous permission of the Authority.

PART 12

Control by Government and Panchayati Raj Institutions

252. Control By Government :-

(1) The Authority shall carry out such directions as may be issued to it, from time to time by the Government for the efficient administration of this Chapter.

(2) The Government may, at any time either on its own motion or on application made to it in this behalf, call for the records of any

case disposed of, or order passed by the Authority for the purpose of satisfying itself as to the legality or propriety or correctness of any order passed or direction issued and may pass such order or issue such direction in relation thereto as it thinks fit:

Provided that the Government shall not pass an order adversely affecting any person without affording such person an opportunity of being heard.

(3) The Government may depute any officer to inspect or examine the office of the Authority, or its development works and to report thereon and the officer so deputed may, for the purposes of such inspection or examination, call for:--

(a) any extract from any proceedings of the Authority or any committee constituted under this Chapter, record, correspondence, plan or other documents;

(b) any return, estimates, statement of accounts or statistics;

(c) any report, and the Authority shall furnish the same.

253. Returns And Informations :-

The Authority shall furnish to the Government such reports, returns, record and other information as the Government may, from time to time, require.

254. Acquisition Of Land :-

When any land, other than the land owned by the Central Government, is required for the purpose of this Chapter, the Government may, at the request of the Authority, proceed to acquire it under the provisions of the Land Acquisition Act, 1894 (Act 1 of 1894), and on payment by the Authority of the compensation awarded under that Act and of any other charges incurred in acquiring the land, the land shall vest in the Authority.

255. Declaration Of Development Zone :-

The Government may, on the recommendation of the Authority or otherwise, if it considers necessary, by notification in the Official Gazette, notify any area within Lal Dora and adjacent to it within a specified distance beyond Lal Dora of any village in the rural area, to be development zone.

256. Publication Of Plan :-

(1) The Government may either approve the plan without

modifications or with such modifications as it may consider necessary or reject the plan with directions to the District Planning Committee to prepare a fresh plan according to such directions.

(2) The Government shall cause to be published by notification the plan approved by it under sub-section (1) for the purpose of inviting objections thereon.

257. Amendment Of Plan :-

(1) The Authority may make any amendment, in the master plan as it thinks fit, which may in its opinion do not affect important alterations in the character of the plan and which do not relate to the extent of land uses or the standards of population density.

(2) The Government may make amendments in the master plan whether such amendments are of the nature specified in sub-section (1) or otherwise.

(3) Before making any amendments in the plan, the Authority, or the Government shall publish a notice in at least one newspaper having circulation in the local development area inviting objections and suggestions from any person with respect to the proposed amendments, before such date as may be specified in the notice and shall consider all objections and suggestions that may be received by the Authority or the Government.

(4) Every amendment made under this section shall be published in such manner as the Authority or the Government, as the case may be, may specify and the amendments shall come into operation either on the date of the first publication or on such other date as the Authority or the Government, as the case may be, may fix.

(5) When the Authority makes any amendments in the plan under subsection (1) it shall report to the Government, the full particulars of such amendments within thirty days of the date on which such amendments come into operation.

(6) If any question arises whether the amendments proposed to be made by the Authority are amendments which affect important alterations in the character of the plan or whether they relate to the extent of land uses or the standards of population density, it shall be referred to the Government, whose decision thereon shall be final.

(7) Any reference to the master plan shall be construed as a reference to the master plan as amended under this section.

258. Government Or Any Person Appointed By It May Exercise Or Perform Duties Conferred Or Imposed On

Authority :-

(1) If, in the opinion of the Government, the Authority is not competent to exercise or perform or neglects or fails to exercise or perform any power conferred or duty imposed upon it by or under any provision of this Chapter, the Government or any person appointed in this behalf by the Government may exercise such power or perform such duty.

(2) Any expenses incurred by the Government or by such person in exercising such power or performing such duty shall be paid out of the fund of the Authority, and if the Authority fails to pay the expenses, then the Government may make an order directing any person who, for the time being, has custody of such fund to pay such expenses from such fund, and such person shall be bound to obey such order.

259. Appeal :-

(1) Any person aggrieved by an order of the District Planning Committee or the Authority passed under this Chapter may, within a period of thirty days from the date of the communication of such order, prefer an appeal to the Government in such form and manner, as may be prescribed:

Provided that the Government may entertain the appeal after the expiry of the said period of thirty days, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2) The Government may, after hearing the appeal, confirm, vary or reverse the order appealed from and may pass such order as it deems fit.

(3) The Government may, either on its own motion or on an application received in this behalf, at any time within a period of six months from the date of the order, call for the record of any proceedings in which the Authority has passed an order for the purpose of satisfying itself as to the legality or propriety of such order and may pass such order in relation thereto as it thinks fit:

Provided that the Government shall not pass an order under this section prejudicial to any person without giving him a reasonable opportunity of being heard.

260. Dissolution Of Authority :-

(1) Where the Government is satisfied that the purposes for which

the Authority is constituted under this Chapter have been substantially achieved so as to render the continued existence of the Authority in the opinion of the Government unnecessary, the Government may, by notification in the Official Gazette, declare that the Authority shall be dissolved with effect from such date as may be specified in the notification; and the Authority shall be deemed to be dissolved accordingly.

(2) From the date specified under sub-section (1) --

(a) all properties, funds and dues which are vested in, or realizable by the Authority, shall vest in, or be realizable by the Government;

(b) all liabilities which are enforceable against the Authority shall be enforceable against the Government; and for the purpose of carrying out any development which has not been fully carried out by the Authority and for the purpose of realizing properties, funds and dues referred to in clause (a), the functions of the Authority shall be discharged by the Government.

261. Power To Delegate :-

(1) The Government may, by notification in the Official Gazette, direct that any power exercisable by it under this Chapter, except the power to make rules, may also be exercised by such officer or Panchayati Raj Institution, as may be mentioned therein, in such cases and subject to such conditions, if any, as may be specified therein.

(2) The Government may, by notification in the Official Gazette, direct that any power exercisable by the Authority under this Chapter may be exercised by such other officer of the Authority or Panchayati Raj Institution, as may be mentioned therein, in such cases and subject to such conditions, if any, as may be specified therein.

262. Power To Make Rules :-

(1) The Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Chapter.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:--

(a) the terms and conditions of service of the members under sub-section (1) of section 221;

(b) the appointment of committees under section 224;

(c) the manner and purpose for associating persons under section

225;

- (d) the control and restriction in relation to appointment of officers and other employees under sub-section (1) of section 227;
- (e) the investment of fund under sub-section (4) of section 233;
- (f) the procedure to be followed for borrowing money by way of loans or debentures and their re-payment and the terms and conditions for advancing money under section 234;
- (g) the form of the budget of the Authority and the manner of preparing the same under section 236;
- (h) the form of balance sheet and statement of account under sub-section (1) of section 237;
- (i) the form of the annual report and the date on or before which it shall be submitted to the Government under section 238;
- (j) the manner and constitution of the provident fund for whole time paid members and officers and other employees of the Authority and the conditions subject to which such fund may be constituted under section 239;
- (k) the manner of the publication of the plan under section 249;
- (l) the form and manner in which an appeal may be filed under section 259;
- (m) the form and manner in which development charges shall be payable under section 266;
- (n) any other matter which has to be, or may be, prescribed by rules.

(3) Every rule made under this Chapter shall be laid, as soon as may be, after it is made, before the House of the State Legislature, while it is in session. If the House agrees in making any modification in the rule or the House agrees that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

263. Power To Remove Members :-

The Government may remove, from office any member:-

- (i) who, without excuse, sufficient in the opinion of the Government, is absent for more than four consecutive meetings of the Authority;
- (ii) who has, in the opinion of the Government, so abused his position as a member as to render his continuance in the Authority detrimental to the interest of the Authority.

264. Power Of Government To Make Grants, Advances And Loans To Authority :-

The Government may make such grants, advances and loans to the Authority, as the Government may deem necessary, for the performance of the functions under this Chapter and all grants, loans and advances so made shall be on such terms and conditions, as the Government may determine.

265. Removal Of Difficulties :-

If any difficulty arises in giving effect to the provisions of this Chapter, the Government may, by notified order, not inconsistent with the provisions of this Chapter, remove the difficulty.

PART 13

Miscellaneous

266. Charge For Extension Of Amenities :-

Where, in the opinion of the Government, it is necessary that the amenities provided by the Authority in a rural area should be extended to any land or building situated within the said area or within such distance from the said area as it may deem expedient, such amenities shall be extended to such land or building and the owner of such land or building shall be liable to pay to the Authority, in the manner prescribed, such development charges therefore, as may be fixed by the Government having regard to the expenses to be incurred for providing such amenities and the benefits to be extended to the land or building.

267. Members, Officers And Employees To Be Public Servants :-

All members, officers and other employees of the Authority shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860 (Act 45 of 1860).

268. Jurisdiction Of Courts :-

No court inferior to that of a Judicial Magistrate shall try an offence punishable under this Chapter.

269. Sanction For Prosecution :-

No prosecution for any offence punishable under this Chapter shall be instituted except with the previous sanction of the Authority or any officer authorized by the Authority.

270. Service Of Notice Etc. :-

(1) All notices, all orders and other documents required by this Chapter or any rule or regulation made thereunder to be served upon any person shall, save as otherwise provided in this Chapter or such rule or regulation, be deemed to be duly served --

(a) where the person to be served is a company, if the document is addressed to the Secretary of the said company, at its registered office or at its principal office or place of business and is either--

(i) sent by registered post; or

(ii) delivered at the registered office or at the principal office or place of business of the said company;

(b) where the person to be served is a partnership firm, if the document is addressed to the said partnership firm, at its principal place of business, identifying it by the name or style under which its business is carried on and is either --

(i) sent by registered post; or

(ii) delivered at the said place of business;

(c) where the person to be served is a public body, or a corporation or society or other body, if the document is addressed to the secretary, treasurer or other head of office of that body, corporation or society, at its principal office and is either--

(i) sent by registered post; or

(ii) delivered at the said office;

(d) in any other case, if the document is addressed to the person to be served and:-

(i) is given or tendered to him; or

(ii) is sent by registered post to the person; or

(iii) if such person cannot be found, is affixed on some conspicuous part of his last known place of residence or business, if within rural area or is given or tendered to some adult member of his family or is affixed on some conspicuous part of the land or building to which it relates.

(2) Any document which is required or authorized to be served on the owner or occupier of any land or building may be addressed "the owner or the occupier", as the case may be, of that land or building (naming that land or building) without further name or description, and shall be deemed to be duly served--

(a) if the document so addressed is sent to be delivered in accordance with clause (b) of sub-section (1); or
(b) if the document so addressed, or a copy thereof so addressed, is delivered to any person on the land or building or where there is no person on the land or building to whom it can be delivered is affixed to some conspicuous part of the land or building.

(3) Where a document is served on a partnership firm in accordance with this section, the document shall be deemed to be served on each partner.

(4) For the purpose of enabling any document to be served on the owner of any property, the secretary may, by notice in writing, require the occupier, if any, of the property to state the name and address of the owner thereof.

(5) Where the person on whom a document is to be served is a minor, the service upon his guardian or any adult member of his family shall be deemed to be service upon the minor.

Explanation - A servant is not a member of the family within the meaning of this section.

271. Notices Etc. To Fix Reasonable Time :-

Where any notice, order or other document issued or made under this Chapter or any rule or regulation made thereunder requires anything to be done for the doing of which no time is fixed in this Chapter or the rule or regulation, the notice, order or other document shall specify a reasonable time for doing the same.

272. Authentication :-

All permissions, orders, decisions, notices and other documents of the Authority shall be authenticated by the signatures of the secretary or any other officer authorized by the Authority in this behalf.

273. Mode Of Proof Of Records Of Authority :-

A copy of any receipt, application, plan, notice, entry in a register, or other document, in the possession of the Authority, if duly certified by the legal keeper thereof, or other person authorized by the Authority, in this behalf, shall be received as prima facie evidence of the existence of the document and shall be admitted as evidence of the matters and transactions recorded therein in every case, where, and to the same extent as, the original document

would, if produced, have been admissible to prove such matters.

274. Restriction On Summoning Of Members, Officers, And Other Employees Of Authority :-

No member, officer or other employee of the Authority shall, in any legal proceedings to which the Authority is not a party, be required, to produce any, register or document the contents of which can be proved under the preceding section by a certified copy, or to appear as a witness to prove the matters and transactions recorded therein, unless by order of the court made for special cause.

275. Protection Of Action Taken In Good Faith :-

No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done under this Chapter or any rule or regulation made thereunder.

276. Relation Of Authority With Police :-

It shall be the duty of every police officer--

- (i) to communicate without delay to the proper officer or the employee of the Authority any information which he receives of a design to commit or of the commission of any offence against the provisions of this Chapter or any rule or regulation made thereunder; and
- (ii) to assist the member or any officer or other employee of the Authority in the lawful exercise of any power vesting in such member, officer or other employee under this Chapter or any rule or regulation made thereunder.

277. Arrest Of Offenders :-

(1) A police officer, not below the rank of sub-inspector, shall arrest any person who commits, in his view, any offence against this Chapter or any rule made thereunder, if the name and address of such person be unknown to him and if such person, on demand, declines to give his name and address, or gives such name or address which such officer has reason to believe to be false.

(2) The person so arrested shall, without unavoidable delay, be produced before the Judicial Magistrate authorized to try the offence for which the arrest has been made, and no person, so arrested, shall be detained in custody for a period exceeding twenty-four hours without an order from the above mentioned

Magistrate.

278. Exemption :-

Nothing in this Chapter, shall apply to the operational constructions.

279. Savings :-

Notwithstanding any thing contained in this Chapter, the provisions of the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963 (Act 41 of 1963) and the Haryana Development and Regulation of Urban Areas Act, 1975 (Act 8 of 1975), shall be applicable to the controlled area or urban area, as the case may be, declared under the said Acts.

280. Power To Relax :-

The Government may, in public interest, relax the applicability of any restriction, condition, rule or regulation made under this Chapter.]

SCHEDULE 1

Schedule I

SCHEDULE 2

Schedule II