

Rajasthan Panchayati Raj Rules, 1996

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FORM 1 :- FORM 1

FORM 2 :- FORM II

Rajasthan Panchayati Raj Rules, 1996

G.S.R. 104. - In exercise of the powers conferred by section 102 read with sections 3 (5), 7(9), 8, 25(1), 31, 32(1), 33(c), 35(1), 37(3), 38(1), 39(2), 44, 45(3), 53(1), 60, 65(1), (2), 67(2), 68(2), 69, 74(1), (4), 75(1)(2)(3), 77, 78(1) (2), 79(2), 80(1)(3), 81(1), 82(1), 84(1), 89(4) (8), 90(2), 91(1), 121(3)(5), 122 of the Rajasthan Panchayati Raj Act 1994 (Rajasthan Act No. 13 of 1994) and all other powers enabling it in this behalf, the Government of Rajasthan hereby makes the following rules namely:-

CHAPTER 1 Preliminary

1. Short Title And Commencement :-

(1) These rules may be called the Rajasthan Panchayati Raj Rules 1996.

(2) They shall come into force on the date ** of their publication in the official gazette.

2. Interpretation :-

(1) In these rules, unless the subject or the context other wise requires:-

(i) "Act" means the Rajasthan Panchayati Raj Act 1994 (Rajasthan Act No. 13 of 1994).

(i i) "Accountant General" means the Accountant General, Rajasthan.

(iii) "Clear days" includes Sundays and holidays but dose not include the day of the meeting and the day of the receipt of notice.

(iv) "Day" means the calender day begining and ending at midnight but an absence from head-quarters which does not exceed 24 hours shall be reckoned as one day at whatever hours the absence begins or ends.

(v) "Development Commissioner" means the officer appointed with that designation by the State Government.

(vi) "Director Local Fund Audit Department" means the officer appointed with that designation by the State Government.

(vii) "Form" means a form appended to these rules.

(viii) "Head of office" means the Sarpanch in the case of a Panchayat, Vikas Adhikari in the case of a Panchayat Samiti and Chief Executive Officer in the case of a Zila Parishad.

(ix) "Land Revenue" means the annual demand payable directly to the State Government on any account whatsoever in respect of land or of any interest in or use of land and shall include assigned land revenue.

* Notification issued on dated 30.12.96 by Department of Rural Development and Panchayati Raj.

** Date 30.12.96, first published in Rajasthan Gazette, E.O., Part IV-(C), dated 30.12.96.

(x) "Meeting" means a meeting of the concerned Panchayati Raj Institution or of its Standing Committee, if any.

(xi) "Member" means member of Panchayati Raj Institution and includes a Sarpanch.

(xii) "Motion" means a proposal made by a member for consideration in the meeting of a Panchayati Raj Institution or a Standing Committee, if any, thereof.

(xiii) "Panchayat", "Panchayat Samiti" and "Zila Parishad" means the institutions of self Government established under the Act for rural areas respectively at the level of a village, block and a district.

(xiv) "Panchayat Fund" means the fund constituted for each

Panchayati Raj Institution by its name under section 64 of the act.

(xv) "Patwari" means an official appointed with that designation.

(xvi) "Schedule" means a schedule appended to these rules.

(xvii) "Secretary" "Vikas Adhikari" or "Chief Executive Officer" means the officers appointed with such designation by the State Government or by such authority as may be authorised by the Government in this behalf respectively for a Panchayat, Panchayat Samiti or Zila Parishad, as the case may be.

(xviii) "Section" means a section of the Act.

(xix) "Tehsilder" means officer appointed with that designation under the provisions of the Rajasthan Land Revenue Act, 1956 (Act No. 15 of 1956).

(xx) "Treasury" shall include Sub-treasury and where a Panchayat keeps its funds in a post office or a branch of a nationalised bank/ scheduled bank/ Gramin Vikas bank, it shall also include such post office or branch of the bank.

(xxi) "Year" means financial year beginning on the 1st April and ending on 31st March following.

(2) all words and expressions used but not defined in these rules have the same meaning as are respectively assigned to them in the Act.

CHAPTER 2 Gram Sabha and Vigilance Committee

3. Gram Sabha And Its Meeting :-

The Sarpanch or in his absence, the up-sarpanch of a Panchayat shall concene atleast two gram sabhas every year for performing functions enumerated in Section 7 of the Act.

4. Place Of The Meeting :-

(1) Meeting of Gram Sabha shall be held in the village where office of the Panchayat is situated. It shall be held at Panchayat Bhawan or any other convenient public place in the village. It shall not be

held at any private house or place.

(2) In case where the population of any other village of the Panchayat circle exceeds 1000 inhabitants, the Sarpanch or in his absence, Up-Sarpanch may convene the Gram Sabha in two or more groups. Such Gram Sabha may be in addition to the Gram Sabha held at Panchayat Headquarter as per Section 7 of the Act, but any decision in contravention of decisions taken in main Gram Sabha at Panchayat headquarters shall not be implemented.

5. Publication Of The Notice Of The Meeting :-

(1) Notice of the day and hour of Gram Sabha meeting, as also stating the business to be transacted thereat, shall be published atleast 15 days previous to the day of the meeting by :-

(i) Affixing the same at one of more conspicuous places in every village of the Panchayat circle.

(ii) Making an announcement of such meeting by beat of drum or any sound amplifying device in every village of panchayat circle.

Provided that special or emergency meeting or general meetings for special purposes may be convened by giving a notice of a shorter period but in no case shall such period be of less than 3 days.

(2) A copy of the notice shall be sent to M.L.A., Pradhan and elected member of Panchayat Samiti and Zila Parishad as also to Vikas Adhikari.

(3) Panchayat Samiti may suggest, in advance, atleast one month before, the period prescribed for Gram Sabha meeting concerned, convenient dates for holding such meetings so as to ensure attendance of extension officers in Gram Sabha, Sapanch or in his absence Up-Sarpanch shall ordinarily issue notice of the Gram Sabha meeting accordingly.

(4) Notice of Gram Sabha shall also be sent to all Tehsil level functionaries like Tehsildar, Doctor in-charge Primary Health Centre, Assistant Engineer Public Health Engineering Department, Assistant Engineer State Electricity Board, Assistant Engineer Irrigation, Doctor Incharge Veterinary Dispensary etc. requesting

for their participation.

(5) Vikas Adhikari shall depute an extension officer who shall reach the Panchayat Headquarter one day before the date fixed for such meeting. He shall ensure that proper publicity has been made for such meeting and prescribed quorum of one tenth adult residents should be present. Sarpanch or in his absence Up-Sarpanch shall make due arrangement for publicity accordingly.

6. Adjournment For Want Of Quorum :-

(1) If required quorum does not assemble and meeting is adjourned for want of quorum it shall in no case be held on the same date. A period of one week, shall atleast, elapse when adjourned meeting of Gram Sabha is fixed.

(2) Proper publicity as provided in Rule 5 above, shall again be made to ensure maximum participation of people.

7. Agenda For Gram Sabha Meetings :-

Except items enumerated in Sub-section (3) of section 3 for Gram Sabha meeting to be held in first quarter of financial year i.e. April to June and sub-section (4) of section 3 for Gram Sabha meeting to be held in last quarter of Financial year i.e. January to March, the items enumerated below shall also be included in Agenda for Gram Sabha meeting :-

- (i) Compliance of last Gram Sabha meeting.
- (ii) Attest mutations of deceased cultivators.
- (iii) Identification of families for allotment of free house sites.
- (iv) Below poverty line families for I.R.D.P. Loan and Subsidy.
- (v) Receipt, expenditure and physical progress of development works.
- (vi) Fixing priority in proposed plan works in next year.
- (vii) Rural sanitation programme drinking water and drainage.
- (viii) Health Programmes - Vaccination and family welfare.
- (ix) Methods of increasing own income.
- (x) Development of Abadi and Pasture lands.
- (xi) Audit objections and replies.
- (xii) Comments on report of vigilance committee.
- (xiii) Re-Constitution of vigilance committee (only first quarter meeting).

8. Record Of Proceedings :-

(1) It shall be duty of Vikas Adhikari or Extension Officer attending the Gram Sabha on his behalf, to ensure that Secretary records the proceedings of the meeting truly on the same date.

(2) He shall also ensure that all the items prescribed in Section 3 of the Act and Rule 7 above are thoroughly discussed in Gram Sabha and proceedings are recorded accordingly. Vikas Adhikari or Extension Officer shall sign the proceedings before departure.

(3) Copies of such proceedings shall be forwarded to the Panchayat Samiti within 15 days and in case such meeting is held in response to requirement to Zila Parishad or the State Government, copy shall also be sent to such authority.

9. Compliance Of Decisions :-

(1) It shall be duty of Panchayat and also of the Panchayat Samiti to ensure compliance of the decisions taken in Gram Sabha meetings.

(2) Compliance report shall be placed before the next Gram Sabha meeting.

(3) Vikas Adhikari of the Panchayat Samiti concerned, shall also maintain Panchayatwise control register mentioning important decisions.

(4) Panchayat Extension Officer and Vikas Adhikari shall review progress of such compliance during their inspection of Panchayats.

10. Monitoring Of Gram Sabha Meetings :-

(1) During the month of April and January every year, Vikas Adhikari shall place the progress of Gram Sabha meetings in the meetings of Panchayat Samiti. He shall forward such report to the Chief Executive Officer also for taking further necessary action.

(2) In case of failure of any Sarpanch or Up-Sarpanch as the case may be, to hold prescribed meeting of Gram Sabha as mentioned in Section 3, Panchayat Samiti shall report the matter to the State Government for action under Section 38 of the Act.

11. Formation Of Vigilance Committees :-

(1) Sarpanch shall keep on agenda an item for Constitution of Vigilance Committee/Committees in the Gram Sabha meeting to be held in the first quarter of the financial year.

(2) Vigilance Committee shall work in close coordination with Panchayat.

(3) Secretary of Panchayat shall also work as Secretary for Vigilance Committee meeting and recording its proceedings.

12. Membership :-

(1) Vigilance Committee shall have been members who are recognised community leaders and generally do not participate in election.

(2) Member of Panchayat Samiti or Zila Parishad residing in such Panchayat area, can also be a member in such vigilance committee by approval of Gram Sabha.

(3) Members may decide to form groups for supervision of development works, trespass on Abadi, Pasture lands, Sanitation and Drinking Water etc.

(4) Members shall elect one person as Chairman to decide dates for holding and presiding meetings.

13. Role Of Vigilance Committee :-

(1) Role of Vigilance Committee shall not be only to find faults and criticise Panchayat.

(2) Its role shall be constructive, cooperative and advisory though supervisory. Main objective is speedy implementation of development activities, Maintaining quality of works, prevent misuse of funds and objective assessment of complaints from public.

14. Meeting :-

(1) First meeting of vigilance committee shall be fixed by Secretary

immediately after the constitution of the committee on a date convenient to members.

(2) Subsequent dates for meeting shall be fixed by Chairman of Vigilance Committee. Notice of meeting shall be got served by the Secretary.

(3) Vigilance Committee shall meet at least once a month.

(4) Secretary to the Panchayat shall invariably attend all such meetings.

15. Agenda Items :-

(1) Vigilance Committee shall review the following items :-

- (i) Complaints from public on specific issues,
- (ii) Quality of construction works under execution,
- (iii) Use of Panchayat Fund,
- (iv) Trespass in Abadi and Pasture Lands,
- (v) Notice Board indicating sanction and expenditure on works,
- (vi) Other relevant matters like Sanitation, Drainage, Drinking Water, Health, Vaccination, etc.

16. Report Of Vigilance Committee To Be Part To Gram Sabha Proceedings :-

It shall be duty of Sarpanch or in his absence of Up-Sarpanch, to discuss the report of vigilance committee in Gram Sabha. It shall form part of gram sabha proceedings.

17. Comments Of Sarpanch/Panchas :-

(1) Sarpanch / Up-Sarpanch or Panchas or Secretary as the case may be, shall place, their comments for consideration of Gram Sabha.

(2) Such comments may also be incorporated in Gram Sabha proceedings.

18. Reconstitution Of Vigilance Committee :-

Gram Sabha may continue the same committee or reconstitute it every year in its meeting to be held in the first quarter of the

financial year.

CHAPTER 3 Transfer of charge and vacation of seats

19. Transfer Of Charge :-

(1) whenever charge is required to be handed over under Section 25 (1) of the Act, such member, Chairperson or Deputy Chairperson shall get a list prepared of registers and articles in his actual physical possession and hand over them to the person mentioned in Section 25(1). In case of Panchayat, Sarpanch shall hand over the minute book of the meetings of Panchayat to his successor and also verify that Cash book, Pass book, Cheque book, Cash balance, Patta register, Gram Sabha meeting register are available in Panchayat Office. Though all such record remains in the custody of Secretary as per Section 78(2) but Sarpanch is also responsible for safe custody of such record.

(2) The person making over and taking over the charge shall both put their signatures and date at the bottom of such list in token of transfer of charge.

(3) Charge list shall be prepared in quadruplicate. One copy shall be sent to the Panchayat Samiti, one to be retained as office copy and two for handing over and taking over persons.

20. Taking Assistance Of Chief Executive Officer In Case Of Failure To Hand Over Charge :-

On failure to hand over charge by any person under Section 25(1), request in writing may be made to the Chief Executive Officer for taking action under Section 88(1) of the Act and the Chief Executive Officer will cause to hand over the charge to newly elected person.

21. Notice Of Motion Of No-Confidence :-

(1) A written notice of intention to make motion expressing want of confidence under Section 37 in the Chairperson or Deputy Chairperson of a Panchayati Raj Institution shall be in Form I and shall be delivered to Chief Executive Officer Zila Parishad in case of Sarpanch/Up-Sarpanch, Pradhan/Up-Pradhan and to the Development Commissioner in case motion is against Pramukh/Up-Pramukh.

(2) Notice of meeting shall be sent by the Chief Executive Officer/Development Commissioner by post under certificate of posting not less than 15 clear days before the date of meeting and the date and the time appointed therefore in Form II to every directly elected Panch/Member at his ordinary place of residence. Copy of such notice shall also be put on the notice board of such Panchayati Raj Institution.

Provided that in case of a place where there is no post office, or where service of the notice cannot be effected expeditiously, such notice shall be served through Tehsildar concerned.

22. Procedure Of Enquiry :-

(1) Before taking any action under sub-section (1) of section 38, where on its own motion or upon any complaint, the State Government may ask the Chief Executive Officer or any other officer to get a preliminary enquiry done and to send his report to the State Government within one month.

(2) If, upon consideration of the report received as aforesaid or otherwise, the State Government is of the opinion that action under Sub-Section (1) of Section 38 is necessary, the State Government shall frame definite charges and shall communicate them in writing to the Chairperson, Deputy Chairperson or Member of the Panchayati Raj Institution together with such details as may be deemed necessary. He shall be required to submit a written statement within one month admitting or denying the allegations, giving his defence, if any and whether he desires to be heard in person.

(3) State Government may after expiry of prescribed period and considering such written statement, appoint an enquiry Officer and also nominate any person to present the case before Enquire Officer on behalf of the State.

(4) Enquiry Officer shall consider such documentary evidence and take such oral evidence as may be relevant or material in regard to the charges. Opportunity of cross examination of witness shall be provided to the opposite side.

(5) Enquiry Officer shall prepare a report on conclusion of enquiry, recording his findings on every charge as proved or not proved or partly proved along with the reasons therefore, and submit it to the State Government for final decision.

(6) The provisions of the Rajasthan Disciplinary Proceedings (Summoning of witnesses and production of documents) Act, 1959 (Rajasthan Act No. 28 of 1959) and the rules made thereunder shall also apply mutatis mutandis to enquiries being conducted against the Chairperson, the Deputy Chairperson or Member of Panchayati Raj Institution as the case may be, under these rules.

(7) State Government shall consider the findings of Enquiring Officer and after giving him opportunity of hearing, may either exonerate, or remove such Chairperson, Deputy Chairperson or Member from the Office or pass appropriate orders. In case of removal, it shall also be published in official gazette.

Provided that findings shall be recorded against them if term of election of such Panchayati Raj Institution has already expired.

23. Procedure For Removal In Case Of Disqualification :-

(1) Whenever it is represented to, or otherwise brought to the notice of the Chief Executive Officer in case of Panch/Sarpanch and to the State Government in case of Pradhan/Up-Pradhan, Pramukh/Up-Pramukh or Member of a Panchayati Raj Institution, who has been declared to be duly elected as such or who has been appointed as such under any provision of the Act, was not qualified, or was disqualified, for such election or appointment at the time when he was so elected or appointed or has thereafter become disqualified for continuing as such member, the competent authority shall draw up clearly and precisely the alleged disqualification or disqualifications forming the subject of the representation made to it, or otherwise brought to its notice, and shall forthwith issue a notice to such member, which shall:-

(i) Set out the gist of the allegations against, him,

(ii) Fix a date, not less than fifteen days after the date of issue of the notice, on which the inquiry shall be made,

(iii) Require him to show cause, for personal appearance or in writing, why his seat should not be declared by the State Government to be or to have become vacant on the ground of his having been not qualified or disqualified, as alleged,

(iv) Call upon him to produce, in denial of the allegation, such documentary or other evidence as may be in his possession, and

(v) Invite him to appear personally, if he so desires, on the date fixed by the notice, and a copy of the notice shall be sent also to the information, if any.

(2) On the date fixed by the notice, the Chief Executive Officer or the State Government as the case may be, shall hear the informant, if any, as well as the member if he appears before him and requests for a personal hearing shall consider the document and other evidence produced by them in proof or disproof of the allegation or allegations, shall make such further inquiry as he may think necessary, shall record a finding as to the alleged disqualification or disqualifications and shall either order the proceedings to be dropped or declare the seat of such Member to have become vacant or make such other order as may be proper in the circumstances of the case under Section 39 of the Act.

24. Vacation For Absence From Meetings :-

(1) If, a member has absented himself from three consecutive meetings of the Panchayati Raj Institution, the matter shall be placed before the Panchayati Raj Institution and such Panchayati Raj Institution, if it is satisfied that the member has absented himself from three consecutive meetings without giving information in writing, shall pass a resolution to the effect that the absentee has remained absent on three consecutive meeting and forward a copy of the resolution together with the record of meeting and any other papers that may be relevant to the Chief Executive Officer in case of Panch/Sarpanch and to the State Government in case of others along with their recommendation.

(2) On receipt of the record referred to in sub-rule (1), the Chief Executive Officer or the State Government as the case may be, may upon perusing the record and considering the recommendation of the Panchayati Raj Institution and after making such further

enquiry as he may consider necessary and after giving the absentee an opportunity of being heard declare such seat to have become vacant.

(3) Copies of final orders shall be sent to the Zila Parishad and the Panchayat Raj Institution concerned.

(4) The State Government may for the purpose of satisfying itself as to correctness, legality and propriety of any order passed by the Chief Executive Officer, examine the connected records and may confirm, vary or rescind such order.

25. Vacation Of Seat For Not Taking Oath :-

(1) In in respect of a member of a Panchayati Raj Institution, the Chief Executive Officer in case of Panch/Sarpanch and the State Government in other cases, finds that such member has not taken the prescribed oath or affirmation, within three months from the date of notification under Section 23, he shall call for necessary information in the matter from the officers concerned mentioned in sub-rule (2) of Rule 76 of the Rajasthan Panchayati Raj (Election) Rule, 1994, so as to reach him within a fortnight of the date of his requisition.

(2) In from such information, it is found that such member has not till then made the required oath of affirmation, the Chief Executive Officer in case of Panch/Sarpanch and State Government in case of Pradhan/Up-pradhan, Pramukh/Up-pramukh or Member may after such further enquiry as he may consider necessary and after giving the concerned Member an opportunity of being heard declare such seat to have become vacant or make such other order as he may think proper in the circumstances of the case.

26. Vacation Of Seats Or Offices To Be Published :-

The name and designation of the Chairperson, Deputy Chairperson or Member whose place has fallen vacant under Section 39 or 41 of the Act, shall be published on the notice board of the Panchayati Raj Institution, concerned by the Chief Executive Officer on his behalf or on behalf of the State Government as the case may be. It shall also be reported to the State Government as well as to the State Election Commission.

27. Payment Of Allowances To Member Etc :-

All allowances shall be paid out of own income of Panchayati Raj Institution, concerned.

28. Rates Of Allowance :-

The member of a Panchayati Raj Institution including the Chairperson and Deputy Chairperson of such institution, shall be paid honorarium and meeting allowance at the rates as laid down by the Government from time to time.

29. Daily Allowance :-

The member of a Panchayati Raj Institution including the Chairperson and Deputy Chairperson of such institution, shall be entitled to a daily allowance at the rates as laid down by the Government from time to time, whenever he participates in any meeting or official work outside the jurisdiction of such Panchayati Raj Institution in which he is a Member or Chairperson or Deputy Chairperson.

30. Travelling Allowance :-

If any such person as is mentioned in Rule 28 performs any journey for any of the purposes specified in that rule, he shall, in addition to the daily allowance admissible to him thereunder, be also entitled to receive from the funds a travelling allowance for the journey both ways as laid down by the Government from time to time.

31. Claims For Allowance :-

(1) A claim for daily and travelling allowances admissible under Rule 28 and 30 shall be preferred in writing in Form No. III.

(2) A person claiming travelling and daily allowances shall record on his claim therefore the following certificates :-

(a) Certified that I was not provided with any free conveyance.

(b) Certified that the T.A. claimed is in accordance with rules and the amount claimed therein is correct.

(c) Certified that I have not claimed / received any amount in respect of this claim, previously from any source.

(d) Certified that I have actually performed the journey.

32. Counter Signatures On T.A. Bills :-

The T.A. bills of Members shall be countersigned by the Chairperson of respective Panchayati Raj Institution. The T.A. bills of Chairpersons will not require counter signatures.

CHAPTER 4 CHAPTER IV

CHAPTER 5 Powers, functions and duties of Chairpersons and Members of Panchayati Raj Institutions

33. Duties And Functions Of Sarpanch :-

Besides holding Gram Sabha Meetings as per Section 3 of the act and panchayat meetings every fortnight as provided in Section 45, Sarpanch shall ensure/assist in discharge of following duties in addition to functions laid down in Section 32 of the Act.

(i) Regulatory functions like :-

- (a) Sanitation,
- (b) Street lighting,
- (c) Safe drinking water,
- (d) Drainage,
- (e) Public distribution system,
- (f) Maintenance of rural roads,
- (g) Registration of births and deaths,
- (h) Sarpanch shall inform the Collector/Vikas Adhikari about flood, fire, epidemics and damage to Government properties, buildings, pipelines, handpumps electric lines etc. for taking necessary action, etc.

(ii) Administrative functions like :-

- (a) Development of Abadi area,
- (b) Development of Grasses and trees in pasture lands through closure and controlled grazing,

(c) Prevent encroachments in abadi and Gochar lands,

(d) Raise resources for the Panchayat from water reservoirs, Nallas, Natural produce, Sikins and Hides of dead animals, Temporary use of land, Sale of land and the like,

(iii) Development and proper utilisation of local physical resources for ensuring well being of people.

(iv) Assist in human and animal health, nutrition and family welfare programmes.

(v) Undertake Rural Sanitation Programme.

(vi) Undertake Development of way side facilities on National and State highways so as to raise own resources through auction of sites for Shops, Dhabas, STD booth, Petrol pump, Repair and Service Centres etc.

(vii) Make efforts for raising public contributions for community works.

(viii) Make speical efforts for total literacy, women education, Prevention of Mrityu Bhoj, restrain Child Marriages, prevention of Un-touchability and oppression against women.

(ix) Help in getting Social Security claims.

(x) Assist in sanction of pension for old people, widows and handicapped persons.

(xi) Prevent misuse of Panchayat Funds and bring transparency in functioning of Panchayat by placing income and expenditure details i n every Panchayat meeting before signing Cash Book. In case Sarpanch does not utilies allotted funds, Collector shall be authorised to utilise such funds through a committee constituted for the purpose.

(xii) Maintain quality of construction works and obtain completion certificate within one month of completion of work.

(xiii) Arrange to issue demand notices and attachment warrants for

timely recovery of Panchayat dues and ensuring proper execution through Committee of Panchas assisted by Secretary.

(xiv) Arrange for conduct of Audit every year and compliance of Audit objections of his tenure even after the term of his election.

(xv) Display details of works sanctioned and amount spent on a Board at Panchayat Headquarters as well as on work sites.

(xvi) All such other functions as are necessary for the welfare of public.

34. Duty To Raise Panchayat Resources :-

(1) In addition to raising tax revenues, Sarpanch in consultation with other Panchas shall augment non-tax revenues by increasing the rates, fees, charges and penalties, levying nominal taxes on havelis and big pukka houses, tax/fees on dhabas, hotels, automobiles services stations and repair shops, petrol/diesel pumps on National and State highways. Efforts shall be made to raise more income every year in addition to existing trends of own income.

(2) Resolution of the Panchayat shall be passed to this effect.

35. Duties And Functions Of Pradhan :-

In addition to the duties enumerated in Section 33 of the Act, Pradhan shall also ensure/assist in discharge of following functions :-

(1) Supervisory functions :

(a) Review and monitoring of functioning of Panchayats.

(b) Provide training and guidance to newly elected Sarpanchas and Panchas especially women, Scheduled Caste, Scheduled Tribes.

(c) Coordination among Sarpanchas and Member of Panchayat Samiti.

(d) Hold such meetings of Sarpanchas as are necessary.

(e) Maintenance of control register to ensure compliance of provisions of Panchayati Raj Act, 1994.

(f) Compliance of decisions of Panchayat Samiti Meetings and Standing Committees through Control Register.

(g) Ensure formation of Standing Committees within three months of election and re-constitution every year keeping in mind that any member of a standing committee is elected to second committee only when all other members of Panchayat Samiti have been elected to at least one such Standing Committee.

(h) Putting up display boards of actual expenditure on work site as well as at Panchayat headquarters.

(2) Maintenance functions-Identify local problems regarding drinking, water, electricity, irrigation, public distribution system, revenue, lands, human and animal diseases, crop diseases etc. and invite concerned district level officers in the next Panchayat Samiti Meeting for discussions and redressal of public grievances.

(3) Development Functions.- Identify needs of local public and encourage local people and voluntary organisations for people's participation in development schemes.

(4) Raise own resources-in consultation with other members, Pradhan shall make all efforts to raise tax revenues as well as non-tax revenues through;

- (a) timely collection of education cess on campaign basis,
- (b) auction shops owned by Panchayat Samiti or give them on rent,
- (c) developing agricultural farms owned by Panchayat Samiti,
- (d) competitive auction bids in bone contracts etc.,
- (e) proper organisations of cattle fairs,
- (f) collection of income from tank bed cultivation and irrigation charges of tanks under the charge of Panchayat Samiti,
- (g) disposal of unserviceable items and old records etc.

36. Duties And Functions Of Pramukh :-

In addition to the duties enumerated in Section 35 of the Act, Pramukh shall ensure discharge of following functions :-

(i) Planning.- Arrange to consolidate all plans of Panchayat Samities and Municipalities in the month of December every year as per local needs and resources and get prepared final plan for the whole district in consultation with members and district level officers of concerned departments working for the rural areas of the district as required by Section 121 of the Act.

(ii) Supervisory Role.- Through Chief Executive Officer as officer-in-charge Panchayats for the district, ensure that :-

(a) Gram Sabhas of the Panchayats are regularly held in accordance with the provisions of Act and Rules,

(b) Meetings of Panchayats are held every fortnight and there is no case of negligence of duties cast upon Panchayats through Act and Rules,

(c) Sort out any difficulties with departments at district level in implementation of programmes through Panchayati Raj Institutions,

(d) Timely transfer of funds from Zila Parishad to respective Panchayat Samities and Panchayats as per norms prescribed by the State Government,

(e) Rural sanitation and Rural Housing programme in the district for environmental improvement,

(f) Periodical review of quality of primary education,

(g) Removal of public grievances in rural areas of the district,

(h) Transparent functioning of Panchayati Raj Institutions by proper maintenance of Accounts, prevent misuse of funds, timely audit every year.

37. Role Of Members Of Panchayat Samiti & Zila Parishad :-

(1) Member of Panchayat Samiti/Zila Parishad can participate in meetings of the Panchayat in which he ordinarily resides.

(2) Member can be nominated in Vigilance Committee by Gram

Sabha of a Panchayat in which such member resides.

(3) Members shall discharge functions entrusted to them as member of Panchayati Raj Institution or as member of standing committee for which they have been elected.

38. Relief In Natural Calamities :-

(1) Subject to the budget provision, Pradhan or Pramukh may grant immediate relief as per powers contained in Section 33 and 35 of the Act respectively to the victims for food and shelter etc. but they shall immediately inform the Collector to arrange relief to affected families through the State Government.

(2) He may also arrange voluntary contributions for the same.

CHAPTER 6 Conduct of business in Meetings

39. Meetings Of Panchayati Raj Institutions :-

A Panchayat shall meet atleast once a fortnight, a Panchayat Samiti atleast once a month and a Zila Parishad atleast once a quarter, a period of more than four months shall not, however, intervene between any two meeting of a Zila Parishad.

40. Notice Of Meetings :-

(1) A notice specifying the place, date and time of the meeting as well as the business to be transacted thereat shall at least seven clear days before the meeting of a panchayat and at least ten clear days before the meeting of a Panchayat Samiti or a Zila Parishad, be given by the Secretary/Vikas Adhikari/Chief Executive Officer respectively to all the members of the concerned Panchayati Raj Institution.

(2) In case of Panchayat, the Sarpanch may convene a special meeting by giving a shorter notice than that specified in sub-rule (1) but in no case, the period of notice shall be less than three days.

(3) The notice shall be sent by post or such other mode as the Secretary/Vikas Adhikari/ Chief Executive Officer may consider expedient to every member of the concerned Panchayati Raj Institution at his ordinary place of residence. The notices shall also

be sent, in the case of a meeting of a Panchayat, to the Vikas Adhikari, the Patwari and any other Tehsil level functionary of the State Government or of a Panchayati Raj Institution. Whose attendance and participations in the deliberations of such meeting appears to the convenor of the meeting to be desirable and, in the case of a meeting of a Panchayat Samiti or Zila Parishad, to such district and Tehsil level officers whose attendance in such meeting is considered desirable under sub-section (7) of section 48.

(4) A copy of the notice of every meeting shall also be affixed on the Notice Board of the office of the concerned Panchayati Raj Institution.

41. Agenda For A Meeting :-

(1) The agenda for a meeting will be prepared by the Secretary/Vikas Adhikari/Chief Executive Officer in consultation with the Sarpanch/Pradhan/Pramukh and may include any subject which, in his opinion, should be considered by the panchayat/Panchayat Samiti/Zila Parishad and shall include any subject specified by the Sarpanch/Pradhan/Pramukh.

(2) Motion sought to be made by the members shall also be included in the agenda provided that the chairperson of the concerned Panchayati Raj Institution may disallow any motion which in his opinion contravenes the provisions of the Act or the rules made thereunder and his decision shall be final.

(3) In case of agenda of panchayat, the following items shall be included invariably.

- (i) Compliance of last meeting;
- (ii) Statement of Income and expenditure as per cash book;
- (iii) Mutations of deceased cultivators;
- (iv) Removal of encroachments in Abadi and Pasture lands;
- (v) Utilisation of funds under various schemes;
- (vi) Physical progress of construction works;
- (vii) Review of village Sanitation, Street Lighting, Rural Roads, Drinking Water, Anganwadi, Fair price Shops, Maintenance of School Buildings;
- (viii) Vaccination and Family Welfare.

42. Special Meeting :-

The chairperson of a Panchayati Raj Institution may, whenever he thinks fit, and shall, on the request of not less than one-third of the total number of members of such Panchayati Raj Institution within fifteen days from the date of receipt of the request, call a special meeting of a Panchayati Raj Institution. If the chairperson fails to do so, the Deputy chairperson or Vikas Adhikari in case of Panchayat, Chief Executive Officer in case of Panchayati Samiti and Divisional Commissioner in case of Zila Parishad after giving three clear days notice in the case of a Panchayat and seven clear days notice in the case of a Panchayat Samiti or Zila Parishad to all the members of the Panchayati Raj Institution call such meeting.

43. Mode Of Putting The Question To Vote :-

When a question is put to vote, the presiding authority shall call for a show of hands and he shall Count the hands shown for or against and declare the result. In case of equality of votes, the chairperson shall have a casting vote.

44. Minutes Of The Proceedings Of The Meeting :-

(1) The proceedings of the meeting of a Panchayati Raj Institution shall be in Hindi and shall, in the minutes book, be recorded by the Secretary in the case of a Panchayat, by the Vikas Adhikari in the case of a Panchayat Samiti and by the Chief Executive Officer in the case of a Zila Parishad.

(2) Proceedings shall include the attendance of members present along with their signatures and the decision taken. Although, it will not be necessary to give details of the debate or discussions held with regards to the various resolutions moved in the meeting, it will be the duty of the official recording the proceeding to give details of every resolution which in his opinion is inconsistent with the provision of the Act or any other law or the rules made thereunder or instructions issued by the State Government along with reasons.

(3) A copy of the proceedings shall be sent, in the case of a Panchayat, to the Panchayat Samiti in the case of a Panchayat Samiti, to the Zila Parishad as well as to all the members of the Panchayat Samiti and in the case of a Zila Parishad to all the members of the Zila Parishad. Such copies shall be sent within fifteen days. In case of any resolution in contravention of Act or

rules as referred in Sub Rule (2), Secretary and Vikas Adhikari shall report within twentyfour hours to the Chief Executive Officer and in case such resolution has been taken by Zila Parishad, Chief Executive Officer shall report to Director Rural Development. The Secretary/Vikas Adhikari/ Chief Executive Officer shall also forward relevant extract of the minutes of the meeting to district/Tehsil level officers of the departments concerned for necessary action at their level.

45. Certain Restrictions On Speaking :-

(1) A Member while speaking shall not -

(a) Comment in any matter on which a judicial decision is pending;

(b) make a personal charge against a member or chairperson or deputy chairperson of a Panchayati Raj Institution or any officer of the Government;

(c) Use offensive expressions about the conduct of proceedings of the Parliament or of the Legislature of any State or any other Panchayati Raj Institution;

(d) Utter defanatory words;

(e) Use his right of speech for the purpose of obstructing the business of the Panchayati Raj Institution, or

(f) persist in irrelevance or in tedious repetition of his own arguments or of the arguments used by other members in the debate.

(2) No member shall speak more than once except the proposer who has the right of reply.

46. Duration Of Speeches :-

The presiding authority proposer who regulate the duration of speeches in his own discretion.

47. Procedure When A Member Has A Pecuniary Interest In The Subject Under Consideration Of Meeting :-

(1) The presiding authority may prohibit any member from voting on or taking part in the discussion of any subject in which he believes such member to have, apart from its general application to the public, any direct or indirect pecuniary interest by himself or as partner.

(2) Such member may challenge the decision of the presiding authority who shall thereon put the question to the meeting and the decision of the meeting shall be final. The concerned member shall not, however, be entitled to vote when such question is put to the meeting.

48. Arrangement Of Business For Panchayat Samiti And Zila Parishad Meetings :-

(1) The arrangement of business to be transacted at a meeting shall ordinarily be as follows :-

- (a) oath or affirmation, if necessary;
- (b) confirmation of the proceedings of the preceding meeting;
- (c) a statement of the action taken on the decision of the preceding meeting;
- (d) perusal of the proceedings of Standing Committees;
- (e) information regarding important papers (Audit Report, Inspection Report, Circulars, Instructions etc.);
- (f) Physical and financial progress report of schemes in progress for the preceding three months;
- (g) Implementation of the annual plan proposals;
- (h) review of employment generation and poverty alleviation programmes;
- (i) rural sanitation and rural housing programme;
- (j) Steps taken to increase own income and progress of revenue collection;
- (k) any other business which may be permitted by the presiding authority to be taken up.

(2) The presiding authority may, in his own discretion or on the motion of any member, make such variations in the relative procedure of the various items of business enumerated in sub-rule (i) as he may necessary looking to the special circumstances of a case.

49. Withdrawal Of A Member :-

The presiding authority may direct any member whose conduct is, in his opinion, grossly disorderly, to withdraw immediately from the meeting and any member so ordered to withdraw shall do so forthwith and absent himself during the remainder of the days sitting.

50. Suspension Of A Sitting :-

The presiding authority may in case of grave disorder arising in the meeting of a Panchayati Raj Institution suspend any sitting for a time to be decided by him.

51. Procedure For Conduct Of Meetings Of Standing Committee :-

(1) The Chairman of a Standing Committee may at any time call a meeting when there is sufficient Agenda Items to be discussed. One meeting may be held in every quarter.

(2) Procedure for notice of meeting recording the minutes, voting on decisions, restrictions on speaking and conduct of meetings shall be same as for special meeting of Panchayat Samiti or Zila Parishad.

(3) Quorum for Standing Committee shall be of three including the Chairman of such Committee.

52. Conflicting Resolutions Of Standing Committees :-

In any case in which two or more standing committees have passed on conflicting resolutions, the Vikas Adhikari shall place the matter before the Panchayat Samiti and the Chief Executive Officer before the Zila Parishad and pending final decision of Panchayat Samiti / Zila Parishad, the Vikas Adhikari/Chief Executive Officer shall withhold all action in regard to the matter at issue.

53. Attendance Of Officers :-

(1) Vikas Adhikari or Chief Executive Officer shall attend all the meetings of Standing Committees unless he is prevented due to illness, leave or urgent official business outside the headquarters of Panchayati Samiti/Zila Parishad.

(2) In such case next senior officer dealing the relevant subjects shall attend such meetings and shall inform about the decisions taken to the Vikas Adhikari or Chief Executive Officer on return as the case may be.

54. Compliance Of Decisions :-

It shall be duty of Vikas Adhikari/Chief Executive Officer to inform the Pradhan/Pramukh about decisions made by Standing Committees and action taken on them before the next meeting of Panchayat Samiti / Zila Parishad respectively.

55. Stay Orders By Standing Committee For Administration And Finance :-

While considering appeal against decisions of Panchayats by Panchayat Samiti in respect of un-authorised encroachment or un-authorised construction, stay application shall not be decided without -

- (a) giving opportunity of hearing to Panchayat
- (b) verifying title to the land
- (c) persuing construction permission accorded by Panchayat.

56. Members Right To Obtain Information And Of Access To The Records :-

A member of a Panchayati Raj Institution shall have the right to information on any matter pertaining to the Administration and of access to the records of such Panchayati Raj Institution or Standing Committee there of, if any, during office hours after giving due notice to the Secretary/Vikas Adhikari/ Chief Executive Officer, who may, however, with the approval of the Chairperson of the concerned Panchayati Raj Institution and for reasons to be recorded in writing, refuse to give may particular information or access to any particular records.

CHAPTER 7 Imposition, assessment and collection of Taxes & Fees

57. Resolution By Panchayati Raj Institution For Im-Position Of Tax/ Fee :-

Every Panchayati Raj Institution deciding to levy any tax of fee of surcharge under Section 65, 66, 67, 68, and 69, of to enhance any

of such rates shall Pass a resolution in general meeting to that effect and Publish the Purport there of for the information of Persons likely to be affected thereby.

58. Publication Of Notice Inviting Objections :-

(1) The concerned Panchayati Raj Institution shall issue a notice of the said resolution for such general information inviting objections to the imposition of such tax or fees or surcharges.

(2) A copy of the above notice shall be affixed on the notice board of Panchayat concerned, Panchayat Samiti and Zila Parishad and forward a copy to Tehsildar and Collector for information.

(3) The Panchayati Raj Institution may also issue a press note to local newspapers for general publicity.

(4) Zila Parishad while proposing to impose surcharge on stamp duty shall also send copy of notice to district registrar and subregistrar of the district and in case of surcharge on agricultural produce, to the Director, Agricultural Marketing and Secretary Krishi Upaj Mandi Samitis in the district.

59. Period For Objections :-

A period of not less than one month from the date of such notice shall be allowed for filing objection.

60. Consideration Of Objections :-

(1) After expiry of the period of the notice, objections from persons likely to be affected by the imposition or enhancement proposed by Panchayati Raj Institution, shall be considered in its general meeting.

(2) The Panchayati Raj Institution may approve the proposal with or without modifications or may reject the same and shall again pass the resolution for levying of said tax or taxes or fees.

Provided that, if the resolution relates to a tax proposed to be imposed under clause (d) and (g) of subsection (1) of section 65 or sub-section (2) of section 68, prior sanction of State Government shall also be obtained regarding levy and rate of such tax.

61. Prior Sanction Of The Government :-

In case of imposition of tax requiring prior sanction of the State Government, Panchayati Raj Institution concerned shall send a copy of its resolution along with a summary of the objection received by it together with its comments thereupon and a letter of request to the Director, Rural development for sanction of the State Government.

62. Publication And Operation Of The Resolution :-

(1) After passing of the resolution under sub-rule (2) of Rule 60 and after receiving approval of the State Government, if required, Panchayati Raj Institution shall finally publish a notice specifying :

- (a) the details for the tax so sanctioned.
- (b) the rate of which it shall be levied.
- (c) the date from which it shall be assessed and levied.
- (d) any other particulars necessary for the information of the persons affected.

(2) Such notice shall also be published in a manner specified in rule 58.

63. Preparation Of Demand And Conducting Of Census Of Assessee :-

(1) The tax shall be assessed and levied from the date specified in notice issued under Rule 62.

(2) Tehsildar shall get the demand prepared and census conducted through Patwari concerned after receipt of resolution under Rule 62.

(3) Patwari shall inform the programme of conducting census of assesses to the Vikas Adhikari and the Panchayat who may associate Panchayat Extension Officer, Panchas and Secretary to assist in such census and preparation of demand.

(4) Demand shall be prepared by Patwari in Form No. IV.

64. Approval Of Assessment By Tehsildar :-

(1) Tehsildar shall, after the demand assessment of taxes has been prepared, by Patwari get it checked and make corrections, if any, approve and shall forward a copy to Patwari concerned.

(2) In consonance with the approved demand, Patwari shall issue demand slips, to the assesses concerned in Form No.V.

65. Due Dates Of Taxes :-

(1) The taxes assessed as per rule 64, shall be collected as per demand slips to be issued by Patwari in the month of April. Amount of tax shall be deposited in yearly instalment in the month of May.

(2) Interest at the rate of 12% shall be levied from 1st of June for delayed payment.

66. Appeal Against Assessment :-

Any assessee having any objection to such assessment may appeal to the Sub-Divisional Officer if tax has been levied by a Panchayat, to the collector if tax has been levied by a Panchayat Samiti and the Divisional Commissioner if tax has been levied by Zila Parishad in accordance with the provisions contained in Section 71 of the Act.

67. Recovery Of Taxes :-

(1) The taxes shall be recovered by the Patwari who will be paid 5% as collection charges by way of deducting such amount from the gross tax receipts deposited in P.D. Account of Panchayat Samiti concerned or Panchayat account.

(2) Details of such deposits indicating challan/receipt No. and date shall be forwarded every month to the Tehsildar, Vikas Adhikari and Panchayat concerned.

(3) The Patwari will also maintain demand collection Register in Form VI for each Panchayat/ Panchayat Samiti as the case may be. A separate register or a separate portion will be used for each year.

(4) Panchayati Raj Institution concerned shall bear the cost of forms and registers necessary for recovery of such taxes.

(5) In case the taxes are not recovered by the Patwari as provided in Sub-rule (1) (2) (3) above, the same shall be recovered as an arrear of land revenue, as provided in Section 70 of the Act.

(6) Surcharge on stamp duty shall be collected by Sub-registrar for properties transferred in rural areas in the district and transferred to P.D. Account of Zila Parishad as per procedure laid down by Finance Department.

(7) Surcharge on agricultural produce be collected by Secretary mandi Committee in the district and deposited monthly in the P.D. Account of Zila Parishad of the district.

68. Levy Of Fees :-

(1) A Panchayat may levy fees for the services rendered to the public subject to the maximum rates as under-

(i) Application fees: Rs.5/-

(ii) Certificate for residence, Caste, income etc Rs.10/- (50% for SC/ST)

(iii) Certificate of successors for mutation etc. Rs.20/- (-----do-----)

(iv) No objection certificate for electricity or piped water supply Rs. 20/- (-----do-----)

(v) Application for purchase of Abadi Land Rs. 10/-

(vi) Expenses for preparation of site plan and site inspection. Rs. 25/-

(vii) Ration Card including application form and printing. Rs. 5/-

(viii) Registration of birth and death after 30 days. Rs.10/-

(ix) Permission for building construction Rs.1/- (per Sq. mtr. for pakka construction.)

(x) Addition / Alteration in site plan already approved by Panchayat. Rs.50/-

(xi) Regularization of unauthorised construction without permission of Panchayat provided there is clear title and right of way is not disturbed. Rs.2/- (per sq. mtr.) maximum Rs.500/-

(xii) Petrol/Diesel pump 500/- (per year)

(xiii) Hotel/Dhaba/Automobile Repair shop 200/- (per year)

(xiv) Any other business unit. 100/- (per year)

(2) A Panchayat deciding to levy such fees shall pass a resolution in

the general meeting and public a notice on Notice Board inviting objections/suggestions of the residents of Panchayat circle within 30 days.

(3) After expiry of 30 days from the date of notice, Panchayat may again pass a resolution with or without modifications and decide to charge such fees from first of the next month.

69. Taxes And Fees On Fairs :-

(1) Panchayat Samiti/Zila Parishad may decide to levy taxes/fees to regulate the fairs and festivals organised and regulated by them within their jurisdiction.

(2) Such Panchayati Raj Institution may designate any officer as Mela Officer.

(3) If any cattle fair is organised, the rate of Rawanna fee will be decided by the concerned Panchayati Raj Institution.

(4) Purchaser shall not take his Cattle out of the fair area unless he has obtained a Rawanna in form VIII after payment of prescribed fee.

(5) If any purchaser is found taking his Cattle Out of the fair area without a Rawanna, he shall be liable to pay a penalty not exceeding Rs.200/- per Animal at the discretion of Mela Officer.

(6) Check posts shall be established for entry and exit of Cattle. Entry pass shall be issued to all Cattle entering the Mela premises in form VII by Mela Officer/Check post incharge.

(7) Every sale carried in the Mela shall be registered in form IX and purchaser will be issued copy thereof on payment of charge fixed by Panchayati Raj Institution concerned.

(8) No Rawanna shall be issued unless a copy of registration referred in sub-rule (7) is produced.

70. Octroi On Country Liquor :-

(1) 2% Octroi on country liquor shall be deposited in concerned Panchayat by a country liquor licensee running shop/subshop within the Panchayat area.

(2) Amount of Octroi shall be deposited on the basis of Stock Register and Excise pass maintained at such shop/subshop.

(3) It shall be duty of the Excise Inspector of the area to ensure that Octroi is being regularly deposited in the concerned Panchayat.

(4) Secretary of the Panchayat shall get cost of such country liquor verified from the Excise Inspector in case of doubt.

(5) If Octroi is not deposited on demand it shall be recovered as arrear of land revenue.

71. Entertainment Tax On Cinema/Theatre/Video Shops :-

(1) Panchayat Samiti shall recover entertainment tax as per notification No. F.8(76)FD/Gr.IV/73 dated 9.3.1976 at the rate of 100% of the cost of the ticket / charges exceeding Rs. one per person. In case regular tickets are not issued, amount of tickets for per month be assessed and 100% tax recovered accordingly.

(2) If amount due is not deposited on demand it shall be recovered as an arrear of land revenue through collector of the district.

72. Maximum Rates Of Tax On Trades, Callings, Professions And Industries :-

(1) Panchayat Samiti may levy tax subject to maximum as under :
(Rs.)

(i) Advance 300/- per year

(ii) Oil presses, cotton presses, printing presses, warehouses, and other industries (except cottage industries) 1000/- per year

(iii) Money lenders 1000/- per year

(iv) Wholesale and retail traders, auctioneers, contractors, commission agents, brokers, workshops. 500/- per year

(v) Clinics, nursing homes, private hospitals. 300/- per year

(vi) Private practitioners, vaidyas, homoeopaths, dentists, veterinary surgeons. 150/- per year

(vii) Architects/engineers. 300/- per year

(viii) Keepers of hotels, lodging houses, boarding houses. 500/- per year

(ix) Editors/proprietors of News papers 250/- per year

(x) Professional Artists, Photographers, actors, dancers, musicians.

120/- per year

(xi) Owners of circus/cinema/video shops. 1000/- per year (in addition to 100% entertainment tax on sale of tickets).

(xii) Dealers in animals, vehicles, Dairy. 250/- per year

(2) Procedure for imposition of taxes as provided in Rule 58 to 60 shall be allowed except that prior sanction of the Government shall not be required.

BUILDING TAX

73. Building Tax :-

A tax on buildings under Clause (a) of Sub-section (1) of Section 65 may be leviable on the buildings within the Panchayat circle and shall not exceed the following limits namely :-

Maximum amount of tax per annum.

(i)

Where constructed pakka rood area is upto 500 sq. ft.

Rs. 100/-

(ii)

When area is 501 to 1000 sq. ft.

Rs. 200/-

(iii)

When area is 1001 to 2000 sq. ft.

Rs. 300/-

(iv)

When area is more than 2000 sq.ft.

Rs. 500/-

Provided that not tax shall be payable for houses not constructed

with stone bricks, or not having stone slabs/RCC Roof.

74. Exemption From Tax :-

(1) Notwithstanding anything contained in the Act or in these rules, a building tax shall not be levied on inns, dharamsalas, libraries, schools, dispensaries, reading rooms and buildings used for religious and charitable purpose, subject, however, to the provision that no rent is earned from the whole or any part thereof.

(2) All buildings within a Panchayat circle belonging to the Central Government or the State Government as well as all such buildings belonging to vested in a Panchayat or a Panchayat Samiti or a Zila Parishad or a municipal board shall be exempted from the payment of building tax under rule 73.

(3) No building tax shall be levied on kaccha houses, I.R.D.P. selected families, Indira Avas, and pakka houses having floor area of less than 200 sq. ft.

75. Preparation Of Assessment List :-

(1) For the purpose of the building tax the Panchayat shall cause to be prepared a list of occupiers/owners possessing or owning, as the case may be, buildings situated within the Panchayat circle.

(2) The list shall contain area of Pakka construction and Kacha construction separately.

(3) Rental income, if any, may also be indicated.

(4) If the building is in exempted category as per Rule 73, fact should be mentioned in assessment list.

(5) Tax shall be assessed as per area of Pakka houses within the maximum rates specified in Rule 73.

76. Publication Of Assessment List :-

(1) The assessment list prepared under Rule 75 shall be published by affixing a copy thereof on the notice board of the Panchayat, alongwith a notice inviting objections thereto within fifteen days from the date of the publication of the assessment list.

(2) A proclamation shall be made by beat of drum in the whole of the Panchayat circle to the effect that the list has been so published and could be inspected at the Panchayat office and that objections thereto could be filed before the Panchayat within fifteen days of the date of publication of the assessment list.

(3) The Panchayat shall hear any objections that may be made within the said period and the assessment list shall be amendmend, if necessary and signed by the Sarpanch.

(4) A copy of the assessment list so finalised shall be pasted on the notice board of the Panchayat.

77. Realisation Of Building Tax :-

The building tax shall be realised in advance for the whole year, commencing on the list of April.

OCTROI

78. Octroi Posts And Octroi Limits :-

If a Panchayat decides to impose an octroi under clause (b) of sub-section (1) of section 65, the octroi limits shall be the outer limits of the Panchayat circle and the Panchayat may :-

(a) Describe the routes by which the goods and animals liable to octroi shall be brought within the octroi limits and

(b) establish such octroi posts as it may think necessary, placing each such post in charge of the Panchayat and arrange there for such establishment as it may think fit.

(c) Octroi may be levied at the rate not exceeding half percent of the value of goods. Prior permission of the State Government shall be obtained for levy of octroi at a rate exceeding half percent.

(d) In case of industries having fixed capital investment exceeding Rs. five lacs, prior permission of the State Government shall be obtained for levy of octroi.

79. Duties Of Persons Bringing Goods And Animals :-

(1) All persons bringing or receiving goods or animals liable to pay octroi within the octroi limits shall exhibit or produce all bills, invoices, receipts or other documents of a like nature which they may possess relating to the goods or animals to enable the octroi official to ascertain, assess and collect the amount of octroi duty leviable and such persons shall afford the octroi official every facility for the purpose of having their goods appraised and when required to do so shall permit them to inspect, weigh, examine, measure or otherwise appraise or deal with the whole or any portion of the goods or animals for the purpose of assessing or collecting octroi duty thereon, checking the payment of such duty or carrying out any other provisions of these Rules.

(2) In the event of there being no invoice or bill or other relevant document in the possession of the person bringing dutiable goods or animals or of non-acceptance by the octroi official of the value as shown therein, a declaration shall be made and signed by such persons and octroi shall be levied as per market price of the goods or animals after getting the value thereof appraised in the markets.

80. Inspection Of Goods :-

Every person shall, on demand, permit any octroi official to inspect the goods in his possession.

81. Assessment Of Octroi :-

Where an advalorem octroi is leviable the amount thereof shall be calculated according to the full value of the goods or animals as given in the original bill or invoice or other documents or on their market price as the case may be:

Provided that Panchayat may impose octroi on goods transported by a Co-operative Society at agreed rates per month :

Provided further that the Panchayat may impose and recover octroi duty on goods imported for the purpose of processing by any industry located in the Panchayat Circle on agreed rates monthly, however subject to the condition that the purpose of import is verified by the General Manager District Industries centre concerned.

Explanation : "full value" does not include railway freight, commission or other incidental charges.

82. Payment Of Octroi :-

(1) Octroi shall be payable on demand by the officer-in-charge of an octroi post.

(2) Octroi duty on goods or animals liable to octroi shall be paid at an octroi post or Panchayat Office.

(3) Where there is no octroi post, importer shall file a declaration of value of goods imported and satisfy the Sarpanch or Secretary on the basis of actual vouchers.

(4) Upon payment the official-in-charge of an octroi post or Secretary shall draw up a receipt in duplicate in Form X, of which one copy shall be given to the importer and the other shall remain as counterfoil in the receipt book.

(5) Traders doing regular business in Panchayat area may also declare the value of goods likely to be imported on monthly basis and deposit octroi in advance. Panchayat shall be free to assess the actual value of such goods on the basis of vouchers / sale by such trader.

83. Goods Brought By Railway Or Motor Transport Agency :-

(1) Goods or animals brought by Railway shall be deemed to have entered the octroi limits as soon as they pass beyond the railway goods or luggage yard and they then become liable to octroi duty in the same manner as goods or animals brought by road.

(2) Goods or animals brought by motor transport agencies or other means or transport shall be liable to pay octroi duty, if they are so liable at the octroi post, or where there is no such out post, octroi duty shall be paid at the Panchayat Office.

84. Goods Received By Post :-

(1) Goods received by post parcels, shall, if they are liable to pay octroi, be produced at the Panchayat Office and the amount of

octroi thereon shall be assessed, realised and paid in accordance with sub-rule (4) of rule 82.

(2) The Panchayat may make arrangements with postal authorities whereby a list of all goods received by post parcels, alongwith the names of the addressees, may be obtained at the Panchayat Office and if any such parcel is not produced at the Panchayat Office within a month of the receipt thereof, the Panchayat may take such steps against the addressee as may be provided for in the bye-laws.

85. Goods For Immediate Transportation :-

(1) If person incharge of octroi outpost is satisfied on the basis of goods receipt with the driver of the vehicle that goods are for immediate transportation outside the limits of Panchayat, he may charge in Form XI only such amount as may be fixed by the Panchayat for escorting the goods outside the Panchayat limits.

(2) Period of transit shall not ordinarily exceed four hours but in case of break-down of vehicle etc., Sarpanch may relax it suitably upto 24 hours.

(3) If any travelling agent brings any goods for sale or exhibition he shall deposit due octroi duty but may claim refund for goods unsold and transported out side Panchayat limit within 7 days.

(4) If any travelling agent residing in Panchayat circle takes out goods for sale, he shall give a complete list of articles at octroi post in duplicate. One copy shall be returned duly verified to the agent. In case he brings back whole or part of such goods within a period of 15 days, no octroi shall be charged if goods were same as mentioned in the list.

86. Exemption From Octroi :-

Notwithstanding any thing contained in these Rules, octroi shall not be levied on the following goods, namely :-

- (i) head loads of cow-dung, fuel, grass, fodder and brush-wood;
- (ii) goods on which octroi payable is less than one rupee.

(iii) arms for the use of the military, police or any other departments of the State or the Central Government.

(iv) article manufactured or produced in the Panchayat Circle;

(v) bonafide personal and household goods imported by a person on the occasion of his coming to take up his residence within the Panchayat Circle;

(vi) wearing apparel with or without lace, stansils, furniture and articles of food belonging to a marriage party;

(vii) machinery imported into any Panchayat Circle for the purpose of setting up new industries or for expansion thereof or for renovation and repairs of machinery in existing industries, if the importer produces a certificate from the Industries Department of the State verifying the purpose of such import;

(viii) fertilizer imported into Panchayat Circle;

(ix) all fabricating materials, raw materials and construction materials, brought into any Panchayat Circle for the purpose of setting up new industries or for expansion of the Director of Industries, Rajasthan, Jaipur, or his duly authorised representative that these items are necessary for the aforesaid purposes :

Provided that the exemption shall be available for a period of seven years from the date of establishment / expansion of the industry, subject to certificate given by Director, Industries Department.

(x) any other thing exempted by the State Government through an special order.

Explanation:-(1) The exemption on construction materials shall apply to the material used in the construction of factory shed, office building and chowkidars quarters. It shall not apply to other categories.

(2) Raw materials shall not include packing material, furniture and fixtures, patrol, oil, lubricants, coal, timber, wood, airconditioning and refrigeration plant and other articles used for electrification.

87. Penalty For Evading Payment Of Octroi :-

If goods or animals passing into a Panchayat Circle are liable to the payment of octroi duty, every person who with intent to defraud the Panchayat causes or abets the introduction of, or himself introduces or attempts to introduce within the octroi limits any such goods or animals in respect of which octroi due on such introduction has neither been paid nor tendered shall be punishable with fine which may extend to ten times the amount of such octroi.

88. Byelaws :-

Byelaws, not in consistent with these rules, may be made by the Panchayat under the Act to supplement these rules in the regulation, assessment, realization and payment of octroi due thereunder.

89. Register Of Vehicles Liable To Tax :-

(1) When a Panchayat has decided to levy a tax on vehicles under Clause (C) of Sub-section (1) of Section 65 and the procedure laid down in Rules 58 to 62 has been observed in respect thereof, the Panchayat shall cause to be prepared a register of vehicles liable to such tax, specifying therein the name and address of the owner of each such vehicle and the amount of the tax due in respect thereof.

(2) Any person who keeps or piles any vehicle on hire whether he be the owner of such vehicle or a person who possesses it or has the loan of it or has the charge of it in any other capacity shall be deemed to be the person liable to pay the tax on the vehicle.

(3) Every person who becomes possessed of any vehicle, for which he is liable to pay the tax, shall, within fifteen days of his becoming so possessed of the same, be bound to give notice in writing to the Sarpanch of the fact of his having become possessed of such vehicle.

(4) Any person whose name is registered in the register referred to in sub-rule (1), or the agent of any such person, shall be permitted, free of charge, to inspect and take extracts from any portion of the said register which relates to such person.

(5) The Panchayat shall cause such register to be corrected as and

when necessary.

90. Exemption From Vehicle Tax :-

No vehicle tax shall be leviable in respect of a vehicle :

(a) if it is a motor vehicle within the meaning of the Motor Vehicle Act, 1988 (Central Act 59 of 1988), or

(b) if it is used for the purposes of cultivation, or

(c) if it is a vehicle belonging to the Central or State Government and is used for public purposes, or

(d) if it belongs to the Panchayat Samiti or Zila Parishad.

91. Recovery Of Tax In Advance And Issue Of Licence :-

(1) The vehicle tax shall be payable every year in advance.

(2) When any person pays the amount of tax due in respect of any vehicle, the Panchayat shall grant him a license to keep or use such vehicle for the period to which the payments relate in Form No. XII.

92. Recovery Of Tax When Not Paid :-

(1) If the tax in respect of a vehicle is not paid in accordance with sub-rule (1) of Rule 91 the Sarpanch or any other official authorised by the panchayat in this behalf may at any time seize and detain the vehicle unless such person can prove to the satisfaction of Sarpanch authorised official he has paid the vehicle tax.

(2) If the vehicle seized be not claimed and the tax due thereon be not paid within fifteen days from the date the vehicle shall be sold by public auction and the proceeds of the sale shall be applied in the payment of tax due on the vehicle.

(3) In addition to the amount due as tax such penalty not exceeding twice the amount of the tax as the Panchayat may direct and a sum of Rs. 2000/- (Rupees two thousand) on account of charges incurred in connection with seizure, detention and sale, will

also be payable and recoverable out of the sale proceeds.

(4) If the owner of the vehicle or ther person entitled thereto claims the same within a week from the date of seixzure or at any time before sale, it shall be returned to him on payment of the tax due thereon and such penalty not exceeding Rs.200/- as Panchayat may direct.

Tax on Commercial crops

93. Submission Of Returns :-

After the preliminary procedure laid down in Rule 58 to 62 has been observed for the imposition of the tax on commercial crops under clause (f) of sub-section (1) of section 65, it shall be the duty of every person frowing on the land occupied by him within the Panchayat Circle any commercial crops, as defined in the explanation to Section 65, to submit, not less than a month before harvesting such crop, a report of the same to the Sarpanch of the Panchayat and to furnish a return containing the following particulars :-

(a) name of the village in which the lands so grown upon are situated;

(b) area of the lands in terms of hectares in which such commercial crop has been grown upon;

(c) the nature of the commercial crop grown; and

(d) the name, fathers name and residence of such grower.

94. Enquiry And Assessment Of Tax :-

(1) The Sarpanch shall make or cause to be made such inquiry as he may consider necessary for the purpose of verifying the return and may, if he thinks fit, cause the area under cultivation to be ascertained by actual measurement or from girdawari record maintained by Patwari.

(2) On the completion of such inquiry, a committee consisting of three Panchas and the Secretary shall assess the area in which a commercial crop has been grown, the likely total produce thereof

and the amount of tax leviable thereon.

(3) After the assessment has been made under sub-rule (2), the Sarpanch shall cause to be given to the person who furnished the return, a notice of such assessment.

(4) Rate of tax on commercial crops shall be an amount equivalent to rates of land revenue.

95. Failure To Submit Return :-

If any person fails to submit a return required by Rule 93, the Sarpanch with the approval of the committee referred to in sub Rule (2) of Rule 94 may on information received from the patwari or otherwise, at any time make the assessment contemplated by Rule 94 to the best of his judgement and shall, in every such case inform, by notice, the person growing the commercial crop on any land within the Panchayat Circle of such assessment.

96. Reduction Of Assessment :-

On receipt of information from or on behalf of an assessee that due to any agricultural calamity the commercial crop has in any way been damaged or injured, the Sarpanch shall make inquiry and if in his opinion substantial damage to the crop is proved, he may make a suitable reduction in the assessment with the approval of the committee referred to in the sub-rule (2) of Rule 94.

97. Resolution For Imposing Water Tax :-

In case a Panchayat decides to impose water tax under clause (e) of Sub-section (1) of Section 65, for arranging the supply of safe drinking water within the Panchayat Circle, and its maintenance, the Panchayat concerned shall pass a resolution for its intention to do so.

98. Water Tax And Other Charges :-

(1) In a village where drinking water is supplied through a public tap, pump and tank scheme or hand pumps by the Panchayat or entrusted to it for running and maintenance or where some charge is to be paid by Panchayat for drinking water supply to the government, every resident of that village shall pay monthly water tax of Rs.1/- (Rupees one) per head per month in case of piped

water supply and Rs.0.50/- (Fifty paisa) in other cases irrespective of the fact whether he uses the public tap/hand pump or not. Where water is supplied to the premises of a consumer, without a meter, a flat rate of the premises of a consumer, without a meter, a flat rate of Rs.20/- (Rupees twenty) per tap per family shall be charged.

(2) In case a meter is provided to the consumer by the Panchayat concerned the water charges and meter rent at the rate of Rs.5/- per month shall be calculated and recovered as per rates determined from time to time by Public Health Engineering Department. The consumer shall also be permitted to provide his own meter. In such case meter rent of Rs.5/- shall not be charged.

(3) No person shall obtain water from the public tap for construction purposes either himself or through his servants or agents unless permission is obtained from the concerned Panchayat, after payment of specified charges in advance. In case any person is found using water from the public tap for construction purposes in contravention of the rules, he shall be liable to pay time upto Rs.200/- in addition to the amount of water tax and a continuing penalty up to the 10/- per day as Panchayat may decide.

99. Recovery Of Water Tax :-

The recovery of water tax shall be made in the following manner:-

(a) The Panchayat concerned shall prepare separate bills of public tap as well as for private connections and shall arrange to serve the same upon the person concerned at least seven days before the actual date of payment.

(b) Every such bill shall specify the amount, the nature thereof, the person from whom it is due and the period for which it is due and the rebate of 20% for depositing within due date.

(c) In case the payment of water tax is not made by the person within seven days rebate will not be allowed and full amount of bill shall be recovered through process of attachment warrant after giving 15 days notice.

(d) In case of private connections at the premises of the consumer, the connection shall be disconnected in default of payment of water charges in time after giving 15 days notice to the consumer. The said connection shall be renewed up to two times the dues along with penalty up to two times the dues levied by Panchayat.

100. Framing Of Bye-Laws For Water Tax :-

The Panchayat concerned may frame detailed bye laws to regulate the water supply scheme in its Panchayat circle.

PILGRIM TAX

101. Imposition Of Pilgrim Tax :-

A Panchayat may decide to impose a pilgrim tax under Clause (d) of Sub-Section (1), of Section 65, after following the procedure laid down in Rules 58 to 62.

102. Period Of Tax :-

In case of a place of permanent pilgrimage, tax may be imposed throughout the year or in case of religious fairs, it could also be restricted to such periods.

103. Tax On Pilgrim Vehicles :-

During such period tax may also be levied on parking of vehicles at different rates for buses, cars, taxis, etc.

104. Procedure For Collection :-

Panchayat may either collect the tax through check post or may allot contract for such collection of tax through publication.

Recovery of fees and taxes

105. Bill For Dues :-

(1) For the amount of any tax/fee or other dues payable to the Panchayat, a demand slip shall be prepared in Form V and sent to the person liable therefor.

(2) Every such bill shall specify the amount due, the nature thereof, the person from whom it is due and the period for which it

is due.

106. Notice Of Demand :-

If the sum so due is not paid to the Panchayat Office within fifteen days from the presentation of the bill therefor, the Panchayat may cause to be served upon the person to whom such bill has been presented a notice of demand in Form No. XIII.

107. Warrant Of Attachment And Sale :-

(1) If the person on whom a notice of demand has been served does not, within fifteen days from the service of such notice of demand, either pay the sum demanded in the notice or show cause to the satisfaction of the Panchayat why it should not be realised, such sum with all costs of the recovery may be recovered by means of a warrant of attachment and sale of the movable property of the defaulter, issued by the Panchayat in Form XIV.

(2) Every such warrant shall be signed by the Sarpanch, or, in his absence by the Up Sarpanch and shall be subject to the provision contained in Sub-Rule (3), be addressed to the Secretary or other Clerk of the Panchayat.

(3) Where the property proposed to be attached and sold is beyond the jurisdiction of the Panchayat issuing the warrant of attachment and sale, such warrant shall be addressed to the Sarpanch of the Panchayat within whose jurisdiction such property lies for the time being and, where it is in an area for which there is no Panchayat, it shall be addressed to the Tehsildar having jurisdiction.

(4) The Sarpanch of the Panchayat or the Tehsildar receiving the warrant under Sub-Rule (3) may endorse it to any subordinate officer.

(5) A warrant issued under this rule shall be for the attachment and sale of only so much part of the movable property of the defaulter as will suffice to meet the demand of the Panchayat, and the costs of attachment and sale.

108. Exemption From Attachment :-

the following property shall not be liable to attachment and sale under

rule 107 namely :-

(a) the necessary wearing apparel and bedding of the defaulter, his wife and children;

(b) the tools of artisans;

(c) where the defaulter is an agriculturist, his implements of husbandry, seed-grain, food stuffs for his family for the coming eight months and his cow or calf and filly;

(d) such ornaments as a woman is prohibited from parting with by custom;

(e) the wages of labourers and domestic servants whether payable in money or kind; and

(f) salary to the extent of 50% for main tenance.

Explanation.- In clause (e) and (f) "salary" of "wages" means the total monthly emoluments, excluding any allowance declared exempt from attachment under any statutory order of the State or Central Government derived by a person from his employment whether on duty or on leave.

109. Entry For Attachment :-

It shall be lawful for any officer to whom a warrant of attachment and sale under Rule 107 is addressed or endorsed to break open at any time between sunrise and sunset any outer or inner door of a building in order to effect attachment directed in the warrant, if he has reasonable grounds for believing that such building contains property which is liable to seizure under the warrant and if after notifying his authority and purpose and duly demanding admittance he cannot otherwise obtain admittance :-

Provided that such officer shall not enter or break open the door of any apartment appointment for woman, until he has given reasonable notice of his intention, and has given such woman an opportunity to remove herself.

110. Attachment :-

(1) Subject to the provision contained in sub-rule (5) of Rule 107 and further subject to the exceptions specified in Rule 108, the officer to whom a warrant of attachment and Sale is addressed or endorsed shall be competent to attach, wherever it may be found, any movable property of the person named in the warrant.

(2) Such officer shall, on attaching the property, forthwith make an inventory thereof before removing the same or entrusting with any other person on furnishing sufficient security to his satisfaction, and every inventory prepared under this sub-rule shall be attested by two respectable persons of the locality in whose presence it has been prepared.

111. Sale Of Property Subject To Decay :-

When the property attached is subject to speedy and natural decay, the same may be sold forthwith unless the amount of the demand is tendered and the proceeds of the sale be kept in deposit.

112. Objection Of Attachment :-

(1) Any person having a claim upon the property under attachment may file an objection against such attachment within fifteen days from the date thereof.

(2) Such objection shall be investigated into and disposed of by the Sarpanch of the Panchayat issuing the warrant or, in case such warrant has been addressed under sub-rule (3), of Rule 107, the Sarpanch or another Panchayat or, as the case may be, to the tehsildar having jurisdiction, by such Sarpanch or Tehsildar.

(3) If the objection is allowed, the property attached shall be released from attachment or, if it has been sold under Rule 111, the sale proceeds thereof shall be paid to the objector.

(4) Pending the final disposal of the objection, the sale of the attached property shall not be ordered and, if ordered, shall stand postponed.

(5) Nothing in sub-rule (4) shall relate to or in any way affect a sale made under Rule 111.

113. Sale Of Attached Property :-

(1) In the following cases, namely :

(i) When an objection to the attachment has not been filed under Rule 112 or, if filed, has been disallowed, and

(ii) When the defaulter has failed to pay the amount of the demand after the attachment of his property within fifteen days of such attachment and property attached has not been sold under Rule 111.

Such property shall be ordered to be sold by public auction on a date to be fixed therefor, which shall not be earlier than the twentieth day after the date of attachment.

(2) A notice of such sale by public auction shall be proclaimed by beat of drum in the vicinity of the place, and at some central place in the village or town, where the property to be sold is for the time being :

Provided that from the date of the issue of the notice to the date on which the auction commences, at least fifteen days time shall have lapsed.

(3) Bids shall be called for a such auction and the person making the highest bid shall be declared to be the purchaser of the property so auctioned.

(4) The entire amount of bid shall be paid by the purchaser on the spot.

(5) The Sarpanch or any Panch of the Panchayat issuing the warrant of attachment and sale under Rule 107, the Sarpanch or any officer to whom it is addressed or endorsed and any officer engaged or employed in the sale of the attached property shall not take part at any sale thereof under this rule.

114. Appropriation Of Sale Proceeds :-

(1) From out of the proceeds of the sale of any property under Rule 111 or Rule 113 shall be paid, in the order of priority hereinafter

mentioned :-

(i) the cost incurred in such sale and the dues, if any, on account thereof;

(ii) the cost of the attachment including the cost of maintaining any attached livestock at the rates for their maintenance in a Panchayat cattle pound; and

(iii) the demand of the Panchayat for the recovery of which the attachment and sale were ordered.

(2) Upon the payment referred to in clause (iii) of sub Rule (1) being made and credited in the Panchayat accounts, a receipt for the same shall be given to the defaulter.

CHAPTER 8 Cattle pounds

115. Appointment And Duties Of Pound Keeper :-

(1) A pound keeper may be separately appointed by the Panchayat or his duties may be entrusted to any contractor appointed through open auction. It shall be the duty of the pound keeper.

(a) to maintain the following records relating to the pounds :-

(i) Cattle pound register in Form No.XV;

(ii) receipt book showing particulars of the impounded cattle in Form No. XVI;

(iii) Pass books showing delivery of the cattle impounded in Form No. XVII and XVIII, and

(iv) account of charges to be paid by the owner of the cattle in Form No. XIX and sale proceeds;

(b) to prepare such statements as may be directed from time to time by the Panchayat; and

(c) to keep the cattle impounded safe and arrange for protection from heat, cold and rain and also to feed them.

(2) All expenses relating to the pound and feedings and watering the impounded cattle shall be charged to the Panchayat Fund and all incomes therefrom shall be deposited into it.

116. Persons Who Can Seize Cattle :-

Any of the following persons may seize or cause to be seized any cattle and bring or cause to be brought the cattle within twenty-four hours to the pound established for the purpose :-

(a) the cultivator or occupier of any land which the cattle has trespassed over and has caused damage to or any crop or produce thereing;

(b) the person who has advanced cost for the cultivation of the crop or produce on any land which the cattle has trespassed over and has caused damage to;

(c) the vendee or mortgagee or such crop or produce or any part thereof or the land which the cattle has treapassed over and caused damage to;

(d) the buyer of such crop or produce or any part thereof or the land which the cattle has trespassed over and has caused damage to;

(d) the person incharge of public roads, play grounds, plantations, canals, drainage works, embankments and the like, or any public servant who finds the cattle causing damage to such roads, grounds, plantations, canals, embankments and the like or the sides or slopes of such roads, canals, drainag works, embankments, or found straying thereon;

(f) a person appointed on behalf of the persons mentioned in Clausee (a) to (b) to watch such land; and

(g) the chowkidar and any public servant who finds the cattle straying.

117. Rates Of Feeding Etc. And Fines To Be Exhibited :-

A list of fines and of the rates of charges for feeding and watering shall be pasted in a conspicuous place on or near the pound.

118. Entry Of The Cattle In Register :-

When cattle are brought to apound, the pound keeper shall enter in a register in Form XV :-

- (a) the number and description of the cattle;
- (b) the day and hour on and at which they were brought;
- (c) the name and residence of the seizer;
- (d) the name and residence of the owner of the cattle if known;
- and
- (e) marks of identification of the cattle such as colour, born, tail, hair etc.

119. Receipt Of The Cattle To Be Given :-

(1) After impounding the cattle so brought, the pound keeper shall prepare a receipt in duplicate and shall give the seizer or his agent a copy of such receipt and obtain his signature or thumb mark, as the case may be, on the counterfoil of the receipt book in token of its acknowledgement. Description of each cattle shall be noted in the register provided for the purpose.

(2) In case name of the owner of cattle is known, pound keeper may arrange to inform him if convenient.

120. Hours During Which Cattle May Impounded :-

Cattle may be impounded at any time during the day and upto 10 p.m. in the night subject to the condition that the seizer of the Cattle while impounding them, in his presence, shall obtain a receipt of such cattle from the pound keeper.

121. Panchayat To Fix Hours Of Feeding And Watering Cattle :-

The Panchayat shall fix up the hours of feeding and watering the cattle and only fine shall be recoverable in case of those cattle which were neither fed nor watered.

122. Arrangements For Watering The Cattle :-

Panchayat shall make proper arrangements for vessels for watering the cattle impounded.

Explanation.- This arrangement shall be in addition to the arrangement which the Panchayat may make for taking the cattle for watering at the appointed time.

123. Delivery Of The Cattle To The Owner :-

(1) If the owner of the cattle or his agent appears within 3 days and claims the cattle, the pound keeper shall deliver to him the cattle, on payment of the fines and charges as fixed by Panchayat in respect of such cattle.

(2) The owner of the cattle or his agent on taking back the cattle shall sign in token of receipt of the cattle in the register prescribed for the purpose.

124. Release Of Cattle On Ground Of Wrongful Seizure :-

If the owner or his agent appears and refuses to pay the said fines and expenses, on the ground that the seizure was illegal and the owner is about to make a complaint, then on deposit of fines and charges if any incurred in respect of the cattle, the cattle shall be delivered to him.

125. Sale On Failure To Pay Fines Etc :-

If the owner or his agent appears and refuses or fails to pay or deposit the said fines and charges, the cattle be sold by public auction by the Panchayat after giving a notice of five days. The fines liable and expenses of feeding and watering, together with the expenses of sale, if any, shall be deducted from the proceeds of the sale. The remaining cattle and the balance of the purchase money, if any, shall be delivered to the owner or his agent, together with an account showing :-

- (i) the number of cattle seized;
- (ii) the time during which they have been impounded;
- (iii) the amount of fines and charges incurred;
- (iv) the manner in which the proceeds have been disposed.

NOTE:- The owner or his agent shall give a receipt for the cattle delivered to him and for the balance of the purchase money (if any)

paid to him according to such account. if the owener of the cattle or his agent refuses to pay or deposit the fines and expenses incurred in respect of the cattle, then a written report may be obtained, if possible, from him.

126. Receipt For Recovery Of Fines Etc :-

If the cattle are released, the owner of the cattle or his agent shall be given one of the duplicate copies of the receipt in Form No.XVII and his signature obtained in the register in token of his having paid the fines or charges if any, incurred on the cattle, below the receipt. After adding the amount of the receipt to the amount of the last receipt the total shall be written in place of the total money received. This total shall be progressively increased which shall only be written when both the foils of the receipt are prepared.

127. Receipt To Be Given To The Buyer :-

If the cattle are auctioned the buyer shall be given a receipt in Form No. XIX duly signed by the Sarpanch of the Panchayat.

128. Unclaimed Cattle :-

If the cattle be not claimed within three days from the date of their being impounded, the pound keeper shall enter the fact in the register in Form No. XV and make a report to the Panchayat.

129. Pound Keepers Report Regarding Unclaimed Cattle :-

I n the report which the pound keeper shall make in accordance with Rule 128, he shall enter the details of expenses of feeding and other expenses, if any.

130. Disposal Of Cattle Not Released Within 3 Days :-

On receiving a report about the cattle not released within 3 days, the following action shall be taken after opening a file there of :-

(a) The Panchayat shall give a notice to the effect that any person who may have objection to the auction of the cattle concerned, should prove it and that no objection shall be entertained after expiry of the period as may be specified (which shall not be less than 30 days) in such notice. In the notice the following particulars necessarily be stated :-

- (i) the number & description of the cattle;
- (ii) the place where they were seized; and
- (iii) the place where they are impounded.

NOTE.- Such a notice shall be published in the village nearest to the place of seizure.

(b) While publishing the notice, the Panchayat shall simultaneously and conditionally auction such cattle and the auction money realised shall be deposited in suspense account. Following shall be the condition of auction of the cattle :-

(i) the buyer of the cattle shall not transfer the ownership of cattle within a period of 30 days in case no objection is filed, and by the final decision of such an objection, if filed, and

(ii) he shall also return the cattle to the Panchayat on payment of the auction money and the expensed of feeding of the cattle:

Provided that if the Panchayat is unable to effect the sale of the impounded cattle by public auction either for want of bidder or on account of the auction sale not fetching full price of the cattle, the Panchayat may send the cattle to the neighboring Panchayat or Circle fair Indharge for sale and the latter shall conduct the auction sale proceedings in respect of such cattle and shall remit the sale proceeds to the former after deduction the expenses of sale proceedings.

NOTE:- The auction will be held for three days but no such period of three days shall be necessary if the auction fetches full price of the cattle earlier.

(c) If any objection be filed by any person during the period of notice, the Panchayat shall require him to prove his ownership of the cattle. The Panchayat shall order the return of the cattle to the person who files the objection if he proves them to be his own.

Explanation.- During the period of proceedings if the Panchayat is satisfied that the cattle are of the person filing the objection and that no further action is necessary then the Panchayat, with a view that the expenses of feeding and watering may not unnecessarily

increase, may, if it thinks proper, deliver the cattle to such person on production of adequate security.

(d) In case of delivery of the cattle to the person filing the objection, the fine and expenses of feeding shall be recovered from him. The fine and expenses of the period the cattle remained in the pound shall be deposited in the account of the cattle pound and out of the expenses of feeding, the Panchayat shall pay such feeding charges as it thinks fit upto the day of the conditional auction. The balance, if any, shall be carried to the funds of the Panchayat.

(e) In case no objection is received from any person or the cattle could not be proved of the person who filed objection, the Panchayat, while ordering the auction of the cattle, shall deposit the fine and expenses of feeding the cattle into the account of the cattle pound and the balance, if any, of the auction money shall be carried to the funds of the Panchayat :-

Provided that the conditional auction shall be final only after the final decision of the appeal made against the decision of the Panchayat.

131. Inspection Of Cattle Pound :-

The cattle pound shall be open to inspection by any officers of the Rural Development and Panchayati Raj Department. At the time of inspection, the inspecting officer shall examine the total of columns in the register and shall see that the progressive totals in the receipt are accurately posted and that they tally with the amounts deposited in the Panchayat Fund. They shall also examine and count the cash, if any, with the Pound Keeper.

132. Scale Of Feeding And Watering Charges And Rates Of Fine :-

The following shall be the scale of charges of feeding and watering:-

S.No. Cattle Rates of fine. Feeding charges per day.

1. Elephant Rs. 50/- Rs. 150/-
2. Camel Rs. 50/- Rs.50/-
3. Horse Rs.50/- Rs.50/-
4. Buffalo Rs.25/- Rs. 25/-

5. Cow and Bullock Rs. 25/- Rs. 25/-

6. Donkey Rs. 25/- Rs. 25/-

NOTE:- (1) Cattle shall include female cattle, where it is mentioned.

(2) In case of cattle left for grazing by the owners intentionally during nights, fine shall be charged at double the rate. Incentive of Rs.20/- may be paid out of fine to the person as an incentive for bringing such cattle.

133. Advance To The Pound Keeper :-

A Panchayat shall advance an amount upto Rs.100/- to the pound keeper for purposes of management who shall make the necessary arrangement under the supervision of the Panchayat for the feeding and watering of the cattle impounded. Every pound keeper who receives advance money shall have to give in writing a receipt to the effect that the money is due from him and he shall render its account such receipt shall be kept on the safe file of the Panchayat. Any balance of such an advance, if due, from the Pound Keeper at the close of financial year shall be shown in the monthly account of March every year. The advance which may be given to the Pound Keeper shall be part of the Panchayat Fund:

Provided that the daily income of the cattle pound shall be deposited by the Pound Keeper on the next day with the Panchayat.

134. Prohibition As To Be Bidding In Auction :-

No member of the Panchayat or employee thereof shall offer his bid in the auction.

135. Provisions Where The Ownership Of Cattle Is In Dispute In A Court Of Law :-

In cases where the ownership of the impounded cattle is in dispute in a Court of Law or otherwise. The court may direct that the cattle shall be kept in the cattle pound of the Panchayat for a period to be specified in that order and that the approximate charges on account of feeding of the cattle etc., shall be desposited in advance by the party concerned :

Provided that if this party does not pay in advance the sum fixed by the Panchayat under this rule or there is no such party to pay the aforesaid sum, the court may pass appropriate order as it thinks fit.

CHAPTER 9 Immovable properties

136. Panchayat Properties :-

(1) All common lands and public streets together with payments, stones and other material thereof as well as all Government lands lying within the Abadi Area of the Panchayat Circle, shall vest in and belong to a Panchayat.

(2) The State Government may, subject to such conditions and restrictions, as it may think fit to impose, vest in the Panchayat any land, properties, works, materials, things belonging to the State Government.

(3) All properties mentioned in Sub-Section (1) and (2) shall be under the direction, management and control of the Panchayat and shall be held by it as a trustee for the purposes of this Act.

(4) All the markets and fairs, except those managed by the State Government or Panchayat Samiti, that are held on the lands vested or vesting in the Panchayat, shall be managed and regulated by it.

(5) Income from sale proceeds or lease of such properties or natural produce from and any dues levied or imposed in respect of markets and fairs held on such lands, shall form part of Panchayat fund and shall be applied by the Panchayat in the achievement of objects of Panchayati Raj Act.

(6) The State Government, may resume any such property vested in the Panchayat -

(i) if the panchayat is found upon enquiry to have mismanaged the same or utilised in contravention of terms and conditions imposed at the time of vesting, or

(ii) if the same is otherwise required by the State Government in the public interest, on such terms as the State Government may determine.

137. Register Of Immovable Properties :-

The Panchayati Raj Institutions shall maintain a register in Form XX of all buildings and other immovable properties vested in it or placed at its disposal.

138. Maintenance Of Properties :-

It shall be duty of a Panchayati Raj Institution concerned to keep all properties referred in Rule 136 in proper condition and shall arrange for their essential repair or white washing when the same is considered necessary. Special efforts shall be made to keep all school buildings safe and free from danger.

139. Inspection Of Properties :-

(1) All Chairpersons shall visit the properties once a year to ensure safety and proper maintenance of such properties.

(2) Vikas Adhikari/Chief Executive Officer shall inspect the register and the Properties once a year during inspection of Panchayat/ Panchayat Samiti respectively.

Abadi Land

140. Abadi Land :-

Abadi Land" means nazul land lying within the nhabitd areas of a Panchayat Circle which vests of has been vested in or has been placed at the disposal of a Panchayat by or under an order of the State Government.

141. Sale Of Land :-

all sales of land by a Panchayat shall ordinarily be made through auction unless there are special reasons for not doing so. Panchayat may decide to sell such lands through auction programme fixed in advance.

142. Preparation Of A Plan :-

(1) Whenever land for development of Abadi is transferred to a Panchayat, it shall get a development plan prepared for rural area by officer of the town planning posted in the department of Rural Development and Panchayati Raj, not below the rank of Assistant

Town planner . It shall be approved by Senior town planner of the Department. Future development of Such rural area will be done as per approved development plan.

(2) Schemes for housing , commercial areas and other projects will be prepared as per approved development plan. Implementation of such schemes will be done as per approved plan only.

Provided that for Rural areas where development plan has not been approved , Projects/Schemes for planned development of residential and commercial area will be prepared and approved by the village planner not below the rank of Assistant town planner posted in the department of rural & Panchayati raj.

(3) The State Government may acquire private lands as per rules, for the implementation of such Projects/ Schemes, if need be.

(4) The disposal of plots in approved development projects/ schemes will be done by auction and allotment as per directions of the State Government.

(5) Panchayat Samiti/Zila parishad authorised by the State Government for the implementation of such Projects/ schemes will be eligible to get loans from financial institutions as per rules.

143. Auction Of Plots In Abadi Area :-

(1) Panchayat shall prepare a list of plots including scattered plots within the Abadi Area, keeping in mind the space needed for public streets/ roads, drainage and other public purposes.

(2) Panchayat shall try to maintain building line, as far as possible, while deciding to auction any scattered plot.

(3) Any area of 100 sq. yards or more for residential purposes and 200 sq. ft. for commercial purposes shall be auctioned as scattered plot.

144. Allotment Of Strip Of Land :-

(1) panchayat may allot a strip of land upto 100 sq. yards for residential purposes and 200 sq. ft. for commercial purposes at prevailing market price.

(2) Strip of land shall be allotted only to such persons whose existing house/shop is adjoining such strip and there is no other applicant for the same.

(3) In case more than one persons have houses/shops adjoining the strip, it shall be put to auction.

145. Application For Purchase :-

(1) A person desirous of purchasing any Abadi land/ stray plot of a strip of land from the panchayat shall make an application in writing to the panchayat, giving such description thereof as may be sufficient to identify the land proposed to be purchased.

(2) the applicant shall, along with his application, deposit a sum of Rupees Twenty-five towards the expenses for site inspection.

(3) The applicant shall also deposit Rupees Twenty-five for preparation of map, if the site map has not been enclosed with the application. In such case Secretary shall prepare a site map after site inspection in the presence of the applicant.

146. Site Inspection :-

(1) Secretary shall register such application in a register in Form XXI and open a file.

(2) Secretary shall place all such pending files in the next Panchayat meeting for deputing a committee of three Panchas for site inspection.

(3) Panchas shall inspect the site within 15 days and submit their opinion to the Panchayat as to the desirability of the sale applied for, after taking into consideration the following matters, namely:-

(a) Whether the sale applied for will affect the facilities for going and coming enjoyed by the villagers;

(b) Whether such sale will affect the rights of easements owned by other persons;

(c) Whether such sale will affect the beauty and cleanliness of the

locality;

(d) The names of adjoining residents desirous of buying such land,

(e) Such other matters as may appear to be relevant.

147. Provisional Decision :-

(1) The Panchayat shall then provisionally decide at a meeting whether the proposed sale should or should not be made.

(2) If it decides not to make the sale, the application shall be rejected and the fact shall be communicated to the applicant. In such case, applicant shall not be entitled to any refund of fee.

148. Issue And Publication Of Notice :-

(1) If the Panchayat provisionally decides that the sale should be made, it shall publish a notice in Form XXII inviting objections to the proposed sale within one month from the date of publication on the manner laid down in Sub Rule (2).

(2) The notice referred to in Sub Rule (1) shall be prepared in duplicate and one copy thereof shall be affixed to a conspicuous place on the land proposed to be sold, the other copy being returned to the Panchayat Office after obtaining the signatures of at least two respectable persons of the locality thereon, in token of such affixation.

149. Disposal Of Objections :-

The objections, if any, received in response to the notice issued under Rule 148 shall be disposed of by the Panchayat after giving the parties concerned a responsible opportunity of being heard.

150. Auction Of The Land :-

(1) If no objection is received under Rule 148 within one month, or if all objections received have been disposed of under Rule 149, the Panchayat shall by resolution order the auction of the land proposed to be sold on a date, not earlier than one month from the date of the resolution and at the time and place to be specified.

(2) Thereupon a notice of such auction, and of the date, time and place specified in Sub-Rule (1) shall be proclaimed by a beat of drum/by any other sound amplifying device, and copy of auction notice shall be displayed near the site as well as conspicuous places in the village market and on the notice board of the Panchayat.

151. Auction Committee :-

(1) All auctions of immovable property shall be made by an Auction Committee consisting of :

- (i) Sarpanch
- (ii) Up-Sarpanch
- (iii) Chairman of vigilance committee
- (iv) One Panch belonging to women/Scheduled Caste/Tribe/OBC as nominated by Panchayat if not represented otherwise.
- (v) Landrevenue inspector or in his absence Patwari who shall be informed well in advance. Three members shall constitute quorum of Auction Committee.

(2) The auction shall be held at site and will not be finalised till end of the day.

152. Market Price :-

(1) It shall be the duty of the Auction Committee to ensure that there is free and fair competition among the bidders.

(2) Auction Committee shall keep in mind the prevailing market price of such land.

(3) Final bid shall in no case be less than the index rate fixed by the Sub-Registrar of the area on the basis of previous sales of lands for the purpose of stamp duty.

(4) Vikas Adhikari shall obtain such index rates for every village from the office of the Sub-Registrar in the month of April and inform the Panchayat concerned.

(5) Bids shall be started from such index rates as conveyed by Vikas Adhikari under Sub-Rule (4) and index rates shall be market price below which no sale shall be finalised by the Panchayat.

153. Payment And Resale On Failure :-

(1) The person who made the last highest bid, shall deposit 10% of the amount of bid immediately on the post and 15% within 24 hours and balance within 60 days.

(2) Failing payment as provided in sub-rule (1), the land shall forthwith be resold.

Provided that a resale on failure to pay the balance of the amount of bid shall be held after a fresh has been issued as provided in sub-rule (2) of Rule 150 and 10% of auction price deposited at the time of original sale shall be forfeited to the Panchayat.

Provided further that any deficiency in the price fetched at such resale shall be payable by the person who failed to make the payment as aforesaid and shall be recoverable from him as Panchayat dues.

154. Confirmation O Sale :-

(1) The acceptance of highest bid shall be subject to confirmation by the Panchayat and the authorities prescribed in Sub-Rule (3).

(2) Panchayat, in its next meeting to be held not earlier than 15 days from the date of auction shall sanction the highest bid if no objection has been received.

(3) Where the highest bid amount exceeds Rs. 10,000/- the Panchayat shall obtain prior approval as under :-

(a) the Panchayat Samiti having jurisdiction if the amount does not exceed Rs. 50,000/-;

(b) the Zila Parishad concerned if the amount does not exceed Rs. One lakh;

(c) the State Government if the amount exceeds Rs. one lakh.

Note:- Confirmation for sale of strip laid or sale by negotiation in excess of Rs. 10,000/- shall also be required before issue of patta.

(4) The authority specified in sub-rule (3) may refuse to confirm a bid if in its or his opinion, the full value of the land to be sold has

not been made or procedure laid down above has not been adhered to and in such cases the amount deposited by the highest bidder shall be refunded without interest.

(5) Balance amount of 75% shall be deposited within two months from the date of auction or within one month from the date of communication of confirmation of the bid.

155. Possession :-

Panchayat shall not hand over the physical possession of auctioned property unless the highest bid has been confirmed by the competent authority mentioned in rule 154 (2) or 154 (3) .

156. Transfer Of Abadi Land By Private Negotiation :-

(1) The Panchayat may transfer Abadi land by way of sale by private negotiation in the following cases :-

(a) Where any person has a plausible claim of title to the land and an auction may not fetch reasonable price;

(b) Where there is a trespass or for any other reason to be recorded in writing, Panchayat thinks that an auction would not be a convenient mode of disposal of the land;

(c) Where it is a strip of land as per sub-rule (1) and (2) of Rule 144 and there is only one applicant.

(2) In no case such abadi land, shall be transferred on a rate below index price fixed by Sub-Registrar and conveyed by Vikas Adhikari as prevailing market price for the village.

(3) Such market price in a bazar or commercial area shall not be less than double the price fixed for residential areas.

157. Regularisation Of Old Houses :-

Where the persons are in Possession of the old houses in Abadi land and desire to get a patta issued patta may be issued by the Panchayat after depositing charges as under :-

(a) For old houses constructed more than fifty years ago. Rs.100/-

(b) For old houses constructed during last fifty years from the date of commencement of these rules. Rs.200/-

158. Allotment Of Lands To Weaker Sections :-

(1) The Panchayat may allot Abadi land upto 150 sq.yards in village Abadis at concessional rate to members of Scheduled Caste, Scavengers, Scheduled Tribes, Backward Classes, Village Artisans, Landless persons dependent on wage labour, Gadia Lohar who do not own house sites/house and also to flood victims whose houses have been washed away or the house sites have been rendered unfit for future habitation due to floods.

(2) Rates to be charges from such allottees will be as under :

(a) In villages having population less than 1000 (1991 census).
Rs.2/- per sqr. mtr.

(b) In villages having population from 1001 to 2000 (1991 census)
Rs.5/- per sqr. mtr.

(c) In vilalge having population more than 2000 (1991 census).
Rs.10/- per sqr. mtr.

Provided tha the State Govenment may allot such lands free of charge to any such category of persons.

(3) Abadi land allotted free of charge shall be non-transferable. A seal in block letters "NOT FOR SALE" shall be affixed on the face of all such Pattas. In case any allottee transfers or sells such house site/house to any other person, allotment shall automatically stand cancelled, ownership shall vest in the Panchayat along with construction or material Lying thereon and transferee will be rejected as trespasser on such Abadi Land.

(4) Panchayat may however by a resolution in the meeting, decide to allot such land by negotiation to such trespasser on market price on compassionate grounds.

(5) The allottee shall be debarred from any subsequent allotment in future.

(6) Provisions contained in Sub-rule (3), (4) and (5) shall also be applicable for shop sites allotted to Scheduled Caste and Scheduled Tribes etc. in Panchayat areas.

(7) For allotment of house sites to flood victims at another place/places, the Panchayat concerned shall invite applications from such persons along with an undertaking that in case of allotment of house sites at another place/places, the house sites washed away in flood along with material shall vest in the Panchayat concerned free from all encumbrances.

159. Allotment Of Lands On Concessional Price :-

(1) The Panchayat may allot plots upto 500 sq. yards from Abadi land available with it to Ex-Service Military Personnel (Non-Commissioned ranks) who do not own any Abadi land on priority basis, at 50% of the market price as mentioned in Sub-Rule (5) of Rule 152.

(2) The Panchayat may also allot plots upto 1500 sq. yards for godowns/office etc. of Gram Seva Sahkari Samiti/Primary Agricultural Cooperative/Large sized multipurpose/ Marketing Society, on priority basis, at 50% of the market price as mentioned in Sub-Rule (5) of Rule 152.

160. Transfer And Allotments Subject To Approval :-

All such transfers exceeding value of Rs.10,000/- shall be subject to confirmation by authority mentioned in Sub-Rule (3) of Rule 154.

161. Exclusion Of Certain Categories Of Abadi Land From The Power Of Sale :-

(1) If the ownership of any Abadi land is in dispute, such land shall not be sold by the Panchayat and the proceedings of sale thereof shall be stayed as soon as it is brought to the notice of the Panchayat that such a dispute exists, till a decision of the competent court on such dispute.

(2) The Panchayat shall neither sell any Abadi land nor allow Pakka structure within the following specified limits :-

- (a) one hundred feet of a railway line,
- (b) one hundred and fifty feet from the central line of National Highway.
- (c) Seventy-five feet from the central line of the State Highways and major District Roads.
- (d) Fifty feet from the central line of other district roads and village roads.

(3) The allotment of pasture lands and unculturable waste lands for extension of abadi within the Panchayat Circle shall be governed by rules made under the Rajasthan Land Revenue Act.

(4) Any abadi land required by the State Government shall be given by the Panchayat without any cost.

(5) The State Government, may by notification in the official gazette, withdraw the powers of disposal of Abadi land from all or any of the Panchayats, if it considers expedient to do so, in the public interest and may confer on any other officer.

162. Allotment Of Abadi Land To Government Institutions :-

(1) Panchayat may allot lands free of charge within Abadi area to School, Dispensary, Anganvadi, upto 500 sq. yards subject to confirmation by the Zila Parishad concerned.

(2) Any other allotment free of charge or at concessional price shall be only with the prior approval of the State Government.

163. Temporary Use Of Land :-

(1) Panchayat shall not allow any use of Abadi land free of charge, and shall charge lease rent for temporary use of land in religious fairs, cattle fairs, festivals, market areas, open places.

(2) Lease rent of not less than Rs.2/- per square feet shall be charged annually for temporary use of Abadi land.

(3) Lease rent shall be charged at double the rate in bazar area.

(4) The Panchayat shall get a survey record, prepared through a committee of three Panch as assisted by Secretary, indicating the area of Abadi land under temporary use in excess of Patta of land

holder.

(5) The Panchayat shall auction such sites for temporary use of land for running shop in big religious and other fairs well in advance after through publicity.

164. Letting But Of Panchayati Raj Buildings And Shop :-

(1) Any Panchayati Raj Institution may let out their buildings to government offices, bank, post office etc. rent not less than the rates assessed by the competent officer of Public Works Department.

(2) Shops and other commercial sites shall be leased out for not more than three years and only through open auction by Committee consisting of 3 members as under :-

(a) Chief Executive Officer, Accounts Officer and one Member of Zila Parishad nominated by Pramukh for buildings of Zila Parishad.

(b) Vikas Adhikari, Accountant and one Member of Panchayat Samiti nominated by Pradhan for immovable properties of Panchayat Samiti.

(c) Committee as per rule 151 at the Panchayat level.

(3) The agreements for leasing out such premises on rent shall include the condition of 10% increase of rental amount every year.

(4) In case the premises are not vacated after three years time limit, or it is sub-let to some other person in violation of terms of agreement or rent is not deposited regularly, Chief Executive Officer shall get the premises vacated after giving Show Case Notice for eviction of premises, if requested by concerned Panchayat or Panchayat Samiti.

(5) Panchayat or Panchayat Samiti may also negotiate the matter for extending the term of three years, but in such case yearly increase in rent shall be 20% amount every year by mutual agreement.

165. Survey Of Trespassers On Panchayat Lands And Removal Of Encroachments :-

(1) Panchayat shall form a committee consisting of three Panchas assisted by Secretary to conduct survey of trespassers in Abadi lands, tank bed and grazing grounds in the months of January and July every year to detect cases of trespass on common lands.

(2) All such trespasses along with details of area and nature of trespass shall be entered in a register by the Secretary.

(3) Panchayat shall issue notices to such trespassers in Abadi area for eviction of land trespassed. Whenever it is brought to the notice of Panchayat or its member or secretary that a trespass is being committed, Sarpanch may issue an injunction order prohibiting trespasser to commit trespass or carry out construction failing which encroachment or construction will be removed at his risk and cost a date of hearing will be fixed when Panchayat may pass suitable order after giving the trespasser a reasonable opportunity of being heard.

(4) In case Panchayat is of the opinion that if such trespass is regulated, it shall not violate the conditions mentioned in Rule 146, it may decide to allot the trespass land on market price.

(5) All such trespass cases found on pasture land or tank bed shall be reported in writing to the Tehsildar along with Panchayat Resolution for registering cases and eviction of trespassers.

(6) Panchayat may take police assistance as per Section 110 of the Act directly or by requesting Sub-divisional Magistrate of their for removal of encroachment on Panchayat land.

(7) Panchayat shall ensure that all the amounts of Penalties imposed by Tehsildar on trespassers of pasture lands are deposited fully in Panchayat fund.

166. Appeals :-

(1) An appeal shall lie as per Section 61 of the Act from an original order of the Panchayat confirming the sale of Abadi land under Rule 154 or transfer of Abadi land under Rule 156 or allotment of lands under Rule 157, 158 or 159 read with rule 160 to the Panchayat Samiti.

(2) Appeal may be filed within 30 days from the date of order appealed from, exclusive of the time requisite for obtaining a copy there of.

167. Sale Deed :-

(1) After payment has been made as provided in Rule 153, the sale has been confirmed as provided in Rule 154, and the appeal if any under Rule 166 has been disposed of, or if no appeal has been preferred, the time limit prescribed therefore has expired a deed set out in Form XXIII evidencing the sale of Abadi land shall be executed on behalf of the Panchayat.

(2) Patta shall be signed by Sarpanch and Secretary jointly.

168. Patta Bahi :-

(1) A record of all sales through auction, by negotiation or by allotment for which Pattas are issued shall be kept by the Panchayat at Patta Bahi maintained in Form XXIV.

(2) Panchayat shall forward a copy of Patta Bahi in the first week of every month to Vikas Adhikari of Panchayat Samiti concerned. Vikas Adhikari shall maintain a control register in which Panchayatwise ledger shall be maintained indicating month and a year alongwith number of Pattas issued by such Panchayat during the month on the basis of copy of Patta Bahi so received. Vikas Adhikari shall initial such entry as a token of verification so as to prevent issue of Pattas in the back dates.

(3) Panchayat Samiti shall get the Patta books printed in triplicate at their level. All such Patta shall bear book number and serial number and a record of issue of such Patta books will be maintained Panchayatwise at Panchayat Samiti level. First copy of Patta will be issued to the allottee, second copy will be retained in Panchayat office and third copy will be sent to the Panchayat Samiti for record. Panchayat Samiti shall keep them in safe custody.

Grazing Grounds

169. Grazing Grounds :-

(1) In case a common grazing ground in any village has not been placed at the disposal of any Panchayat, it shall send its proposal for the taking over or establishing a new grazing ground to the Tehsildar.

(2) On receipt of such proposal, the Tehsildar shall take action forthwith and intimate to the Panchayat about the decision taken within a period of three months from the date of the receipt of proposal from the Panchayat. If the sanction is not received by the Panchayat within a period of three months of the submission of the proposal, it may move the Vikas Adhikari who shall take steps for the allotment of grazing ground.

(3) The income from the trees and other natural produce growing on common grazing grounds shall be credited to the Panchayat fund.

(4) The Panchayat may lease out such trees or natural produce by private contract or public auction and may also sell dried, decaying and fallen trees in the aforesaid manner subject to the law for the time being in force.

(5) Cow dung on grazing grounds may also be sold out by a Panchayat by private contract or public auction.

(6) A Panchayat may extend the area of a grazing ground in case of increase in the number of cattle heads in which case sanction will be applied for as in the case of establishing a new grazing ground.

(7) The pasture lands shall not be utilized for any other purpose except for grazing cattle.

(8) Where any pasture land has been occupied unlawfully by any person, or has been utilised for any other purpose, the Panchayat shall make an application to the Tehsildar concerned under the law for the time being in force on the basis of survey record prepared as per Rule 165.

170. Development Of Grazing Grounds :-

(1) It shall be duty of the Panchayats to take all steps for development of suitable type of grasses, shrubs and plants in

grazing grounds and prevent encroachments. For this purpose Panchayat shall give control of Charagah land of each village to five men committee headed by a Ward Panch of the village concerned and four members to be elected by Gram Sabha.

(2) Grasses from closed area may be sold through open auction or private contract.

(3) Funds of development schemes may be utilised for labour intensive works of development of grazing grounds.

171. Grazing Charges :-

A Panchayat may charge such fees for grazing of cattle as it may by a resolution determine but the fee shall not exceed the rates specified below :

(i) Buffalos, Cows, Camels, Horse Rs. 10/- per annum per cattle head.

(ii) Goats, Sheep and other animals per cattle head Rs. 5/- per annum

WATER RESERVOIRS

172. Water Reservoirs :-

(1) It shall be duty of Panchayats to raise maximum own income from such water tanks / reservoirs which have been handed over or may be handed over to them.

(2) The Panchayats may lease out tank water for fisheries development, Singhada cultivation, Kamal Jad production and sale of natural produce of trees on Tank banks by private contract or public auction.

(3) Tank Bed Cultivation may also be given through public auction or private contract after competitive bidding. Desilting contracts of anicuts may also be given to cultivators to increase own income.

(4) Panchayat shall also recover irrigation charges as per water rates fixed by Zila Parishad or Irrigation Departments in case

irrigation is also done through water reservoirs in Panchayat area.

(5) All such income shall be credited to Panchayat fund.

AGRICULTURAL FARMS AND ORCHARDS

173. Agricultural Lands :-

(1) The Panchayati Raj Institutions having their own agricultural land, may lease out such lands through public auction.

(2) The Panchayats having mango trees or such other orders shall also lease them out on annual contract basis through public auction.

(3) The contractors shall be given only for a period of one year for Kharif and Rabi seasons.

(4) Contractor shall vacate the farm and remove the agricultural produce latest by Akshaya Tritiya. This fact may be mentioned in the terms of the contract.

(5) A portion of the agricultural farm should be kept reserved for agricultural demonstration and social forestry.

(6) Auction shall be held on or near 15th of May every year in the presence of an auction committee consisting of Chief Executive Officer, Tehsildar and Vikas Adhikari.

(7) While allotting contracts, preference shall be given to Government Departments or organisations like Rajasthan State Seed Corporation, National Seed Corporation, NAFED etc.

CHAPTER 10 Works, contracts and purchases

174. Annual Action Plan By Panchayat Raj Institutions :-

(1) Panchayati Raj Institution shall prepare an annual action plan equivalent to value of 125 percent of its share of funds allocated in the proceeding year before the beginning of each financial year, preferably in the Gram Sabha meeting held in the last quarter of the financial year no work can be taken up unless it forms the part of the Annual Action Plan.

(2) While preparing the annual action plan, completion of the incomplete works shall be given priority over the taking up of new works. No work shall be taken up which cannot be completed within two financial years.

(3) While preparing the plan of works, care shall be taken to safeguard the interests of the weaker section in the village and priority shall be given to works benefitting the Scheduled Caste, Scheduled Tribe, Woman and other Weaker Sections of the village society.

(4) Only those works may be taken up whose size, cost and nature are such that they may be implemented at the local level, are labour intensive and cost effective and do not involve high level of technical inputs.

(5) Works taken up should be of durable nature and should meet appropriate technical standards and specifications.

175. Estimates And Schedule Of Rates :-

(1) Panchayati Raj Institution concerned shall get the plan, design or specification and the estimate of the cost of works likely to be incurred in the execution thereof, prepared through qualified overseer or engineer or through any other agency.

(2) Panchayati Raj Institution may prepare such estimates on the basis of schedule of rates given in directives issued by Zila Parishad / DRDA from time to time.

(3) Estimates shall be technically approved by officers mentioned in Sub-Rule (2) of Rule 176.

176. Execution Of Works :-

(1) The execution of works sanctioned under Sub-Rule (4), of Rule 176, shall subject of the provisions of this rule, be mainly the responsibility of Panchayat / Panchayat Samiti.

(2) The execution of no work shall be commenced until :-

(a) it has been duly sanctioned,

- (b) necessary funds for the same are available or have been made available,
- (c) technical approval has been obtained as per Rule 176 (2) or 176 (3).

(3) Junior Engineer of Panchayat Samiti shall be responsible for site inspections of the works executed by Panchayats and Panchayat Samiti at plinth level, roof level and on completion to ensure quality of construction and technical specifications of the works. The details of measurements of works shall be entered in the measurement book kept for this purpose.

(4) Committee of Panchas / Members may be entrusted with the supervision of execution of such works on site.

(5) Vikas Adhikari shall physically verify 10% works on site and Chief Executive Officer shall check at least 10 works every month during inspection of Panchayats / Panchayat Samitis.

177. Section 177 :-

178. Completion Certificate :-

(1) It shall be the duty of Panchayati Raj Institution concerned to report the completion of work within a week for issue of completion certificate.

(2) Technical Officer competent to issue completion certificate shall visit the work within one month and issue the same.

(3) Completion certificate shall be signed by the Sarpanch and Junior Engineer both.

179. Periodical Progress Report :-

(1) A monthly progress report shall be prepared indicating workwise amount sanctioned, expenditure during the month, cumulative expenditure, physical progress, percentage expenditure on wages/material, employment of Scheduled Caste/Scheduled Tribes/Women /Landless Labours.

(2) Such report shall be sent to next higher authority and Zila Parishad / DRDA.

180. Register Of Works :-

(1) Every Panchayati Raj Institution shall keep a register of works in Form XXV for each work undertaken by it.

(2) Separate file shall be maintained for each work which will contain a copy of sanction, estimate, plan etc. of the work concerned.

(3) A separate register shall also be maintained for public contributions received for each work.

181. Ban On Contractors :-

(1) Panchayati Raj Institution concerned shall not execute any work through contractors. No middleman shall be engaged so that full benefit of wages to be paid reach the workers.

(2) Panchayati Raj Institutions may however procure material on contract basis for such works after following the procedure for inviting tenders for purchase of construction material.

Contracts and Deeds

182. Contracts By The Execution Of Deeds On Behalf Of Panchayati Raj Institutions :-

(1) All contracts made by a Panchayati Raj Institution or on its behalf shall be expressed to be made in the name of such Panchayati Raj Institution.

(2) They shall be verified and signed by Sarpanch and Secretary jointly on behalf of Panchayat, Pradhan and Vikas Adhikari jointly on behalf of Panchayat Samiti, Pramukh and Chief Executive Officer jointly on behalf of Zila Parishad.

Purchases

183. Purchase Of Materials :-

(1) The Panchayati Raj Institutions shall procurement, lime stones, bricks, stone slabs, bajri, wood etc. required for construction works or any other articles at the lowest prices.

(2) Material should be of good quality as per specifications and I.S.I. mark if it is a standard item.

(3) Material shall be purchased from manufacturer or wholesale supplier directly rather than through a contractor or a middleman.

(4) Panchayati Raj Institution may assess the demand for such material required during the year and may invite open tenders if the total value exceeds Rs. 30,000/-.

(5) Purchase may be avoided to be made in small parts.

184. Purchases To Be Made By Tenders :-

(1) No tenders shall be required if purchase is for less than Rs.2000/- which may be done on single quotation basis or on rate contract by Central or State Government or by Zila Parishad.

(2) Purchases upto Rs.20,000/- may be made on limited tender basis by inviting competitive rates from not less than three suppliers dealing in such material.

(3) Open tenders shall be invited in sealed cover if amount of purchase exceeds Rs. 20,000/-.

185. Notice Inviting Tenders :-

(1) The notice inviting open tenders in sealed cover shall be issued specifying :

(a) Articles required, quantity, specifications as regards quality and approximate value and other necessary details e.g. rates may be quoted for each item or in groups etc.

(b) The date and time of submission of tenders in the office of Panchayati Raj Institution concerned.

(c) 2% earnest money of the estimated value to be deposited with the tender.

(d) The date and time at which the tenders will be opened.

(e) Authority competent to accept the tender or reject without assigning any reason thereof.

(2) A copy of such tender notice in Hindi shall be pasted at the office of the Panchayati Raj Institution concerned and such other places as may be deemed fit and copies shall also be sent to reputed firms, dealers and suppliers.

(3) Advertisement shall be sent in atleast one news paper having wide circulation in the district.

(4) Period of notice shall be as under :-

(a) One week if tender amount is up to Rs.50,000/-

(b) 15 days if tender amount is up to Rs. one lakh.

(c) One month if tender amount exceeds Rs. one lakh.

Provided that such period can be reduced to half in case of short term tenders.

186. Opening Of Tenders :-

(1) On, but not before the date and time specified in the notice, tenders shall be opened by purchase committee in the office of Panchayati Raj Institution concerned in the presence of such tenderers or their representatives as may be present at that time. It shall be verified that seals are intact and date and time of opening shall be endorsed on each tender by the officers present by signing the tender.

(2) Purchase Committee shall be constituted as under :-

(a) Panchayat level :-

(i) Sarpanch (Chairman)

(ii) Up-Sarpanch

(iii) Chairman of vigilance committee

(iv) Secretary

(b) Panchayat Samiti level :-

(i) Pradhan (Chairman)

- (ii) Vikas Adhikari
- (iii) Junior Engineer
- (iv) Senior most Account Official of Panchayat Samiti

(c) Zila Parishad level :-

(Rate contracts for purchase of furniture, stationery, school articles and office items).

- (i) Pramukh (Chairman)
- (ii) Chief Executive Officer
- (iii) Accounts Officer / Assistant Accounts Officer of Zila Parishad or Treasury Officer of the district.
- (iv) An officer nominated by Collector
- (v) Two Vikas Adhikari of the districts

(3) All the tenders except those which are rejected due to reasons recorded thereon, shall be tabulated, scrutinized and comparative statement of itemwise rates shall be prepared.

187. Rejection Of Tenders :-

Tenders received after the due date and time, or which do not fulfill the requirements of notice issued under Rule 185 or with which no earnest money has been deposited within due time, or which are otherwise not in order shall ordinarily be rejected.

188. Acceptance Of Tenders :-

(1) All tenders which upon being opened by the Committee are found to be in order and are not rejected under Rule 187 shall be placed for final approval by the Panchayati Raj Institution concerned.

(2) Lowest tender shall ordinarily be accepted and where it is considered necessary to reject the lowest tender, the reasons therefor shall be recorded in writing.

(3) When the tender is in respect of more than one articles for example stationery article or construction materials, the comparative prices can be considered either individually for each article or conjointly for all articles or for specified groups of article, so long as the sum total of the tender, accepted is the lowest,

provided that the intention of the Panchayati Raj Institution to select the lowest tender in any of these ways is made clear in the tender notice.

(4) If the tender is considered conjointly for all articles or for groups of articles, the cost of the probable requirements in respect of all the articles or of all the articles in each group, as the case may be, shall be worked out with reference to the rates given in each tender and the lowest tender will be that according to which the total cost of the probable requirements of all the articles proposed to be taken together works out to be the least.

(5) Panchayat Samiti may finalise rates for purchase of construction material at their level and circulate such rate list for guidance of Panchayats within their jurisdiction who may procure those items locally on the same rates but in no case higher than such rates.

(6) Where the capacity for supply and the integrity of the tender are not known, his tender need not necessarily be rejected, and such additional security or bank guarantee may be taken from such tenderer as deemed necessary.

189. Calling Upon Fresh Tenders :-

If no tender is accepted and it is found necessary to purchase materials, goods or stores, fresh tender shall be invited according to the procedure laid down in the foregoing rules.

190. Purchase From Cooperative Societies :-

Purchases should be preferably made from registered Cooperative Societies if price is reasonable and quality is satisfactory.

191. Agreement :-

(1) When a tender is accepted, a deed of agreement in Form No. XXVI with such variations as the circumstances of the case may require, will be executed by the person whose tender is accepted.

(2) Such deed shall include a clear statement of the conditions under which the contract is given, and shall specify the penalty to which the tenderer shall be liable for breach of any of those conditions.

192. Exemption From Purchases Rules :-

Nothing contained in Rule 183 to 191 shall apply to the purchase of :-

- (a) Controlled articles at controlled rates through a permit issued on the orders of the State Government, by their agents,
- (b) Articles from any institution run by the State Government,
- (c) Articles on rate contract of the Central Government, State Government, or Zila Parishad for the district,
- (d) Any article which is permitted to be purchased by any general or special order of the State Government without inviting tenders or quotations.

CHAPTER 11 Budget, Accounts and Audit

193. Budget :-

The budget is a statement of the estimate of the receipts and expenditure of a Panchayati Raj Institution for any year.

194. Preparation Of A Budget :-

- (1) Budget estimates shall be prepared by Secretary for Panchayat, Vikas Adhikari for the Panchayat Samiti and Chief Executive Officer for Zila Parishad and presented in the general meeting of the Panchayati Raj Institution concerned by 15th February. In case of a Panchayat, budget shall also be placed before Gram Sabha as provided in Sub-Section 4 of Section 3 of the Act.
- (2) The budget shall contain probable estimate of receipts and expenditure during each financial year and shall provide for provisions as mentioned in Section 74 of the Act and should be as close and accurate as possible.
- (3) The sums to be provided in the estimates of receipt and expenditure under a particular head of account must be such as can be reasonably expected to be received or expended during the year and must include the receipt or payments of arrears during that year.

(4) Budget shall be prepared in prescribed Form No. XXVII for Panchayat and Form No. XXVIII for Panchayat Samiti / Zila Parishad.

195. Contents Of Budget :-

(1) The budget among other things, should contain adequate and suitable provisions for :-

(a) opening balance in its funds, and estimated income of the Panchayati Raj Institution for the budget year.

(b) estimated income shall be separately indicated for :

(i) own income from :

(a) Tax Revenues

(b) Non Tax Revenues like fees, penalties, fairs, income from sale of land, temporary use of land, kine house, grazing grounds, water reservoirs, agricultural farms, orchards, bone contracts, rental income from shops and buildings, etc.

(ii) Grant-in-aid from State Government under different heads like share against land revenue, maintenance grant, development grant, establishment grant, incentive grant, matching share, education, rural sanitation, housing improved chulha, water supply and cleaning and general purpose grant;

(iii) Receipt from Central Government through District Rural Development Agency for Rural Development Works and Employment generation,

(c) Expenditure proposed on establishment and discharge of their duties under the Act and Rules. Estimates should be :

(i) for existing expenditure and for

(ii) new expenditure separately indicating special reasons for new items.

(d) Due discharge of all liabilities in respect of loans and for all other commitments like refunds etc.

(e) Working balance not less than 20% of the estimated receipts of own income for the year.

(2) Budget shall also contain :

(i) Actuals of the previous year as compared with original estimates for that year;

(ii) Revised estimates for the current year as compared with the original estimates for that year; and

(iii) Budget estimates for the ensuing year as compared with the original or revised estimates for the current year.

196. Budget Calendar :-

The following programme shall be adhered to strictly in preparation and scrutiny of the budget estimates

(a) Last date for finalising the budget and passing by respective Panchayati Raj Institution. 13th February

(b) Last date for submission to next higher authority as provided in Sub-section (4) of Section 74 of the Act. 28th February

(c) Last date for returning the budget estimates by sanctioning authority. 20th March

197. Sanction Of Budget :-

(1) Sanctioning authority except points as mentioned in Sub-section (4) of Section 74 of the Act, shall also scrutinize the following :-

(i) Provisions contained in Rule 194 and 195 have been followed in preparation of the budget.

(ii) the estimate of receipt and expenditure is correct and provided for the collection of loans outstanding or falling due during the budget year,

(iii) the income from sale of Abadi and is not utilised on

establishment charges,

(iv) the recommendations of the Panchayat and Development Department issued from time to time have been duly considered in framing the budget,

(v) Provision has been made for obligatory charges like sanitation, electricity, water, rural roads, maintenance and repairs of school buildings and development activities etc. in Panchayat budgets and provision for pay and allowances, contingencies development works as well as repayment of loans, if any, in Panchayat Samiti / Zila Parishad budgets.

(vi) variations between the figures of the budget year and those of the previous year have been adequately explained.

(2) The sanctioning authority shall sanction the budget with or without modifications, as it thinks fit, after satisfying on the points mentioned in Sub-rule (1).

(3) The sanctioned budget shall be returned to the respective Panchayati Raj Institution on or before 20th March.

198. Estimate For Establishment :-

Panchayat Samiti and Zila Parishad shall also separately prepare estimate of expenditure on establishment indicating :

(i) sanctioned strength cadrewise, pay scale, rate of pay, dearness allowance, increments which will fall due during the currency of the budget year

(ii) probable savings due to vacancies

199. Re-Appropriation From One Budget Head To Other :-

The amount provided under any head in the budget passed for a financial year, may be transferred wholly or partly to any other head subject to following conditions -

(i) That due provision is ensured for services or liabilities which it is obligatory for a Panchayati Raj Institution to execute, maintain or pay for in accordance with the Act or rule made there under,

(ii) That Panchayat has obtained the approval of Gramsabha for transferring un-utilised budget of previously sanctioned works for new works in lieu of un-spent balances during the year,

(iii) That grant-in-aid from the State Government / Central Government is spent on the purposes for which it has been sanctioned,

(iv) That amount of one major head is not transferred to other major head.

200. Non-Budgeted Expenditure To Be Incurred With Permission :-

(1) No Panchayati Raj Institution shall incur any item of expenditure not included in the sanctioned budget or in excess of the budget allotment without the prior permission of the sanctioning authority. Supplementary / revised budget may be prepared for such expenditure.

(2) Care shall be taken to see that budget limits are not exceeded.

201. Quarterly Review :-

Panchayati Raj Institution shall get prepared a quarterly statement of budget provision and cumulative expenditure on each head and place it in the meeting to be held in the months of April, July, October and January every year along with physical targets and achievements as well as reasons for slow pace of expenditure, if any.

Revenue

202. Assessment And Collection Of Revenue :-

(1) It shall be duty of the head of office of a Panchayati Raj Institution to ensure proper maintenance of accounts of revenue as well as expenditure.

(2) Head of office shall also be responsible for timely receipt and collection of revenues, he shall ensure that dues are correctly and regularly assessed, collected and promptly credited to the fund. He

will accordingly arrange to obtain from all the sources where revenue arises, returns regarding the progress of realisation and cause them to be noted in the Demand and Collection Register in Form No. VI.

203. Checks To Leakage Of Revenue :-

In order to ensure that all the revenue collected is correctly brought to account and there is no leakage, the head of office will see that adequate checks are exercised and may, for this purpose, arrange to have test inspections of account of receipt carried out.

204. Revenue Arrears :-

No amount due to the Panchayati Raj Institution shall be left outstanding without sufficient reasons and where such dues appear to be irrecoverable, the orders of the competent authority for their adjustment, remission, reduction of demand or write off must be sought without any avoidable delay.

205. Credit To Follow Actual Realisation :-

No sum may be credited as revenue unless it has been actually realised.

206. Deposit In P.D Account/Bank Or Post Office :-

(1) All amounts received in Panchayat Office shall be deposited in Post Office or Bank.

(2) All amounts received by Panchayat Samiti/Zila Parishad shall be deposited in P.D. Account in Government Sub-Treasury/Treasury.

(3) All grants from the State Government shall be transferred to P.D. Account of concerned Zila parishad on quarterly basis.

(4) The Chief Executive Officer shall ensure that share of respective panchayats/ panchayat samitis is transferred to their accounts promptly.

Expenditure

207. Drawal Of Money :-

Money will not be drawn from the fund unless it is required for immediate disbursement, on an item of expenditure under any rule or on a specific order of the competent authority.

208. Standard Of Financial Propriety :-

Head of office of any Panchayati Raj Institution should be guided by established standards of financial propriety and must exercise the same vigilance as a person of ordinary prudence would exercise in respect of expenditure of his own money.

209. Liability Not To Be Incurred Without Budget Provision :-

No authority will incur expenditure or enter into any liability unless there is a budget provision for it and the expenditure has been sanctioned by the competent authority.

210. Control Of Expenditure :-

Head of office must see that not only the total expenditure is kept within the limits of authorised appropriation, but also the funds allotted are expended in the interest and service of the Panchayati Raj Institution concerned and upon objects for which provision has been made. In order to exercise proper control, he should keep himself closely acquainted with the progress of expenditure, commitments and liabilities incurred but not paid.

211. Drawal Of Funds :-

(1) Money shall be drawn only through cheques. Payment to third parties for the amount exceeding Rs.1,000/- shall also be made through cheques. Parties may obtain payment direct from bank/treasury/sub-treasury. A reference to cheque number and date will invariably be given on the concerned bill so that no double payment of the same bill may be made.

(2) Head of office shall be personally responsible to draw only such amount through cheque which has been passed in the bills authorised in the meeting by competent sanction. In no case there shall be excess drawal of money.

Provided that when cheques require joint signatures, and it is not possible to obtain signatures of Sarpanch/Pradhan/Pramukh for

more than ten days but payments are to be made urgently, Vikas Adhikari may sign cheques in place of Sarpanch, Chief Executive Officer in place of Pradhan and Collector in place of Pramukh but reasons therefore shall be recorded in writing as regards urgency for such payments.

(3) Inprest money as permanent advance for unforeseen contingent expenditure shall also be authorised by respective Panchayati Raj Institution under Sub-section (3) of Section 64 but it should normally be as under :-

(a) Panchayat Rs.500/-

(b) Panchayat Samiti/ Zila Parishad Rs.2,000/-

Person having custody of permanent advance shall acknowledge receipt of such advance on first of April every year.

(4) Head of office shall physically verify at the end of the month that any money in excess of the aforesaid limits are deposited back into the P.D. Account/Bank.

(5) Secretary/Sarpanch/Cashier of Panchayat Samiti or Zila Parishad shall be personally liable for keeping excess cash balance than prescribed above on the close of the month. In such case he shall be liable to pay interest at the rate of 18% on such excess amount.

212. Gpf/State Insurance/Lic Deductions Etc :-

(1) The duty of making proper deductions from pay bills on account of Provident Fund, State Insurance, Income Tax, Life Insurance and House Rent deductions etc. shall develop on the drawer of the bill.

(2) No Vikas Adhikari shall draw cash against G.P.F., State Insurance, Life Insurance, Income Tax deductions from salaries of employee. He shall get such cheques prepared along with salary bills in the name of Director State Insurance/G.P.F./Income Tax Officer/ LIC branch simultaneously and despatch during first week of the month. Vikas Adhikari concerned shall be held personally liable for violation of such procedure.

213. Power Of Vikas Adhikari In The Absence Of Secretary :-

In case of Panchayat, all moneys shall be drawn with the joint signature of Sarpanch and Secretary as per provisions of Sub-section (5) of Section 64 of the Act, in case of absence or illness or leave of Secretary, Vikas Adhikari of the Panchayat Samiti in whose jurisdiction such Panchayat falls, sign cheque of that Panchayat along with Sarpanch to facilitate immediate and urgent payments.

214. Expenditure Out Of Own Income Of Panchayati Raj Institution :-

(1) Panchayati Raj Institution may incur expenditure from own income raised through taxes, fines, fees and other assets placed at their disposal with the approval of the general meeting or Standing Committee, as per the limits specified by the Government from time to time.

(2) Expenditure from own income shall be incurred only after meeting liability of Pay, Allowances and contingency.

(3) All expenditure will be subject to the availability of own income funds after taking into account other commitments and assurances.

(4) Income from education cess will be spent only on educational buildings/activities but it will be possible to spend own income from other sources on such buildings / activities also.

(5) No expenditure will be incurred outside the jurisdiction of Panchayati Raj Institution.

(6) Yearly budget estimate for receipt and expenditure of own income shall be prepared and got approved by Panchayat Raj Institution concerned.

(7) No expenditure will be done on the basis of anticipated own income.

215. Advances To Employees :-

(1) Advances to employees for purchase of conveyance, advance for food grains and festivals shall be governed by the terms and conditions as applicable to State Government employees from time to time except that such advances may be granted out of own

income. If its own income is not sufficient for this purpose, the advances may be granted from other resources which may be available with Panchayati Raj Institution. The interest received shall be treated as income of the Panchayati Raj Institution and shall be credited to its fund.

(2) Advances for works or other specific purposes shall be got adjusted at the most with three months failing which it will amount to temporary embezzlement and un-utilised cash balance shall be deposited back along with 18% interest.

216. Loans :-

(1) Loans granted to a Panchayati Raj Institution by the State Government or any Corporation of the Central Government will be the first charge on the fund and loan installments shall be paid regularly on the due dates failing which the State Government may adjust the amount due out of the grant-in-aid payable or take other suitable steps to recover the money.

(2) Panchayati Raj Institutions may obtain loans for rural housing, construction of shops and other purposes and utilise and repay its instalments as per terms and conditions of financial corporation for Panchayati Raj Institutions. Panchayati Raj Institutions concerned may charge one percent as agency charges for services rendered for maintenance of loan accounts.

(3) Outstanding loans will continue to be recovered by Panchayat Samitis and deposited with the State Government in relevant head of revenue.

217. Specimen Signatures :-

Specimen signatures of Vikas Adhikari/Pradhan and Chief Executive Officer / Pramukh shall be sent to District Treasury and concerned Sub-treasury. In case of Panchayat, specimen signature of Sarpanch/Secretary shall be sent to Bank/Post Office concerned in which accounts are maintained.

218. Cheque Books :-

(1) Cheque books of treasury/ sub-treasury or bank/post office shall be kept in charge of Head of Office. They shall be kept under

lock and key.

(2) All cheque books when received, will be counted and each foils of the cheque book distinctly marked with a rubber stamp bearing name of the concerned Panchayati Raj Institution.

219. Pay And Allowances :-

(1) Pay and Allowances of the officers and staff and honorarium and allowances to members shall be second charge on the resources of the fund.

(2) In case of failure of a Panchayati Raj Institution to pay salaries on due dates, the State Government may direct the Vikas Adhikari to freeze the cash balance and make payments by drawing such amounts.

220. Due Date :-

Pay and allowance earned by the officers and employees shall become due for payment on the first working day of the following month.

221. Acknowledgement Of Payments :-

The Head of Office shall be personally responsible for the amount drawn on a bill/cheque signed by him until he has paid it and obtained a legally valid receipt for it from the payee.

222. Pay And Advances On Transfer :-

Provisions of pay and advances on transfers shall be governed by the Rules of State Government servants as applicable from time to time.

223. Other Charges :-

(1) All incidental and miscellaneous expenses incurred for the management of office are flexible and fluctuating in nature and utmost care has to be taken to economise it. The officer drawing the bill shall be responsible to see that the items of expenditure included in the bill are of obvious necessity and any articles purchased have been secured at fair and reasonable rates.

(2) Drawal of advances for other charges should be made on duly supported vouchers with payees receipt or on firms or contractors proforma bill and drawal of advances should not be allowed unless required for meeting any special nature of expenditure.

224. Refund Of Revenue :-

Before admitting any demand for refund of revenue, the original credit must be traced in the cash book and the related receipt be also linked and an entry of refund should be made distinctly in red ink in these documents so as to guard against, second claim. Where tax or cash is refunded, cross reference shall also be given in Demand and Collection Register.

225. Over Payments/Wrong Payments :-

(1) Head of office is responsible for making prompt recovery of any overpayment made out of the fund even though made in good faith.

(2) In case such payment has been made due to some fraud, F.I.R. shall also be lodged against such person at the Police Station for wrongfully defrauding and receiving the money.

226. Payment Of Time-Barred Claims :-

(1) Payment of time barred claims of salary, travelling allowance/medical reimbursement upto three years shall be made by head of office after pre-check by Junior Accountant.

(2) All such claim of more than three years shall require prior sanction of the Chief Executive Officer after pre-check by Accountant / Assistant Accounts Officer of Zila Parishad.

Provided that -

- (a) Propriety of the claim is established,
- (b) Orders or documents on which claim is based are available,
- (c) Reference to previous bills when claim was not drawn is given,
- (d) Reasons for delay are explained.

(3) Contingent claims upto 3 years shall require prior sanction of Chief Executive Officer whereas after three years it shall require

sanction of the Director Rural Development and Panchayati Raj.

227. Powers Of Regional Officer And Head Of Officer Under Gf & Ar :-

(1) Financial powers of regional officer not specified in these rules, shall be exercised as per GF & AR by the Chief Executive Officer in regard to employees posted in the district.

(2) Powers of Head of Office as per GF&AR and not specified in these rules, shall be exercised by the Sarpanch for the Panchayat, Vikas Adhikari for Panchayat Samiti and the Chief Executive Officer for Zila Parishad.

228. All Cash Transactions To Be Accounted For :-

All cash transactions to which the Panchayati Raj Institution in a party, shall without any reservations, be brought to account. Transparency shall be ensured in maintenance of accounts.

229. Cash Book :-

(1) A cash book shall be maintained by each Panchayati Raj Institution in Form XXIX for keeping a record of the receipt and payment of accounts.

(2) All cash transactions shall be entered in the Cash Book in full as soon as they occur and attested by head of office in token of check.

(3) Cash Book shall be closed regularly and head of office shall initial each entry in token of its correctness.

(4) At the end of each month, the head of office should verify the cash balance in the chest with the balance as per cash book and record a signed and dated certificate to the following effect -

"Certified that the cash balance has been checked and found as under :-

In case of difference between the actual cash and the balances per cash book, it shall be explained.

(5) A surprise check of physical cash balance shall also be made

twice a month to prevent any misuse of money.

(6) Panchayat shall also maintain separate cash book for funds allotted for development schemes.

230. Receipt Of Money :-

(1) When money is collected or paid into office, a receipt shall be given to the payer in Form No.XXX.

(2) Receipt shall be signed by the Secretary/Cashier.

(3) Amount shall be written both in figures and words.

(4) Head of office shall satisfy himself that the amount has been correctly entered in the Cash Book.

(5) Blank receipt books shall be kept in safe custody and proper account of receipt books shall be maintained.

231. Security Of Cashier :-

(1) The person incharge of cash shall give adequate and valid security commensurate with the amount of cash likely to be kept in his custody.

(2) Security shall be in form of fidelity bond which shall be renewed before due date for its expiry.

(3) Allowance at the rates prescribed by the State Government shall be payable to Cashier accordingly.

232. Double Lock :-

(1) All cash exceeding the amount of fidelity bond shall be kept in strong iron chest under double lock arrangement.

(2) All the keys of the same lock shall be kept in one person's custody. Keys of other locks shall be in custody of Head of Office. The chest shall never be opened unless both the custodians of the keys are present.

233. Security Of Cash :-

A security guard may be arranged from Police Station on payment to accompany the cashier when heavy cash balance is brought by him from the bank to office or vice versa.

234. Presentation Of Claims :-

(1) All claims for payment will be prepared in Form XXXI and presented at the office of the Panchayati Raj Institution concerned where they will be checked and passed for payment by head of office.

(2) The officer making a payment order is personally responsible to see that the claim is complete and genuine in all respects and affords sufficient information as to the nature of payment made.

235. Vouchers :-

(1) For every payment of money, the office spending money of the fund shall obtain a voucher setting forth full and clear particulars of the claim and all information necessary for proper classification in accounts.

(2) Every voucher must bear or have attached to it an acknowledgement of the payment by the person by whom or in whose behalf the claim is put forward.

(3) Each voucher must bear a pay order by head of office specifying the amount in words and figures.

(4) All vouchers shall be serially numbered datewise starting from first of April and must be stamped or written in red ink PAID on the face of vouchers so that they may not be used a second time.

(5) Head of office shall initial voucher also at the time of verifying payments in cash book on expenditure side.

(6) Vouchers shall be kept in safe custody for Audit and shall be destroyed only after prescribed period has elapsed.

236. Ledger :-

(1) A ledger in Form No. XXXII shall be kept and maintained in each Panchayati Raj Institution for showing expenditure incurred

under various heads of expenditure incurred out of the fund.

(2) In ledger, a page or some pages shall be allotted for each head of expenditure provided for in the sanctioned budget and will be posted from cash book regularly.

237. Register Of Revenue :-

(1) A register of revenue receipts in Form XXXIII shall also be kept and maintained in each Panchayati Raj Institution for recording receipts therein on account of all taxes, fees and other income.

(2) Separate page or pages according to the requirements shall be allotted for each head of income tax or fee and posting shall be made from cash book regularly.

238. Reconciliation Of Account :-

(1) It shall be duty of Panchayat Secretary to reconcile the deposit and drawals with bank/post office pass book every month on the basis of Panchayat records and get mistakes corrected, if any.

(2) In case of Panchayat Samiti and Zila Parishad, Cashier shall reconcile the P.D. Accounts in Treasury / Sub-Treasury every month.

Stores

239. Stock Register :-

(1) A stock register in Form XXXIV shall be kept and maintained by each Panchayati Raj Institution in which shall be entered the receipt and issue of all stocks and other movable properties of the Panchayati Raj Institution concerned.

(2) The account of stores will be maintained for each item separately. Entries on receipt side will be made directly from the bill of the supplier, stores shall be issued as per genuine indents and proper receipt shall be obtained for issue of stores. It may be correctly entered on issue side of Stock Register.

240. Custody Of Store :-

(1) The person entrusted with the custody of stores will be

responsible for their safety and keeping them in good condition and protecting them from loss, damage or deterioration.

(2) He shall ensure proper and timely maintenance of machines, telephones, type writers, photo copier, collers, and other office equipment to keep them in working condition at all times.

241. Consumable Store :-

(1) A separate register shall be maintained for consumable stores and stationery articles in Form XXXIV itself.

(2) Head of office shall fix quarterly norms for issue of stationery articles for each official/section. Norms shall be so fixed as to avoid misuse or excessive use.

242. Physical Verification :-

(1) Physical verification of stores will be carried out atleast once in a year and in token of having done so, he will record a certificate and make a note of excesses/shortage actually found.

(2) Proper action shall be taken by head of office for recovery of loss of any store articles by fixing responsibility after proper enquiry.

243. Disposal Of Unserviceable/Obsolete/Surplus Store Articles :-

(1) Head of office shall constitute a committee of three persons including one person from accounts section to prepare a survey list for declaring store articles as obsolete/unserviceable/surplus.

(2) Powers of write off shall be as under -

(a) Sarpanch/Vikas Adhikari - Store articles upto a book value of Rs. 10,000/-.

(b) Chief Executive Officer - Store articles upto a book value of Rs. 20,000/-.

(c) Director Rural Development - upto Rs. 50,000/-.

(d) Development Commissioner - upto Rs. 2 Lakhs.

(3) All such store articles shall be disposed of by destruction / auction after competent sanction and proceeds thereof shall be credited to the fund.

244. Disposal Of Unserviceable Vehicles :-

(1) A committee shall be constituted at the Zila Parishad level for condemnation and auction of vehicles (Jeep, Car, Pickup, Tractor, Motor, Cycle, Three Wheeler, Bull Dozers) of Panchayati Raj Institutions as under :-

(a) Chief Executive Officer ----- Chairman

(b) Accounts Officer/Assistant Accounts Officer of Zila Parishad ----- Member

(c) M.T.O. of Police Department/ M.V.I. of Transport Department/ - --- Member

District Pool mechanic at District Headquarter and technical officer of State Garage at Divisional Headquarter

(2) Above committee will ensure that the vehicle has covered prescribed distance and life as under :-

Nature of vehicle K.M. Period
(lakh) (Years)

1. Motor Cycle/Three Wheeler 1.20 7
2. Light Motor vehicles 2.00 8
3. Medium Motor vehicles 3.00 10
4. Heavy Motor vehicles 4.00 10
5. Tractors / Bull Dozers 20,000 hours 10
of use

(3) Such vehicles which have completed the prescribed distance and life but fit for use in the opinion of committee, shall not be condemned.

(4) Committee member shall physically inspect the vehicle before condemnation and shall certify that :-

(a) The vehicle has covered the prescribed distance and life.

(b) The vehicle is beyond economic repairs and uneconomical to

operate due to excessive consumption of Petrol / Diesel.

(c) That replacement of parts shall cause heavy expenditure and further running of the vehicle shall be uneconomical.

Chief Executive Officer shall issue orders for auction of condemned vehicles on recommendation of the committee.

(5) In case vehicle has not covered the prescribed minimum distance or life, or vehicle has been lying un-used for last seven years or vehicle has met with an accident and will not be useful after repairs, the committee shall recommend the case certifying that :-

(a) the vehicle is beyond economic repairs and uneconomical to operate.

(b) the replacement of parts shall cause heavy expenditure and further running of vehicle shall be uneconomical.

(c) the total cost of repairs and replacement of parts shall be Rs. as certified by the surveyor of Motor Garage Department.

Powers of condemnation of such vehicles shall be with the Development Commissioner.

(6) Condemned vehicles shall be auctioned at the district level by the committee consisting of:-

(a) Additional Collector (Development)

(b) Chief Executive Officer

(c) Treasury Officer or Accounts Officer of Zila Parishad.

A.D.M. (Dev.) or C.E.O. who soever is senior, will act as Chairman:

Provided that vehicles purchased from consolidated fund of the State shall be auctioned through State Motor Garage at Divisional Headquarters concerned.

(7) Sale proceeds of vehicles auctioned by Committee in Sub-Rule (6) shall be deposited in the fund of Panchayati Raj Institution concerned and sales tax shall be deposited in Government account.

245. Quarterly Return Of Accounts :-

A quarterly statement of account of income and expenditure will be prepared by Panchayati Raj Institutions and sent to next higher authority in Form No. XXXV. Quarterly accounts for the quarter ending June, September, December and March should be despatched latest by 15th of the month following the quarter to which the accounts relate. A progressive total of all items of income and expenditure provided in the budget will be made out while preparing such statement of account and figures advised to the next higher authority.

246. Abstract Of Annual Account :-

(1) At the end of the year, a Panchayat/Panchayat Samiti shall prepare an abstract of Annual Accounts in Form XXXVI showing its income and expenditure under each head of budget and send it to the State Government through Zila Parishad by following first May.

(2) Abstract of annual accounts will be accompanied by a statement of grants-in-aid in Form XXXVII under different heads of accounts from the State Government, expenditure incurred, supported by utilisation certificates, signed by Head of Office clearly mentioning that the grant entirely or in part has been spent specifically for the objects and purposes for which it was given, the accounts of which have been properly maintained, and the connected vouchers are in his custody. Chief Executive Officer will closely scrutinise these statements and send them to the State Government along with his comments, a copy of which will also be given to the Panchayat Samiti/Panchayat concerned.

(3) Each Panchayat Samiti will also enclose a statement of loans and amount outstanding in Form No. XXXVIII along with annual accounts.

(4) Along with annual account, a list of works undertaken under the various schemes with the progress of expenditure as provided in Form XXXIX will also be attached.

(5) The annual account will also be accompanied by a statement of assets and liabilities of the Panchayat/Panchayat Samiti in Form

No.XI.

247. Accounts And Returns Of Zila Parishads :-

(1) Every Zila Parishad shall also prepare a quarterly statement of income and expenditure as stated in Rule 245 and sent it to the State Government.

(2) Similarly every Zila Parishad shall prepare Annual Accounts of income and expenditure as stated in Rule 246 and sent it to the State Government by 15th of May.

Audit

248. Audit Of Accounts :-

(1) The audit of the accounts of Panchayati Raj Institutions shall be governed by the provisions of the Rajasthan Local Fund Audit Act, 1954, and Rajasthan Local Fund Audit Rules, 1955 made under the said Act.

(2) A test audit of the accounts may also be carried out on behalf of the Controller and Auditor General of India.

249. Arrangements Of Audit :-

The Panchayati Raj Institution concerned shall make suitable arrangements to enable the auditor to hold his office for conducting audit and shall keep all records, statements etc. ready for purpose of audit and produce these in the manner as demanded by the Audit.

250. Preparation Of Financial Statement :-

Panchayati Raj Institution shall prepare to financial statements prescribed by the Local Fund Audit Rules, 1955 and actual accounts of the period for which audit has become due, and produce these when demanded by the Audit.

251. Audit Report :-

The Audit Report of the Director, Local Fund Audit shall be sent to the Panchayati Raj Institution concerned. A copy of the audit report of Panchayats shall also be sent to Panchayat Samiti concerned.

Likewise as copy of the audit report of Panchayat Samitis shall also sent to Zila Parishad concerned who will see that the irregularities pointed out by audit are promptly attended to and rectified.

252. Compliance Of Audit Reports :-

(1) Compliance of the audit reports sent by the Director, Local Fund Audit shall be made in accordance with the procedure laid down in Rule 28 of the Rajasthan Local Fund Audit Rule, 1955.

(2) Chief Executive Officer and Chief Accounts Officer, Zila Parishad shall review the progress of compliance of audit reports every quarter in the presence of Deputy Director Local Fund Audit posted at regional headquarters and take all steps to get them complied on campaign basis.

(3) Chief Executive Officer shall specifically review the paras indicating embezzlement, loss of revenue, over payments, wrong payments etc. and initiate department action or criminal proceedings against defaulters.

(4) All efforts shall be made by Chief Executive Officer and Vikas Adhikaris for recovery of loss of revenue pointed out in Audit Reports.

253. Write Off :-

(1) All losses of money, irrecoverable revenues, loans, advances will be written off by Panchayati Raj Institution only with the prior approval of the State Government.

(2) In case where any loss is caused through fraud, forgery, defalcation, serious negligence of any servant warranting disciplinary action or through flaw in rules and procedure requiring rectification or amendment, the Panchayat Samiti / Zila Parishad will first review such a case and take appropriate disciplinary action before recommending the case to the State Government for approval of "Write off".

(3) A copy of all sanctions of "Write off" losses will also be communicated to the Director, Local Fund Audit.

254. Forms :-

In case of non-availability of forms, the corresponding forms of State Government may be adopted for use in the office of Panchayati Raj Institution.

255. State Governments Power To Issue Instructions :-

The State Government may issue such instructions as may be necessary from time to time for the proper observance of these rules.

(b) No female candidate who is married to a person having already a wife shall be eligible for appointment to the service unless Government after being satisfied that there are special grounds for doing so, exempt any female candidate from the operation of this rule.

256. Section 256 :-

257. Strength Of Service :-

The strength of the service shall be such as may be fixed from time to time under Section 79, 80 and 83 of the Act.

258. Categories Of Posts :-

(1) There shall be the following categories of posts to be appointed in Panchayat Samitis and Zila Parishads :-

(a) State Service posts :-

(i) Chief Executive Officer

(ii) Vikas Adhikari

(iii) Accounts Officers

(iv) Assistant Engineers

(v) and such other categories of posts as are prescribed by the Government from time to time.

(b) Subordinate Service :-

(i) Extension Officer (Panchayat, Education, Cooperative, progress.)

(ii) Assistant Accounts Officer

(iii) Accountant/Junior Accountant

(iv) Junior Engineer

(c) Ministerial Service :-

(Ministerial and subordinate posts in Panchayat Samiti and Zila Parishad service)

(i) Upper Division Clerks
including UDC-cum Steno

(ii) Lower Division Clerks including Typists.

(iii) Drivers

(iv) Primary School Teachers

(v) Village level worker-cum-Secretary Panchayat

(vi) Class IV Service posts

(2) Panchayat may however appoint part time persons on contract basis with prior permission of the Chief Executive Officer for management of properties and cattle pound etc. Out of own income and Class IV servant for Panchayat Office out of general purpose grant from the State Government.

259. Methods Of Recruitment :-

(1) The posts of State service may be filled in by transfer on deputation from appropriate service.

(2) The posts of Vikas Adhikari shall be filled in from appropriate cadres of the State Government as laid down in Act or rules framed for this purpose.

(3) The post of Panchayat Extension Officer shall be filled in by 100% promotion From V.L. W-cum-Secretary Panchayat.

(4) The posts of other extension officers shall be filled in by transfer on deputation from Education, Cooperative and Statistical Departments respectively.

(5) The posts of Junior engineers may be filled in either by transfer from other Government Departments on deputation or may be appointed by direct recruitment through Manpower Department.

(6) Recruitment of posts encadred in Panchayat Samiti and Zila

Parishad Services as per sub-section (2) of Section 89 shall be made districtwise through District Establishment Committee as per provisions of Section 80 and 90 of the Act.

(7) Recruitment of class IV service may be done through Employment Exchange or in the manner laid down by the Government from time to time.

260. Sources Of Recruitment For Panchayat Samiti And Zila Parishad Services :-

Vacancies will be filled :-

- (a) by direct recruitment in the lowest grade of each category.
- (b) by promotion from a lower to a higher grade in the same category.
- (c) by transfer of persons holding corresponding posts under Panchayat.

Samiti/Zila Parishad or the Government :

Provided that the vacancies in the category of Upper Division Clerks may be filled in by direct recruitment from amongst the candidates holding degree in Arts, Science, Agriculture or Commerce of a University, Established by Law in India, if no member of the service found eligible for promotion to fill up such vacancies and it be not possible to fill up such vacancies by transfer in accordance with these Rules.

261. Reservation Of Vacancies For The Scheduled Caste, Scheduled Tribes And Other Backward Classes :-

(1) Reservation of vacancies for Scheduled Caste and Scheduled Tribes shall be 16% and 12% respectively or in accordance with the order of the Government for such reservation in force at the time of recruitment i.e. by direct recruitment and by promotion.

(2) The vacancies so reserved for promotion shall be filled in by Seniority-cum-merit.

(3) In filling the vacancies so reserved the eligible candidates who are members of the Scheduled Caste and Scheduled Tribe shall be

considered for appointment in the order in which their names appear in the list prepared by the Committee, whether for direct recruitment or for promotion, irrespective of their relative rank as compared with other candidates.

(4) Appointments shall be made strictly in accordance with the rosters prescribed separately for direct recruitment and promotion. In the event of non-availability of the eligible and suitable candidates amongst the Scheduled Caste or Scheduled Tribes, as the case may be, in a particular year, the vacancies so reserved for them shall be filled in accordance with the normal procedure and an equivalent number of additional vacancies shall be reserved in the subsequent year. Such of the vacancies which remain so unfilled shall be carried forward to the subsequent three recruitment years in total and thereafter such reservation would lapse.

(5) Reservation of vacancies for other Backward Classes shall be 21% of in accordance with the orders of the Government for reservation in force at the time of the direct recruitment. In the event of non-availability of eligible and suitable candidates amongst other backward classes in a particular year, the vacancies so reserved for them shall be filled in accordance with the normal procedure.

262. Reservation Of Vacancies For Other Categories :-

(1) Notwithstanding any thing contained in these rules, certain percentage of posts to be filled in by direct recruitment shall be reserved for physically handicapped candidates as per rules of the State Government and shall be filled in accordance with the provisions of the Rajasthan Employment Physically Handicapped Rules, 1976.

(2) Other provisions regarding reservation of vacancies shall also be applicable as prevailing in the State Government from time to time.

263. Determination Of Vacancies :-

Subject to the provisions of these rules, and the directions of Government, if any, the Panchayat Samiti or the Zila Parishad shall determine and intimate to the Committee every year, the number of vacancies anticipated under each category during the year and the number of persons likely to be recruited by each method.

264. Nationality :-

A candidate for appointment to the service must be a bonafide citizen of India.

265. Age :-

A candidate for direct recruitment must have attained the age of eighteen years and must not have attained the age of thirty three years on the first day of January following the last date fixed for receipt of applications.

Provided that -

(i) The upper age limit for a candidate belonging to Scheduled Caste or a Scheduled Tribe and women candidates shall be relaxed by five years and for a candidate of other Backward Classes, it shall be relaxed by two years.

(ii) The upper age limit for ex-servicemen shall be fifty years.

(iii) The upper age limit for persons already working as Secretaries of Panchayats shall be relaxable upto the period of service rendered as Panchayat Secretary subject to a maximum limit of three years.

(iv) There shall be no age limit in the case of widows and divorced women.

Explanation :- In the case of widow, she will have to furnish a certificate of death of her husband from the competent authority and in the case of a divorcee, she will have to furnish the proof of divorce.

(v) The upper age limit for persons who were within the prescribed age limit on their temporary appointment under a Panchayat Samiti or a Zila Parishad shall be relaxable upto the period of service rendered by them under Panchayat Samiti or a Zila Parishad.

(vi) The upper age limit mentioned above shall apply in the case of an ex-prisoner, who had served under the Panchayat Samitis and Zila Parishads on a substantive basis on any post before his conviction and was eligible for appointment under these rules.

(vii) The upper age limit mentioned above shall be relaxed by a period equal to the term of imprisonment served in the case of an ex-prisoner, who was not over-age before his conviction and was eligible for appointment under these rules.

266. Academic Qualification :-

A recruit must possess minimum qualification as under :-

(1) LD.C. (85 % direct 15% promotion) Senior Secondary knowledge of typing

(2) V.L.W.-cum-Secretary trained (100% direct)
Senior Secondary and for 6 months in VLW training centre.

(3) Primary School Teacher (100% direct)
Senior Secondary with B.S.T.C. course

NOTE :- Recruits who passed out prior to 1990 shall be eligible even if they have passed Secondary or Higher Secondary Examination.

(4) Driver (90% direct 10% by promotion)
VIII class pass possessing Driving License and having 3 years experience of Driving light/heavy Motor Vehicle.

(5) Class IV (100% direct) V Class Pass.

267. Character :-

A candidate for direct recruitment to the service must produce to the Committee a certificate of good character from the Principal Academic Officer of the University, College, School or Institution into which he was last educated and two such certificates written not more than six months prior to the date of application from two responsible persons not connected with his University, College, School or Institution and not related to him.

Note:- A conviction by a Court of Law need not by itself, entail the refusal of a certificate of good character. The circumstances of the conviction should be taken into account and if they involve no moral turpitude or association with crimes of violence or with a movement which has as its objective the overthrow by violent means of Government as by Law established, the mere conviction need not be regarded as a disqualification.

268. Physical Fitness :-

A candidate for direct recruitment to the service must be in good mental and bodily health and free from any physical defect likely to interfere with the efficient performance of his duties as a member of the Service, and must produce, if selected for appointment, a certificate to that effect from the Medical Officer.

269. Convassing :-

No recommendation for recruitment either written or oral other than that required under the Rules shall be taken into consideration. Any attempt on the part of a candidate to enlist support directly or indirectly for his candidature by other means may disqualify him for recruitment.

Procedure for direct recruitment

270. Inviting Of Applications :-

On a requisition for direct recruitment to the Service having been made by the Panchayat Samiti or the Zila Parishad to the district Establishment Committee, applications shall be invited by the Committee through open advertisement in daily newspaper having wide circulation.

271. Form A Application :-

The application shall be made in the format prescribed by the Committee and application form duly filled in along with prescribed application fee in form of Postal Order or demand draft shall be considered.

272. Scrutiny Of Application :-

The committee shall scrutinize the applications received by it and require as many candidates eligible for appointment under these rules to appear before it for interview / written text.

273. Written Test :-

The committee may hold a written test for all categories of service except drivers and class IV question papers will be set as per directions of the State Government D.E.C. will prepare the merit list on such basis.

Provided that selections for the various posts shall be made in accordance with the general directions given by the State Government from time to time in this respect. It may not be necessary to call the candidates for interview if so provided in those directions.

274. Preparation Of A Merit List By The Committee :-

(1) The Committee shall prepare a merit list of candidates considered suitable for appointment to each grade or category of posts in the district and shall on receipt of requisition from the Panchayat Samitis or Zila Parishads allot candidates from the list in the order in which their names occur in the list :

Provided that :-

(i) the number of candidates in the merit list prepared by the Committee shall not exceed on and a half time the number of vacancies actually available at the time such merit list is prepared; and

(ii) the merit list of candidates so prepared shall remain valid for a period of one year in general and upto end of a academic session for teachers after expiry of such period, it will be deemed to have lapsed.

(2) The Panchayat Samitis or Zila Parishads shall take into consideration the requirement of Rule 261 while sending their requisitions to the Committee.

275. Allotment By The State Government :-

The State Government may allot candidates in order from the list of a district where there are no vacancies to another district where there may be vacancies for appointment, provided that the candidates are not available in the merit list of the latter district.

276. Appointment By Panchayat Samitis Or Zila Parishad :-

The Panchayat Samiti or Zila Parishad shall appoint the candidates allotted by the Committee in the order in which their names are forwarded by the Committee.

277. Recruitment Of A Member Of The Family Of Deceased Employee :-

(1) In the case of a deceased employee of the Panchayati Samiti/Zila Parishad service, one member of his family who is not already employed under the Panchayat Samiti/Zila Parishad/Central/State Government or Statutory Board/Organisation/Corporation, owned or controlled by the Central/State Government, shall on making an application for the purpose, be given a suitable employment in the service, as soon as practicable on against an existing vacancy, in relaxation of the normal recruitment rules, provided such member fulfils the educational qualifications prescribed for the post and is also otherwise qualifications prescribed for the post and is also otherwise qualified for such service. In the event of non-availability of a vacancy or in case any of the members of the family being unqualified or minor, is not found suitable or eligible for immediate employment, then such case shall be considered immediately on the availability of the post or any or one of them becoming qualified or eligible for such employment under these rules.

(2) Rules made by the State Government and as amended from time to time in this behalf shall be applicable to such employees also.

Procedure for Recruitment by Promotion and Transfer

278. Criteria For Selection :-

(1) For purposes of promotion, a selection on the basis of seniority-cum-merit shall be made from amongst the members of the service serving in the district eligible for such promotion :

Provided that the substantive members of the service under these rules or the substantive members of the service under the Panchayat Samitis and Zila Parishads Class IV Service Rules, 1959 who are otherwise eligible for any other higher post in the service as per the conditions prescribed under Rules 266 of these rules may be appointed to such posts by way of promotion as per procedure laid down in this chapter. Such appointments shall, however be subject to the provisions of Rules 284 to 286 of these rules.

(2) In selecting the candidates for promotion regard shall be had to their :-

- (a) Academic and technical qualifications and knowledge;
- (b) tact, efficiency and intelligence;
- (c) integrity, and
- (d) previous record of service.
- (e) Minimum experience of five years on the existing post.

(3) 10% posts of Drivers and 15% posts of Lower Division Clerks shall be filled in by promotion from members of Class IV service in accordance with the existing rules of the State Government or as amended from time to time.

Provided that conditions laid down in Sub-rule (2) are fulfilled.

279. Procedure For Selection :-

(1) Whenever vacancies in various grades and categories of service in the district are to be filled by promotion, the committee shall invite recommendations from the Panchayat Samitis and Zila Parishad. After taking into consideration the recommendations received and the Annual Confidential Reports and other service records of persons recommended for promotion, and those proposed to be superseded, it shall prepare a list of persons suitable for promotion in the grade and category in order of seniority, giving reasons for supersession of persons, if any.

(2) The Zone of eligibility for promotion shall be five times the number of vacancies to be filled in on the basis of seniority-cum-merit.

280. Allotment And Appointment :-

(1) On receipt of requisitions from the Panchayat Samitis or Zila Parishad, the Committee shall not allot persons from the list, in the same order in which their names occur in the list.

(2) The Panchayat Samiti or Zila Parishad shall, on receipt of the allotment from the Committee, appoint the persons so allotted to the posts for which they are selected by the Committee.

281. Transfer Of A Government Servant To Posts In The

Service :-

Upon receipt of a requisition from a Panchayat Samiti or Zila Parishad to the effect that no member of the service is available for appointment to the post in the service by promotion or transfer from other Panchayat Samities or Zila Parishad and the post is to be filled by transfer of a person holding a post in the State service corresponding to a post in the service, the Chief Executive Officer shall, after obtaining the consent of such Government servant and approval of the Head of the Department concerned in this behalf, send recommendation for transfer of such person to the Committee. The committee shall then allot such person to the concerned Panchayat Samiti or Zila Parishad. The Panchayat Samiti or Zila Parishad, as the case may be, shall then appoint the person so allotted to the post on terms and condition laid down in these rules.

282. Recruitment By Transfer To The Service Of Government Servants Declared Surplus :-

(1) When a Government servant is or is likely to be rendered surplus due to reduction/abolition of posts under the Government, he may, with his consent, be appointed by transfer to the service, in the manner hereinafter provided in this rule, on a post declared by the Government to be equivalent to the post held by such Government servant immediately before such transfer.

(2) A list of such persons rendered surplus under the Government shall be sent to the Director, Rural Development and Panchayati Raj, hereinafter in this part referred to as the Director, who shall, out of such list, select persons for posts in the service for each district and allot the persons so selected to the Committees to the extent of the vacancies existing in the Panchayat Samitis and Zila Parishad concerning such Committees. A copy of the list sent to the Director shall also be simultaneously sent to the Head of the Department concerned.

283. Absorption Of Members Of The Service Rendered Surplus On Reduction/Abolition Of Posts :-

(1) On reduction/abolition of certain posts in the service, a list of persons rendered surplus of certain posts in the service, a list of persons rendered surplus shall be communicated by the Panchayat Samiti or Zila Parishad to the Government with a copy to the other Chief

Executive Officers on the basis of which the Government shall prepare a districtwise list of persons thus rendered surplus in the service.

(2) Surplus personnel who can be absorbed within the district will be appointed by the committee in accordance with the number of vacancies then existing in the service or similar posts or on posts declared by the Government to be equivalent to the posts in the service brought under reduction.

(3) The Committee shall accordingly allot such persons to the Panchayat Samiti or Zila Parishad concerned which shall appoint persons so allotted to similar posts or to equated post in the service on terms and conditions as may be applicable to such equated posts.

(4) A list of such persons who are proposed to be absorbed outside the district will be sent by the Director to the Chief Executive Officer concerned who shall absorb them on similar or equated posts.

Urgent Temporary Appointment

284. Filling Up Of Vacancies By Urgent Temporary Appointment :-

(1) In case no selection has been made or no person selected by the Committee is available, at any time, for filling a vacancy, appointment may be made by the Appointing Authority on urgent temporary basis for a period not exceeding six months, provided that such person shall be appointed only on contract basis with the prior approval of the District Establishment Committee in case of Panchayats and approval of the State Government in case of Panchayat Samiti/Zila Parishad.

(2) If it is proposed to fill the vacancy by direct recruitment temporarily, the nearest Employment Exchange may be asked to send a panel of names of persons possessing the required qualifications at least five times the number of vacancies to be so filled. The appointing authority will then appoint from out of the panel of candidates the persons suitable for the post.

(3) If it is proposed to fill vacancy by promotion temporarily, the senior most employee in the next lower grade may be so appointed by the Appointment Authority.

Provided that if the record of the senior most employee is not satisfactory, the person immediately below him may be so appointed.

(4) The period of such temporary appointment may however, be extended beyond six months, only with the previous concurrence of the Committee.

(5) The temporary appointment made under this rule shall terminate as soon as a candidate selected by the Committee is made available. Candidates so made available and placed at the disposal of Panchayat Samiti/Zila Parishad shall be appointed by the Appointing Authority forthwith, on the vacancies against which temporary appointments have been made, and on their reporting for duty, persons holding temporary appointments shall be deemed to have vacated their office and shall not be entitled to any salary thereafter.

285. Seniority :-

Seniority in lowest grade or category of the service shall be determined by the date of confirmation and in other higher posts filled by promotion shall be determined from the date of regular selection :

Provided :

(i) that if two or more persons are appointed to posts in the same grade or category under the same order or orders of the same date, their seniority shall be in the same order in which their names appear in the list prepared by the Committee.

(ii) that the seniority of persons appointed by transfer shall be fixed below the persons substantively appointed and he will be the junior most though his pay will be protected as personal pay.

(iii) that persons appointed by promotion in a particular year shall

be senior to persons appointed by direct recruitment.

286. Probation :-

All members of the service shall, on appointment, be placed on probation. The period of probation shall be two years for those appointed by direct recruitment and one year for those appointed by promotion.

287. Unsatisfactory Progress During Probation :-

(1) If it appears to the Zila Parishad or Panchayat Samiti as the case may be, that a member of a service has not made sufficient use of his opportunities or that he has failed to perform satisfactorily the Panchayat Samiti or Zila Parishad may remove him from service, or in case he has a substantive post, revert him thereto:

Provided that the Panchayat Samiti/Zila Parishad may extend the period of probation of any member of the service by a period not exceeding one year in all.

(2) A probationer reverted or removed from service during or at the end of the period of probation under Sub-rule (1) shall not be entitled to any compensation.

288. Confirmation :-

A probationer shall be confirmed in his appointment at the end of the period of his probation if the Panchayat Samiti or Zila Parishad is satisfied that his integrity is unquestionable, his work is satisfactory and that he is otherwise fit for confirmation.

289. Transfer Within The District :-

(1) The name of the employee desiring transfer or desired to be transferred within the district shall be communicated to the district Establishment Committee by the Panchayat Samiti.

(2) Posting by transfer of such an employee shall be made by the Panchayat Samiti or Zila Parishad concerned on the recommendation of the District Establishment Committee.

(3) State Government may issue orders regarding transfers from time to time. In case District Establishment Committee/Standing

Committee of Panchayat Samiti does not agree. Chief Executive Officer/Vikas Adhikari as the case may be, shall carry out orders of the State Government.

(4) On transfer of the employee, his confidential roll and service record will be transmitted, without avoidable delay, to the Panchayat Samiti/Zila Parishad to whom his services have been transferred.

290. Transfer Outside The District :-

(1) The name of the employee desiring transfer or desired to be transferred from one district to another be communicated to the Director by the Panchayat Samiti or the Zila Parishad, as the case may be.

(2) Posting by transfer or such an employee shall be made by the Panchayat Samiti or the Zila Parishad concerned on the recommendation of the State Government against the vacant posts existing at such time. The State Government may transfer any member of service from one Panchayat Samiti to another Panchayat Samiti within the same district or outside it, from one Zila Parishad to another Zila Parishad, or from Panchayat Samiti to Zila Parishad or from a Zila Parishad to Panchayat Samiti and may also stay the operation of, or cancel, any order of transfer made under these rules. Chief Executive Officer or Vikas Adhikari concerned shall carry out such orders.

(3) On transfer of an employee, his confidential roll and service record will be transmitted without avoidable delay to the Panchayat Samiti/Zila Parishad to whom his services have been transferred.

291. Seniority On Transfer :-

Seniority of an employee transferred outside the district, by the State Government under Sub-section (8-A) of Section 89 shall be determined by the Committee of the District to which he is transferred :-

(i) If the transfer is made on the request of the employee, his seniority shall be fixed at the bottom of the seniority list of the cadre to which he belongs; and

(ii) If the transfer is made on Administrative or other reasons, his seniority shall be fixed on the basis of his continuous length of substantive service on an analogous post.

PAY

292. Scales Of Pay And Dearness Allowance :-

The scales of pay and dearness allowance admissible to a member of the service shall be such as may be fixed by the government from time to time in respect of corresponding class or category of Government Servants or in respect of any particular category of post in the service.

OTHER PROVISIONS

293. Regulation Of Pay, Leave, Allowances, Pension Etc :-

Except as provided in these rules, the pay, allowances, increments, G P S , State Insurance deduction, Pension, Gratuity, Voluntary retirement, Compulsory Retirement etc., leave, deputation and other conditions of service of the members of the service shall be regulated mutatis mutandis by the Rajasthan Service Rules, 1951 and the Rajasthan Travelling Allowance Rules as amended from time to time.

294. Payment Of Pension :-

(1) A member of the service shall be entitled to the payment of a pension by the Government out of the consolidated fund of the State and every Panchayat Samiti and Zila Parishad shall make and pay pension contribution to the Government of that account in accordance with the rates laid down in Appendix-V to the Rajasthan Service Rules.

(2) Pension payment order shall be issued by the Director Local Fund Audit on receipt of Pension Papers from the Panchayat Samiti/Zila Parishad concerned. Payment may be drawn from Treasury/Bank authorised by the Director Local Fund Audit as per the request of Pensioner.

(3) Chief Executive Office Zila Parishad shall be competent to issue provisional pension payment order to the pensioner as per

provisions of Rajasthan Service Rules.

295. Unsatisfactory Progress During Training :-

If a member of the service fails to undertake training after having been nominated by the Panchayat Samiti/Zila Parishad or the State Government or after joining the aforesaid training fails to carry on studies satisfactorily or complete the training or fails to appear at and pass the prescribed examinations of such training without just and reasonable cause he shall be liable to refund the amount of stipend if any, received by him during such training and shall also be liable to disciplinary action.

296. Power To Relax Rules :-

On a reference by the Panchayat Samitis/Zila Parishads concerned, in an exceptional case where the Administrative Department is satisfied that operation of the rules relating to age or regarding requirement of experience for recruitment, if any, causes undue hardship in any particular case or where the Government is of the opinion that it is necessary or expedient to relax any of the provisions of these rules with respect to age or experience of any person, it may, with the concurrence of the Department of Personnel and Administrative Reforms, relax the relevant provisions of these rules to such extent and subject of such conditions as it may consider necessary for dealing with the case in a just and equitable manner, provided that such relaxation shall not be less favourable than the provisions already contained in these Rules.

CHAPTER 12 CHAPTER 12

CHAPTER 13 Disciplinary Action and Penalties

297. Conduct Rules :-

All the provisions contained in the Rajasthan Civil Services (Conduct) Rules, 1971 as amended from time to time shall apply mutatis mutandis to the employees of Panchayat Samiti and Zila Parishad Service.

298. Suspension :-

(1) The appointing authority of any authority to which it is subordinate or any other authority empowered by the State

Government in that behalf may place under suspension any officer or servant of a Panchayat Samiti or Zila Parishad.

(2) The provisions contained in Rule 13 of the Rajasthan Civil Services (Classification, Control and Appeal) Rules, 1958 and directives of the State Government as issued from time to time shall be followed while making such orders.

299. Penalties :-

(1) All or any of the prescribed punishment on class IV employees and minor penalties on all persons holding appointments to posts encadred in the service constituted under section 89 of the Act may be imposed by Vikas Adhikari / Chief Executive Officer as provided in Sub-Section (2) of Section 91 of the Act.

(2) Major penalties shall be imposed only by District Establishment Committee as provided in Sub-Section (2) of Section 91.

(3) Provisions contained in Rule 14 of the Rajasthan Civil Services (Classification, Control and Appeal) Rules, 1958 shall apply mutatis mutandis in this respect.

300. Procedure For Imposing Penalties :-

Procedure of enquiry as laid down in Rule 16, 17, 18 and 19 of the Rajasthan Civil Services (Classification, Control and Appeal) Rules, 1958 shall be followed in this respect.

301. Appeals :-

(1) Appeal against the order of suspension or punishment may be preferred as per provisions of Sub-Section (4) and (5) of Section 91 of the Act.

(2) All other provisions as contained in rule 22, 23, 24, 25, 26, 27, 28, 29, 30, 31 of Rajasthan Civil Services (Classification, Control and Appeal) Rules, 1958 as amended from time to time shall apply mutatis mutandis in this respect.

302. Review And Revisions :-

Powers of review and revision lie with the State Government in accordance of Section 97 of the Act.

CHAPTER 14 Use of Vehicles

303. Controlling Officer :-

Vehicles provided for the use of a Panchayat Samiti and Zila Parishad shall be under the control respectively of the Vikas Adhikari and the Chief Executive Officer who will be the Controlling Officer in respect of the vehicles so provided. The Controlling Officer shall be responsible for the proper use, care and maintenance of the vehicles and will regulate the journeys in accordance with these rules.

Maintenance of Vehicles

304. Number Plates :-

(1) All vehicles of the Panchayat Samitis and Zila Parishads shall, in addition to the number plate, exhibit plates in front and at the rear indicating the name of the Panchayat Samiti or the Zila Parishad to which they have been allotted.

(2) The registered number of the vehicles shall be painted clearly and distinctly on all types of vehicles.

305. Record Of Vehicles :-

In respect of each vehicle under his control, the Controlling Officer shall be responsible for the maintenance of :-

(a) a log book in Form No.XKI

(b) a register in Form No. XLII showing cost of petrol or diesel oil etc. consumed and other incidental receipts and expenditure; and

(c) an inventory of equipment in Form No. XLIII.

306. Precautions In Respect Of Consumption Of Petrol/Diesel/Oil :-

(1) The petrol, diesel or powerline tanks of vehicles shall be fitted with locks and the keys thereof shall be kept in possession of the Controlling Officer or any officer authorised by him who should be present when petrol, diesel or power line is put in the tank.

(2) The log-book shall be examined and signed by a responsible officer at the close of each month showing the total fuel and oil consumed during the month, the total distance covered and the average kilometerage of per litre of fuel or oil consumed. It shall then be put up to the controlling officer, who shall examine and satisfy himself that the average consumption of fuel and oil is reasonable, and countersign it. If the consumption of fuel or oil is high, he will take immediate steps to look into the causes and take suitable steps.

307. Inspection Of Inventory :-

The inventory shall be checked by the Controlling Officer or by a responsible officer deputed by him for the purpose every six months and any loss arising out of negligence or default shall be recovered from the person concerned. A report of inspection shall be prepared and kept on record. If the inspection is carried out by an officer other than the Controlling Officer, the report shall be placed immediately after inspection before the Controlling Officer.

308. Testing And Servicing Of Vehicles :-

(1) The Controlling Officer shall have vehicle tested every month regarding fitness for journeys and place a report on record.

(2) He will also submit a half yearly report to the Panchayat Samiti or the Zila Parishad, as the case may be, about the kilometers run and the expenditure incurred on the maintenance of each vehicle.

(3) Each vehicle shall be serviced and lubricated after it has run for 1500 kilometers.

(4) The place where the vehicle shall be taken for service or lubrication or repair shall be decided by the concerned Standing Committee of the Panchayat Samiti or the Zila Parishad as the case may be, by a resolution.

309. Handing Over On Vacation Of Office :-

In the event of the Controlling Officer vacating the office, the vehicles shall be handed over to his successor with complete equipment, spare parts, spare wheels, tyres and tools, and with the

record referred to in Rule 305 the certificate of handing over and taking over shall be prepared and signed by the relieved and relieving authorities on each of the three records given in Rule 305.

310. Meters :-

Each vehicle shall be fitted with a meter and, in case of tractors, with hour meter. It shall be the responsibility of the Controlling Officer to see that the meters are kept in proper working order. As soon as a meter falls out of order, steps should be taken to get it repaired or replaced as the case may be. The Controlling Officer shall ensure that the meter is not tampered with.

311. Entry In The Log-Book :-

(1) The person using the vehicle shall note in the log book in his own hand, the meter reading at the start and at the completion of each journey. He shall also indicate whether the journey undertaken was on official duty and if so the purpose of the journey shall be briefly recorded. It shall not be enough merely to state that the journey was official.

(2) When more than one officer travel together in a vehicle, the senior-most officer will make entries in the log book.

(3) If any officer fails or refused to indicate the particulars of the journey undertaken by him, this fact should be reported immediately by the driver of the vehicle to the Controlling Officer.

312. Insurance :-

All vehicles shall be insured against third party risk with State Insurance Department or a registered insurance company.

Use of Vehicles

313. Restrictions On The Use Of Vehicles :-

(1) The vehicles are intended for use of bonafide official duty within the jurisdiction of the Panchayat Samiti or the Zila Parishad, as the case may be. Vehicles shall not be used for journeys outside the jurisdiction of the Panchayat Samiti or the Zila Parishad, as the case may be, without the previous sanction of the Director, Rural Development and Panchayati Raj except that they may be taken for

repairs or servicing to the places duly approved under Sub-rule (4) or Rule 308. The Panchayat Samiti vehicles may also be used for attending meetings at district head quarters, dropping district level officers, the Pramukh and Headquarters Officers of the Development Department to the neighbouring blobk.

(2) Vehicles of Panchayat Samiti/Zila Parishad may be used non-officials as per orders issued by the Government from time to time.

314. Conditions For Use Of Vehicles :-

(1) In addition to the Chairpersons of the Panchayat Samitis and Zila Parishads and the Chairman of the Standing Committees of the said Panchayati Raj Institution, the Vikas Adhikari and Extension Officers in the case of a Panchayat Samiti and the Chief Executive Officer/Additional Chief Executive Officer and the Headquarters Officers of the Rural Development and Panchayati Raj Department are, subject to the provision of Sub-rule (2), entitled to the use of the vehicles for official purposes.

(2) The use of vehicles shall be subject to the following conditions :-

(i) The vehicles shall be used primarily for inspection of development works and other activities of the Panchayat Samiti or the Zila Parishad.

(ii) The vehicle shall not be used for journey from residence to the office and vice versa:

Provided that whenever any case of serious sickness within the are of the Panchayat Samiti is reported and not ambulance is made available by the hospital for carrying the patient from the village to the hospital, the vehicle may be detailed for such purpose on payment of charges at the rate of Rs. 2.60 per KM or as determined by the State Government from time to time.

(3) The vehicles may also be used by Headquarter officers of the Rural Development and Panchayati Raj Department.

315. Vehicles Be Driven Only By Driver :-

Vehicles shall only the driven by the authorised driver thereof. No

member of the Panchayat Samiti or Zila Parishad or Officer thereof shall drive the vehicles.

CHAPTER 14 Administrative of Panchayati Raj Institutions

316. Office :-

(1) The office of Panchayati Raj Institution shall be lodged and held in the building specially constructed for the purpose or in any other public building available at its headquarters.

(2) Where no such building as is referred to in Sub-rule (1) is available, a suitable building for the purpose may be taken on rent.

(3) The Head of Officer shall make suitable seating arrangement for the Panchas/Members and the staff of Panchayati Raj Institution and for the public attending the office.

(4) The office shall normally remain open from 10.00 A.M. to 5.00 P.M. on all working days except on Sundays or other public holidays.

(5) Head of office shall make arrangements for the requisite articles of stationery, furniture, forms and registers etc. and make necessary arrangements for its safety and security.

317. Seal :-

(1) Each Panchayati Raj Institution shall have a seal inscribed with its name and shall use the same on all correspondence, orders and copies issued by it.

(2) Such seal shall ordinarily remain in the custody of Head of Office.

318. Files And Registers :-

(1) All correspondence, forms, and other papers shall be maintained properly in separate files, opened subjectwise.

(2) All files and registers shall be kept in office and shall not be taken by any member or staff to a place other than the office of Panchayati Raj Institution and all files on which action is complete and no further action is to be taken, shall be closed and shall be

consigned to the record room.

319. Channel Of Correspondence :-

Unless otherwise expressly provided in the Act or in any Rule or Byelaw made thereunder, any direction of the State Government, Panchayat shall correspond with Panchayat Samiti, Panchayat Samiti shall correspond with Zila Parishad and Zila Parishad shall correspond with the State Government.

320. Officer Incharge Of Panchayati Raj :-

(1) Chief Executive Officer shall act as Officer Incharge Panchayati Raj at the district level for general superintendence, guidance and direction of all Panchayati Raj Institutions in the district.

(2) Director Rural Development and Panchayati Raj will act as Officer Incharge Panchayati Raj Institutions at the State level for enforcement of provisions of Panchayati Raj Act, 1994 Rules made or notification issued thereunder.

Inspection of records and grants of copies

321. Application For Inspection :-

(1) Any person desiring to inspect a register, book, file or record of a Panchayati Raj Institution shall submit an application in writing specifying the entries or papers, as the case may be, to be inspected and shall pay in advance a fee of Rs. 5/- for the search of such record.

(2) If the application be for urgent inspection, double the fee Rs. 10/- shall be paid.

322. Search For Record Etc. And Order For Inspection :-

Upon receipt of the application under Rule 321 and payment of fees provided for therein, head of office shall cause the relevant register, book, file or record to be searched and put up before him, shall examine the entries or papers sought to be inspected and shall make an order allowing inspection of the same if he does not consider the same to be objectionable or contrary to public interest or if such inspection is not prohibited.

323. Information Regarding Expenditure On Construction Works :-

(1) Every Panchayat/Panchayat Samiti shall exhibit on a notice board placed at a conspicuous place at its headquarters, the details of construction works sanctioned and executed during last five years along with its estimate and amount actually spent.

(2) Panchayat/Panchayat Samiti concerned shall also exhibit such board on the work site indicating name of the work, amount spent and the date of completion for general information of the public.

(3) Any person or voluntary organisation may apply for inspection of records pertaining to any such work by depositing Rs.5/- and such muster rolls or vouchers may be shown to him. He may be permitted to note any details of such information on a separate piece of paper and necessary facility may be provided for the same.

(4) Pen, ink, fountain pen and the like shall not be used during inspection, but notes may be taken by pencil and the person inspecting the record shall not make breakup or deface the record.

324. Grant Of Copies :-

(1) If upon search under Rule 322, the relevant register, book, file or record is found, and it is decided by head of office to grant copies or extracts from the same, the applicant will deposit a copying fee at the rate of Rs.2/- for every 200 words or part thereof and for the purpose of calculating the amount of such fee where figures have to be copied, five figures shall be taken as equivalent to one word.

(2) For obtaining copies urgently, the copying fee should be charged at double the rate, specified in sub-rule (1).

325. Preparation And Issue Of Copies :-

On receipt of the copying fee, the copies or extracts shall be got prepared and shall be certified as true by the head of officer or any other office authorised by him after scrutiny, and furnished to the applicant if he appears in person to receive the same or authorise some one to receive it or sent to him by post, if the applicant has deposited the postage stamps for the purpose.

326. Time For Grant Of Copies :-

- (1) Copies shall ordinarily be issued within 4 days.
- (2) Urgent copies shall be furnished within 24 hours.

327. Grounds For Rejection :-

- (1) When an inspection / grant of copy is disallowed the application there of shall be rejected by an endorsement thereon stating briefly the reasons therefor and applicant shall be informed accordingly.
- (2) No copy shall be granted of official correspondence, papers and of a document which is itself a copy.

328. Register Of Applications For Inspection/Grant Of Copies :-

- (1) Register shall be maintained in the office of every Panchayati Raj Institution for entering such applications indicating name of the applicant/voluntary agency, date of application and amount deposited in Form No. XLIV.
- (2) All inspecting office shall inspect such register at the time of their inspection.
- (3) Chief Executive Officer shall ensure compliance of Rule 321 to 325 and review it from time to time.

Appointment of Counsels

329. Appointment Of Counsel In Suits And Proceedings By Or Against Panchayati Raj Institution :-

- (1) When the State Government and the Panchayati Raj Institution are both parties in any Civil proceedings and the interests of both in such proceedings are identical, a common counsel shall be engaged and he shall be paid only one set of fee, half by the State Government and half by the Panchayati Raj Institution.

330. Civil Proceedings In Which The Interests Of The Panchayati Raj Institution Alone Are Involved :-

- (1) In a civil proceedings where the interest of the Panchayati Raj

Institution alone are involved and the Panchayati Raj Institution engages a Counsel, the fee payable to the Counsel shall not ordinarily exceed Rs. 2000/-. Head of Office shall be competent to sanction it.

(2) Sanction of the Standing Committee Administration shall be necessary for payment of fees exceeding Rs. 2000/- per case.

Administrative Control

331. Administrative Power Of Sarpanch And Duties Of Gram Sevak-Cum-Secretary :-

(1) Gram Sevak-cum-Secretary Panchayat shall attend Panchayat Office regularly during office hours and work under directions of Sarpanch.

(2) He shall regularly mark his attendance in a register maintained for the purpose.

(3) In case Secretary is in charge of more than one Panchayat, Vikas Adhikari shall fix the days of every week when he shall attend a particular Panchayat. In such case he shall mark attendance only for such days.

(4) Sarpanch shall send certificate of attendance for such days on 20th of every month to the Panchayat Samiti for payment of salary to such Gram Sevak-cum-Secretary. No salary shall be payable for the period of absence unless the leave was got sanctioned for the same.

(5) It shall be duty of the Gram Sevak-cum-Secretary to inform the Sarpanch concerned about the leave sanctioned to him by Vikas Adhikari. He shall mark such leave in attendance register also.

(6) Gram Sevak-cum-Secretary shall maintain secrecy about Panchayat record and shall not allow inspection of record or grant of copies to any applicant without specific permission of Sarpanch.

(7) He shall promptly execute the orders of Panchayat, attend Panchayat meetings regularly and punctually, record its proceedings correctly maintain Panchayat files, records and

registers.

(8) He shall receive money on behalf of Panchayat maintain account books, prepare budget, and furnish all the information and prescribed returns and statements to the Panchayat/Panchayat Samiti on prescribed dates.

(9) Arrange all payments sanctioned by Panchayat.

(10) Prepare demand of assesses of tax/fees and ensure issue of demand slips in the month of April.

(11) Assist Patwari in collection of taxes for Panchayat in the month of May.

(12) Get Annual Action Plan prepared before the Gram Sabha to be hold in the last quarter of financial year and forward to Panchayat Samiti for sanction by D.R.D.A.

(13) Get priority of works decided in Gram Sabha in view of probable allocation of funds.

(14) Get sanctioned works executed under the supervision of Committee of Panchas.

(15) Maintain muster rolls and other account of construction works as per terms and conditions of sanction.

(16) Maintain quality of works and technical specifications.

(17) Inform Junior Engineer of Panchayat Samiti within a week from the date of completion and get completion certificate within one month.

(18) Accompany Committee of Panchas in the month of July and January every year to survey un-authorized trespass cases in Abadi land and Gochar lands.

(19) Maintain survey register for such trespeasses and report such cases to Panchayat/Tehsildar for ejectment/ regularisation as per Panchayat/Revenue Rules.

(20) Dispose of applications for purchase of Abadi land expeditiously as per rules.

(21) Arrange purchase of material on competitive prices by following prescribed procedure.

(22) Assist Panchayat/Sarpanch in efficient discharge of duties laid down in Rule 33 and 34.

(23) Maintain Birth and Death Register.

(24) Hold first meeting of Vigilance Committee and assist members of Vigilance Committee in monthly meetings.

(25) Perform such other functions which Panchayat/Panchayat Samiti may entrust from time to time.

332. Annual Report About Performance Of Gram Sevak-Cum-Secretary :-

Sarpanch shall send comments on the performance of above duties by Gram Sevak-cum-Secretary to the Vikas Adhikari who shall enclose such remarks with annual performance appraisal of such Gram Sevak-cum-Secretary.

333. Administrative Power Of Pradhan And Duties Of Vikas Adhikari :-

(1) The Pradhan may, after every meeting of Panchayat Samiti give such instructions to Vikas Adhikari regarding implementation of the decisions and resolutions of Panchayat Samiti as may be considered necessary to ensure speedy implementation of such decisions and resolutions.

(2) The Vikas Adhikari shall inform the Pradhan of the decisions and resolutions.

(3) Vikas Adhikari shall submit to the Pradhan a report on progress of the implementation of decisions and resolutions of the Panchayat Samiti and the Standing Committees thereof, before the next meeting of the Panchayat Samiti and Committees as the case may be, so that Pradhan may place it before the Panchayat Samiti.

(4) Casual leave to the Vikas Adhikari shall be sanctioned by Pradhan.

(5) Vikas Adhikari shall assist Pradhan in efficient discharge of his duties mentioned in Rule 35.

(6) Vikas Adhikari shall include such items in Agenda of meetings of Panchayat Samiti and Standing Committees as directed by Pradhan.

(7) Submit copy of tour programme of Vikas Adhikari and all extension officer for information of Pradhan.

(8) Consult Pradhan with regard to transfers of employees.

(9) Seek approval of Pradhan with regard to transfers of employees.

(10) Work shoulder to shoulder with Pradhan in case of natural calamities for providing food and shelter to victims and fodder for cattle and control of epidemics of human beings, cattle or crops.

(11) Put up all important papers and circulars etc. regularly before Pradhan and discuss steps to be taken for speedy execution of programmes and successful implementation of policies.

(12) Pradhan shall send remarks in the month of April every year regarding performance of Vikas Adhikari of Chief Executive Officer who shall enclose them, with the Annual performance appraisal to be sent to the Director Rural Development and Panchayati Raj.

334. Other Powers And Duties Of Vikas Adhikari :-

In addition to the duties of Vikas Adhikari as laid down in Section 81 of the Act, he shall also exercise powers and perform duties as under.

(1) Sanction Casual Leave and leave of all kinds except special disability leave and leave for going outside India to all officers and staff working in Panchayat Samiti.

(2) Approve Tour programme of all officers and staff working in Panchayat Samiti and countersign their T.A. bills.

(3) Transfer any member of the service within the area of the Panchayat Samiti after 2 years or before two years with approval of Standing Committee Administrative.

(4) To prepare agenda for meetings of Panchayat Samiti and Standing Committees.

(5) To keep minute book of proceedings in safe custody and record proceedings correctly.

(6) Send copies of proceedings of the meetings of Panchayat Samiti to Zila Parishad.

(7) Inform the State Government through Chief Executive Officer regarding any decision taken in violation of Act, Rules, Notifications or directives of the State Government.

(8) Take speedy action on decisions of meetings and submit progress report in subsequent meetings and get conflicting decisions of Standing Committees resolved in Panchayat Samiti meeting.

(9) Implement programmes and policies effectively through Extension Officers and Panchayats.

(10) Achieve Physical targets of various programmes and also pay attention to their qualitative aspect.

(11) Implementation of 20 Point Programme effectively.

(12) Successful execution of transferred schemes of education and water supply etc.

(13) Effective supervision and monitoring of all schemes.

(14) Submit quarterly and annual accounts to Panchayat and Development Department on prescribed time schedule.

(Timely preparation and submission of budget by 15th February.)

(17) Make available required information and record to the

members of Panchayat Samiti.

(18) Supervision and effective control on officers and staff of Panchayat Samiti.

(19) Keep control on expenditure.

(20) Day to day checking of cash transaction and correct maintenance of accounts books.

(21) Appointments of Class IV.

(22) Conduct monthly meeting of Gram Sevaks and Extension Officer to review progress of activities.

(23) Prepares Annual Administration report of Panchayat Samiti.

(24) Send Annual Performance Appraisal of all officers and staff.

(25) Increase own resources of Panchayat Samiti by 15% every year.

(26) Present six monthly income expenditure account before Panchayat Samiti in the month of November.

(27) Proper use of Grant-in-aid from State Government.

(28) Keep cheque books and receipt books in safe custody.

(29) Keep keys of double lock safe and secure in personal custody.

(30) Take proper security of cashier and store keeper.

(31) Issue completion certificates of work after spot verification.

(32) Obtain receipts of permanent advance in the month of April every year.

(33) Take action for embezzlement, fraud and loss of money promptly.

(34) Initiate disciplinary action, recovery of loss and police action if

necessary at proper time.

(35) Ensure timely audit of accounts of Panchayats and Panchayat Samiti.

(36) Arrange for special audit in case of police cases registered for embezzlement and fraud.

(37) Simultaneous deposit of GPF/Insurance deductions by cheque alongwith salary bills to prevent fraud.

(38) Initial all vouchers and cash book entries to avoid double use of vouchers and misappropriation.

(39) Proper use of vehicles as per rules.

(40) Full use of powers as Head of Office.

(41) Inspection of all Panchayats once a year and encourage them to raise own resources through taxes/fees and other properties at their disposal.

(42) Physical verification of 10% construction works and check quality of works.

(43) Physical verification of assets of 10% IRDP loanees.

(44) Special checking of Indira Avas & Jeevan Dhara works.

(45) Maintain control register of Gram Sabha and Panchayat meetings.

(46) Monitoring of monthly return of Patta register of Panchayats in Panchayat Samiti office to prevent issue of Pattas in back dates.

(47) Maintain proper coordination with District Level Officers and take proper technical guidance.

(48) Inspection of own office twice a year.

(49) Inspection of ten schools every month and ensure that all the teachers are posted in schools as per sanctioned strength and no

teacher is working on deputation in any school of Panchayat Samiti without written approval of the Chief Executive Officer.

(50) Ensure compliance of job charts by all Extension Officers.

(51) Send D.O. letter to Chief Executive Officer regarding progress and problems on 5th of every month.

(52) Work as Chief Executive of Panchayat Samiti.

335. Terms And Conditions For Appointment Of Additional Chief Executive Officer :-

(1) The State Government may appoint an officer of the appropriate service to be appointed as Additional Chief Executive Officer in Zila Parishad to assist the Chief Executive Officer in due discharge of his duties under the Act.

(2) Such officer shall be on deputation and shall draw pay and allowances as admissible to him in his parent department.

(3) He shall be junior to the Chief Executive Officer in rank/seniority.

336. Other Powers And Functions Of The Chief Executive Officer :-

In addition to the powers and duties laid down in section 84 of the Act, the Chief Executive Officer shall assist the Pramukh in discharge of functions specified in Rule 36 and perform additional duties and exercise powers as under:-

(1) He shall act as Officer Incharge Panchayati Raj for the district who shall provide necessary guidance and advice in the implementation of rural development schemes and programmes in the district.

(2) He shall provide guidance to Panchayats and Panchayat Samitis in implementation of the provisions of Act and Rules.

(3) He will monitor the compliance of provisions regarding regular and timely holding of meetings of Gram Sabha, Panchayats and Panchayat Samitis.

(4) Take action for removal of member or conduct preliminary enquiry in case of disqualification coming to his knowledge and conduct special meeting when no confidence motion is received against Panch/Sarpanch, Pradhan/Up-Pradhan.

(5) Ensure that full charge is handed over by predecessors to the successors after election of chairpersons or transfer of officers.

(6) Ensure that Standing Committees are formed within 3 months after election and all the members are given due representation in Standing Committees.

(7) Send immediate report to the State Government regarding decisions taken or resolutions passed in violation of the provisions of Act, Rules, Notifications, or other directives of the Government.

(8) Initiate action for immediate relief for food, shelter, fodder, medicines etc. in case of natural calamities like outbreak of epidemics of human beings, cattle or crops.

(9) Exercise prefect supervision and control over officers and staff of Panchayati Raj Institutions in the district.

(10) Ensure financial discipline in Panchayati Raj Institutions of the district.

(11) Coordinate with various district level officers executing rule development schemes.

(12) Ensure timely preparation of district plan through district planning committee.

(13) Review quarterly progress of implementation of such plan.

(14) Take steps for speedy implementation as per directives by Zila Parishad.

(15) Ensure that vigilance committees are active at Panchayat level.

(16) Monitor that budgets are prepared as scheduled

programme by Panchayati Raj Institutions and pre-received quarterly and annual returns of income and expenditure are sent within due dates.

(17) Arrange for smooth working of Panchayats by posting Gram Sevak-cum-Secretary or arranging persons on contract basis out of own resources of Panchayats or general purpose grant released to them by State Government.

(18) Immediate transfer of funds received from State Government to Panchayats and Panchayat Samitis.

(19) Physical verification of at least 10 construction works of Panchayats and Panchayat Samitis per month.

(20) Regular inspection of schools, primary health centres, Ayurved veterinary dispensaries, Anganwadi centres and such other institutions, vaccination programme, family welfare camps, drinking water situation, fair price shops, maintenance of rural roads, rural sanitation, electrification, drainage, rural housing programme, fisheries development, use of village tanks and Gochar lands, cattle pounds in rural areas of the district during tours.

(21) Timely recruitment of candidates through District Establishment Committee and allotment for filling up of vacancies.

(22) Take disciplinary actions for dereliction of duties by members of Panchayat Samiti and Zila Parishad service.

(23) Exercise effective control over Vikas Adhikaris and other staff on deputation with Panchayat Samitis and Zila Parishad and send them for trainings/refresher courses from time to time.

(24) Sanction leave upto two months to employees on deputation to Panchayati Raj Institutions.

(25) Send Annual performance appraisal reports of Vikas Adhikari and Officer and staff posted in Zila Parishad on the basis of work report as per duties and functions assigned to them.

(26) Transfers of members of Panchayat Samiti and Zila Parishad service within the district as per general guide lines or decision of

Zila Parishad. No Gram Sevak shall be posted in Home Panchayat.

(27) Inspection of Panchayat Samitis and 20 Panchayats during a year.

(28) Inspection of own office once in six months.

(29) Exercise powers of regional officer as per provisions of GF&AR as regards purchases, sanctions, write off, time barred claims and all such other financial matters.

(30) Sanctions to Panchayat Samitis to spend own resources as provided in Rule 214.

(31) Ensure attendance of all district level officers concerning execution of rural development programmes in the district.

(32) Ensure effective implementation of employment generation and poverty alleviation programmes by Panchayats and Panchayat Samitis.

(33) Attend meetings of Panchayats/Panchayat Samities to review progress of schemes and provide general guidance.

(34) Encourage Panchayat/Panchayat Samitis to raise own income by 15% every year through taxes and non-tax revenues like fees and management of properties entrusted to them.

(35) Watch recovery of outstanding loans by Panchayat Samitis.

(36) Take action for recovery of losses of revenue, embezzlements and cases of misappropriation/defalcation detected or pointed out by audit reports.

(37) Initiate police against persons involved in fraud, forgery, embezzlement etc. and arrange special audit in such cases.

(38) Get prepared Annual Administration Reports during April.

(3 9) Ensure transparency in functioning of Panchayati Raj Institutions.

(40) Ensure that Panchayat/Panchayat Samitis exhibit yearwise list of construction works done during last five years along with their estimate and actual expenditure and right of information is not denied to any person or voluntary agency.

337. Administrative Control By Pramukh :-

(1) Director Rural Development and Panchayati Raj shall obtain written comments of Pramukh which will be attached as a part of Annual Performance Appraisal Report of the Chief Executive Officer regarding performance of his work during the year.

(2) Casual leave, of Chief Executive Officer shall be sanctioned by Pramukh.

Tours and Inspection

338. Norms Of Tours For Elected Representatives :-

Limit of annual tour days for elected representatives will be as fixed by the Government from time to time.

339. Norms Of Inspection For Officers :-

(i) Panchayat

(a) Panchayat Extension Officer Half Yearly

(b) Vikas Adhikari Once a year

(c) Chief Executive Officer 20 Panchayats per year

(d) Dy. Commissioner posted at Hqrs. 20 Panchayats per year

(ii) Panchayat Samiti

(a) Vikas Adhikari Half yearly

(b) Chief Executive Officer Once a year if No. of Panchayat Samitis in the district are not more than 6. In case of other districts 6 Panchayat Samitis per year but same Panchayat Samiti shall not be inspected repeatedly.

(c) Dy. Commissioner posted at Hqrs. 5 per year

340. Tour Days For Officers :-

(1) No officer shall remain on tours for more than 10 days in a

month in addition to meetings at Zila Parishad/DRDA, Court attendance or trainings/workshops etc. organised at state level.

(2) All the Vikas Adhikari, Extension Officers, Junior Engineer, Account and Cashier shall remain at their headquarters on Mondays and Tuesdays for arranging due payments and removal of public grievances. Fixing of meetings etc. should be avoided on these days.

341. Inspection Of Properties And Works During Field Tours
:-

(1) All the elected representatives as well as officers shall inspect the properties/belonging to or placed at the disposal of Panchayats/Panchayat Samities that they are properly maintained.

(2) School building shall be inspected particularly to ensure safety of life of children and suggest improvement in quality of education.

(3) Construction work completed or in progress shall also be inspected to verify quality of construction and their proper use.

342. Duties And Functions Of Panchayat Extension Officer :-

Panchayat Extension Officer shall act as friend, guide and philosopher for Panchayats under his jurisdiction. He shall specifically perform following duties :-

(1) Detailed inspection of Panchayat records, Accounts, Files, Properties, Works, Minute Book of Gram Sabha and Panchayat meetings, compliance by Secretary, Assessment of Taxes, Recovery of dues, Cattle pound, Grazing grounds etc. for two days per Panchayat.

(2) To supervise the performance of duties by Sarpanch and Gram Sevak as laid down in rule 33 and 332 respectively.

(3) Inspection of all Panchayats twice a year or inspection of 50 Panchayats every year.

(4) Compliance of Audit Report, Vigilance Committee and Gram Sabha decisions.

(5) Guidance for imposition of taxes/fees and raising non-tax revenues by 15% every year.

(6) Monitor Rural Sanitation, Rural Housing, Improved Chulha, Biogas and development of wayside facilities on National / State highways.

(7) Verification of physical assets of I.R.D.P. Families.

(8) Report cases misuse of loan/subsidy to Vikas Adhikari.

(9) To attend Gram Sabha meetings and perform duties assigned in Rule 5 and 8.

(10) Conduct preliminary enquiries as entrusted to him.

(11) Perform all other duties assigned by Vikas Adhikari/Panchayat Samiti/Zila Parishad/ State Government from time to time.

343. Duties And Functions Of Cooperative Extension Officer
:-

Cooperative Extension Officer shall be responsible for boosting cooperative movement in rural areas of the Panchayat Samiti. He shall perform following functions :-

(1) Increase the membership of existing Cooperative Societies.

(2) Formation of Dairy Cooperative Societies on milk routes, encourage castration of bulls, artificial insemination, purchase of improved breeds of cows and buffalos so as to increase income through higher milk yield.

(3) Formation cooperative marketing societies for fruits and vegetables in potential areas.

(4) Maintain register of I.R.D.P. selected families, arrange genuine preparation of loan forms, processing through banks, sanction of loans and disbursement of subsidy.

(5) 100% physical verification of assets created by I.R.D.P. families and schemes of Schedules Caste Development Corporation.

- (6) Self employment loans to Trysem Trained Youths.
- (7) Assist Vikas Adhikari in camps for Loan Melas.
- (8) Participate in District level meetings of the office of Assistant Registrar.
- (9) Inspect Cooperative Societies in the area.
- (10) Deal with Rural Housing projects and loan accounts relating to such schemes.
- (11) Assess the bankable projects and assist bankers in preparation of credit plan every year.
- (12) Attend meetings of credit coordination committee.
- (13) To attend Gram Sabha meetings and perform duties assigned in rule 5 and 8.
- (14) Perform all other functions allotted by Vikas Adhikari/Panchayat Samiti/Zila Parishad/ State Government, from time to time.

344. Duties And Functions Of Progress Extension Officer (Statistics) :-

Progress Extension Officer shall be mainly responsible for review of progress and evaluation of programmes undertaken by the Panchayat Samiti. His main functions shall be as under :-

- (1) Compilation of Statistics and its analysis.
- (2) Maintenance of permanent statistical records.
- (3) Assist in evaluation of progress of plans and other development activities.
- (4) Prepare reports and returns for reviews of progress.
- (5) Prepare survey reports.

- (6) Verification of progress reports on site in case of doubt.
- (7) Publication of progress reports and prepare manuscript and do proof reading for the same.
- (8) Timely submission of monthly/quarterly/annual progress reports to district and state level officers and pay special attention to reliability of data.
- (9) Provide guidance/training to Gram Sevak-cum-Secretaries of Panchayats for preparing required statistics correctly.
- (10) Ensure benefits under social security schemes.
- (11) Prepare progress charts/maps and keep them up to date.
- (12) To attend Gram Sabha meetings and perform duties assigned in Rule 5 and 8.
- (13) Perform all other functions allotted by Vikas Adhikari / Panchayat Samiti/ Zila Parishad/State Government from time to time.

345. Duties And Functions Of Education Extension Officer :-

Education Extension Officer shall be primarily responsible for universal primary education of boys and girls in rural areas of Panchayat Samiti and improving quality of education in schools. His main functions will be :-

- (1) Preparing proposals for opening of new schools so that facility of primary school is available to all residents within one kilometre radius.
- (2) Increase enrollment of boys and girls to cover all the families by organising enrollment campaign.
- (3) Conduct survey of children in age group 6-11 and 11-14 not coming to school every year in the month of July.
- (4) Formation of village education committees to bring 100% children to schools and assist in school programmes of enrollment,

tournaments, cultural programmes etc.

(5) Arrange to send children to non-formal education centres for extensive coverage.

(6) Prepare lady teachers for Saraswati Yojana in hamlets/villages having no school within one kilometre.

(7) Inspect schools twice a year :

(a) assess quality of teaching.

(b) ensure use of equipments supplied under operations Black Board Scheme.

(c) Check postings of teachers as per sanctioned strength and as per teacher student ratio.

(8) Keep uptodate schoolwise statistics about buildings, rooms, room sizes, play grounds, boundary walls, furniture, other equipments, library books, play material, Tat Pattis, tree plantation etc.

(9) Keep uptodate schoolwise details of classwise enrollment of boys and girls and number of children not attending any school.

(10) Prepare regular programme of teachers training through District Institute of Education and Training.

(11) Touring for 120 days and 60 nights during a year.

(12) Necessary guidance in monthly meeting of teachers on pay distribution day and making pay centre schools as ideal schools of Panchayati Samiti in all respects.

(13) Get annual developmental plan prepared for every school and get it implemented through parents/villagers.

(14) Arrange Teacher-Parents day every 3 months.

(15) Uptodate maintenance of service books of teachers.

(16) 50% expenditure of education cess on school buildings and equipments.

(17) Maintain all other records pertaining to educational activities.

(18) To attend gram sabha meetings and perform duties assigned in Rule 5 and 8.

(19) Perform all other functions allotted by Vikas Adhikari/Development Department from time to time.

346. Duties And Functions Of Junior Engineer :-

Junior Engineer will be responsible for preparing estimates and design plan of work, give layout on site, inspection of quality of works under construction and arranging timely payments after entering the physical measurements in measurement book. He will perform the following functions :-

(1) Possess knowledge about terms and conditions of the schemes implemented by Panchayat Samiti.

(2) Possess knowledge of standard designs and cost estimates issued by the State Government.

(3) Possess knowledge about financial limits of grants in each case and share of peoples contribution.

(4) Possess of knowledge of prevailing market rates of construction materials.

(5) Basic Schedule of Rates approved for the area for development works.

(6) Maintain dairy and Measurement Book.

(7) Maintain details of measurement and valuation of Panchayat Samiti buildings along with blue prints and undertake maintenance after sanction of Panchayat Samiti.

(8) Assist Panchayat Secretaries to maintain property register correctly and check unauthorised trespass.

- (9) Assess potential sites for Anecuts, tanks, nadis etc.
- (10) Maintain works register in Panchayat/Panchayat Samiti.
- (11) Prepare estimates of works as per Annual Action Plan approved in Gram Sabha.
- (12) Give technical instructions and layout after sanction of works.
- (13) Site inspection of work at plinth level, roof level and on completion.
- (14) Issue instructions in writing in case of poor construction or deviation of specification.
- (15) Timely issue of utilisation certificates for payment of instalments.
- (16) Issue completion certificate within one month of completion of work and put up for counter signature of Vikas Adhikari upto one lakh/Assistant Engineer upto two lakhs / XEN upto 5 lakhs.
- (17) Remain at headquarters on all Mondays and Thursdays to arrange payment for work.
- (18) Shall be responsible for construction of rural latrins, soak pit, urinals in schools and other items under rural sanitation programme and imparting technical training and guidance to local masons.
- (19) Shall attend Gram Sabha meetings as nominee of Vikas Adhikari and perform duties assigned in Rule 5 and 8.
- (20) Perform all other functions allotted by Vikas Adhikari / Assistant Engineer/Executive Engineer/ Panchayat Samiti/ State Government from time to time.

Training and Refresher courses

347. Training Programmes/Refresher Course :-

- (1) Rural Development and Panchayati Raj Department shall makes

special efforts for human resource development and prepare training modules for elected representatives as well as officials including Gram Sevak-cum-Secretary, Junior Accountants and Junior Engineer.s

(2) Short term courses shall be arranged for Pradhans and Pramukhs at Indira Gandhi Panchayati Raj Sansthan, Jaipur, and for Sarpanchas and Members of Panchayati Samiti, Zila Parishad, courses may be arranged at district level by Zila Parishads. Special training programmes/workshops may be arranged for women Sarpanchas and Scheduled Caste/Scheduled Tribes/Other Backward Classes Sarpanchas elected for the first time.

(3) Refresher courses for Panchas may be arranged at Panchayat Samiti level or through voluntary organisations.

(4) Six months induction course for Gram Sevak-cum-Secretary shall be arranged at Panchayat Training Centres.

(5) Every Gram Sevak-cum-Secretary must get 5 days refresher course at least once in three years.

(6) Junior Engineer / Junior Accountants may also be imparted training at Gram Sevak Training Centres having Accounts and Engineering staff.

(7) Course content should include managerial, technical and functional aspects.

Annual Performance Appraisal Reports

348. Preparation Of Annual Performance Appraisal Reports Of Vikas Adhikari And Chief Executive Officer :-

(1) The Pradhan shall at the end of every financial year send a report as to the performance of Vikas Adhikari during the year to the Chief Executive Officer who shall initiate report on the working of Vikas Adhikari and send it along with report received by him from, Pradhan to the Collector for review. The Collector after putting up his remarks shall send it to the Director Rural

Development and Panchayati Raj for acceptance.

(2) The Pramukh shall at the end of every financial year send a report as to the performance of Chief Executive Officer during the year to the Director Rural Development and Panchayati Raj who shall initiate report on the work of Chief Executive Officer and send it along with report received by him from Pramukh to the Development Commissioner.

(3) The report shall ultimately be deposited with Department of Personnel for R.A.S. Officers and concerned Head of Departments in other cases.

349. Preparation Of Annual Performance Appraisal Reports Of Other Officers :-

Annual Performance Appraisal Reports in respect of other officers shall be filled in as follows :-

District Planning Committee

350. Members Of District Planning Committee :-

(1) The District Planning Committee as envisaged in section 121 of the Act, shall have in all 25 members, out of whom 20 members shall be elected from amongst and by the elected representatives of Zila Parishad and Municipal Bodies in proportion to ratio of population of rural areas and urban areas in the district.

(2) Five nominated members shall be as under :-

- (a) Collector of the district
- (b) Additional Collector, District Rural Development Agency
- (c) Chief Executive Officer Zila Parishad
- (d) Two persons from M.Ps, MLAs or persons representing voluntary agencies nominated by the State Government.

351. Election Of Members :-

(1) Procedure of election shall be the same as prescribed for election of members of a Standing Committee of Zila Parishad.

(2) Such meeting for election of members shall be called by the Collector of officer nominated by him not below the rank of additional collector who will be assisted by the Chief Executive Officer.

352. Powers And Functions Of District Planning Committee

:-

(1) Main function shall be to consolidate the annual plans prepared by Panchayat Samitis and Municipal bodies of the district.

(2) Consider issues of common interest as laid down in Sub-Section (7) of Section 121 of the Act,

(3) Forward the district to the State Government.

(4) Chief Planning Officer shall act as Secretary of the Committee.

Annual Administration Report

353. Annual Administration Report Of Panchayats :-

(1) The Sarpanch of every Panchayat shall cause to be prepared by the 20th of April every year a report on the administration of Panchayat during the financial year immediately preceding in prescribed Form No.XLV which shall be placed before and adopted in Panchayat meeting and sent to Panchayat Samiti concerned. It shall also contain a note of important activities of Panchayat during the year.

(2) The Panchayat Samiti after examining reports of all Panchayats within its jurisdiction, cause to be prepared and send a consolidated report in respect thereof in the form of a narrative, together with its views thereon to the Chief Executive Officer by 15 June of the said year.

354. Preparation Of Annual Administration Report By Panchayat Samiti / Zila Parishad :-

(1) Every Panchayat Samiti/Zila Parishad shall as soon as may be after the close of the year prepare a report on its administration in the Form No. XLVI.

(2) Zila Parishad shall review the reports received from Panchayats/Panchayat Samitis and if it at any time, it transpires as a result of such review that working of any Panchayat or Panchayat Samiti has not been satisfactory, the Zila Parishad may forward a copy of its resolution to the Panchayat Samiti concerned.

(3) Zila Parishad shall forward the report for consideration of the State Government.

355. Publication Of Report :-

The State Government may publish for the information of the general public such portions thereof or such extracts or such summary thereof as it may consider necessary.

Incentive grant to Panchayati Raj Institutions

356. Awards :-

(1) Cash awards may be granted to best Panchayati Raj Institutions on the basis of their performance regarding raising tax and non-tax revenues, achievement of physical targets under 20 Point Programme, Poverty Alleviation and Employment Generation Programme, peoples participation in Community Works and such other parameters of work and service as may be laid down by the State Level Committee for the purpose.

(2) The best Panchayat shall be adjudged at the district level by a committee constituted for the purpose. Committee shall recommend such Panchayat who shall get an incentive grant as under for development works.

I Rs. 2.00 lakhs

II Rs. 1.00 lakhs

III Rs. 0.50 lakhs

(3) The best Panchayat Samiti shall be adjudged by a Committee constituted at Divisional Level. They shall get an incentive grant for development works as under :-

I Rs. 5.00 lakhs

II Rs. 3.00 lakhs

III Rs. 2.00 lakhs

(4) The best Zila Parishad will be adjudged by the State Level Committee constituted for the purpose. They shall get Cash Award as under :

I Rs. 8.00 lakhs

II Rs. 5.00 lakhs

III Rs. 2.00 lakhs

Recognition of Service Associations

357. Service Association Defined :-

(1) Service association is a union of certain cadres of Rajasthan Panchayat Samiti and Zila Parishad Service employees which has been constituted for promoting the common service interests of its members.

(2) Such associations may be formed by Class IV servants or employees included in Sub-section (92) of Section 89 of the Act.

358. Application Of Recognition Of Associations :-

Any association desiring to get recognition, shall apply in prescribed Form XLVII along with certificate of registration, three copies of bye-laws, list of members of executive, details of members cadrewise and such other information as desired.

359. Conditions For Grant Of Recognition :-

Recognition may be granted by Director Rural Development subject to following conditions :-

(1) All the required details are submitted with the application.

(2) Membership is restricted to certain employees of the service only.

(3) Association has been formed with objective of promoting common interests of employees. It has not been formed on the basis of any caste, tribe or any group formed on the basis of some religious books.

(4) Members of the executive are members of such association.

(5) Funds of the association are constituted out of subscription from members.

(6) At least 35% employees of such cadre are members of such association.

360. Conditions To Be Followed By Recognised Association

:-

Recognised Association shall be bound by the following conditions:-

(1) Recognised Association shall not send any delegation for individual cases but raise only common interests of members.

(2) It will not support matter concerning any one employee.

(3) It will not keep any political fund, nor it shall propagate idea of any political party.

(4) Submit list of office bearers and Audit Report of accounts before first July every year.

(5) All representations shall be addressed to Secretary or Head of the Department only.

(6) Any amendment in Rules/Byelaws shall not be done without prior approval of the State Government.

(7) Membership of any other Sangh/Maha Sangh shall also be taken only after prior approval of the State Government.

(8) No member of Association shall indulge in any activity which is punishable unde C.C.A. Rules 1958.

(9) It shall not correspond with any foreign agency.

(10) None of its office bearers shall use disrespectful or improper language with the Government Officials.

(11) It will not participate in any election for Parliament, Assembly

or Local bodies by:

- (a) Contributing to election expenditure
- (b) supporting such contesting candidate
- (c) assisting in election of any candidate

(!2) It shall not be associated with any political organisation engaged in any political movement.

(13) It shall not be associated with or registered as business union.

361. Disposal Of Disputes :-

Only recognised association shall have right to negotiate disputes of its members. Procedure shall be :-

(1) All grievances shall be disposed of by correspondence or negotiations with Director Rural Development and Panchayati Raj without resorting to any unlawful means.

(2) In case of dispute, it shall be referred to Joint Advisory Committee constituted by Head of the Department. Association shall be bound to agree to recommendations of such committee.

362. Demand Of Information :-

Department of Rural Development and Panchayati Raj may demand any information from the association to verify that conditions as laid down in Rule 359 and 360 are followed.

363. Recognition To Any Association For One Cadre :-

(1) Recognition shall be given to only one association for one cadre.

(2) In case any other association also subsequently applies for recognition for employees of the same cadre, its application shall not be considered upto one year from the date of recognition of the previous union.

(3) After such period, recognition may be continued or withdrawn on merits of each case.

364. Membership Of Maha Sangh :-

(1) Recognised Association can join membership of only such Maha Sangh which is recognised by the State Government.

(2) Objective of Maha Sangh shall also be to develop the spirit of good will and cooperation among members.

(3) Maha Sangh shall also not raise individual disputes but negotiate on common matters.

365. Withdrawal Of Recognition :-

Department of Rural Development and Panchayati Raj may withdraw such recognition after giving opportunity of hearing it.

(1) Association has violated provision of Rule 359 and 360 or

(2) Recognition was obtained by misrepresentation or fraud or that it was wrongly given or

(3) Has violated any such other condition under these rules.

366. Relaxation Of Conditions :-

Department shall be competent to relax certain conditions for good and sufficient reasons.

367. Relaxation Of Conditions :-

The following registers, books and papers of a Panchayati Raj Institution shall be destroyed after the expiration of the period specified opposite them, such periods to be reckoned as from the date of their closure or final disposal:-

(i) Counterfoil Receipt Books Three years

(ii) Registers showing demand & collection of taxes and other dues Five years

(iii) Register of correspondence Three years

(iv) Inspection Book Three years

(v) Annual Report on the working of Panchayats Five years

(vi) Applications for copies of records One years

(vii) Application for inspection of Records One years

(viii) Forms of oath taken by the Chairpersons and Members & other papers relating to election Four years

(ix) Audit Report Fifteen years

(x) Report regarding embezzlement Fifteen years

- (xi) Service Book and Character Rolls Two years after retirement of the person concerned.
- (xii) Annual estimates of Receipts & Expenditure Three years
- (xiii) Vouchers and Bills Three years after audit
- (xiv) Security Bonds One year after they cease to have effect
- (xv) Other miscellaneous papers Three years

CHAPTER 15 CHAPTER 15

CHAPTER 16 Framing of Bye-laws

368. Publication Of Draft Bye-Law :-

(1) Whenever it is proposed to make any bye-law, or to modify any existing bye-law, under Section 103, 104 or Section 105, the draft of the proposed bye-law or modification shall first be published for the information of all persons likely to be affected thereby, together with a notice specifying a date which shall not be less than a month beyond the date of the publication of the draft under Sub-rule (2), on or after which such draft will be taken into consideration by the authority proposing to make the bye-law or to modify the existing bye-law.

(2) The draft and the notice under Sub-rule (1) shall be published by affixing the same in atleast two conspicuous places within the area of Panchayati Raj Institution affected as well as at the office of the Panchayati Raj Institution concerned.

369. Disposal Of Objections And Suggestions :-

The authority desiring to make the proposed by-law or modification shall consider all objections or suggestions in respect of the draft published under Rule 368, if received before the date specified in the notice under that rule and may either drop the proposal or decide to make the proposed bye-law or modification with or without any alterations.

370. Further Action In Respect Of Proposals Under Section 103 :-

If a Zila Parishad so decides under Section 103 to make the proposed bye-law or modification, the same shall be notified in the Official Gazette under the signature of the Chief Executive Officer.

371. Further Action In Respect Of Proposals Under Section

104 Or 105 :-

(1) If the decision under rule 369 to make a bye-law or to modify an existing bye-law has been taken by a Panchayat or Panchayat Samiti/Zila Parishad in exercise of the powers conferred on it by Section 104 or 105 respectively, the proposed bye-law or modification, together with the draft thereof and the notice published under Rule 368 and all objections and suggestions in respect thereof received and disposed of under Rule 369 shall be submitted by the Panchayat to the Zila Parishad concerned and Panchayat Samiti /Zila Parishad to the State Government for approval and no such bye-law or modification shall have effect unless it has been sanctioned by the Zila Parishad or State Government as the case may be.

(2) The bye-law or modification as sanctioned by the Zila Parishad or the State Government under Sub-rule (1) shall be notified in the Official Gazette under the signature of the Sarpanch of the Panchayat, Vikas Adhikari of Panchayat Samiti, Chief Executive Officer of Zila Parishad, as the case may be, and the notification shall mention the fact of the approval and sanction of the Zila Parishad or State Government thereto.

372. Operation Of Bye-Law Or Modification :-

Every bye-law or modification of a bye-law notified under Rules 370 or 371 shall come into operation upon the expiration of one month from the date of notification.

373. Removal Of Doubts :-

Whenever any difficulty or doubt arises as to the interpretation or implementation of these rules, the matter shall be referred to the State Government whose clarification shall be final in such respect.

374. Repeal And Saving :-

(1) On and from the date of commencement of these rules, following rules framed under Rajasthan Panchayat Act, 1953 (Rajasthan Act No.21 of 1953) and Rajasthan Panchayat Samiti and Zila Parishad Act, 1959 (Rajasthan Act No. 37 of 1959) shall stand repealed.-

S.No. Existing Rules

1. Rajasthan Panchayat and Nyaya Up-Samiti Election Rules, 1960.
- 2 . Rajasthan Panchayat and Nyaya Panchayat (Appointment of Counsels Rules, 1962.
3. Rajasthan Panchayat Samitis (Cooption of Members) Rules, 1979.
4. Rajasthan Panchayat Samitis (Election of Associate Members) Rules, 1965.
5. Rajasthan Panchayat Samitis (Election of Members From Gram Sabha) Rules, 1964.
6. Rajasthan Panchayat Samitis and Zila Parishads (Cooption of Members of Standing Committee) Rules, 1959.
7. Rajasthan Panchayat Samitis and Zila Parishads (Declaration of Krishi Nipun) Rules, 1961.

8. Rajasthan Panchayat Samitis and Zila Parishads (Election of Pradhan and Pramukh) Rules, 1979.

9. Rajasthan Panchayat Samitis and Zila Parishads (Retirement of Members of Standing Committee) Rules, 1962.

10. Rajasthan Panchayat Samitis and Zila Parishads (Associate Members Voting Rights) Rules, 1965.

11. Rajasthan Panchayat Samitis and Zila Parishads (Selection Commission Conditions of Service) Rules, 1960.

12. Rajasthan Panchayat Samitis and Zila Parishads (Contributory Provident Fund) Rules, 1969.

13. Rajasthan Panchayat Samitis and Zila Parishads (Declaration of Vacancies in Standing Committees) Rules, 1969.

14. Rajasthan Zila Parishads (Cooption of Members) Rules, 1960.

15. Rajasthan Panchayat and Local Bodies Subordinate Service Commission (Selection conditions of Service) Rules, 1959.

16. Rajasthan Panchayat Samitis (Jurisdictions Over Municipal Areas) Rules, 1960.

17. Rajasthan Panchayat Samitis (Election of Temporary Pradhan) Rules, 1959.

18. Rajasthan Panchayat Samitis and Zila Parishads (Election of Chairman of Standing Committee) Rules, 1959.

19. Rajasthan Panchayat Samitis and Zila Parishads (Election of Members of Standing Committee) Rules, 1959.

20. Rajasthan Panchayat Samitis and Zila Parishads (Election of Up-Pradhan and Up-Pramukh) Rules, 1979.

21. Rajasthan Panchayat Samitis and Zila Parishads (Election Petition) Rules, 1959.

22. Rajasthan Zila Parishads (Election of Temporary Pramukh) Rules, 1961.

23. Rajasthan Zila Parishads (Vacation of Office of Pramukh) Rules, 1965.

24. Rajasthan Panchayat (General) Rules, 1961.

25. Rajasthan Panchayat (General) Special Allotment of Abadi Land for Residential House Sites to Scheduled Caste and Scheduled Tribes, Landless Persons, Village Artisans and Small and Marginal Farmers Rules, 1975.

26. Rajasthan Panchayat Samitis (Administrative Powers) Rules, 1960.

27. Rajasthan Panchayat Samitis (Appointment of Counsel) Rules, 1962.

28. Rajasthan Panchayat Samitis (Conduct of Business of Standing Committees) Rules, 1959.

29. Rajasthan Panchayat Samitis (Payment of Allowance to Members) Rules, 1961.

30. Rajasthan Panchayat Samitis (Removal of Pradhan and Up-Pradhan) Rules, 1960.

31. Rajasthan Panchayat Samitis (Taxation) Rules, 1960.

32. Rajasthan Panchayat Samitis (Terms and Conditions of Deputation of Vikas Adhikari, Extension Officers and Other Officers) Rules, 1959.

33. Rajasthan Panchayat Samitis (Use of Vehicles) Rules, 1963.

34. Rajasthan Panchayat Samities and Zila Parishads (Administration Report) Rules, 1959.

35. Rajasthan Panchayat Samitis and Zila Parishads (Conduct of Business) Rules, 1960.

36 . Rajasthan Panchayat Samitis and Zila Parishads (District Establishment Committee) Rules, 1961.

37. Rajasthan Panchayat Samitis and Zila Parishads (Employment of Physically Handicapped) Rules, 1959.

38. Rajasthan Panchayat Samitis and Zila Parishads (Financial, Accounts and Budget) Rules, 1959.

39. Rajasthan Panchayat Samitis and Zila Parishads (Grant of Copies of Records) Rules, 1963

40. Rajasthan Panchayat Samitis and Zila Parishads (Grant of Relief in cases of Natural Calamities) Rules, 1960.

41. Rajasthan Panchayat Samitis and Zila Parishads (Karya Sanchalan`) Rules, 1965 (in Hindi).

42. Rajasthan Panchayat Samitis and Zila Parishads (Motion of No Confidence in Pradhan, Up-Pradhan, Pramukh or Up-Pramukh) Rules, 1961.

43. Rajasthan Panchayat Samitis and Zila Parishads (Preparation of Confidential Report of Vikas Adhikaris and Secretaries) Rules, 1960.
44. Rajasthan Panchayat Samitis and Zila Parishads (Constitution of Standing Committee) Rules, 1965.
45. Rajasthan Panchayat Samitis and Zila Parishads (Service) Rules, 1959.
46. Rajasthan Panchayat Samitis and Zila Parishads (Class IV) Rules, 1959.
47. Rajasthan Panchayat Samitis and Zila Parishads (Recruitment of Dependents of the Members of Panchayat Samiti and Zila Parishad) Rules, 1978.
48. Rajasthan Panchayat Samitis and Zila Parishads (Punishment and Appeal) Rules, 1961.
49. Rajasthan Panchayat Samitis and Zila Parishads (Servants and Pensioners Conduct) Rules, 1969.

50. Rajasthan Panchayat Samitis and Zila Parishads Rules for Grant-in-aid to persons belonging to Scheduled Castes, Scheduled Tribes and Denotified Tribes for Construction and Repair of Houses, 1961.

51. Rajasthan Zila Parishads (Conduct of Business of Sub-Committees) Rules, 1960.

52. Rajasthan Zila Parishads (Payment of Allowances to Members) Rules, 1961.

53. Rajasthan Zila Parishads (Use of Vehicles) Rules, 1986.

54. Rajasthan Panchayat Samities Evam Zila Parishad seva karamchari (Seva Sanghon ko Manyata) Niyam, 1993 (in Hindi).

(2) Any appointment, notification, tax, fee, order, scheme, license, permission, bye-law, regulation or form made, issued, imposed or granted under the rules so repealed and in force immediately before the date of commencement of these rules, shall in so far as it is not inconsistent with the provisions of these rules, continue to be in force as if made, issued, imposed or granted under these Rules, until superseded or modified by any appointment, notification, tax, fee, order, scheme, license, permission, bye-law, regulation or form made, issued imposed or granted under these Rules.

(3) All the actions taken under the Rules so repealed shall be deemed to have been taken under these rules and no action hitherto taken shall be challenged on the ground of such repeal.

FORM 1

FORM 1

[See Rule 21 (1)]

From of the written Notice of intention to make a motion expressing want of confidence.

I n the Sarpanch / Up-Sarpanch of a Panchayat

In the Pradhan/Up-Pradhan of a Panchayat Samiti

In the Pramukh/Up-Pramukh of a Zila Parishad

To,

The Chief Executive Officer/ Development Commission, Zila Parishad Rajastthan, Jaipur**.

NOTICE

Sir,

We, the undersigned elected members of the _____ Panchayat/ Panchayat Samiti / Zila Parishad** hereby given this notice to you of our intention to make a Panch/ Up-Sarpanch/Pradhan/Up-Pradhan/Pramukh/Up-Pramukh** of our Panchayat / Panchayat Samiti/ Zila Parishad** and also annex hereto a copy of the proposed motion of no-confidence.

Yours Faithfully.

Place _____

Date _____

** Delete whichever is not applicable.

FORM 2

FORM II

[See Rule 21 (2)]

Form of the notice of a meeting of the Panchayat/Panchayat

Samiti/ Zila Parishad** to be held for consideration of the no-confidence motion against the Sarpanch/Up-Sarpanch/Pradhan/ Up-Pradhan/ Pramukh/Up-Pramukh.

To

Shri _____

Member,

Panchayat/Panchayat Samiti/ Zila Parishad**-----