

No. M-11011/66/2008-P&C/P&J
Government of India
Ministry of Panchayati Raj

Krishi Bhavan,
New Delhi-110001.
Dated: 27th April, 2009

From: A.N.P. Sinha,
Secretary.

To Chief Secretaries,
All States/UTs.

Subject: Model Panchayat and Gram Swaraj Act.

Sir,

The 73rd Constitutional Amendment was made to impart certainty & continuity to strengthen the Panchayati Raj Institutions (PRIs) by giving them constitutional space. It empowers the States to establish Panchayats as the true units of local self-governments. It is, however, often said that the Panchayats exist as over-structured but under-empowered organisations, lacking effective devolution of functions, funds and functionaries(3Fs). Our country has now acquired sufficient knowledge & experience in grounding Panchayats.

2. The State Panchayat Acts have evolved and undergone several changes over the time and it is time now to consolidate the provisions in the contemporary context. As the Ministry of Panchayati Raj is responsible for ensuring implementation of 73rd Amendment in letter and spirit, it has formulated a draft Model Panchayat and Gram Swaraj Act (copy enclosed). It inter alia:

- (a) spells out the rights and duties of the Panchayats vis a vis citizens and vice versa.
- (b) incorporates devolution of 3Fs,
- (c) ensures accountability of Panchayats through the central role of Gram Sabha, clear provisions on Accounts & Audit including Social Audit, Ombudsman etc.
- (d) proposes Nyaya Panchayats as a mechanism for dispute resolution through mediation, conciliation and compromise.
- (e) provides model frame for State Election Commission and State Finance Commission,

(f) elaborates various aspects of Panchayat Finances, Planning, Budgeting and own resources.

3. The Panchayats have also been endowed with regulatory functions like rural policing, issue of birth/ death /caste /residence certificates, etc.

4. It may be noted that while one approach could have been to refine the draft before circulation, we have chosen to circulate it in its present form since suggestions/comments may in any case lead to substantial changes. Moreover, the issue of what pertains to the Act, the Rules and the Executive Guidelines respectively, has been kept in view. But in the process of protecting the legislative intent, the Act has become rather bulky.

5. It is expected that the Model Act would provide a reference for the existing and future Panchayat laws besides bridging the gaps & removing inconsistencies which exist in many of the enactments.

6. You are requested to kindly send us your valuable suggestions/comments within three weeks so that a final version is circulated after incorporating these.

Yours faithfully,

(A.N.P.Sinha)

Copy to: Principal Secretary, Panchayati Raj Deptt., All States/UTs.

Draft Model Panchayat and Gram Swaraj Act.

Chapterisation

Chapter I

Preliminary.

Chapter II

Composition of Ward Sabha, Gram Sabha and Panchayats at Different Levels.

Chapter III

Powers, Duties and Functions of Panchayats.

Chapter IIIA

Power of Panchayats to make Bye-Laws.

Chapter IV

Standing Committees.

Chapter V

Qualification and Disqualifications.

Chapter VI

Provisions relating to Members and Chairperson of Panchayats.

Chapter VII

Meetings of Panchayats.

Chapter VIII

Officers and Employees of Panchayat.

Chapter IX

Planning.

Chapter X

Property of Panchayats.

Chapter XI

Panchayat Finances.

Chapter XII

Budget, Accounts and Audits.

Chapter XIII

State Finance Commission.

Chapter XIV

State Election Commission.

Chapter XV

Provisions relating to Elections.

Chapter XVI

Accountability of Panchayats.

Chapter XVII

Ombudsman for Panchayats.

Chapter XVIII

Nyaya Panchayats.

Chapter XIX

Regulatory Functions.

Chapter XX

Implementation of PESA Act.

Chapter XXI

Penalties.

Chapter XXII

Powers and Responsibilities of State Government.

Chapter XXIII

Miscellaneous.

Chapter XXIV

Repeal and Savings.

Index

Chapter I Preliminary

1. Short title, extent and commencement.
2. Definitions.

Chapter II

Composition of Ward Sabha, Gram Sabha and Panchayats at Different Levels.

3. Administrative set up of Panchayats.
4. Composition of Ward Sabha.
5. Composition of Gram Sabha.
6. Powers of State Government to constitute and specify the name and headquarters of Panchayats.
7. Alteration of Limits of Panchayats.
8. Incorporation and administration of Panchayats.
9. Strengths of Panchayats.
10. Composition of Village Panchayat.
11. Composition of Intermediate Panchayat.
12. Composition of District Panchayat.
13. Reservation of seats in Panchayats.
14. Reservation of the offices of Chairpersons.
15. Duration of Panchayats.
16. Term of office of Members.
17. Chairperson of Village Panchayat and his elections.
18. Procedure for election of Deputy Chairperson of Village Panchayat.
19. Election of Chairperson of Intermediate and District Panchayats.

Chapter III

Powers, Duties and Functions of Panchayats

20. Clear delineation of Functions for each level of Panchayats.
21. Powers, Duties and Functions of Ward Sabha.
22. Powers, Duties and Functions of Gram Sabha.
23. Power of Panchayat for carrying out their functions.
24. Powers, Duties and Functions Village Panchayat.
25. Transfer of Functions, Institutions or Works to Village Panchayats.
26. Powers, Duties and Functions of Intermediate Panchayat.
27. Powers, Duties and Functions of District Panchayat.
28. Assignment of Functions to Panchayats.

29. Panchayats responsibility to provide civic amenities in its jurisdiction.
30. Beneficiary Identification.
31. Role of Panchayats in Disaster Management.
32. Delegation of Power and Function of State Government to Panchayats.
33. Preparation of Development Plans by Panchayats.
34. Entrustment of Schemes to Panchayat for implementation.
35. Power of Panchayats to call for records.
36. Position of Parastatals.

Chapter IIIA

Power of Panchayats to make Bye-Laws

37. Power of Panchayat to frame several Bye-Laws.
38. Framing of Building Bye-laws.

Chapter IV

Standing Committees

39. Standing Committees of Panchayats.
40. Meetings of Standing Committees.
41. Subject to be dealt with by the Standing Committees.
42. Power to call for records from Standing Committees.
43. Power to revise decisions of Standing Committees.

Chapter V

Qualification and Disqualifications

44. Qualification for membership of a Panchayat.
45. Disqualification of Candidates.
46. Disqualification of members.
47. Disqualification of voters.
48. Disqualification of persons convicted for certain offences.
49. Disqualification on the ground of corrupt practices.
50. Disqualification for failure to lodge account of election expenses.
51. Determination of subsequent disqualification of members.
52. Restoration of membership.
53. Self Disclosure of Assets.

Chapter VI

Provisions relating to Members and Chairperson of Panchayats

54. Oath or affirmation by the members.
55. Handing over of charge.

56. Powers, functions and duties of Chairperson and Deputy-Chairperson of Panchayat.
57. Resignation of Chairperson, Deputy Chairperson or members.
58. Motion of No-Confidence against Chairperson and Deputy Chairperson.
- 58-A Recalling of Members or Chairperson of Village Panchayat.
59. Removal and Suspension.
60. Cessation of membership.
61. Members of Parliament and State Legislature not to be members of Panchayats.
62. Filling up of vacancies.
63. Devolution and delegation of Chairperson's Functions.
64. Rights of individual members.
65. Honorarium and perquisites of the Chairpersons and Members.

Chapter VII

Meetings of Panchayats

66. Meetings of Ward Sabha.
67. Meetings of Gram Sabha.
68. Meetings of Panchayats.
69. Presiding officer and the Convenor.
70. Quorum and procedure of meetings.
71. Resolutions.

Chapter VIII

Officers and Employees of Panchayat

72. Appointment of Secretaries.
73. Power to recruit personnel and to regulate their service conditions.
74. Officers and Employees of Panchayat.
75. Powers and functions of Secretaries.
76. Exercise of functions of Secretaries by other officers in certain cases.
77. Delegation of functions of Secretaries.
78. Power of the State Government to lend the services of their officers and employees to Panchayats.
79. Power of State Government Officers.
80. Right to requisition records.
81. Disqualification of officers and employees of State Government, local authorities etc.
82. Channel of Correspondence.
83. Relationship between elected authorities and officers.
84. Exercise of statutory functions by the officers.
85. Emergency Powers of the Secretaries.
86. Pool of experts and specialists.

Chapter IX

Planning

87. Unique Identity number to Panchayats and Individuals.
88. Constitution and function of District Planning Committee.
89. Elections of members of DPC.
90. Preparation of regional and zonal plans.
91. Dedicated centre to provide inputs to Panchayats for preparation of Plans.
92. Powers of the State Government with regard to Planning.
93. Time lines for preparation of plans.
94. Spatial Planning.

Chapter X

Property of Panchayats

95. Power to acquire, hold and dispose of property.
96. Vesting of Community Property or income in Village Panchayats.
97. Identifying and listing common property resources.

Chapter XI

Panchayat Finances

98. Panchayat Funds.
99. Certain costs and expenses payable out of funds.
100. Transfer of Funds to the Panchayat.
101. Grants and Shares of Taxes.
102. Grants and Loans for Schemes and Projects.
103. Annual Report on Grants.
104. Power of Panchayat to collect fixed fees.
105. Surcharge on tax on direction by the State Government.
106. Taxes, cess etc. which may be levied by the Village Panchayat.
107. Village Panchayats to collect taxes and fees imposed by higher tier.
108. Basic tax grant.
109. Statements, Returns etc. to be confidential.
110. Duty on Transfer of Property.
111. Surcharge on property tax.
112. Specific provisions relating to Property Tax.
113. Exemption from tax, cess etc.
114. Recovery of tax payable.
115. Recovery of arrears of tax, cess etc.

116. Power to require Village officer to collect taxes and fees due to Panchayats.
117. Appeal from assessment.
118. Power to grant loans.
119. Resources Generation by the Panchayats.
120. Power to accept donation and trusts.
121. Power of Panchayats to raise loans and create a Sinking Fund.
122. Limits of Borrowings.

Chapter XII

Budget, Accounts and Audits

A. Budget

123. Separate Panchayat sector line in the State Budget.
124. Preparation of Panchayat Budget.
125. No approval of budget by higher tier or other State Authority.

B. Accounts

126. Maintenance of accounts.
127. Control and Supervision of C&AG.

C. Audit

128. Constitution of Local Government Audit Overseeing Authority.
129. Agency for audit.
130. Audit of account of funds.
131. Submission of accounts to audit.
132. Powers of auditors.
133. Audit report.
134. Follow up action on audit report.
135. Power of Auditor to surcharge, etc.
- 135A. Person making or authorizing illegal payment to be removed.
136. Recovery of Surcharge etc.
137. Internal audits.
138. Special audit of accounts.
139. Audit report to be placed before the committee of State Legislature.
140. Appeals.

D. Fiscal Responsibility

141. Fiscal Responsibility.
142. Medium Term Fiscal Plan.
143. Financial Management Principles.
144. Publication of Financial Documents and Annual Report.

Chapter XIII
State Finance Commission

145. Establishment of State Finance Commission (SFC).
146. Term of Office.
147. Powers of SFC.
148. Qualifications of persons to be appointed as Chairperson or members.
149. Procedure to be followed by SFC.
150. Officers and staff of SFC.
151. Salaries and Allowances.
152. Analysis of the finances of Panchayats and making recommendations for improvement.
153. Adoption of objective and transparent norms for devolution and distribution of funds.
154. Mechanism to review implementation of SFC recommendations.
155. Action taken Report on recommendation of SFC's to be placed before the State Legislature.
156. Norms for staffing of Panchayats.

Chapter XIV
State Election Commission

157. Establishment of State Election Commission (SEC).
158. Term of Office.
159. Power of SEC.
160. Qualifications and Selection of the State Election Commissioner.
161. Procedure to be followed by SEC.
162. Officers and staff of SEC.
163. Salaries and Allowances.
164. Delegation of Functions of SEC.
165. Elections of members of District Planning Committee by SEC.
166. SEC to investigate cases of complaint and grievance relating to infringement of law governing elections to Panchayats.
167. Statements made by persons to the SEC.
168. SEC to send report to the Governor.

Chapter XV
Provisions relating to Elections

A. Electoral Roll

169. Division of Panchayats into Constituencies.
- 169A. Review of final orders by SEC.
- 169B. Power to rectify Printing mistakes, etc.

170. Election to the Panchayat.
171. District Election Officer.
172. Electoral Registration Officer.
173. Assistant Electoral Registration Officer.
174. Electors and Electoral rolls for every Constituency.
175. Publication of copies of rolls.
176. Procedure for lodging claims and objections.
177. Staff of local authorities etc. to be made available.
178. Officers and staff deemed to be on deputation of SEC.

B. Elections

179. Notification for general election to Panchayats.
180. Conduct of Elections.
181. General duties of district election officers.
182. Election Observers.
183. Returning Officers.
184. Assistant Returning Officers.
185. General duty of the returning officer.
186. Provision of Polling Stations.
187. Appointment of Presiding officers for polling stations.
188. General duty of the Presiding Officer.
189. Returning officer, Presiding officer etc. deemed to be on deputation to the SEC.
190. Appointment of dates for nominations, etc.
191. Public Notice of election.
192. Nomination of candidates for election.
193. Presentation of nomination paper and requirement for a valid nomination.
194. Procedure upon delivery of nomination papers.
195. Withdrawal of candidature.
196. Publication of list of contesting candidates.
197. Election agent.
198. Disqualification for being an election agent.
199. Function of election agents.
200. Appointment of polling agents and election agents.
201. Functions of polling agents and counting agents.
202. Procedure in contesting and uncontested elections.
203. Fixing time for poll.
204. Manner of voting at elections.
205. Right to vote.
206. Counting of votes.

207. Equality of votes
208. Declaration of Election Results.
209. Report of the result.
210. Date of election of candidate.
211. Publication of election results.
212. Account of election expenses and maximum thereof.
213. Lodging of accounts with the officer authorized by the SEC.
214. List of officers and staff of the State Government Departments, local authorities or other authorities and educational institutions to be furnished.
215. Requisition of premises etc., for election purposes.

C. Corrupt Practices and Electoral Offences

216. Corrupt Practices.
217. Electoral Offences.

D. Disputes regarding Elections

218. Election Disputes.
219. Court competent to try election petitions.
220. Presentation of petitions.
221. Parties to the Petition.
222. Relief that may be claimed by the Petitioner.
223. Trial of election petition.
224. Decision of the Court.
225. Other orders to be made by the Court.
226. Grounds for declaring election to be void.
227. Grounds for which a candidate other than the returned candidate may be declared to have been elected.
228. Procedure in case of an equality of votes.
229. Communication of orders of the Court.
230. Effect of orders of the Court.
231. Withdrawal of Election Petitions.
232. Procedure for withdrawal of Election Petitions.
233. Report of withdrawal by the court to the SEC.
234. Abatement of election petitions.
235. Abatement or substitution on death of respondent.
236. Appeals.
237. Security for costs.
238. Security for costs from a respondent.
239. Costs.

240. Payment of costs out of security deposits and return of such deposits.

241. Execution of orders as to costs.

E. General Provisions

242. Extension of time for completion of election.

243. Appointment of Special officer or administrative committee or on failure to constitute a Panchayat.

244. Special Elections.

Chapter XVI

Accountability of Panchayats

245. Benchmarking of Performance.

246. Mechanism for redressal of grievances.

247. Norms for attending and responding to citizens' grievances.

248. Provision of 'Citizens Report Cards'.

249. Suo motu Disclosure.

250. Right to information.

251. Social audits.

252. Service Delivery Policy.

Chapter XVII

Ombudsman for Panchayats

253. Definitions.

254. Establishment and appointment of Ombudsman.

255. Term of office and conditions of Service of the Ombudsman.

256. Removal of Ombudsman.

257. Staff of ombudsman.

258. Functions of the Ombudsman.

259. Time limit for investigation of complaints.

260. Powers of the Ombudsman.

261. Service of State Government Departments.

262. Investigation.

263. Enquiry.

264. Existing cases to be transferred to ombudsman.

265. Power to investigate and recommend action in certain cases.

266. State Government to place records before ombudsman in certain cases.

267. Initiation of prosecution.

268. Disposals of complaints.

269. Report to be sent to Governor.

270. Reasons for disagreement with the report to be placed in public domain.

271. Procedures to be prescribed.

Chapter XVIII

Nyaya Panchayats

272. Definitions.

273. Application to PESA Districts.

274. Composition of a Nyaya Panchayat.

275. Qualifications of the Nyaya Panchas.

276. Disqualifications of Nyaya Panchas.

277. Bar on hearing certain cases.

278. Resignation by a member.

279. Vacancy.

280. Nyaya Sahayak.

281. Functions of Nyaya Sahayak.

282. Chowkidar

283. Fundamental Duties of Nyaya Panchayats.

284. Jurisdiction of the Nyaya Panchayat.

285. Procedure and Powers of the Nyaya Panchayat.

286. Fees or fines received by the Nyaya Panchayat.

287. Fees for sittings.

288. Civil Court not to have jurisdiction.

289. Time limit for filing of complaints in criminal matters.

290. Appearance in person or by representatives.

291. Procedure to be followed in civil cases.

292. Nyaya Panchayat to attempt conciliation.

293. Process of conciliation.

294. Process for adjudication.

295. Proceedings to be held in public.

296. Language.

297. Parties' agreement.

298. Evidence and witnesses.

299. Parties' opportunity to be heard.

300. Parties' failure to appear.

301. Settlement.

302. Final decision.
303. Compensation and maintenance.
304. Interest and costs.
305. Res judicata.
306. Vexatious and frivolous claims.
307. Procedure to be followed in criminal cases.
308. Evidence and witnesses.
309. Penalty.
310. Power to Review Orders.
311. Appeal.
312. Lack of jurisdiction of Nyaya Panchayat.
313. Concurrent jurisdiction.
314. Reciprocity between Nyaya Panchayats.
315. Transfer of cases by and to the Nyaya Panchayat by the District administration.
316. Inspection of the Nyaya Panchayat by a District judge and support to the Nyaya Panchayat from the District administration and the police authorities.
317. Reports and Returns.
318. Nyaya Panch Chairperson, Nyaya Panch and Nyaya Sahayak to be Public Servants.
319. Protection of Action taken in good faith.

Chapter XIX

Regulatory Functions

320. Rural policing.
321. Erection of Building.
322. Issue of birth, death, caste and residence certificates.
323. Enforcement of regulations pertaining to weights and measures.
324. Managing small endowments and charities.
325. Identification and devolution of functions to be a continuing exercise.

Chapter XX

Implementation of PESA Act, 1996

326. Definitions.
327. Constitution of Village and Gram Sabha.
328. Powers and Functions of Gram Sabha.
329. Reservation of Seats.
330. Functions of Intermediate and District Panchayat.
331. Effective Implementation of the Tribal Sub-Plan (TSP).

Chapter XXI

Penalties

332. Power of Panchayats to impose penalty.
333. Penalty for acting as Chairperson, Deputy Chairperson or member of a Panchayat when disqualified.
334. Penalty for interested member voting.
335. Penalty for acquisition by an officer or employee or member of interest in contract work.
336. Wrongful restraint of Secretary or his delegate.
337. Prohibition of obstruction of Panchayat etc.
338. Prohibition of removal or obliteration of notice.
339. Penalty for contravention of any order regarding requisition.
340. Penalty for not giving information or giving false information.
341. Prohibition of bidding.
342. Procedure to make good the damage to any property of Panchayats.
343. Fines to be credited to Panchayat.
344. Penalty for breach of Bye-laws.
345. Penalty for breach of rules.

Chapter XXII

Powers and Responsibilities of State Government.

346. No power of State to suspend or rescind any resolution passed by Panchayats.
347. Power to inspect records etc. of Panchayats.
348. Technical supervision and inspection.
349. General power of State Government to issue guidelines and to conduct enquiry.
350. Power to take action for default by a Member, Chairperson or Secretary of a Panchayat.
351. Administration report of the Panchayats.
352. Dissolution of Panchayats.
353. Powers of Officers taking action on behalf of or in default of Panchayat and liability of Panchayat Fund.
354. Delegation of Powers.
355. Power to provide for performance of duties in default of a Panchayats.
356. Appointment of officers and staff by State Government.
357. Inspection and enquiry by State Government.
358. Power to make rules.
359. Power of State Government to alter Schedules.
360. Disputes.

Chapter XXIII

Miscellaneous

- 361. Members and officers of Panchayats, SEC and SFC to be public servants.
- 362. Powers and responsibilities of police in respect of offences and assistance to the Panchayats.
- 363. Liability of members, Chairpersons and Deputy Chairpersons of Panchayats.
- 364. Validity of Notice.
- 365. Bar to interference by courts in certain matters.
- 366. General Provisions regarding licences and permissions.
- 367. State Government not to obtain licence and permission.
- 368. Powers of entry and inspection.
- 369. Power to recall for information from village officers.
- 370. Persons empowered to prosecute.
- 371. Composition of offence.
- 372. Institution of suits against authorities of Panchayats, their officers etc.
- 373. Protection of action taken in good faith.
- 374. Adjudication of disputes between Panchayats.
- 375. Removal of difficulties.

Chapter XXIV

Repeal and Savings

- 376. Repeal and savings.

Chapter I

Preliminary

1. Short title, extent and commencement:

This Act may be called the _____ (name of the State) Panchayat Act.

2. Definitions:

(1) In this Act, unless the context, otherwise requires –

- I. 'Accounting Standard' means such accounting standards in respect of Panchayats, as may be prescribed;
- II. 'Annual Budget' means the budget placed before the Panchayat concerned as per relevant Acts or rules made thereunder;
- III. 'Article' means an article of the Constitution of India;
- IV. 'Backward Classes' means such backward classes of citizens, other than the Scheduled Castes and the Scheduled Tribes, as may be specified by the State Government from time to time only for the purpose of the Act;
- V. 'Building' includes a house, out-house, stable latrine, shed, hut and any other structure, whether of masonry, bricks, wood, mud, metal or any other material whatsoever;
- VI. 'Bye-election' means an election other than general election;
- VII. 'Candidate' means a person who has been or claims to have been duly nominated as a candidate at any election;
- VIII. 'Casual vacancy' means a vacancy occurring otherwise than by efflux of time;
- IX. 'Chairperson' or 'Deputy Chairperson' means the Chairperson or the Deputy Chairperson of a Village Panchayat or Intermediate Panchayat or District Panchayat as the case may be;
- X. 'Committee' means any committee constituted by the Panchayat for any specific purpose.
- XI. 'Constituency' means the territorial area (by whatever name called) for the purpose of election of a member to a Panchayat at any level;
- XII. 'Corrupt practice' means any of the practices specified in section 216;
- XIII. 'Cost' in relation to an election petition means all costs, changes and expenses of, or incidental to, the trial of, an election petition;
- XIV. 'District' means a revenue District;
- XV. 'District election officer' means an officer designated or nominated by the State Election Commission (SEC) under section 171;
- XVI. 'District Panchayat' means an elected District Panchayat constituted at the District level;
- XVII. 'District Panchayat area' means the rural areas within a District to be notified by the State Government for the purpose of clause (c) of sub-section (1) of section 6;
- XVIII. 'Election' means an election to fill a seat in any of the constituencies in a Panchayat at any level;

- XIX. 'Elector' in relation to a constituency (by whatever name called) means a person whose name is entered in the electoral roll of that constituency, for the time being in force, and who is not subject to any of the disqualifications mentioned in section 47;
- XX. 'Electoral right' means the right of a person to stand or not to stand as or to withdraw or not to withdraw from being a candidate or to vote at an election;
- XXI. 'Fiscal Indicators' means such measures as may be prescribed, for evaluation of the fiscal position of the Panchayat;
- XXII. 'General election' means the election held under this Act for the constitution or reconstitution of a Panchayat after the expiry of its term or otherwise;
- XXIII. 'State Government' means the State Government of the States;
- XXIV. 'House' means a building or hut used or fit to be used as a residence or otherwise having separate principal entrance from the common way and includes any shop, workshop or warehouse or any building, used for parking vehicles or as a bus stand;
- XXV. 'Hut' means any building which is constructed principally of wood, mud, leaves, grass or thatch and includes any temporary structure of whatever size or any small building of whatever materials made, which a Village Panchayat may declare to be a hut for the purpose of this Act;
- XXVI. 'Intermediate level' means a level between the Village and District levels specified by the Governor under clause (c) of Article 243;
- XXVII. 'Intermediate Panchayat' means a Panchayat constituted at intermediate level;
- XXVIII. 'Information' means any materials or information contained in a document relating to the administrative, developmental or regulatory functions of a Panchayat and includes any document or record relating to the affairs of the Panchayat;
- XXIX. 'Local Authority' or 'Local Self Government Institution' means, a Panchayat at any level constituted under section 6 of this Act;
- XXX. 'Local Fund' means the fund constituted by the State Government for Panchayats at the District, Intermediate and Village levels in terms of Article 243 H(d).
- XXXI. 'Market' means any place set apart for and ordinarily or periodically used for the assembling of persons for the sale or purchase of grain, fruits, vegetables, meat, fish or other perishable articles of food or for the sale, or purchase of live-stock or poultry, or of any agricultural or industrial produce for any raw or manufactured products or any other articles or commodity necessary for the convenience of life, provided that less than seven shop shall not be deemed a market;
- XXXII. 'Member' means the member of a Panchayat at any level;
- XXXIII. 'Members of Ward Sabha' means all the adult persons whose names are included in the electoral rolls relating to a ward comprised within the area of a Village Panchayat;
- XXXIV. 'Panchayat' means a Village Panchayat, an Intermediate Panchayat or a District Panchayat.
- XXXV. 'Panchayat area' means the area within the territorial jurisdiction of a Panchayat;

- XXXVI. 'Panchayati Raj Institution' means an institution of self-Governance established under this Act for rural areas, whether at the level of a Village or Intermediate level or District;
- XXXVII. 'Political party' means a political party registered under section 29A of the Representation of the People Act, 1951 (Central Act 43 of 1951);
- XXXVIII. 'Polling station' means any place designated for casting ballots in an election to a Panchayat at any level;
- XXXIX. 'Population' means the population as ascertained in the last preceding census of which the relevant figures have been published under the relevant law for the time being in force;
- XL. 'Prescribed' means prescribed by the rules made under this Act;
- XLI. 'Private Market' means any market other than a Public Market;
- XLII. 'Public Market' means any market owned, constructed, repaired or maintained by a Village Panchayat;
- XLIII. 'Public holiday' means any day which is declared as a holiday by the State Government;
- XLIV. 'Public road' means any street, road, square, court, alley, passage, cart-tract, foot-path or riding path, over which the public have right of way, whether a thoroughfare or not, and includes, -
- (a) The road-way over any public bridge or causeway;
 - (b) The footway attached to any such road, public bridge or causeway; and
 - (c) The drains attached to any such road, public bridge or causeway, and the land whether covered or not by any pavement, verandah or other structure which lies on either side of the road-way up to the boundaries of the adjacent property whether the property is private property or property belonging to the State or Central Government;
- XLV. 'Qualifying date' in relation to the preparation or revision of every electoral roll means the First day of January of the year in which it is so prepared or revised;
- XLVI. 'Residence' or to 'Reside', a person is deemed to have his 'residence' or to 'reside' to any house if he some times uses any portion thereof as a sleeping apartment as of right and a person is not deemed to cease to reside in any such house or portion thereof merely because he is absent from it or has elsewhere another dwelling in which he resides if he is at liberty to return to such house at any time and has not abandoned his intention of returning;
- XLVII. 'Returned candidate' means a candidate whose name has been published under section 211;
- XLVIII. 'Right to Information' means the right to have access to information and includes the right to take certified copies or relevant extracts of a document;
- XLIX. 'Rule' means a rule made in exercise of the powers conferred by this Act;
- L. 'Scheduled Area' means scheduled area as referred to in clause (1) of Article 244 of the Constitution;
- LI. 'Schedule Castes and Scheduled Tribes' shall have the same meaning as in the Constitution of India;

- LII. 'Secretary' means the Secretary of Village Panchayat or an Intermediate Panchayat or a District Panchayat as the case may be;
- LIII. 'State' means the State of _____;
- LIV. 'Standing Committee' means a Standing Committee constituted by a District Panchayat or an Intermediate Panchayat or Village Panchayat under this Act;
- LIV. 'State Election Commission' means the State Election Commissioner appointed by the Governor under Article 243 K of the Constitution of India;
- LVI. 'Taluk' means a revenue Taluk;
- LVII. 'Village' means a Village specified by the Governor under clause (g) of Article 243 of the Constitution of India;
- LVIII. 'Village Officer' (by whatever name called) means the officer in charge of a revenue village;
- LIX. 'Village Panchayat' means a Village Panchayat constituted for a village or for a group of villages under clause (a) of sub-section (1) of section 6;
- LX. 'Ward' means a ward of a Village Panchayat formed under section 4 of the Act;
- LXI. 'Water course' includes any river, stream or channel whether natural or artificial;
- LXII. 'Year' means the financial year;

(2) Words and expression used but not defined in this Act, but defined in the Constitution of India shall have the meanings respectively assigned to them in the Constitution of India.

Chapter II

Composition of Ward Sabha, Gram Sabha and Panchayats at Different Levels.

3. Administrative set up of Panchayats.-

The administrative set up of Panchayat in the State shall consist of Village Panchayats, Intermediate Panchayats, District Panchayats, Gram Sabhas and Ward Sabhas.

4. Composition of Ward Sabha.-

(1) The SEC shall, in accordance with such rules as may be framed in this behalf, divide each village into a number of wards.

(2) Every ward of the Village Panchayat as determined in accordance with the sub-section (1) shall have a Ward Sabha consisting of all adult persons whose names are included in the electoral rolls relating to a ward within a Village Panchayat area.

5. Composition of Gram Sabha.-

(1) All persons whose names are included in the electoral rolls relating to a Village Panchayat shall be deemed to be constituted as Gram Sabha of such Village Panchayat.

(2) The Village Panchayats, Intermediate Panchayats and District Panchayats shall give due consideration to the recommendations and suggestions, if any, of the Gram Sabha.

6. Powers of State Government to constitute and specify the name and headquarters of Panchayats.-

(1) For the purposes of this Act, the State shall be divided into Districts and Districts shall be divided into Blocks or other Intermediate Unit.

(2) Subject to any alteration of boundaries which may be made, every local area formed, or constituted into a District under the relevant Code (but excluding therefrom the limits of a Municipal Corporation, Municipality, a Cantonment or a Notified Area Committee, constituted or established by or under any law for the time being in force) shall be a District for the purposes of this Act.

(3) Subject to any alteration of boundaries which may be made, the State Government may, by notification in the Official Gazette, constitute in every District such numbers of Blocks, each consisting of such local area, as may be specified in the notification.

(4) The State Government shall, by notification in the Gazette, constitute with effect from such date as may be specified in the notification: -

(a) a Village Panchayat for each Village or for a group of Villages.

(b) an Intermediate Panchayat for each Block; and

(c) a District Panchayat for each District

and specify the names, the territorial area and the headquarters of such Panchayats. The Intermediate Panchayats shall be co-terminus with the Blocks and the District Panchayats shall be co-terminus with the Districts.

7. Alteration of Limits of Panchayats.-

(1) The State Government may, after previous publication of the proposal in the prescribed manner, either on its own motion or at the request made in this behalf, and by notification in the Official Gazette-

(a) include in a Village Panchayat area any such local area or a part thereof, or as the case may be, any local area included within the limits of another Village Panchayat area; or

(b) otherwise alter the limits of a Village Panchayat area by amalgamating one Village Panchayat area into another or by splitting up a Village Panchayat area into two or more Village Panchayat areas; or

(c) exclude the whole or a part of any local area from a Village Panchayat area, for its being included within the limits of another Village Panchayat area.

(d) exclude the whole or a part of any local area from a Village Panchayat area, on its ceasing to be a rural area or,

(e) alter the headquarters of a Panchayat at any level and the name of such Panchayat in keeping with its new headquarter;

Provided that any alteration in the area of a Village Panchayat under clause (a), clause (b) and clause (c) of sub-section (1) shall not be brought into force before the expiry of the term of the existing Village Panchayat;

Provided that in cases falling under clause (d), the State Government at any time can exclude whole or part of any local area from a Village Panchayat area, on its ceasing to be a rural area.

(2) Upon any action being taken under sub-section (1), the State Government shall, notwithstanding anything contained in this Act or any other law for the time being in force, by an order published in the Official Gazette, make provision for the following, namely:-

(a) that, in a case falling under clause (d), the Panchayat shall stand dissolved or, as the case may be, the members who, in the opinion of the State Government, represent the local area which has ceased to be a rural area shall stand removed.

(3) When any local area ceases to be a Village Panchayat and is included within the local limits of the jurisdiction of some other Village Panchayat, the Panchayat Fund and other property and rights vesting in the Village Panchayat shall vest in such other Village Panchayat and the liabilities of the Village Panchayat shall be the liabilities of such other Village Panchayat.

(4) When any local area is excluded from a Village Panchayat area and included in another Village Panchayat area, such portion of the Panchayat Fund and other property vested in the Village Panchayat of the first mentioned area shall vest in, and such portion of the liabilities thereof shall be the liabilities of the other Village Panchayat as the State Government may, after consulting both the Panchayats, declare by notification in the Official Gazette:

Provided that the provisions of this sub-section shall not apply in any case where the circumstances, in the opinion of the State Government, render undesirable that transfer of any portion of the Panchayat Fund or properties or liabilities.

(4A) When it is considered necessary so to do, whether as a consequence of an action taken under sub-section (1) or otherwise, the State Government may alter the limits of an Intermediate Panchayat or a District Panchayat area and to every such case of alteration the provisions contained in the foregoing sub-sections shall mutatis mutandis apply.

(5) The State Government may, for the purpose of the foregoing sub-sections, make such orders and give such directions as it may consider necessary.

(6) Save as otherwise provided in this section its provisions shall have effect notwithstanding anything contained in this Act or any other law for the time being in force.

Explanation – In this section "appointed day" means the day from which a change referred to in sub-section (1) takes place.

8. Incorporation and administration of Panchayats.-

(1) Every Panchayat shall be a body corporate by the name of the Panchayat specified in the notification issued under section 6, shall have perpetual succession and a common seal and shall, subject to any restriction or qualification imposed by or under this Act or any other law, be vested with the capacity of suing or being sued in its corporate name, of acquiring, holding and transferring property, movable or immovable, of entering into contracts and of doing all things necessary, proper or expedient for the purpose for which it is constituted.

(2) Every Panchayat shall exercise such powers, perform such functions and duties and shall have such responsibilities and authorities as are provided by or under this Act or any other law for the time being in force.

9. Strengths of Panchayats.-

(1) The total number of seats in a Village Panchayat, an Intermediate Panchayat and a District Panchayat to be filled by direct election shall be notified by the SEC in accordance with the scale specified in the rules by the State Government with reference to the population of the territorial area of the Panchayat concerned:

Provided that if the State Government alters the scale specified in the rules, the SEC may alter the total number of the seats in the Panchayat only after the expiry of the term of the existing Panchayat.

(2) The SEC may after publication of the relevant figures of each census by notification alter the total number of seats in a Panchayat notified under sub-section (1) subject to the scale specified:

Provided that the ratio between the population of the territorial area of a Panchayat at any level and the number of seats in such Panchayat to be filled by election shall, so far as practicable, be the same throughout the State.

(3) The procedure for fixing the strength of a Panchayat shall be such as may be prescribed in the rules.

10. Composition of Village Panchayat.-

(1) Every Village Panchayat shall consist of elected members equal to the number of seats notified under sub-section (1) of section 9.

(2) All the seats in a Village Panchayat shall be filled by persons chosen by direct election in accordance with the provisions of this Act.

(3) Each village shall be divided into such number of wards, and the number of members of a Village Panchayat to be elected from each ward shall be such, as may be determined in the prescribed manner by the SEC:

Provided that, the Panchayat area shall be divided into wards in such manner that, the ratio between the population of each ward and the number of seats allotted to it shall, so far as practicable, be the same throughout the Village Panchayat area.

11. Composition of Intermediate Panchayat.-

(1) Every Intermediate Panchayat shall consist of: -

- (a) elected members equal to the number of seats notified under sub-section (1) of section 9;
- and
- (b) the Chairpersons of the Village Panchayats in the territorial area of the Intermediate Panchayat;

(2) All the seats in an Intermediate Panchayat notified under sub-section (1) of section 9 shall be filled by persons chosen by direct election in accordance with the provisions of this Act.

(3) Each Block area shall be divided into such number of territorial constituencies, and the number of members of an Intermediate Panchayat to be elected from each territorial constituency shall be such, as may be determined in the prescribed manner by the SEC:

Provided that, the Block area shall be divided into territorial constituencies in such manner that, the ratio between the population of each constituency and the number of seats allotted to it shall, so far as practicable, be the same throughout the Intermediate Panchayat area.

12. Composition of District Panchayat.-

(1) Every District Panchayat shall consist of:

- (a) elected members equal to the number of seats notified under sub-section (1) of section 9;
- and
- (b) the Chairpersons of the Intermediate Panchayats in the territorial area of the District Panchayat;

(2) All the seats in a District Panchayat notified under sub-section (1) of section 9 shall be filled by persons chosen by direct election in accordance with the provisions of this Act.

(3) Each District area shall be divided into such number of territorial constituencies, and the number of members of a District Panchayat to be elected from each territorial constituency shall be such, as may be determined in the prescribed manner by the SEC:

Provided that the District area shall be divided into territorial constituencies in such manner that the ratio between the population of each constituency and the number of seats allotted to it shall, so far as practicable, be the same throughout the District Panchayat area.

13. Reservation of seats in Panchayats.-

(1) The SEC shall determine the number of seats to be reserved in the direct election in the Panchayat for-

- a. the Scheduled Castes;
- b. the Scheduled Tribes; and
- c. the Backward Classes,

as also for women in accordance with the provision contained in the succeeding sub-sections.

(2) The number of seats so reserved for the Scheduled Castes and the Scheduled Tribes, shall bear, as nearly as may be, the same proportion to the total number of seats to be filled by direct election in that Panchayat as the population of the Scheduled Castes or, of the Scheduled Tribes in that Panchayat area bears to the total population of that area and such seats shall be allotted by rotation to different wards or constituencies in Panchayats.

(3) The seats to be reserved for persons belonging to the Backward Classes shall be _____ percent of the total number of seats to be filled in by election in a Panchayat and such seats shall be allotted by rotation to different wards or constituencies in Panchayats.

(4) Not less than one-third of the total number of seats reserved under sub-section (2) and (3) shall be reserved for women belonging to the Scheduled Castes, Scheduled Tribes or, as the case may be, the Backward Classes.

(5) Not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes, the Scheduled Tribes and the Backward classes) of the total number of seats to be filled by direct election in every Panchayat shall be reserved for women and such seats shall be allotted by rotation to different wards or constituencies in Panchayats in such manner as may be prescribed.

14. Reservation of the offices of Chairpersons.-

(1) The SEC shall determine the number of offices of the Chairpersons to be reserved in the Panchayat for -

- (a) the Scheduled Castes;
- (b) the Scheduled Tribes; and
- (c) the Backward Classes,

as also for women in accordance with the provisions contained in the succeeding sub-sections.

(2) The number of each of such offices of Chairperson to be reserved for the Scheduled Castes and the Scheduled Tribes in the Panchayats shall bear, as nearly as may be, the same proportion to the total number of such offices in the Panchayats as the population of the

Scheduled Castes in the State or of the Scheduled Tribes in the State bears to the total population of the State.

(3) The offices of Chairpersons to be reserved for persons belonging to the Backward Classes shall be _____ per cent of the total number of such offices in the Panchayats.

(4) Not less than one-third of the total number of offices of Chairperson reserved under sub-section (2) and (3) shall be reserved for women belonging to the Scheduled Castes or, as the case may be, the Scheduled Tribes.

(5) Not less than one third of total number of offices of Chairperson (including the number of offices reserved for women belonging to the Scheduled Castes, the scheduled Tribes and the Backward classes) in the Panchayats shall be reserved for women;

(6) Offices reserved under provisions of section 14 shall be allotted by rotation by the SEC to different Panchayats in such manner as may be prescribed.

15. Duration of Panchayats.-

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

Explanation- The meeting held for the election of Chairperson of an Intermediate Panchayat or District Panchayat or, as the case may be, of Deputy Chairperson of a Village Panchayat shall be deemed to be the first meeting of the respective Panchayats.

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

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

(b) in the case of dissolution, before the expiration of a period of six months from the date of its dissolution:

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

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

16. Term of office of Members.-

(1) The term of office of the members of every Panchayat who are elected at general elections, shall, save as otherwise expressly provided, be five years from the date appointed for the first meeting of such Panchayat.

(2) Ordinary vacancies in the office of an elected member of the Panchayat at any level shall be filled at general elections which shall be fixed by the State Election Commissioner, to take place on such day or days, within six months before the occurrence of the ordinary vacancies, as he thinks fit.

(3) A casual vacancy in the office of a member of Panchayat at any level shall be filled by the SEC, within six months after the occurrence of the vacancy, through a bye-election.

(4) No bye-election shall be held to fill a vacancy occurring within six months before the ordinary date of retirement by efflux of time.

(5) The member of Panchayat elected in a casual vacancy shall enter upon office forthwith, but shall hold office only so long as the member in whose place he is elected would have been entitled to hold office if the vacancy had not occurred.

17. Chairperson of Village Panchayat and his or her election.-

(1) Every Village Panchayat shall have a Chairperson who must be a person qualified to be elected as a member and shall be elected by the electors of the whole Panchayat area in the prescribed manner.

(2) If the electors of a Village Panchayat area fail to elect a Chairperson in accordance with this section, a fresh election shall be held for electing the Chairperson within a period of six months, as the case may be.

18. Procedure for election of Deputy Chairperson of Village Panchayat.-

(1) Every Village Panchayat shall have a Deputy Chairperson.

(2) On the establishment of a Panchayat for the first time under this Act, or on its reconstitution or establishment thereafter, a meeting of the Village Panchayat shall be called immediately by the Returning officer referred to in sub-section (2) of section 19, who shall himself preside over the meeting, but shall not have right to vote, and in such meeting the Deputy Chairperson shall be elected from among the elected members of the Village Panchayat in accordance with the provisions of this Act.

(3) If the members of a Village Panchayat fail to elect a Deputy Chairperson, a fresh election shall be held for electing the Deputy Chairperson within a period of six months, as the case may be.

19. Election of Chairperson of Intermediate and District Panchayats.-

(1) In every Intermediate and District Panchayat there shall be a Chairperson and Deputy Chairperson elected from among the elected members of that Panchayat in accordance with the provisions of this Act and the Chairperson shall be a full time functionary of the Panchayat.

(2) For the election of the Chairperson and Deputy Chairperson of Intermediate and District Panchayats, the SEC shall designate or nominate an officer of the State Government or local authority as the Returning Officer.

(3) On the constitution of an Intermediate or District Panchayat or on its reconstitution under any provision of this Act, a meeting shall be called by the Returning Officer referred to in sub-section (2) for the election of its Chairperson and Deputy Chairperson from among the elected members of that Panchayat.

(4) The meeting for the election of Chairperson and Deputy Chairperson shall be held on such day within three weeks from the date on which the names of members elected are published by the SEC, as may be fixed by the SEC.

(5) It shall be the duty of the Returning Officer to do all such acts and things as may be necessary for the effective conduct of the election in the manner prescribed.

(6) The election shall be by open ballot and the member voting shall record in writing his or her name and signature on the reverse side of the ballot paper.

(7) A member who has not entered upon his office after making and subscribing an affirmation or oath under section 54 shall not have the right to vote for electing the Chairperson and Deputy Chairperson.

(8) If at an election held under sub-section (3), no Chairperson and Deputy Chairperson is elected, a fresh election shall be held for electing the Chairperson and Deputy Chairperson, as the case may be, within six months.

(9) The result of the election of the Chairperson and Deputy Chairperson of Intermediate and District Panchayats shall be published by the SEC in such manner as may be prescribed.

(10) A Chairperson shall be deemed to have vacated his or her office on the expiry of his or her term of office as member or on his or her otherwise ceasing to be a member of that Panchayat.

(11) A Deputy Chairperson shall be deemed to have vacated his office –

(a) on the expiry of his term of office as member or on his otherwise ceasing to be a member, or

(b) on his election as Chairperson.

(12) Before entering office, an oath or affirmation in the prescribed form set out for the purpose in the Seventh Schedule shall be made and subscribed by the Chairperson of a Panchayat at any level before the officer authorised by the State Government in this behalf and by the Deputy Chairperson before the Chairperson.

(13) Where a dispute arises as to the validity of an election of Chairperson and Deputy Chairperson of an Intermediate or District Panchayat, any member of that Panchayat may file a petition before the District Court having jurisdiction over the area in which its headquarters is situated and the decision of the District Court on the matter shall be final.

(14) Every petition referred to in sub-section (13) shall be disposed of in accordance with the procedure laid down in the Code of Civil Procedure, 1908 (Central Act 5 of 1908) while trying a suit.

(15) The validity of the election of the Chairperson and Deputy Chairperson of a Panchayat shall not be called in question for the reason of any vacancy in the place or absence of the members authorized to elect the Chairperson and Deputy Chairperson.

(16) Any casual vacancy arising in the office of the Chairperson or Deputy Chairperson of a Panchayat shall be reported to the SEC in such manner as may be prescribed and the SEC shall take steps for the conduct of election of Chairperson or Deputy Chairperson, as the case may be, in accordance with the provisions of this Act.

(17) Save as otherwise provided in this Act the term of office of the Chairperson and Deputy Chairperson of a Panchayat at any level shall be co-extensive with the duration of that Panchayat.

Chapter III
Powers, Duties and Functions of Panchayats

20. Clear delineation of Functions for each level of Panchayats.-

There should be a clear delineation of functions for each level of Panchayats in the case of each subject- matter.

21. Powers, Duties and Functions of Ward Sabha.-

The Ward Sabha shall, in such manner and subject to such procedure as may be prescribed, perform such powers and functions as enumerated in the Fourth Schedule.

22. Powers, Duties and Functions of Gram Sabha.-

1) The Gram Sabha shall, in such manner and subject to such procedure as may be prescribed, perform such functions as enumerated in the Fifth Schedule.

(2) The Gram Sabha shall make periodical reports to the Village Panchayat in respect of the matters specified in this section.

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

(4) When beneficiaries are to be selected for any scheme, project or plan, the criteria for eligibility and order of priority shall be fixed by the Panchayat subject to the terms and conditions prescribed in the scheme, project or plan and such criteria shall be published in the manner prescribed and intimated to the Gram Sabha.

(5) The priority list prepared by the Village Panchayat after inviting applications for the selection of beneficiaries and conducting enquiries on the application received, shall be scrutinised at the meeting of the Gram Sabha in which the applicants will also be invited and a final list of the deserving beneficiaries, in the order of priority, shall be prepared and sent for the approval of the Village Panchayat:

Provided that the Village Panchayat shall not change the order of priority in the list sent by the Gram Sabha for approval.

(6) The Gram Sabha may appoint, elect or constitute general or special sub- committees for detailed discussions on any issues or programmes and for the effective implementation of the schemes and the decisions and in furtherance of its rights and responsibilities. The

recommendations of such committees shall be placed before the Gram Sabha and if approved, shall be considered as decisions of the Gram Sabha and action taken accordingly:

Provided that such committees shall consist of not less than ten members of whom not less than half shall be women.

23. Power of Panchayat for carrying out their functions.-

(1) A Panchayat shall exercise all the powers conferred on, and perform all the functions entrusted to that Panchayat by or under this Act or any other law and shall also exercise such other powers and perform such other functions as may be conferred on or entrusted to it by the State Government for carrying out the provisions of this Act.

(2) A Panchayat shall have power to do all acts necessary for and incidental to, carrying out the functions entrusted or delegated to it.

24. Powers, Duties and Functions of Village Panchayat.-

(1) It shall be the duty of the Village Panchayat to meet the requirements of the Village Panchayat area in respect of the matters enumerated in the First Schedule:

Provided that it shall be the duty of the Village Panchayat to render services to the inhabitants of the Village Panchayat area in respect of the matters enumerated as mandatory functions in the First Schedule.

(2) Subject to the other provisions of this Act and assistance financial, technical or otherwise, of the State Government, the Village Panchayat shall have exclusive power to administer the matters enumerated in the First Schedule and to prepare and implement schemes relating there to for economic development and social justice.

(3) The State Government, the District Panchayat and the Intermediate Panchayat shall, subject to availability of resources, provide necessary financial, technical and other assistance to the Village Panchayats to enable them to discharge their functions.

(4) All grants-in-aid sanctioned by the State Government in respect of the matters enumerated in the First Schedule shall be distributed through the Village Panchayat concerned.

(5) The State Government shall, as soon as may be, after the commencement of this Act, transfer all institutions, schemes, buildings and other properties, assets and liabilities connected with the matters referred to in the First Schedule, to the Village Panchayat and

every institution so transferred shall be in the name of the said Village Panchayat and shall be known accordingly.

(6) The Village Panchayat shall administer the institutions and schemes transferred to it, subject to the guidelines and technical assistance of the State Government and in accordance with the State and National policies.

(7) The Village Panchayat shall not have any power to sell, transfer, alienate or pledge the properties transferred to it.

25. Transfer of Functions, Institutions or Works to Village Panchayats.-

(1) Subject to such rules, as may be prescribed the State Government, the District Panchayat or the Intermediate Panchayat may transfer to the Village Panchayat the management and maintenance of any institution or the execution or maintenance of any work or the exercise of any power or the discharge of any duty within the Village Panchayat area whether provided in this Act or not.

(2) The State Government may, in addition to the powers and functions herein before mentioned as exercisable by the Village Panchayat, authorise by general or special order, subject to such rules and conditions as may be prescribed, a Village Panchayat to exercise any power or discharge any function such as collection of land revenue, maintenance of survey and Village records, collection of Village statistics, supervision and control over State Government primary schools, medical, public health, child welfare and maternity institutions as may be specified by the State Government from time to time, and execution of community development work including improvement of agriculture, animal husbandry, communication and Village industries, soil conservation, protection of environment, conservation of forest, wild life protection, protection of orphans, protection of the aged, cultural activities and informal education.

(3) Subject to such rules as may be prescribed, a person or body of persons may transfer to the Village Panchayat, with its consent and subject to such conditions as may be agreed upon, the management and maintenance of any institution, within the Panchayat area.

(4) It shall be lawful for the State Government, the District Panchayat or the Intermediate Panchayat to contribute to the Village Panchayat fund such amount as may in their opinion be necessary for meeting the expenditure in connection with the management and maintenance of any institution or the execution or maintenance of any work or the exercise of any power or the discharge of any duty which the State Government, the District Panchayat or the

Intermediate Panchayat may, from time to time, make over to the Village Panchayat under sub-sections (1) and (2).

26. Powers, Duties and Functions of Intermediate Panchayat.-

(1) It shall be the duty of the Intermediate Panchayat to meet the requirements of the Intermediate Panchayat area in respect of the matters enumerated in the Second Schedule.

(2) Subject to the other provisions of this Act and the direction of the State Government the Intermediate Panchayat shall have exclusive power to administer the matters enumerated in the Second Schedule and to prepare and implement the schemes on the subject specified therein for the economic development and social justice.

(3) The State Government and the District Panchayat shall, subject to availability of resources, provide necessary financial, technical and other assistance to the Intermediate Panchayats to enable them to discharge their functions.

(4) All grants-in-aid sanctioned by the State Government in respect of the matters enumerated in the Second Schedule shall be distributed through the Intermediate Panchayat concerned.

(5) The State Government shall, as soon as may be, after the commencement of this Act, transfer to the Intermediate Panchayats all the institutions, projects, buildings, and other properties and assets and liabilities connected with the matters referred to in the Second Schedule and every institution so transferred shall be on the name of that Intermediate Panchayat and shall be known accordingly.

(6) The Intermediate Panchayat shall administer the institutions and schemes transferred to it, subject to the guidelines and technical assistance of the State Government and in accordance with the State and National Policies.

(7) The Intermediate Panchayat shall have no power to sell, transfer alienate or pledge the properties transferred to it.

27. Powers, Duties and Functions of District Panchayat.-

(1) It shall be the duty of the District Panchayats to meet the requirements of the District Panchayat area in respect of the matters enumerated in the Third Schedule.

(2) Subject to the other provisions of this Act and the directions of the State Government, the District Panchayat shall have exclusive power to administer the matters enumerated in the

Third Schedule and to prepare and implement the schemes in the subjects specified therein, for economic development and social justice.

(3) The State Government shall, subject to availability of resources provide necessary financial, technical and other assistance to the District Panchayat to enable them to discharge their functions.

(4) All grants-in-aid sanctioned by the State Government in respect of the matters enumerated in the Third Schedule shall be distributed through the District Panchayat concerned.

(5) The State Government shall, as soon as may be, after the commencement of this Act, transfer to the District Panchayats all the institutions, projects and buildings and other properties and assets and liabilities connected with the matters referred to in the Third Schedule and every institutions so transferred shall be in the name of that District Panchayat and shall be known accordingly.

(6) The District Panchayat shall administer the institutions and schemes, transferred to it, subject to the guidelines and technical assistance of the State Government and in accordance with the State and National policies.

(7) The District Panchayat shall have no power to sell, transfer, alienate or pledge the properties transferred to it.

28. Assignment of Functions to Panchayats.-

(1) The State Government may, by notification and subject to such conditions as may be specified in such notification-

(a) transfer to any Village Panchayat the management and maintenance of a forest situated in the Panchayat area;

(b) make over to the Village Panchayat the management of waste lands, pasture lands or vacant lands belonging to the State Government situated within the Village Panchayat area;

(c) entrust such other functions as may be prescribed:

Provided that when any transfer of the management and maintenance of a forest is made under clause (a) the State Government shall direct that any amount required for such management and maintenance or an adequate portion of the income from such forest be placed at the disposal of the Panchayat.

(2) The State Government may assign to an Intermediate or District Panchayat functions in relation to any matters to which the executive authority of the State Government extends or

the functions which have been assigned to the State Government by the Central State Government.

(3) The State Government may, by notification, withdraw or modify the functions assigned under this section.

29. Panchayats responsibility to provide civic amenities in its jurisdiction.-

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

- i) to regulate the offensive and dangerous trade;
- ii) to maintain the sanitation, conservancy, drainage, water works, source of water supply;
- iii) to regulate the use of water;
- iv) to regulate slaughter of animals;
- v) to ensure environmental control;
- vi) to regulate and maintain burial and burning grounds;
- vii) to regulate and maintain public roads vested;
- viii) to regulate and maintain markets and fairs;
- ix) to regulate and maintain public landing places and cart-stands etc.;
- x) to maintain common dispensaries, child welfare centres etc.

30. Beneficiary Identification.-

(1) An exhaustive survey to identify the poor shall be carried out within one year from the enactment of this Act and under the guidance of the State Government by the Village Panchayat.

(2) The identification should be based on a door-to-door survey with the survey teams including at least one person from the Ward Sabha concerned.

(3) The poor so identified may be issued multi-utility identity cards for availing benefits under all Central and State Government programmes.

31. Role of Panchayats in Disaster Management.-

Subject to the provisions of the Act and the rules made thereunder and subject to policy directions issued by the State Government from time to time, it shall be the duty of the Panchayats to-

(a) Prepare a comprehensive Disaster Management Plan within their area keeping in view vulnerability of different forms of disasters including provision, preparedness, mitigation, responsibility, warning, emergency operations, rescue, evacuation, relief, recovery and rehabilitation;

- (b) Take measures for provision and mitigation and disaster preparedness;
- (c) Issue timely and accurate warning to all concerned;
- (d) Arrange rescue operations and rehabilitation of effected population, arrange boats or transportation if required locally;
- (e) Provide prompt and early response to disaster, especially for rescue and relief thereon;
- (f) Procure essential items, raise resources, distribute medicine, food, safe drinking water and other consumables;
- (g) Establish communication links;
- (h) Provide health facilities and adopt safety measures;
- (i) Disseminate information to the public on entitlement and benefit packages or any information related to the community;
- (j) Construct, manage and maintain safe shelter homes and godowns;
- (l) Ensure the updation of Disaster Management Plan and upgradation of skills of disaster management teams.

32. Delegation of Power and Function of State Government to Panchayats.-

- (1) The State Government may, by notification in the Gazette from time to time delegate to the Panchayat at any level, any of the powers and functions of the State Government as may be specified in the notification in respect of any matter which is not provided in this Act subject to such restrictions and conditions as may be specified therein.
- (2) Where the State Government delegates a function under sub-section (1) to a Panchayat at any level, it shall allot to that Panchayat such fund and personnel as may be necessary to enable the Panchayat to discharge the functions so delegated.

33. Preparation of Development Plans by Panchayats.-

- (1) The Panchayat at every level shall prepare every year a development plan for the next year in respect of the functions vested in it, for the respective Panchayat area in the form and manner prescribed and submit it to the District Planning Committee before the date prescribed.
- (2) The Village Panchayat shall prepare the development plan having regard to the plan proposals submitted to it by the Gram Sabhas.
- (3) Where the District Planning Committee directs to make changes in the draft development plan on the ground that sector-wise priority and criteria for subsidy specified by the State Government has not been followed or sufficient funds for Scheduled Caste and Scheduled Tribe development schemes have not been provided in the draft development plan or that the scheme has not been prepared in accordance with the provisions of the Act or rules, the Panchayat shall be bound to make changes to satisfy the aforementioned criteria.

(4) The Panchayat shall, in addition to the annual plan, prepare a five year plan and such plan shall be sent to the concerned District Planning Committee.

(5) The Plan shall be finalized three months before the beginning of the financial year to which they pertain.

(6) A copy of the annual and five year development plan prepared by the Village Panchayat shall be forwarded to the Intermediate Panchayat within which the area of the Village Panchayat is situated and a copy of the annual and five year development plan prepared by the Intermediate Panchayat shall be forwarded to the District Panchayat within which the Intermediate Panchayat is situated.

34. Entrustment of Schemes to Panchayat for Implementation.-

(1) Notwithstanding anything contained in any law for the time being in force, the State Government may, subject to the conditions as it may think fit to impose, by an order published in the Gazette, entrust to a Panchayat at any level the implementation of such schemes of economic development and social justice, including the schemes related to the matters enumerated in the Eleventh Schedule to the Constitution, as it thinks fit.

(2) Where the State Government entrusts a scheme under sub-section (1) to a Panchayat at any level it shall allot to that Panchayat such fund and staff as may be necessary to enable the Panchayat to implement the scheme.

35. Power of Panchayats to call for records.-

A Panchayat may require the Secretary of the Panchayat at any level to produce any document which is in his custody and he shall, subject to such rules as may be prescribed, comply with every such requisition.

36. Position of Parastatals.-

The Centre and State Governments may not setup special committees outside the Panchayats. However, if such specialized committees are required to be set-up because of professional or technical requirements, and if their activities coincide with those listed in the Eleventh Schedule, they shall either function under the overall supervision and guidance of the Panchayats or their relationship with the Panchayats shall be worked out in consultation with the concerned level of Panchayat. If considered necessary, the initiative for creation of Community Level Bodies shall come from the Panchayats and they shall be accountable to Panchayats. The District Rural Development Agency (DRDA) shall be merged with the respective District Panchayats. Similarly, the District Water and Sanitation Committee (DWSC),

the District Health Society (DHS) and Fish Farmers Development Agency (FFDA) shall be restructured to have an organic relationship with the Panchayats.

Chapter IIIA
Power of Panchayats to make Bye-Laws

37. Power of Panchayat to frame Bye-Laws.-

(1) Subject to the provisions of this Act and of any other law and to such rules as may be prescribed, a Panchayat may, with the approval of the State Government, make bye-laws for carrying out any of the purposes for which it is constituted.

(2) The State Government shall have the power to make rules regarding the procedure for the making of bye-laws, the publication thereof and the date on which they shall come into effect.

38. Framing of Building Bye-laws.-

Subject to the provisions of this Act and to such rules as may be prescribed, a Panchayat may, with the approval of the State Government, make bye-laws relating to the use of building sites or the construction or re-construction of buildings etc.

Chapter IV

Standing Committees

39. Standing Committees of Panchayats.-

(1) In every Panchayat at all levels Standing Committees as stated below shall be constituted namely:

- (a) Standing Committee for Finance
- (b) Standing Committee for Economic Development and Planning
- (c) Standing Committee for Welfare and Social Justice.
- (d) Standing Committee for Health, Nutrition, Sanitation and Drinking water.
- (e) Standing Committee for Education and Skill Development.
- (f) Standing Committee for Agriculture, Forestry, Watershed and Allied Activities.

(2) In the District Panchayat a Standing Committee for Public Works shall also be constituted.

(3) Every Standing Committee shall consist of such number of members, including its Chairperson, as decided by the Panchayat, so that all elected members except the Chairperson and Deputy-Chairperson shall be members in one of the Standing Committees and the number of members to each Standing Committee shall, as far as possible, be equal.

(4) The number of members of each Standing Committee as decided by the Panchayat under sub-section (2) shall not be changed within the term of that Panchayat.

(5) In every Standing Committee there shall be members appointed in accordance with the procedure prescribed by the Panchayat itself. No Panchayat representative shall not be a member of more than one Standing Committee at a time.

(6) The Chairperson of every Standing Committee, except the Standing Committee for Finance, shall be elected by the members of the respective Standing Committee from among themselves.

(7) The Deputy-Chairperson of Panchayat shall be an ex-officio member and Chairperson of the Standing Committee for Finance and the Chairperson of Panchayat shall be an ex-officio member of all Standing Committees without the right to vote.

(8) A member other than an ex-officio member of a Standing Committee and the Chairperson of a Standing Committee other than the Standing Committee for Finance may resign the membership or Chairmanship of a Standing Committee as the case may be by tendering resignation to the Secretary of the Panchayat in the prescribed form and the resignation shall

take effect from the date on which it was received by the Secretary and the Secretary shall inform the Chairperson and the Panchayat immediately of the fact.

(9) The person who resigns the membership or Chairmanship of the Standing Committee shall give in person or send through registered post his or her resignation, as the case may be where such resignation letter is attested by a Gazetted Officer, his resignation to the Secretary and the Secretary shall acknowledge receipt of the same.

(10) Except as otherwise provided in this Act, the term of the Chairperson of a Standing Committee or its members shall co-exists with the term of that Panchayat.

(11) An election to fill up a casual vacancy of a member of a Standing Committee shall be conducted within thirty days of the occurrence of that vacancy:

Provided that where the vacancy in a Standing Committee could not be filled due to the vacancy of a member of Panchayat, the vacancy of Standing Committee shall be filled up within thirty days from the date of filling up of the vacancy of the member of Panchayat.

(12) If a casual vacancy of the Chairperson of a Standing Committee other than the Standing Committee for Finance arises, one of its members shall be elected as its Chairperson in the next meeting of the Standing Committee.

(13) A motion of no-confidence against the Chairperson of the Standing Committee other than the Standing Committee for Finance may be moved subject to the prescribed provisions and procedures, and if such a motion is passed with the support of not less than the majority of the members of the Standing Committee, the Chairperson of that Standing Committee shall cease to hold office and shall be deemed to have vacated the office of the Chairperson of the Standing Committee immediately.

(14) The Panchayats at all levels shall be competent to constitute Standing Committees in addition to the existing Standing Committees for any subject not specified above.

40.Meetings of Standing Committees.-

In regard to conduct of business at its meetings, a Standing Committee will follow such procedure as may be prescribed.

41.Subject to be dealt with by the Standing Committees.-

(1) The following subjects shall be dealt with by the Standing Committees of the Panchayat, namely:

(a) In a Village Panchayat, -

(i) The Standing Committee for Finance shall deal with the subjects of finance, tax, accounts, audit, budget, general administration, appeals relating to tax and subjects not allotted to other Standing Committees;

(ii) The Standing Committee for Economic Development shall deal with the subjects of development planning, socio-economic planning, spatial planning, small-scale industry, housing, regulation of building construction, electricity, poverty alleviation programmes, slum improvement, food security including the public distribution system, markets etc;

(iii) The Standing Committee for Welfare and Social Justice shall deal with the subjects of economic, social, educational, cultural and other interests of Scheduled Caste-Scheduled Tribe, protection of such castes and classes from social injustice and any form of exploitation, development of women and children, social welfare, social security etc.

(iv) The Standing Committee for Health, Nutrition, Sanitation and Drinking Water shall deal with the subjects of public health, social hygiene, public works, sanitation, water supply, sewerage, environment etc;

(v) The Standing Committee for Education and Skill Development shall deal with the subjects of education, art & culture and entertainment,

(vi) The Standing Committee for Agriculture, Forestry, Watershed and Allied Activities shall deal with the subjects of agriculture, soil conservation, social forestry, animal husbandry, diary development, minor irrigation, fisheries, and other matters connected with development of agriculture and live-stock.

(b) In the Intermediate Panchayat, -

(i) The Standing Committee for Finance shall deal with the subjects, like finance, accounts, audit, budget, general administration and subjects not allotted to other Standing Committee;

(ii) The Standing Committee for Economic Development and Planning shall deal with the subjects like development planning, socio and economic planning, small-scale industry, housing, electricity, public works etc.

(iii) The Standing Committee for Welfare and Social Justice shall deal with the subjects like Development of Scheduled Caste – Schedule Tribe, development of women and children, social welfare, welfare of weaker sections etc.

(iv) The Standing Committee for Health, Nutrition, Sanitation and Drinking water shall deal with subjects like public health, rural water supply, sanitation and allied subjects.

(v) The Standing Committee for Education and Skill Development shall deal with subjects like education, art, culture and entertainment and environment;

(vi) The Standing Committee for Agriculture, Forestry, Watershed and Allied Activities shall deal with subjects like agriculture, animal husbandry, minor irrigation, fisheries, maintenance of watershed and allied subjects;

(c) In the District Panchayat, -

- (i) The Standing Committee for Finance shall deal with the subjects like finance, accounts, audit, budget, general administration and subjects not allotted to other standing committee;
- (ii) The Standing Committee for Economic Development and Planning shall deal with the subjects like development planning, socio-economic planning, small scale industry, etc.
- (iii) The Standing Committee for Public Works shall deal with the subjects like public works, housing, spatial planning and environment;
- (iv) The Standing Committee for Health, Nutrition, Sanitation and Drinking Water shall deal with subjects like public health, rural water supply, sanitation and allied subjects.
- (v) The Standing Committee for Education and Skill Development shall deal with subjects like education;
- (vi) The Standing Committee for Welfare shall deal with subjects like social welfare, development of women and children and development of scheduled caste-scheduled tribe.
- (vii) The Standing Committee for Agriculture, Forestry, Watershed and Allied Activities shall deal with the subjects like agriculture, soil conservation, animal husbandry, minor irrigation, fisheries and allied subjects.

(2) The Standing Committees of the Panchayat may perform such other functions as may be entrusted to them by the Panchayat in addition to the powers and duties conferred on them by rules made in this behalf.

(3) Every resolution passed by the Standing Committee shall be placed before the Panchayat in its next meeting and the Panchayat shall have power to modify such resolutions if considered necessary.

(4) The ex-officio Secretaries referred to in sub-section (11) of section 72 shall attend the meetings of the respective Standing Committee and render necessary assistance to the committee in the discharge of its functions.

42. Power to call for records from Standing Committees.-

A Panchayat may at any time call for any document including extracts from the proceedings of the meetings of any Standing Committee and any return, account statement or report concerning or connected with any matter with which such Standing Committee has been authorised or directed to deal, and every such requisition shall be complied with by the Standing Committee.

43. Power to revise decisions of Standing Committees.-

(1) A Panchayat may, on application made to it or otherwise, examine the record of any decision of any of its Standing Committees and may confirm, reverse or modify such decision.

Provided that no action under this sub-section shall be initiated after the expiration of three months from the date of the decision sought to be revised.

(2) The order of the Panchayat under sub-section (1) reversing or modifying a decision of its Standing Committee must be supported by a majority of the total number of its members, failing which the decision of the Standing Committee shall stand.

Chapter V

Qualification and Disqualifications

44. Qualification for membership of a Panchayat.-

A person shall not be qualified to fill a seat in a Panchayat at any level unless:-

- (a) his/her name appears in the electoral roll of a constituency in the Panchayat;
- (b) he/she has completed his/her twenty-first year of age on the date of filing of nomination;
- (c) in the case of a seat reserved for the Scheduled Castes or for the Scheduled Tribes, or for Backward Classes, he/she is a member of any of those castes or those tribes or those classes, as the case may be;
- (d) in the case of a seat reserved for women, such person is a woman;
- (e) he/she makes and subscribes before the Returning Officer or any other person authorised by the SEC an oath of affirmation according to the form set out for the purpose in the Sixth Schedule.
- (f) he/she has not been disqualified under any other provisions of this Act.

45. Disqualification of Candidates.-

(1) A person shall be disqualified from being chosen as and from being a member of a Panchayat at any level, if he –

- (a) holds any office of profit under the Central Government of India or the State Government of any State, other than office declared by the State Legislature by law not to disqualify its holder; or
- (b) is so disqualified by or under any law, for the time being in force, for the purposes of elections to the Legislative Assembly; or
- (c) (i) has been sentenced by a court or tribunal to imprisonment for a period of not less than three months for an offence involving moral turpitude;
- (ii) has been found guilty of an offence of corruption by a competent authority under any law in force;
- (iii) has been held personally liable for maladministration by the Ombudsman constituted under section 254; or
- (d) has been adjudged to be of unsound mind; or
- (e) has voluntarily acquired the citizenship of a foreign State; or
- (f) has been sentenced by a criminal court for any electoral offence punishable under section 135 or 136 of the Representation of the People Act, 1951 or has been disqualified from exercising any electoral right on account of corrupt practices in connection with an election, and six years have not elapsed from the date of such sentence or disqualification; or
- (g) is an applicant to be adjudicated an insolvent or is an undischarged insolvent; or

(h) is interested in a subsisting contract made with, or any work being done for, the State Government or the Panchayat concerned except as a shareholder (other than a director) in a company or except as permitted by rules made under this Act:

Explanation.- A person shall not, by reason of his having a share or interest in any newspaper in which an advertisement relating to the affair of the State Government or the Panchayat concerned may be inserted, or by reason of his holding a debenture or being otherwise concerned in any loan raised by or on behalf of the State Government or the Panchayat, be disqualified under this clause; or

(i) is employed as a paid legal practitioner on behalf of the State Government or the Panchayat concerned; or

(j) is already a member whose term of office as such will not expire before his fresh election can take effect or has already been elected a member whose term of office has not yet commenced; or

(k) is in arrears of any kind due by him to the State Government or the Panchayat concerned (otherwise than in a fiduciary capacity) upto and inclusive of the previous year in respect of which a bill or notice has been duly served upon him and the time, if any, specified therein for payment has expired; or

(l) is dismissed or removed from the service of the Central Government or of the State Government or the service of any local authority or any other service referred to in sub-section (1) of section 81 and five years have not elapsed from the date of such dismissal or removal; or

(m) is disqualified under any other provision of this Act; or

(n) is included in the black list for any default in connection with any contract or tender with the State Government; or

(o) has been found liable for loss, waste or misuse of money or other property of the Panchayat by the Ombudsman.

(2) If any question arises as to whether a candidate has become subject to any of the disqualifications mentioned in sub-section (1), the question shall be referred for the decision of the SEC and the decision of the SEC on such question shall be final.

46. Disqualification of Members.-

Subject to the provisions of section 51 or section 226, a member shall cease to hold office as such, if he:

(a) is found guilty as described under clause (c) of sub-section (1) of section 45 or is sentenced for such an offence; or

(b) has been adjudged to be of unsound mind; or

- (c) has voluntarily acquired the citizenship of a foreign State; or
- (d) has been sentenced by a criminal court for any electoral offence punishable under section 135 or 136 of the Representation of the People Act, 1951 or has been disqualified from exercising any electoral right on account of corrupt practices in connection with an election, and six years have not elapsed from the date of such sentence or disqualification; or
- (e) has applied to be adjudicated, or is adjudicated, an insolvent; or
- (f) acquires any interest in any subsisting contract made with, or work being done for, the State Government or the Panchayat concerned except as a shareholder (other than a director) in a company or except as permitted by rules made under this Act:

Explanation. - A person shall not, by reason of his having a share or interest in any newspaper in which any advertisement relating to the affairs of the State Government or the Panchayat concerned may be inserted or by reason of his holding a debenture or being otherwise concerned in any loan raised by or on behalf of the State Government or the Panchayat, be disqualified under this clause; or

- (g) is employed as a paid legal practitioner on behalf of the State Government or the Panchayat concerned; or
- (h) ceases to reside within the area of the Panchayat concerned; or
- (i) is in arrears of any kind due by him (otherwise than in a fiduciary capacity) to the State Government or the Panchayat concerned upto and inclusive of the previous year in respect of which a bill or notice has been duly served upon him and the time, if any, specified therein has expired; or
- (j) absents himself without the permission of the Panchayat concerned from its meetings or the meetings of the Standing Committee thereof for a period of three consecutive months reckoned from the date of commencement of his term of office or the last meeting that he attended, or the restoration to office as member under sub-section (1) of section 52, as the case may be, or if within the said period, less than three meetings of the Panchayat or of the Standing Committee as the case may be, have been held, absents himself from three consecutive meetings held after the said date:

Provided that no meeting from which a member absented himself shall be counted against him under this clause if, -

- (i) due notice of that meeting was not given to him;
- (ii) the meeting was held after giving shorter notice than that prescribed for an ordinary meeting; or
- (iii) the meeting was held on a requisition of members;

Provided further that no permission shall be granted by the Panchayat to a member for absenting himself from meetings of the Panchayat or of the Standing Committee for a continuous period of more than six months; or

(k) is disqualified under any provisions of the Constitution or under any law for the time being in force for the purpose of election to the Legislature of the State; or

(l) is disqualified under any other provision of this Act; or

(m) is liable for any loss, waste or misuse caused to the Panchayat;

(n) has failed, twice consecutively to convene the meetings of the Gram Sabha, due once in three months of which he is the convenor; or

(o) has failed to file declaration of his assets within the time limit prescribed under section 53.

47. Disqualification of Voters.-

(1) A person shall be disqualified for voting if he, -

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

(b) is for the time being disqualified from voting under the provisions of any law for the time being in force relating to corrupt practices and other offences in connection with elections.

48. Disqualification of persons convicted for certain offences.-

Every person convicted of an offence punishable under Chapter IX-A of the Indian Penal Code, 1860 (Central Act 45 of 1860) or under any other provision of law mentioned in section 8 of the Representation of People Act, 1951 (Central Act 43 of 1951) or under any law or rule relating to the infringement of the secrecy of an election, shall be disqualified from being elected in any election to which this Act applies or from holding the office of a member of a Panchayat at any level for a period of six years from the date of his conviction.

49. Disqualification on the ground of corrupt practices.-

(1) The case of every person found guilty of a corrupt practice by an order under section 225 shall be submitted as soon as may be after such order takes effect, by such authority as the State Government may specify in this behalf, to the Governor for determination of the question as to whether such person shall be disqualified and if so, for what period:

Provided that the period for which any person may be disqualified under this sub-section shall in no case exceed six years from the date on which the order made in relation to him under section 225 takes effect.

(2) Before giving his decision on any question mentioned in sub-section (1) the Governor shall obtain the opinion of the SEC on that question and shall act according to such opinion.

50. Disqualification for failure to lodge account of election expenses.-

If the SEC is satisfied that a person –

- (a) has failed to lodge an account of election expense within the prescribed time and manner and has no sufficient reason or justification for such failure; or
- (b) the accounts lodged are false; or
- (c) has incurred election expenses exceeding the prescribed limit the SEC shall, by order published in the Gazette, declare him to be disqualified and any such person shall be disqualified for a period of five years from the date of the order.

51. Determination of subsequent disqualification of Members.-

(1) Whenever a question arises as to whether a member has become disqualified under section 81 or section 46 excluding clause (m) thereof after having been elected as a member, any member of the Panchayat concerned or any other person entitled to vote at the election in which the member was elected, may file a petition before the SEC, for decision:

Provided that, the Secretary or the Officer authorised by the State Government in this behalf may refer such a question to the SEC for decisions.

(2) The SEC, after making such enquiry as it considers necessary in the petition or the reference made to it under sub-section (1) may pass an interim order as to whether a member may continue in office till a decision is taken on the petition or the reference.

(3) A petition or reference under in sub-section (1) shall be disposed of in accordance with the procedure applicable under the Code of Civil Procedure, 1908 (Central Act 5 of 1908) when trying a suit.

52. Restoration of Membership.-

(1) Where a person ceases to be a member of a Panchayat at any level under section 48 or clause (a) of section 46, he shall be restored to office for such portion of the period for which he was elected as may remain unexpired at the date of such restoration, if and when the sentence is annulled on appeal or revision or the disqualification caused by the sentence is removed; and any person elected to fill the vacancy in the interim shall, on such restoration, vacate office.

(2) Where a person ceases to be member under clause (j) of section 46 the Secretary of the Panchayat concerned shall at once intimate the fact in writing to such person and report the same at the next meeting of the Panchayat. If such person applies for restoration to the Panchayat on or before the date of the next meeting or within fifteen days of the receipt by

him of such intimation, the Panchayat may at the meeting next after the receipt of such application restore him to his office of member:

Provided that a member shall not be restored more than twice during his term of office.

53. Self Disclosure of Assets.-

(1) A member of the Panchayat shall, within three months from the date of assuming office, file a statement of assets and liabilities of himself and of the members of his family, in the form prescribed before the competent authority authorised in this behalf by the State Government by notification in the gazette:

Provided that, a person who is a member of the Panchayat at the commencement of this Act shall submit such a statement to the competent authority before the date specified by the State Government in this behalf.

(2) Where a member of the Panchayat who filed a statement under sub-section (1) acquires any asset in his name or that of other members of his family or disposes or creates any liability thereafter on the assets specified in the statement he shall file a statement in this regard to the competent authority within three months from the date of such acquisition or disposal or creation of liability, as the case may be.

(3) Any member of the Panchayat who makes a statement under sub-section (1) or sub-section (2) which is false and which he knows or believes to be false or does not believe to be true shall be liable to be proceeded against in accordance with law, for filing such false statement.

(4) Where a member of the Panchayat fails to file such a statement to the competent authority within the date specified under sub-section (1) and sub-section (2), action may be taken to disqualify him from continuing as member of the Panchayat under section 46.

Explanation 1. – For the purpose of this section “family” of a member of the Panchayat means, wife or husband of that member and his parents, unmarried sisters and children who are dependent on him.

Explanation 2. – For the purpose of this section “asset” means all immovable properties and movable properties worth not less than Rupees ten thousand

Chapter VI

Provisions relating to Members and Chairperson of Panchayats

54. Oath or affirmation by the members.-

After every general election, the State Government shall, for convening the first meeting of the Panchayat, nominate a person elected as a member of the Panchayat and he shall, before convening such meeting, make and subscribe an oath or affirmation in the forms set out for the purpose in the Seventh Schedule before the officer nominated by the State Government for the purpose:

Provided that, as far as possible, the member nominated by the State Government shall be the eldest among the members elected to that Panchayat.

(2) All other members shall, before assuming office make and subscribe an oath or affirmation in the form set out for the purpose in the Seventh Schedule before the member of the Panchayat who has been nominated under sub-section (1) on a date specified by the State Government and before the date fixed by the SEC for the election of the Chairperson under sub-section (3) of section 19.

(3) A member who could not take an oath or affirmation under sub-section (2) or a member elected in a bye-election may take such oath before the Chairperson.

(4) No elected member who has not taken an oath or affirmation under sub-section (1) or sub-section (2) or sub-section (3) shall vote or take part in the proceedings of any meeting of the Panchayat in which he is a member and nor shall he be included as a member of any Committee constituted by that Panchayat.

(5) State Government may declare the office of a member as vacated on his own motion, when such a member has not entered upon his office without sufficient cause by taking oath or affirmation within a maximum period of thirty days from the date he was declared as elected.

55. Handing over of charge.-

(1) On the election of a new Chairperson or Deputy Chairperson, it shall be the duty of the retiring Chairperson or, as the case may be, Deputy-Chairperson to hand over to him the charge of the respective office, and deliver to him the record and property belonging to the Panchayat concerned and in the latter's custody.

(2) The provisions of sub-section (1) shall apply mutatis mutandis to a retiring member in the matter of handing over of charge of his office.

56. Powers, functions and duties of Chairperson and Deputy-Chairperson of Panchayat.-

(1) Save as otherwise expressly provided by or under this Act, the executive power for the purpose of carrying out the provisions of this Act and the resolution passed by a Panchayat shall vest in the Chairperson thereof who shall be directly responsible for the due fulfillment of the duties imposed upon the Panchayat by or under this Act.

(2) When the office of the Chairperson is vacant, the Deputy Chairperson shall exercise the functions of the Chairperson until a new Chairperson assumes office.

(3) If the Chairperson of the Panchayat is continuously absent from jurisdiction for more than fifteen days or is incapacitated, his functions, during such absence or incapacity shall, except in such circumstances as may be prescribed, vest on the Deputy Chairperson of that Panchayat.

(4) Where the offices of the Chairperson and Deputy Chairperson are vacant, the Chairperson of the Standing Committee in the order mentioned in sub-section (1) of section 39, shall perform the functions of the Chairperson of the Panchayat till a new Chairperson or Deputy Chairperson of the Panchayat assumes office and where there is no Chairperson or Deputy Chairperson of the Panchayat or Chairperson of Standing Committee to hold the office of the Chairperson, the eldest among the elected members shall perform the functions of the Chairperson of the Panchayat until the Chairperson or Deputy Chairperson of the Panchayat or Chairperson of any Standing Committee assumes office.

(5) Without prejudice to the generality of the foregoing provisions, the Chairperson of the Panchayat shall, -

- (a) preside over and regulate the meetings of the Panchayat and Gram Sabha of which he is the Chairperson;
- (b) exercise supervision and control over the acts done and actions taken by all officers and employees of the Panchayat and prepare their confidential reports;
- (c) incur contingent expenditure upto such limit as may be fixed by the State Government from time to time;
- (d) authorise payment and refunds pertaining to the Panchayat;
- (f) cause to be prepared all statements and reports required by or under this Act;
- (g) exercise such other powers and discharge such other functions as may be conferred or imposed upon him by this Act or rules made there under.

(6) The Chairperson may, in case of an emergency, direct the execution of any work or the doing of any act which requires the sanction of the Panchayat, and the immediate execution or

doing of which is, in his opinion, necessary for the safety of the public and may direct that the expenses of executing such work or doing such act shall be paid from the funds of the Panchayat:

Provided that –

(a) he shall not act under this sub-section in contravention of any decision of the Panchayat prohibiting the execution of any particular work or the doing of any particular act;

(b) he shall report the action taken under this sub-section and the reason thereof to the Panchayat at its next meeting and obtain its approval therefore.

(7) The Chairperson of the Panchayat shall also have the following powers, namely: -

(a) to ensure the attendance of the Secretary and if necessary the attendance of the employees under the control of the Panchayat including the employees of the State Government transferred to the Panchayat in the meetings of the Panchayat;

(b) suspend from service, if necessary, any employee or officer under the control of the Panchayat other than the Secretary and State Government Officers in the Gazetted rank who are transferred to the service of the Panchayat, when disciplinary proceedings are to be taken against them for dereliction of duty or insubordination or for violation of rules or standing orders:

Provided that the Chairperson shall place the order of suspension in the next meeting of the Panchayat and get it ratified; otherwise the said order will become invalid;

(c) to call for in writing any record or file relating to the administration of the Panchayat from the Secretary or any officer of the Panchayat and to give necessary directions or pass orders thereon under this Act or the rules made there under or in the light of the standing orders:

Provided that no files and records relating to the exercise of statutory powers vested solely with the Secretary or any officer in respect of the administration of the Panchayat shall be called for;

Note: - The receipt and return of files and records shall be properly acknowledged and recorded.

(d) to refer immediately to the State Government any resolution passed by the Panchayat, which in his opinion has not been passed in accordance with law or is in excess of power conferred by this Act, or any other law or if carried out, is likely to endanger human life, health or public safety.

57. Resignation of Chairperson, Deputy Chairperson or members.-

(1) The Chairperson or Deputy Chairperson or any other member of a Panchayat may resign his office by tendering his resignation in the prescribed form to the Secretary and the resignation shall take effect from the date on which it is received by the Secretary and the Secretary shall immediately report the fact to the Panchayat and the SEC.

(2) The Chairperson, Deputy Chairperson or the member who resigns shall either in person or, if such resignation letter has been attested by a Gazetted Officer, by registered post, tender or send as the case may be, his resignation to the Secretary and the Secretary shall give acknowledgement for the receipt of the same.

(3) If any dispute regarding any resignation arises, it shall be referred to the SEC for decision and its decision thereon shall be final:

Provided that no dispute, referred after the expiry of fifteen days from the date on which the resignation takes effect, shall be entertained by the SEC.

58. Motion of No-Confidence against Chairperson and Deputy Chairperson.-

(1) Subject to the provisions of this section, a motion expressing want of confidence in the Chairperson or Deputy Chairperson of a Panchayat may be moved in accordance with the procedure laid down herein.

(2) Written notice in such form as may be prescribed, of the intention to move any motion referred to in sub-section (1), signed by not less than one-third of the sanctioned strength of the elected members of the Panchayat concerned, together with a copy of the motion which is proposed to be moved, shall be delivered in person by any of the elected members of the Panchayat signing the notice, to the officer as may be authorised by the SEC in this behalf.

(3) The officer referred to in sub-section (2) shall convene a meeting of the elected members of the Panchayat for the consideration of the motion, to be held at the office of the Panchayat at a time appointed by him which shall not be later than fifteen working days from the date on which the notice under sub-section (2) is delivered to him.

(4) The officer referred to in sub-section (2) shall send by registered post to the elected members of the Panchayat concerned notice of not less than seven clear days of any meeting held under this section and the time appointed therefore. Notice regarding this shall be affixed in the office of the Panchayat.

(5) A meeting convened under this section shall be presided over by an officer authorized by the SEC under sub-section (2);

(6) A meeting convened for the purpose of considering the motion under this section shall not be adjourned except for reasons beyond human control. The quorum required for such meeting shall be one-third of the elected members of that Panchayat.

(7) As soon as the meeting convened under this section has commenced the person presiding shall read at the meeting the motion for the consideration of which it has been convened and declare it to be open for debate.

(8) No debate on any motion under this section shall be adjourned except for reasons beyond human control.

(9) A debate on any no-confidence motion shall automatically terminate on the expiry of three hours from the time appointed for the commencement of the meeting if it is not concluded earlier and upon the conclusion of the debate or upon the expiry of such period of three hours as the case may be, the motion shall be put to vote.

(9A) Voting on the motion shall be by means of open ballot and the members while casting vote shall write their names and affix their signatures on the reverse side of ballot paper.

(10) The person presiding shall not speak on the merit of the motion, and shall not be entitled to vote thereon.

(11) The copy of the minutes of the meeting together with the copy of the motion and the result of the voting therein shall forthwith, on the termination of the meeting, be forwarded to the State Government and SEC by the officer referred to in sub-section (2).

(12) If the motion is carried with the support of not less than two-thirds of the majority of the number of elected members of the Panchayat notified under sub-section (1) of section 9, the Chairperson and Deputy Chairperson as the case may be, shall cease to hold office thereafter and their offices shall be deemed to be vacant forthwith, and the officer authorised under sub-section (2) shall report the vacancy in such offices to the State Government and the SEC and the fact shall be published in the notice board of the Panchayat, and on receipt of such a report the State Government shall notify in the Gazette the cessation of office by the Chairperson or Deputy Chairperson, as the case may be.

(13) If the motion is not carried by such majority as aforesaid or the meeting is not held for want of quorum under sub-section (6), no notice of any subsequent motion expressing want of confidence in the same Chairperson or Deputy Chairperson shall be received until after the

expiry of six months from the date of meeting, or the date fixed for the motion, as the case may be.

(14) No notice of a motion under this section shall be accepted within six months of the assumption of office by a Chairperson and Deputy Chairperson.

58-A. Recalling of Members or Chairperson of Village Panchayat.-

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

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

Provided further that no such process shall be initiated.-

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

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

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

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

59. Removal and Suspension.-

(1) The State Government if it is of the opinion that any member, including a Chairperson or a Deputy Chairperson of a Panchayat, has refused to act or has become incapable of acting as such, or is guilty of misconduct in the discharge of duties or any disgraceful conduct, may refer the matter to the Ombudsman for investigation and recommending actions:

Provided that such member including a Chairperson or a Deputy-Chairperson of a Panchayat shall be given an opportunity of being heard;

Provided that any enquiry under this sub-section may be initiated, even after the expiry of the term of the Panchayat concerned or, if already initiated before such expiry, be continued thereafter and in any such case, the Ombudsman shall send his findings and recommendations to the Governor/ State Government.

(2) If the Governor/State Government disagree with the recommendations of the Ombudsman, they shall place the reasons in the public domain.

(3) If the Ombudsman has recommended removal of the member or the Chairperson or the Deputy Chairperson and the Governor/ State Government has accepted the recommendations, the member or the Chairperson or the Deputy Chairperson shall be removed and shall not be eligible for being chosen under this Act for a period of five years from the date of his removal or, as the case may be, the date on which such findings are recorded.

(4) The State Government may suspend any member including a Chairperson or a Deputy Chairperson of a Panchayat against whom an enquiry has been initiated under sub-section (1) and against whom the Ombudsman has recorded findings, or against whom any criminal proceedings in regard to an offense involving moral turpitude is pending trial in a Court of law and such person shall stand debarred from taking part in any act or proceeding of the Panchayat concerned while being under such suspension:

Provided that the State Government may also suspend any member on the recommendation of the Ward Sabha or a Chairperson on the recommendation of the Gram Sabha, but the State Government shall do so only when a resolution to that effect passed by a Ward Sabha or a Gram Sabha, as the case may be, after special meeting of the Ward Sabha or the Gram Sabha as the case may be, has been convened by the Collector, and presided over by his nominee for finally ascertaining the wishes of the members, and the members present in the meeting so convened reaffirm the resolution seeking suspension of the member or the Chairperson, as the case may be, by a majority of two-thirds of the members present and voting;

Providing further that no resolution seeking suspension of the member or Chairperson shall be moved or passed before the completion of tenure of two years by a member or a Chairperson, as the case may be.

(5) The decision of the State Government on any matter arising under this section shall, after the investigation by the Ombudsman, be final and shall not be liable to be questioned in any Court of Law.

(6) The Chairperson or the Deputy Chairperson removed under this section may at the discretion of the State Government, also be removed from the membership of any of the Panchayats concerned.

60. Cessation of Membership.-

(1) No person shall be a member in more than one level in a Panchayat and a person who is elected to more than one level in a Panchayat shall, within fifteen days of his being so elected intimate to the SEC, in writing, information regarding the Panchayat in respect of which he wishes to be a member and the Panchayat in respect of which he wishes to vacate his membership and on his failure in so intimating, his membership in all the levels of the Panchayats to which he has been elected shall be deemed to have ceased.

(2) As soon as the intimation in writing is received from a person under sub-section (1), the SEC shall declare that he has by such intimation vacated his membership in respect of all the Panchayats except the Panchayat in respect of which he has intimated his wish to be a member.

(3) When a person being a member of a Panchayat at one level is also elected as member at another Panchayat level, unless he resigns his membership of the Panchayat of which he is a member within fifteen days from the date on which he is so elected, his membership in the Panchayat to which he is so elected shall cease;

(4) Nothing contained in this section shall be a bar for a Chairperson of a Village Panchayat continuing as a member in an Intermediate Panchayat or for an Intermediate Panchayat Chairperson continuing as a member in a District Panchayat under clause (b) of sub sub-section (1) of section 11 or as the case may be, under clause (b) of sub-section (1) of section 12.

(5) If any dispute arises in respect of vacating of membership or cessation of membership under this section, it shall be referred to the SEC for decision and the Commission's decision thereon shall be final.

61. Members of Parliament and State Legislature not to be members of Panchayats.-

No member of a Panchayat shall be a member of the Parliament or of the State Legislature at the same time and accordingly he shall cease to hold the office as a member of the Panchayat.

-

(a) where a person elected as a member of the Panchayat has been a member of the Parliament or of the Legislature before assuming his office and has not resigned the membership thereof or;

(b) where a member of the Panchayat is elected or nominated as a member of the Parliament or of the State Legislature on assuming such office.

62. Filling up of Vacancies.-

(1) When a Panchayat at any level is dissolved before its duration specified or when the seat of a member elected to a Panchayat becomes vacant or is declared vacant or his election to the Panchayat is declared void, the State Election Commission shall, subject to the provisions of sub-section (2), by a notification in the Gazette, call upon the constituencies in such Panchayat or the constituency concerned, as the case may be, to elect members or member for the purpose of constituting the Panchayat or filling the vacancy, as the case may be, before such date as may be specified in the notifications and the provisions of this Act and the rules and orders made there under shall apply as far as may be, in relation to such election.

Provided that it shall not be necessary to fill up the vacancy if the term of such vacancy would expire within six months from the date of the occurrence of the vacancy.

(2) If the vacancy so caused be a vacancy in a seat reserved in any such constituency for the Scheduled Castes or for Scheduled Tribes or for Backward Classes or for women, the notification issued under sub-section (1) shall specify that the person to fill that seat shall belong to the Scheduled Castes or to Scheduled Tribes or Backward Classes or be a women, as the case may be.

(3) A Panchayat constituted upon the dissolution of a Panchayat before the expiration of its duration shall continue only for the remainder of the period for which the dissolved Panchayat would have continued had it not been so dissolved. The member elected for filling vacancy shall hold office for the remainder of the term during which the outgoing member would have been entitled to hold office, if the vacancy had not occurred.

63.Devolution and delegation of Chairperson's functions.-

Subject to such restrictions and control as may be prescribed, the Chairperson may by an order in writing delegate any of his functions as such to the Deputy Chairperson and in the absence of the Deputy Chairperson to any other member, provided that the exercise or discharge of any functions so delegated shall be subject to such further restrictions and conditions as may be laid down by the Chairperson and shall also be subject to his control and revision:

Provided that he shall not delegate any functions which the Panchayat expressly prohibits him to delegate.

64. Rights of individual members.-

(1) Every member of a Panchayat shall have the right to move a resolution and to interpellate the Chairperson or the Chairperson of a Standing Committee on matters falling within the administrative jurisdiction of the Panchayat in which he is a member subject to such rules as may be made by the State Government.

(2) Every member shall have access during office hours to the records of the Panchayat in which he is a member after giving due notice to the Chairperson.

(3) Every member may call the attention of the Panchayat regarding the needs of the people of the Panchayat area or about any issues and problems related to the work or scheme undertaken by the Panchayat or regarding other matters of public importance.

65. Honorarium and perquisites of the Chairpersons and Members.-

(1) There shall be paid an "honorarium" at such rate as may be prescribed by the State Government to the Chairperson, the Deputy-Chairperson and other elected members of Panchayat.

(2) The Chairperson of a District Panchayat shall be entitled without payment of rent, to the use of a house at the headquarters of the District Panchayat throughout his term of office and for a period of fifteen days immediately thereafter or in lieu thereof to a house rent allowance as may be prescribed.

(3) The District Panchayat shall provide suitable conveyance, as specified by the State Government, for the use of the Chairperson of the District Panchayat throughout his term of office.

(4) The Chairperson and the Deputy-Chairperson of a Panchayat at any level shall be entitled, while touring on public business, to traveling and daily allowances at such rates as prescribed by the State Government.

(5) Every member of a Panchayat other than the Chairperson of a District Panchayat shall be entitled to receive traveling and daily allowance at such rates as prescribed for attending the meetings of the Panchayat or of any Committee thereof.

Chapter VII
Meetings of Panchayats

66. Meetings of Ward Sabha.-

(1) There shall be at least two meetings of the Ward Sabha every year, one in each half of the financial year:

Provided that upon a requisition in writing by more than one-tenth of the total number of members of the Ward Sabha or, if required by the Village Panchayat, Intermediate Panchayat, District Panchayat or the State Government, a meeting of the Ward Sabha shall be held within fifteen days of such requisition or requirement.

(2) In all the meetings of the Ward Sabha any matter which the Village Panchayat, Intermediate Panchayat, District Panchayat or the State Government or any officers authorized in this behalf may require to be placed, shall also be placed.

(3) It shall be open to the Ward Sabha to discuss the matters placed before it under this section and the Village Panchayat shall consider the suggestions, if any, made by the Ward Sabha.

(4) The Village Panchayat shall place before the Ward Sabha a report regarding the developmental programmes relating to the ward of the previous year and those that are proposed to be undertaken during the current year, and the expenditure therefore, and the annual statement of accounts and the administration report of the preceding year. If in any circumstances, any decision of the Gram Sabha could not be implemented, the Chairperson of the Village Panchayat shall place the reason therefore, before the Ward Sabha.

(5) The Ward Sabha shall, in its ordinary meeting or in the special meeting convened for the purpose, discuss the report referred to in sub-section (4) and shall have the right to know about the budgetary provisions, the details of plan outlay, item wise allocation of funds and details of the estimates and cost of works executed or proposed to be executed within the area of the Ward Sabha.

67. Meetings of Gram Sabha.-

(1) Gram Sabha shall meet at least once in two months at the place fixed by the Village Panchayat and to such meetings, the Convenor of the Village Panchayat shall, compulsorily invite the member of the Intermediate Panchayat, the District Panchayat and the Legislative Assembly representing the area of the Gram Sabha:

Provided that the Convenor shall, on a request in writing made by not less than ten percent of the members of the Gram Sabha or the Chairperson of the Village Panchayat, convene a

special meeting of the Gram Sabha within fifteen days, with the agenda given along with the request;

Provided further that such special meeting shall be convened only once in the period between two general meetings.

(2) The Village Panchayat shall place before the Gram Sabha a report regarding the developmental programmes undertaken during the previous year and those that are proposed to be undertaken during the current year, and the expenditure therefor, and the annual statement of accounts and the administration report of the preceding year. If in any circumstances, any decision of the Gram Sabha could not be implemented, the Chairperson shall report the reason therefor, to the Gram Sabha.

(3) The Gram Sabha shall, in its ordinary meeting or in the special meeting convened for the purpose discuss the report referred to in sub-section (2) and shall have the right to know about the budgetary provisions, the details of plan outlay, item wise allocation of funds and details of the estimates and cost of works executed or proposed to be executed within the area of the Gram Sabha.

(4) The Audit Report or the Performance Audit Report placed for the consideration of the Gram Sabha shall be discussed in the meeting and its views, recommendations and suggestions shall be communicated to the concerned Village Panchayat.

(5) The Officers of the Village Panchayats shall attend the meetings of the Gram Sabha as may be required by the Chairperson and an officer nominated as the co-ordinator of the Gram Sabha by the Village Panchayat shall assist the convenor in convening and conducting the meetings of the Gram Sabha and in recording its decisions in the Minutes Book and also in taking up follow up action thereon.

(6) The proceedings of every meeting shall be recorded in the Minutes Book immediately after the deliberations of the meeting and shall after being read over by the presiding authority of the meeting, be signed by him. A member of the Gram Sabha may inspect the minutes provided he applies for such inspection at least one day in advance. The Secretary and in his absence his subordinate shall accept such request and shall make the minutes available for inspection within a day of receipt of the application. Any member of the Gram Sabha is entitled to get a true copy of the minutes of one or more meetings by paying the requisite fee which shall be made available by the Secretary within a day of the receipt of the application with fee. Action shall be initiated by the Chairperson against the Secretary or concerned subordinate if found guilty in not extending service to any member of the Gram Sabha. The Minutes Book

shall always be kept in the office of the Panchayat. The Minutes Book shall not be taken outside the office under any circumstances. The Secretary of the concerned Panchayat shall be the custodian of the Minutes Book respectively.

(7) The Annual Meeting of the Gram Sabha shall be held not less than 3 months prior to the commencement of the next financial year, and the Village Panchayat shall place before such meeting:-

- a) the annual statement of accounts;
- b) the report of administration of the preceding financial year;
- c) the development and other programmes of the works proposed for the next financial year;
- d) the last audit note and replies, if any, thereto; and
- e) the Medium Term Fiscal Plan, Annual Budget and Annual Plan for the next financial year of the Village Panchayat.

68. Meetings of Panchayat.-

(1) The meetings of a Panchayat at any level shall be held at such intervals as may be prescribed:

Provided that the interval between two meetings shall not exceed one month.

(1 a) If a notice in writing is given to the Chairperson by not less than one-third of the members of the Panchayat, specifying the purpose for which the meeting is to be convened, the Chairperson shall convene a special meeting of the Panchayat for considering that matter.

(2) The person presiding shall preserve order at the meeting and decide all points of order arising at or in connection with the meeting. There shall be no discussion on any point of order and the decision of the person presiding on any point of order shall be final.

(3) Save as provided in this Act, the time and place of a meeting of a Panchayat, the quorum of such meeting, the procedure of calling such meeting and the procedure at such meeting shall be such as may be prescribed.

(4) No member of a Panchayat shall vote on or take part in the discussion of any question coming up for consideration at a meeting of the Panchayat if the question is one in which apart from its general application to the public, he has any pecuniary interest and he shall not preside over the meeting when such question comes up for consideration.

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

member of the concerned Panchayat may be chosen to preside at the meeting during the continuance of such discussion.

(6) The minutes of the Panchayat meeting shall be written during the meeting itself and shall include the names of the members and public servant(s) present, and the proceedings of the meeting and if any member present at the meeting so desires, the names of the members voting for or against any resolution, in a Minutes Book to be provided for the purpose, and after they are read over and agreed to, shall be signed by the presiding authority of the meeting and shall be open to inspection by any member of the Panchayat. The Minutes Book shall always be kept in the office of the Panchayat and shall be in the custody of the Secretary of the Panchayat.

(7) The Secretary shall forward the copy of the minutes of every meeting of the Panchayat and the copy of the note of dissent if any, received under section 71, to the State Government or to the officer authorised by State Government in this behalf, within ten days after the date of the meeting.

69. Presiding officer and the Convenor.-

(1) Every meeting of the Ward Sabha shall be presided over by one of the members of a Village Panchayat representing the ward. The Village Panchayat may appoint a Convenor for each Ward Sabha from among various Village Level officials. The Convenor shall record the minutes of the meetings of the Ward Sabha. The minutes shall be read out at the end of the meeting and shall be approved and signed by the members of the Ward Sabha present. A copy of the minutes so recorded shall be sent in the prescribed manner to the authorities prescribed for this purpose by the State Government.

(2) Every meeting of the Gram Sabha shall be presided over by the Chairperson of the Village Panchayat or in his absence the Deputy-Chairperson or in the absence of both of them by the Chairperson of the Standing Committee in the order mentioned in sub-section (1) of section 39.

(3) The Secretary of the Village Panchayat shall be the Convenor of the Gram Sabha. The Convenor shall record the minutes of such meetings. The minutes shall be read out at the end of the meeting and shall be approved and signed by the members of the Gram Sabha present. A copy of the minutes so recorded shall be sent in the prescribed manner to the authorities prescribed for this purpose.

(4) Every meeting of Panchayat at all levels, the Chairperson of the Panchayat concerned or in his absence the Deputy Chairperson of such Panchayat shall preside, and in the absence of

both, the Chairperson of the Standing Committee in the order mentioned in sub-section (1) of section 39 shall preside for the occasion.

70. Quorum and procedure of meetings.-

(1) The quorum of the Ward Sabha shall be ten per cent of the number of voters of its area and the procedure for convening and conducting meetings of the Ward Sabha shall be such as may be prescribed:

Provided that the quorum of the meeting of a Ward Sabha which was adjourned earlier for want of quorum shall be fifty when convened again.

(2) The quorum of the Gram Sabha shall be ten per cent of the number of voters of its area and the procedure for convening and conducting meetings of the Gram Sabha shall be such as may be prescribed.

(3) If the quorum is not present in two consecutive meetings of the Gram Sabha there shall be a discussion in the Village Panchayat meeting wherein the reasons shall be discussed and recorded. The Village Panchayat shall take such actions as it deems necessary to increase the people's participation in the Gram Sabha.

(4) A quorum for a meeting of a Panchayat shall be one-third of the total number of members. If, at the time appointed for the meeting, the quorum is not present, the presiding authority shall wait for thirty minutes, and if within such period the quorum is not present, the presiding authority shall adjourn the meeting to such time on the following day or such future days as he may fix. He shall, similarly, after waiting for thirty minutes adjourn the meeting, if at any time, after it has begun, attention is drawn to the want of a quorum. A notice of the meeting so fixed shall be pasted in the office of the concerned Panchayat. The business which could not be considered at the meeting so postponed for want of quorum shall be brought before and disposed of at the meeting so fixed irrespective of whether there is not a quorum at such meeting.

71. Resolutions.-

(1) Any resolution relating to the matters entrusted to the Ward Sabha under this Act shall have to be passed by a majority of votes of the members present and voting in the meeting of the Ward Sabha.

(2) Resolutions may be passed on majority basis, in the meetings of the Gram Sabha in respect of any issue within its jurisdiction, however, effort should be made to take decision on the basis of general consensus as far as possible.

(3) All questions before a meeting of a Panchayat shall be decided by a majority of votes of the members present and unless otherwise provided in this Act, the person presiding at the meeting shall have a casting vote in all cases of equality of votes.

(4) No resolution of a Panchayat shall be modified or cancelled within six months after the passing thereof except by a resolution passed by not less than two-third of the total number of members at an ordinary or special meeting.

(5) Any member, who was present at a meeting of the Panchayat shall have the right to give the Secretary a note of dissent regarding a resolution passed by the Panchayat if he or she has voted against such resolution, within forty-eight hours of the conclusion of the meeting.

Chapter VIII
Officers and Employees of Panchayat

72. Appointment of Secretaries.-

(1) For every Panchayat there shall be appointed an appropriately qualified Secretary who shall be a State Government Servant.

(2) The Panchayat shall pay the Secretary such salary and allowances as may from time to time, be fixed by the State Government and shall also make such contributions towards his leave allowance, pension and provident fund as may be required by the condition of his service under the State Government.

(3) Subject to the provisions of this Act and rules made thereunder, the State Government shall regulate the classification, method of recruitment, conditions of service, pay and allowances, and discipline and conduct of the Secretaries appointed under sub-section (1).

(4) The State Government or any authority authorised by State Government may, at any time, transfer a Secretary from a Panchayat and shall do so if such transfer is recommended by a resolution of the Panchayat passed at a special meeting called for the purpose and supported by a simple majority of votes of the allowed strength of the Panchayat.

Provided that before considering such a resolution by the Panchayat, the Secretary shall be given an opportunity to make a representation before the Panchayat or the Chairperson and shall be heard by them if necessary.

(5) A Panchayat shall be competent to impose minor penalties on its Secretary subject to such rules as may be made in this behalf by the State Government.

(6) An appeal against an order of the Panchayat imposing any minor penalty shall lie to an authority entrusted by State Government in this behalf (hereinafter referred to as the authority).

(7) An appeal under sub-section (6) shall be in such form and shall be presented within such time and in such manner, as may be prescribed by the State Government.

(8) On receipt of an appeal under sub-section (6), the authority shall after giving the appellant an opportunity of being heard, confirm, cancel or modify the order appealed against or pass such other order as it deems fit.

(9) The State Government may either suo moto or on application call for the record of any order passed by the authority under sub-section (8), and review any such order and pass such order with respect there to as they think fit:

Provided that no application for review shall be entertained after the expiration of thirty days from the date on which the order sought to be reviewed was received by the applicant;

Provided further that the State Government shall not pass any order affecting any party unless such party has had an opportunity of making a representation;

Provided also that no suo moto revision shall be made by the State Government more than one year after the date of the order to be reviewed.

(10) Where disciplinary proceedings have to be initiated against the Secretary, the Chairperson shall have the power to make an enquiry and where a major penalty is to be imposed, to initiate further action under the rules applicable to the Secretary with the approval of the Panchayat and to report it to the State Government or to the authority competent to appoint the Secretary and the State Government or such authority, immediately after the receipt of such a report, shall take appropriate action and intimate the final decision thereon to the Chairperson.

(11) The State Government may, by a general or special order appoint any officer of the State Government transferred to the service of the Panchayat as ex-officio Secretary of the Panchayat and the persons so appointed shall have all the powers and functions of the Secretary on the subjects dealt with by them.

73. Power to recruit personnel and to regulate their service conditions.-

The Panchayats shall have power to recruit personnel and to regulate their service conditions subject to such laws and standards as laid down by the State Government. Until such recruitment of personnel, the Panchayats may draw upon, for defined periods, staff from departments/agencies of the State Government, on deputation.

74. Officers and Employees of Panchayat.-

(1) The officers and employees of the Panchayat, other than contingent employees, shall be State Government Servants.

(2) The control of the officers of the Panchayat shall be with the Panchayat.

(3) The Panchayat shall pay the officers and employees such salary and allowances as may from time to time be fixed by the State Government and shall also make such contributions towards their leave allowance, pension and provident fund, as may be required by the conditions of their service under the State Government, to be made by them or on their behalf.

(4) Subject to the provisions of this Act and rules made thereunder, the State Government shall regulate the classification, methods or recruitment, conditions of service, pay and allowances and discipline and conduct of the officers and the employees.

(5) Two or more Panchayats of the same level may, subject to such rules as may be prescribed, and shall, if so required by the State Government, by rules appoint the same officer or employees to exercise or discharge any powers or duties of a similar nature for both or all of them.

(6) Notwithstanding anything contained in this Act, and subject to such rules as may be prescribed, the State Government may with the concurrence of the Panchayats concerned, -

(a) appoint such engineering and other staff necessary for the purposes of any Panchayat and recover from it the salary and allowances paid to the members of such staff and such contributions towards their leave allowances, pension and Provident Fund as may be required by the conditions of their service under the State Government, and

(b) appoint a common engineering or other staff for the purpose of two or more Panchayats at a level and recover from each of the Panchayats concerned such proportion of the salary and allowances paid to the members of such staff and such contribution towards their leave allowance, pension and Provident Fund, as may be required by the conditions of their service under the State Government:

Provided that the State Government may, if the situation so demands, pool the engineering staff and technical staff of the State Government Departments and make their services available to one or more Panchayats by allotment or by transfer as in the case of staff from other departments;

Provided further that if there is dearth of staff allotted by the State Government Departments, the Panchayat in the exigencies of service may, arrange for the services of the engineers from outside the State Government service for specific works, subject to such terms and conditions as may be specified by the State Government in this behalf.

(7) Subject to such rules as may be made, the power to grant leave to the officers and employees of the Panchayat shall vest in the Secretary.

(8) A Panchayat shall be competent to impose minor penalties on any officer or employee of that Panchayat, subject to such rules as may be made in this behalf by the State Government.

(9) An appeal against any order of the Panchayat imposing any minor penalty shall be to the authority entrusted by the State Government in this behalf (hereinafter referred to as the "authority").

(10) An appeal under sub-section (9) shall be in such form and shall be presented within such time and in such manner, as may be prescribed.

(11) On receipt of an appeal under sub-section (9) the 'authority' shall after giving the appellant an opportunity of being heard, confirm, cancel or modify the order appealed against or pass such other order as it deems fit.

(12) The State Government may either suo moto or on application call for the records of any order passed under sub-section (11) and review any such order and pass any such order with respect there to as they think fit:

Provided that no application for review shall be entertained after the expiration of thirty days from the date on which the order sought to be reviewed was received by the applicant;

Provided further that the State Government shall not pass any order affecting any party unless such party has had an opportunity of making a representation;

Provided also that no suo moto revision shall be made by the State Government more than one year after the date of the order to be reviewed.

(13) Where disciplinary proceedings are to be initiated against any officer or employee of the Panchayat, the Chairperson shall make an enquiry against that officer or employee and where a major penalty is to be imposed, he shall have the power to report it for further action to the authority competent to appoint him in service of the Panchayat with the approval of the Panchayat and such authority shall, immediately on receipt of the report, take appropriate action and intimate the decision taken thereon to the Chairperson.

75. Powers and functions of Secretaries.-

Subject to the provisions of this Act and the rules made there under, the Secretary as executive officer of the Panchayat shall-

(i) attend the meetings of the Panchayat and of the Standing Committee and may take part in the discussions purely in an advisory capacity, but shall have no right to move any resolution or to vote;

Provided that the Secretary shall record his views on any matter that may come up for the consideration of the Panchayat and each item of the agenda shall be placed before the Panchayat with the specific remarks of the Secretary;

Provided further that if the Secretary considers that any resolution passed by the Panchayat needs to be referred to the State Government under clause (iii), he shall record such remarks in writing.

(ii) attend any meeting of a Committee of the Panchayat if required to do so by the person presiding thereon;

(iii) carry in the effect the resolutions of the Panchayat:

Provided that where the Secretary is of opinion that any resolution passed by the Panchayat has not been legally passed or is in excess of the powers conferred by this Act or any other Act or is likely to endanger human life, health or public safety if implemented, he shall request in writing to the Panchayat to review the resolution and express his views at the time of its review, and if the Panchayat upholds its previous decision, the matter shall be referred to the Ombudsman for investigation and for recommending action. The Ombudsman will send his report to the Governor/State Government.

(iv) control the officers and employees working under the Panchayat, subject to the general superintendence and the control of the Chairperson;

(v) discharge all the duties and exercise all the powers specifically imposed or conferred on the Secretary by or under this Act.

(vi) sanction the expenses delegated by the Chairperson;

(vii) give amounts either by cheque or cash for all kinds of expenditure authorised by the Panchayat;

(viii) be responsible for the safe custody of the Panchayat Fund;

(ix) maintain and keep the accounts of receipts and expenditure of the Panchayat;

(x) keep the record of the proceedings of the meeting of the Panchayat;

(xi) have power to initiate disciplinary action against the employees of the Panchayat referred to in section 74;

(xii) place before the Standing Committee for Finance the monthly accounts of the Panchayat before the tenth of the succeeding month or at the first meeting of the succeeding month;

- (xiii) prepare the annual accounts of the preceding financial year and place before the Panchayat before the thirtieth of June of the succeeding financial year;
- (xiv) furnish the returns, accounts statements and other details when called for by the State Government or any audit authority;
- (xv) inspect or cause to be inspected the accounts of the institutions under the control of the Panchayat;
- (xvi) keep the records of the Panchayat, the Standing Committees, and the Gram Sabhas;
- (xvii) co-ordinate the preparation of the annual plans and five year plans within the time specified by the State Government so as to enable the District Planning Committee to approve the same;
- (xviii) disburse the plan funds to the officers concerned and render utilization certificate to the State Government as ordered by it.

76. Exercise of functions of Secretaries by other officers in certain cases.-

The State Government, or any authority, authorised by State Government may, by general or special order, authorise any officer working in the Panchayat to exercise all or any of the functions of the Secretary in his absence.

77. Delegation of functions of Secretaries.-

The Secretary may, with the permission of the Chairperson of the Panchayat concerned, delegate by order in writing any of his functions to any officer of the Panchayat, subject to such restrictions and control, as he may specify.

78. Power of the State Government to lend the services of their officers and employees to Panchayats.-

(1) Subject to such terms and conditions as may be prescribed, the State Government shall lend the services of State Government officers and employees to the Panchayats as may be necessary for the implementation of any scheme, project or plan assigned or delegated to the Panchayat under this Act. The full control and supervision of the institution and employees transferred to the Panchayat under this Act shall rest with the Panchayats concerned.

(2) When disciplinary proceedings have to be initiated against an officer or an employee mentioned in sub-section (1) the Chairperson of the Panchayat concerned shall be entitled to make an enquiry and report against such officer or employee to the State Government.

(3) Notwithstanding anything contained in sub-section (2) a Panchayat shall be competent to impose minor penalties on any officer or employee referred to in sub-section (1), subject to such rules as may be made in this behalf.

(4) The State Government officers and employees transferred to the Panchayat under sub-section (1) shall, in addition to their normal function, perform other related functions delegated to them by the Panchayat, as if they are officers and employees of that Panchayat.

(5) The officers and employees transferred to the Panchayat under sub-section (1) shall be responsible to execute the works including the implementation of any scheme, projects or plans of the State Government which are not assigned or delegated to the Panchayat under this Act or any other law.

(6) The State Government shall pay the salary, allowances and other benefits to the officers and employees transferred to the Panchayat from the State Government, till the State Government decides that the concerned Panchayat is able to meet such expenses.

79. Power of State Government Officers.-

All Gazetted Officers of the State Government shall be entitled to attend the meetings of the Intermediate Panchayat or District Panchayat and their Standing Committees and to participate in the deliberations of such meetings relating to matters concerning their department.

80. Right to requisition records.-

(1) Every person in possession of moneys, accounts, records or other property pertaining to a Panchayat shall on the requisition in writing of the Secretary of Panchayat for this purpose, forthwith handover such moneys or deliver up such accounts, records or other property to the Secretary of Panchayat or the persons authorised in the requisition to receive the same.

(2) The Secretary may also take steps to recover any money due from any such person in the same manner and subject to the same provisions as in the State Land Revenue Act for the recovery of the arrears or land revenue from defaulters and for the purpose of recovering the accounts, records or other property appertaining to a Panchayat may issue a search warrant and exercise all such powers with respect thereto as may lawfully be exercised by a Magistrate under the provisions of Chapter VII of the Code of Criminal Procedure, 1973 (Central Act 2 of 1994).

(3) Every person knowing where any moneys, accounts, records or other property appertaining to a Panchayat are concealed shall be bound to give information of the same to the Secretary of Panchayat.

(4) An appeal shall lie from an order of the Secretary of Panchayat under this section to the State Government.

81. Disqualification of officers and employees of State Government, local authorities etc.-

(1) No officer or employee in the service of the State or Central Government or of a local authority or a corporation controlled by the State or Central Government or of a local authority or any company in which the State or Central Government or a local authority has not less than fifty one percent share or of a Statutory Board or of any University in the State shall be qualified for election or for holding office as a member of a Panchayat at any level.

Explanation – For the purpose of this section, company means a State Government company as defined in section 617 of the Companies Act, 1956 (Central Act 1 of 1956) and includes a co-operative society registered or deemed to be registered under the State Co-operative Societies Act.

(2) Any Officer or employee referred to in sub-section (1) who has been dismissed for corruption or disloyalty shall be disqualified for a period of five years from the date of such dismissal for election or for holding office as a member of a Panchayat at any level.

82. Channel of Correspondence.-

(1) The Chairperson shall have full access to all records of the Panchayat.

(2) All official correspondence from the Secretary to the State Government and to any other authority not below the rank of District level authority of the State Government and vice versa, shall be through the Chairperson:

Provided that, all correspondence to the State Government or to other authorities shall have the approval of the Chairperson or be signed by himself except in cases where the Chairperson has empowered the Secretary, by general or special order, in this behalf;

Provided further that, the Secretary may have direct correspondence with the State Government in respect of a resolution, passed by the Panchayat in contravention of any of the provisions of this Act or the rules made there under and for furnishing any information, statement or record, called for by the State Government.

(3) All correspondence by the Secretary through the Chairperson addressing the State Government or as the case may be the other authority and vice versa shall be delivered by the Chairperson without delay.

83. Relationship between elected authorities and officers.-

(1) The State Government shall prescribe a code of conduct in respect of the relationship between the elected authorities and employees of the Panchayat for the purpose of protection of the rights of the officers and employees under the control of the Panchayat to render advice on matters dealt with by them and professional freedom and statutory rights.

(2) The views expressed by the officials shall be included in the minutes of discussion.

(3) Mutual respect shall be shown between the elected authorities and the officers and employees of the Panchayat, totally avoiding rude language, gesture and actions.

(4) Any complaint on the violation of the code of conduct by the elected authorities shall be considered by the Ombudsman constituted under section 254 for the Panchayats and the report thereon shall be forwarded to the State Government for appropriate action.

5) Oral instructions given to the officers by the elected authorities shall be confirmed in writing before they are implemented.

84. Exercise of statutory functions by the officers.-

Where any officer of the Panchayat is conferred with any statutory powers and functions to be exercised independently and solely, the Panchayat, the Panchayat Chairperson, Chairperson of the Standing Committee or any member shall not interfere or influence in the exercise of such powers and functions by that officer.

85. Emergency Powers of the Secretaries.-

The Secretaries of Panchayat in absence of the Chairpersons of Panchayat from the headquarters may in case of emergency such as fire, flood, epidemic or the like, direct the execution of any work or the doing of any act, which would ordinarily require the sanction of the Panchayat concerned or of a Standing Committee thereof and the execution or the doing of which is, in his opinion necessary for the welfare or safety of the public or prevention of damage to property and may also direct that the expenses of executing such work or doing such act shall be paid from the fund of the Panchayat concerned. In every such case, he shall forthwith report the action taken and the reason therefore to the authority competent sanction such work or the doing of such act.

86. Pool of experts and specialists.-

A pool of experts and specialties (e.g. engineers, planner, accountants etc.) may be maintained by State Government or District Panchayat. This common pool could be then accessed by the Panchayats whenever required for specific tasks on payment.

Chapter IX

Planning

87. Unique Identity Number to Panchayats and Individuals.-

The State Government shall lay down detailed guidelines regarding the issuing of Unique Identity Number to every Panchayat and citizen. The Panchayats shall issue, maintain and update the Unique Identity Number of the citizens as per these guidelines.

88. Constitution and function of District Planning Committee (DPC).-

(1) The State Government shall constitute DPCs in every District within three months of completion of elections to Panchayats. The DPC shall have a planning office with a full time District Planning Officer. The DPCs shall be constituted to consolidate the plans prepared by the Panchayats and the Municipalities in the District and to prepare a draft development plan for the District as a whole.

(2) The DPC shall consist of such number of members as may be specified by the State Government from time to time by notification in the Official Gazette and in so fixing the total number of members of the DPC, the State Government shall specify the number respectively of the nominated members and elected members:

Provided that not less than four-fifth of the total number of members of the DPC shall be elected by, and from amongst, the elected members of the District Panchayat and the Municipalities in the District in proportion to the ratio between the population of the rural and urban area in the District.

3) The nominated members may consist of :-

- (a) persons representing the State Government;
- (b) members of the Legislative Assembly who represent a constituency comprising the whole or part of the District.
- (c) members representing such organisations and institutions as may be deemed necessary by the State Government.

(4) The DPC shall have-

- (a) such functions relating to District planning as may be assigned to it by the State Government; and
- (b) such powers as may be conferred on it by the State Government .

(5) The Chairperson of the DPC shall be the Chairperson of the District Panchayat concerned.

(6) Every DPC shall, in preparing the draft development plan have regard to-

- (i) matters of common interest between the Panchayat and the Municipalities including spatial planning, sharing of water and other physical and natural resources, the integrated development of the infrastructure and environmental conservation , and
- (ii) the extent and type of available resources whether financial or otherwise , and

(b)consult such institutions and organisations as the State Government may by order, specify.

(7) The Chairperson of every DPC shall forward the development plan, as recommended by the DPC, to the State Government.

(8) There shall be a planning office headed by the District Planning Officer to assist the DPC. The appointment of the staff and officers of the planning office shall be made according to the rules made by the State Government.

89. Elections of members of DPC.-

The conduct of elections for the elected members of District Planning Committees shall be entrusted to the SEC. The SEC shall conduct the elections according the prescribed procedure.

90. Responsible for preparation of regional and zonal plans.-

The DPCs shall consolidate the urban and rural plans for preparing regional and zonal plans.

91. Dedicated centre to provide inputs to Panchayats for preparation of Plans.-

A dedicated centre in every District shall be set up to provide assistance to the Panchayats for preparations of plans.

92. Powers of the State Government with regard to Planning.-

The State Government shall develop the methodology of participatory local level planning and provide such support as is necessary to institutionalise a regime of decentralised planning.

93. Time lines for preparation of plans.-

The State Government may design a planning calendar prescribing the time limits within which each Panchayat will have to finalise its plan and send it to the next higher level, to facilitate the preparation of a comprehensive plan for the District.

94. Spatial Planning.-

The Special Economic Zones (SEZs), Development Areas and Private Township within the jurisdiction of Panchayats at appropriate levels shall be governed by the local civic laws.

Chapter X

Property of Panchayats

95. Power to acquire, hold and dispose of property.-

(1) A Panchayat shall have the power to acquire, hold and dispose of property and to enter into contracts. The power of a Panchayat to acquire, hold and dispose of property both movable and immovable whether within or without the limits of the area over which it has authority, to lease, sell or otherwise transfer any movable or immovable property which may have become vested in or been acquired by it, and to contract and to do all other things necessary for the purpose of this Act, shall be subject to the rules made by the State Government in this behalf and subject to the approval by the Gram Sabha:

Provided that no lease of immovable property for a term exceeding five years and no sale or other transfer of such property shall be valid unless such lease, sale or other transfer shall have been made with the previous sanction of the State Government.

(2) All roads, buildings or other works constructed by a Panchayat with its own funds shall vest in it:

Provided that the State Government may, if it deems fit, declare by order that such road, building, irrigation pond or other works vested in the Village Panchayat shall stand transferred to and vest in the Intermediate Panchayat or the District Panchayat, as the case may be.

(3) The State Government may allocate to a Panchayat any public property situated within the jurisdiction of such Panchayat and thereupon such property shall vest in and under the control of such Panchayat.

(4) Where a Panchayat requires immovable property to carry out any of the purpose of this Act or the rules or bye-laws made there under, it may negotiate with the person or persons having interest in the said property or it may make an application to the State Government or officer authorised in this behalf, who may, if he is satisfied that the immovable property is required for a public purpose, take steps to acquire under the provisions of the Land Acquisition Act, 1894 (Central Act No. 1 of 1894) and on payment of compensation awarded under that Act in respect of such property and of any other charges incurred in acquiring it, the said property shall stand transferred to and vest in the Panchayat:

Provided that nothing contained in this section shall be deemed to prevent any Panchayat from acquiring immovable property either through private purchase or any free surrender.

96.Vesting of community property or income in Village Panchayats.-

(1) Any property or income which by custom belongs to or has been administered for the benefits of the villagers in common, or the holders in common of Village land generally or of lands of a particular description or of lands under a particular source of petty irrigation shall vest in the Village Panchayat to be administered by it for the benefit of the villagers or holders aforesaid.

(2) It shall be lawful for the State Government, District Panchayat or Intermediate Panchayat with concurrence of the Village Panchayat from time to time, to direct that any property vesting in the State Government, District Panchayat or Intermediate Panchayat as the case may be, to vest in the Village Panchayat either conditionally or otherwise:

Provided that no lease, sale or other transfer of any such immovable property by the Village Panchayat shall be valid without the previous sanction of the District Panchayat or Intermediate Panchayat, as the case may be.

(3) All rubbish, sewage, cow dung filth and other matter collected by a Village Panchayat under this Act shall belong to it.

97. Identifying and listing common property resources.-

All common property resources vested in the Panchayats shall be identified and listed in the prescribed format and used for revenue generation by the Panchayats at every level.

Chapter XI

Panchayat Finances

98. Panchayat Funds.-

(1) Every Panchayat shall constitute a fund in accordance with provisions of this section.

(2) (a) All moneys received by the Village Panchayat except the money accepted from the Intermediate Panchayat or District Panchayat or the State Government and those received on behalf of the Intermediate Panchayat, the District Panchayat or the State Government shall constitute a fund called the Village Panchayat Fund and shall be applied and disposed of in accordance with the provisions of this Act and the rules made there under:

Provided that the Village Panchayat shall have the power, subject to such rules as may be prescribed, to direct that the proceeds of any tax or surcharge levied under this Act shall be earmarked for the purpose of financing any specific public benefit. A separate account shall be kept of the receipts from every such tax or additional tax and the expenditure thereof.

(b) The Village Panchayat Fund shall consist of the following components, namely: -

(i) Own income of the Village Panchayat which shall consist of taxes, duties, cesses and surcharge levied under this Act or any other law, lease rents and other receipts from properties and enterprises, fees for licences and permissions, fines and penalties, income from endowments and trusts managed by the Village Panchayat, unclaimed deposits and other forfeitures and miscellaneous income from sources such as porampokes, fishing lands and shall include the share of the taxes collected by State Government and transferred to the credit of the Village Panchayat and the grants released by State Government;

(ii) Grants released by the State Government for implementation of schemes, projects and plans formulated by the Village Panchayat;

(iii) Grants released by the State Government for the implementation of schemes projects or plans assigned, delegated or entrusted to the Village Panchayat under this Act;

(iv) Money raised through donations, contributions and grants from the public and non- State Governmental agencies;

(v) The amount borrowed under section 121;

vi) Share in the royalty from minerals collected by the State Government;

vii) Cess on the royalty from mining activities; and

viii) Additional/ special surcharge from mining activities.

(3) All moneys received by the Intermediate Panchayat except those received on behalf of the State Government or the District Panchayat shall constitute a fund which shall be called 'the Intermediate Panchayat Fund' and shall be applied and disposed of subject to the provisions of this Act and the rules made there under.

(4) All moneys received by the District Panchayat except those received on behalf of the State Government shall constitute a fund which shall be called the 'District Panchayat Fund' and shall be applied and disposed of subject to the provisions of this Act and rules made there under.

(5) Notwithstanding anything contained in sub-sections (2) to (4), the State Government may direct any Panchayat to constitute separate funds to which shall be credited such receipt as may be specified by the State Government and such funds shall be applied and disposed of in the manner prescribed.

(6) The amounts at the credit of the Village Panchayat fund, the Intermediate Panchayat fund or the District Panchayat fund referred to in sub-sections (2) to (4) and the other fund referred to in sub-section (5) shall be kept in the Public Deposit Account in the State Government treasury as may be specified by the State Government.

(7) All fees for licences and permissions received by the Village Panchayat under this Act or any other law shall be utilised for the purpose for which the said fees are levied.

(8) All grants released by the State Government for the implementation of schemes, projects and plans shall be utilised only for the purposes for which such grants are released.

(9) No contribution, grant or expense for a purpose not directly concerned with a function of the Panchayat specified in this Act or any other law shall be made by a Panchayat from the Panchayat fund in excess of an annual limit that may be specified by the State Government.

(10) The Panchayat shall constitute a special fund on the discretion of the Panchayat from the donations and contributions which are collected locally for meeting the expenses to be incurred by the Chairperson as per the powers delegated to the Chairperson by the Panchayat and the constitution and utilisation of the special fund will be according to the bye-laws made by the Panchayat for this.

99. Certain costs and expenses payable out of funds.-

(1) The purposes to which a Panchayat fund may be applied include all objects authorised by this Act, the rules made there under and by other laws and in general everything necessary for or conducive to the safety, health, education, convenience, comfort and welfare of the inhabitants of the Panchayat area concerned and everything incidental to the administration of the Panchayat; and the funds shall be applicable thereto within the Panchayat area subject to this Act, the rules framed there under and shall be applicable thereto outside the Panchayat area if the expenditure is specifically sanctioned by the State Government.

- (2) (a) It shall be the duty of every Panchayat to provide for the payment of -
- (i) any amount falling due on any loans contracted by it;
 - (ii) the election expenses including the cost of preparation of the electoral rolls and conduct of elections;
 - (iii) the salaries and allowances and the pensions, pensionary contributions, gratuity and provident fund contributions of its officers and employees and the allowances to the Chairperson, Deputy-Chairperson and members which may be due;
 - (iv) sum due under any decree or order of a court;
 - (v) any other expenses rendered obligatory by or under this Act or any other law; and
 - (vi) amount of fees for audit.
- (b) The State Government shall determine the amount of the election expenses referred to in sub-clause (ii) of clause (a) and their determination shall be final and binding on the Panchayat. Such amount shall have priority over all other charges except for the service of authorised loans including the loans and advances referred to in section.
- (3) A Panchayat may contribute any fund for the defence of India.
- (4) A Panchayat may by resolution supported by not less than one half of its strength, sanction the payment of -
- (i) a contribution towards the expenses of any Panchayat conference or association of Panchayats, or
 - (ii) any contribution towards the expenses or reception of important personages or the expenses of any public exhibition, ceremony or entertainments - or meet the expenses in connection with any matter not specified in the Act or the Rules made there under:

Provided that the total annual expenses under this sub-section shall not exceed the limit prescribed by the State Government.

100. Transfer of Funds to the Panchayat.-

The State Government should release funds to the Panchayats in such a manner that these institutions get adequate time to use the allocation during the year itself. The fund release could be in the form of equally spaced installments. It could be done in two installments; one at the beginning of the financial year and the other by the end of September of that year.

101. Grants and Shares of Taxes.-

(1) The State Government shall having regard to the recommendation, if any, of the Finance Commission, in each year, after due appropriation made by the State Legislature by law in this behalf, make such grants and shares of various taxes, duties, cess and fees as are necessary to the Panchayats for the proper discharge of their functions under this Act.

(2) The shares of taxes collected by the State Government shall be distributed among Panchayats at all levels in an equitable manner according to the formula fixed by the State Government in this behalf.

102. Grants and Loans for Schemes and Projects.-

(1) The State Government may make such further grants and loans to the Panchayats as it considers necessary for the execution of specific schemes, projects, programmes or plans relating to any of the matters administered by the Panchayats under such terms and conditions as may be fixed by the State Government in this behalf.

(2) Every Panchayat shall utilise such grants or loans under this section only for the specific purposes for which such grants or loans are given.

(3) In respect of loans given by the State Government under this section the provisions of the State Loans Act and the rules made there under shall apply.

103. Annual Report on Grants.-

(1) The State Chief Secretary shall, immediately after each financial year submit an annual report to the Governor in respect of the amount of annual grants due to the Panchayats under any law or otherwise and the amount actually paid to the Panchayats and the criteria adopted by the State Government for such payment.

(2) The annual report under sub-section (1) shall be laid before the Legislative Assembly within the first six months of the next financial year.

104. Power of Panchayat to collect fixed fees.-

(1) A Panchayat may collect such fees from the beneficiaries of the institutions which are run or financed wholly or partially by it at such rates as fixed by it subject to the rules made by the State Government for the purpose.

(2) Service charges at the rate fixed by the Panchayat may be collected from the beneficiaries utilising the toilet facilities, parking facilities or any other amenities or services provided by it.

(3) The amount collected as service charge shall be utilised for the up keep and maintenance of such facilities and services.

105. Surcharge on tax on direction by the State Government.-

(1) The State Government may by an order published in the Gazette, direct any Village Panchayat to levy from the whole Panchayat area a surcharge not exceeding five per cent on

the tax leviable under this Act by that Panchayat at such rate and with effect from such date (not being earlier than first day of the half year immediately following that in which the order is published) as may be specified in the order, to cover any expenses to be incurred by the District Panchayat and Intermediate Panchayats in respect of any plan, project or work.

(2) Any surcharge levied under this section shall be demanded and collected by the Village Panchayat in the same manner as if it were the tax levied under this Act and distributed to the Intermediate Panchayat and District Panchayat in the manner prescribed after deducting three per cent thereof towards collection charges.

(3) No surcharge under sub-section (1) shall be directed to be levied unless prior sanction of the concerned Panchayat is obtained for the implementation of such scheme, project or work.

106. Taxes, cess etc. which may be levied by the Village Panchayat. -

(1) A Village Panchayat may levy all or any of the following taxes, fees, cess and charges at such rate as the Panchayat may by bye-laws determine but not exceeding the maximum specified by the State Government and in such manner and subject to such exemption as may be prescribed, namely:

(a) Every Village Panchayat may levy in its area a property tax, a profession tax, an advertisement tax and an entertainment tax;

(b) Service tax shall be levied at the rate fixed by the Village Panchayat, subject to the minimum rate prescribed for sanitation, water supply, scavenging, street lighting, maintenance of roads, drainage and general civic amenities wherever such services are provided by the Village Panchayat;

(c) Service charge shall be levied on the properties belonging to Union and State Governments in lieu of various services provided such as solid waste management, sanitation, maintenance of roads, sanitation, water supply, scavenging, street lighting, drainage and general civic amenities;

(d) A duty shall also be levied in every Village Panchayat area on transfers of property in accordance with the provisions of section 110;

(e) A Village Panchayat may levy from land owners, a land conversion cess at such rates and in such manner as prescribed in respect of paddy fields, marshy lands, pond or wet land which he was holding and has converted into garden land or land on which there is a building;

(f) A fee on markets and weekly bazaars may be levied;

(g) A special sanitary cess upon private latrines, premises or compounds cleaned by the Village Panchayat agency;

(h) A fee for grazing cattle on grazing lands vested in a Village Panchayat;

- (i) A fee on the registration of animals sold in any market or place belonging to or under the control of a Village Panchayat;
- (j) A show tax shall be levied on all shows within the Village Panchayat area at the rates prescribed by State Government in this behalf.
- (k) A fee on registration of cattle, restaurants, large shops, hotel, cyber cafés and tourist buses etc. shall/may be levied.

Explanation. –(i) the term 'show' includes any entertainment, exhibition performance, amusement, game, sport or race to which persons are admitted on payment of money.

(ii) The tax leviable shall be payable by and recoverable from the owner of the premises if he receives rent for the show or if no rent is paid, the proprietor of the show including any person responsible for the management thereof.

(2) The tax on property referred to in clause (a) of sub-section (1) shall be leviable from the owners or occupiers thereof:

Provided that when the owner of a property has left the village or cannot otherwise be found, any person to whom such property has been transferred shall be liable for the tax leviable from the owner.

107. Village Panchayats to collect taxes and fees imposed by higher tier.-

Whenever a tax or fee is imposed by the Intermediate or District Panchayat, such taxes should be collected by the concerned Village Panchayats.

108. Basic tax grant.-

(1) The State Government shall pay annually, as recommended by the Finance Commission, to each Panchayat at the Village level a grant, which shall be equal as nearly as may be three-eighths, of the amount of basic tax collected by the State Government in the last preceding year from that Panchayat area.

(2) The State Government may, after considering the area, population, available financial resources and the requirement for development, etc., of the Village Panchayats and the expense for administration of Panchayats, also provide an additional amount that may be prescribed by the State Government in proportion to the balance amount already collected by State Government as basic tax from the entire land of the state for the preceding year, as grant for the Village Panchayats of the State.

(3) The State Government shall, for every year provide, as nearly as may be equal to three tenth of the amount of basic tax as collected from the District Panchayat area in the just previous year, as grant for the Intermediate Panchayats of the Districts;

(4) The State Government shall, for every year, provide to every District Panchayat an amount as nearly as may be one-fifth of the basic tax collected from the concerned District Panchayat area for the just previous year, as grant.

109. Statements, Returns etc. to be confidential.-

All statements made, returns furnished or accounts or documents produced in connection with the assessment of tax payable by any company or person shall be treated as confidential.

110. Duty on Transfer of Property.-

(1) The duty on transfer of property shall be levied –

(a) in the form of a surcharge on the duty imposed by the State Stamp Act, on every instrument of the description specified below, which relates to the immovable property situated in the area under the jurisdiction of a Village Panchayat; and

(b) at such rate as may be fixed by the State Government not exceeding five per cent of the amount specified in the rules.

(2) On the introduction of the duty as aforesaid, -

(a) the State Stamp Act shall be read as if it specifically required the particulars to be set forth separately in respect of property situated in the area under the jurisdiction of a Village Panchayat and in respect of property situated outside such area; and

(b) The State Stamp Act shall be read as if it referred to the Village Panchayat as well as State Government.

(3) The State Government may make rules not inconsistent with this Act for regulating the collection of the duty, the payment thereof to the Village Panchayat and the deduction of any expenses incurred by the State Government in the collection thereof.

(4) The amounts collected in all the Village Panchayats in the State as duty on transfer of property under this section shall be pooled every year for the entire State and distributed among the Village Panchayats after deducting three per cent thereof towards collection charges.

(5) Seventy-five per cent of the amounts payable to the Village Panchayats under sub-section (4) shall be distributed among all the Village Panchayats in the State in proportion to the

population of the Village Panchayat areas as ascertained at the latest census of which the relevant figures have been published. The balance of twenty-five per cent of the amounts shall be distributed to the Village Panchayats in such proportion as may be fixed by the State Government or such other officer as they may authorise by special or general order having regard to the area, available resources, needs of development and cost of Panchayat administration.

111. Surcharge on property tax.-

(1) A Village Panchayat may in the manner prescribed, levy either from the whole Panchayat area or any specified portion thereof and for a specified time a surcharge not exceeding five per cent on the property tax levied under section 106 to cover any unusual expenses incurred by it in respect of any plan, project or work:

Provided that not more than two surcharges shall be imposed on such property tax levied at a time.

(2) Any surcharge levied under this section shall be demanded and collected in the same manner as if it were the property tax levied under section 106.

112. Specific provisions relating to Property Tax.-

(1) State Governments shall ensure that all Panchayats switch over to the 'unit area method' or 'capital value method' for assessment of property tax in a time-bound manner.

(2) The levy of tax on any property would not, in itself, confer any right of ownership, in case the property is found to be constructed in violation of any law or regulation.

(3) Tax details for all properties shall be placed in the public domain.

113. Exemption from tax, cess etc.-

(1) The following buildings and lands shall be exempt from the tax, cess or duty leviable under section 106, namely: -

(a) Places set apart for public worship, and either actually so used or used for no other purposes.

(b) Choultries for the occupation of which no rent is charged and choultries where the rent charged for the occupation is used exclusively for charitable purpose;

(c) Buildings including hostels under the ownership and use of educational institutions recognised by State Government, public buildings used for charitable purposes of providing shelter to destitutes and animals and libraries and playgrounds open to public.

- (d) such ancient monuments protected under the law relating to the protection of ancient monuments for the time being in force, or parts thereof as are not used as residential quarters or as public offices;
- (e) burial and burning grounds;
- (f) building or land belonging to the Panchayats; and
- (g) such property of the State Government not being buildings as may from time to time, be notified by the State Government in the Gazette.
- (h) buildings with mud walls or roofs thatched with leaves or lightweight sheets having a plinth area of less than 20 sq.metres;
- (i) Residential building constructed by a person, who belongs to an economically weaker section, using State Government subsidy and having a plinth area of less than twenty sq.metres.

Explanation. - The exemption under this section shall not be given to buildings and lands for which the owners realise rent and to residential houses appertaining to schools and colleges but not hostels and residential buildings attached to libraries.

(2) The State Government and with sanction of State Government, a Village Panchayat may exempt any person or class of persons wholly or in part from the payment of any tax, cess or duty to which he or they may otherwise be liable under the provisions of this Act. But nothing in this section shall be deemed to authorise the exemption of any person solely on the ground that he is a member of the Panchayat.

Explanation - In this section, 'person' includes an institution, firm, company or corporation.

114. Recovery of tax payable.-

(1) When any tax, cess, rate or fee becomes due, a Village Panchayat shall, with the least practicable delay, cause to be presented to the person liable for the payment thereof, a bill for the amount due from him, specify the date on or before which the amount shall be paid.

(2) If any person fails to pay any tax or fees or any other sum due to the Panchayat under this Act or the rules or bye-laws on or before the specified date of payment, the Village Panchayat shall cause a notice of demand in prescribed form to be served on the defaulter.

(3) The presentation of every bill under sub-section (1) and the service of every notice of demand under sub-section (2), shall be effected by the Secretary or an employee duly authorized by him in this behalf,

(a) by giving or rendering the bill or notice to the person to whom it is addressed; or

(b) if such person is not found, by leaving the bill or notice at his last known place of abode, if within the limits of the Village Panchayat area or by giving or tendering the bill or notice to some adult member or servant of his family; or

(c) if such person does not reside within the limits of the Village Panchayat area and his address elsewhere is known to the person, directing the issue of the bill, or notice then by forwarding the bill or notice to such person by registered post, under the cover bearing the said address; or

(d) if none of the means as aforesaid be available then by causing the bill or notice to be affixed on some conspicuous part of the building or land, if any, to which the bill or notice relates.

(4) Notwithstanding anything contained in this Act any amount payable under the provisions of this Act, rules or bye-laws, not paid on the due date shall be recovered together with penal interest at the rate of two per cent per month from the due date:

Provided that no penalty shall be recovered on any amount that has become payable or payable in a half year, if it is paid in the same half year.

115. Recovery of arrears of tax, cess etc.-

Any arrear of cess, rate, surcharge or tax imposed or fees levied under this Act shall be recoverable as an arrear of public revenue under the law relating to the recovery of arrears of public revenue for the time being in force:

Provided that the Secretary of a Village Panchayat may directly recover by distraint, under his warrant, and sale of movable properties of the defaulter subject to such rules as may be prescribed;

Provided further that, if for any reason the distraint or a sufficient distraint of a defaulter's property is impracticable, the Secretary may prosecute the defaulter before a Magistrate.

116. Power to require Village officer to collect taxes and fees due to Panchayats.-

Subject to such rules as may be prescribed, the Secretary shall have power to require the Village officer having jurisdictions over Village Panchayat area or any part thereof to collect any tax, cess, surcharge or fee due to the Panchayat on such conditions as the State Government may by general or special order determine.

117. Appeal from assessment.-

(1) Any person aggrieved by the assessment, levy or imposition of any tax or fees under this Act may appeal therefrom to the competent authority notified by the State Government..

(2) An appeal under sub-section (1) may be preferred within ninety days from the date of the assessment, levy or imposition appealed from and the decision of the competent authority thereon shall be final.

118. Power to grant loans.-

A Panchayat may, out of its fund, grant loans for the furtherance of its activities to such persons, institutions or societies and, subject to such terms and conditions, as may be prescribed.

119. Resources Generation by the Panchayats.-

Panchayats will levy and collect taxes on the following principles (i) potential for taxation (ii) fixation of realistic tax rates (iii) widening of tax base and (iv) improved collection.

120. Power to accept donation and trusts.-

A Panchayat may accept donations or trusts relating exclusively to the furtherance of any purpose to which its funds may be applied and shall apply the same solely for such purpose.

121. Power of Panchayats to raise loans and create a Sinking Fund.-

(1) A Panchayat may borrow any sums of money which may be required for the purposes for which the funds of the Panchayat may be applied under the provisions of this Act or any other law in force and create a sinking fund for the repayment of such loans:

Provided that while raising such loans the assets of the Panchayat shall not be pledged for purposes other than for utilising in remunerative development schemes.

(2) The District Panchayats may issue Revenue Bonds and the net proceeds received from facilities and services created utilising such bond may be offered as security for such bonds.

(3) State Government may give direction to make good any short fall in escrow accounts from the grants due to the District Panchayat by them.

122. Limits of Borrowings.-

For their infrastructure needs, the Panchayats can borrow from banks or financial institutions subject to the State Government's guidelines. The role of the State Government should remain confined only to fixing the limits of borrowing.

Chapter XII
Budget, Accounts and Audits

A. Budget

123. Separate Panchayat sector line in the State Budget.-

The State Budget should have a separate Panchayat sector line.

124. Preparation of budget.-

(1) Subject to such directions as may be issued by State Government from time to time, rules as may be prescribed and the Medium Term Fiscal Plan, the budget proposals containing detailed estimate of income and expenditure expected for the next year including the expenditure on the development plans prepared and sanctioned under section 33 shall be prepared by the respective Standing Committee considering the estimates and proposals submitted by Secretary and the officers dealing with the respective subjects, before the 15th January every year and the same shall be submitted to the Standing Committee for Finance.

(1A) The Standing Committee for Finance, after considering the proposals submitted under sub-section (1) and all the requirements under this Act shall prepare a budget showing the income and expenditure of the Panchayat for the ensuing year and the Chairman of the said standing Committee shall, not later than the first week of March, in a special meeting of the Panchayat regarding the development and declaration therein by the Chairperson regarding the development and welfare works that are proposed to be taken up by the Panchayat, present the same before the Panchayat for its approval. The Gram Sabha shall also consider the Budget in its annual meeting for the next financial year of the Village Panchayat and will also make its recommendations.

(1B) The Panchayat shall consider the budget proposals and finally pass the budget estimate with alterations if any, and after incorporating the recommendations of Gram Sabha, before the beginning of the year to which it relates.

(2) The working balance shown in the budget shall not be less than five per cent of the current year's estimated receipts, excluding receipts from endowments, State Government grants contributions and debt account.

(3) Receipts anticipated shall be accurate and elaborate and shall be accompanied by detailed notes and explanations of any specific difference from the preceding years actual receipts.

(4) The budget shall contain necessary provisions to meet all the prescribed charges and repayment of debts.

(5) If in the course of a year if a Panchayat finds it necessary to modify the estimates shown in the budget with regard to its receipts or expenditure on the different services undertaken by it, the Standing Committee shall frame a supplemental or revised budget and forward it to the Panchayat for sanction.

(6) Save in the case of a pressing emergency no sum shall be expended by or on behalf of a Panchayat unless such sum is included in the budget estimates in force at the time of incurring the expenditure.

(7) As soon as the budget is passed, copies thereof shall be furnished to the State Government and to the officers authorised by the State Government in this behalf and also to the auditors and such authorised officers shall prepare a consolidated statement of the budget estimate of the Panchayats in each District:

Provided that, the Village Panchayats and the Intermediate Panchayats in a District shall furnish copies of the budget passed by them to the District Panchayat and the District Planning Committee concerned.

(8) A Panchayat shall not either incur any expenditure in excess of the provision in the budget or where the budget of the year has not been passed before the first day of April, make any expenditure from that date.

(9) Comptroller and Auditor General (C&AG) shall prescribe the format for the preparation of the Budget.

125. No approval of budget by higher tier or other State Authority.-

The approval of the budget of a Panchayat by the higher tier or any other State authority shall not be required.

B. Accounts

126. Maintenance of accounts.-

(1) The Panchayat shall maintain such books of accounts and other books in relation to its accounts and an annual statement of accounts in such form as may be prescribed. Comptroller and Auditor General (C&AG) shall prescribe the format for keeping of accounts for the Panchayats.

(2) Accounts of receipts and expenditure of every Panchayat shall be maintained for every financial year in such form as may be prescribed.

127. Control and supervision of C&AG.-

Comptroller and Auditor General (C&AG) shall be responsible for exercising control, technical guidance and supervision over the proper maintenance of accounts and audit of all levels of Panchayats.

C. Audit

128. Constitution of Local Government Audit Overseeing Authority.-

The State Government may, by notification, constitute a Local Government Audit Overseeing Authority comprising of such officers and having such powers as may be specified in the notification. The Local Government Audit Overseeing Authority shall submit to the State Government a periodical report on the compliance of audit reports by the Panchayats, as may be prescribed.

129. Agency for audit.-

The accounts of the funds of the Panchayat shall be examined and audited by the Director, Local Fund Audit. The Head of DLFA shall be appointed by State Government from a panel vetted by the C&AG. The Director, Local Fund Audit should have access to relevant information and records of the Panchayats. The DLFA shall work under the technical guidance and supervision of the C&AG.

130. Audit of account of funds.-

The accounts of every Panchayat at all the levels shall be subject to audit in all respects in the manner provided by or under this Act.

131. Submission of accounts to audit.-

The Chairperson shall produce, or cause to be produced, to the auditor all such accounts of the fund of the Panchayat concerned as may be required by the auditor.

132. Powers of auditors.-

(1) For the purposes of an audit under this Act an auditor may—

(i) require in writing the production before him of any document or the supply of any information which he considers to be necessary for the proper conduct of the audit;

(ii) require in writing the personal appearance before him of any person accountable for, or having the custody or control of, any such document, or having, directly or indirectly and whether by himself or his partner, any share or interest in any contract made with, by or on behalf of, the members of the Panchayat concerned;

(iii) in the event of an explanation being required from the Chairperson or other honorary officer or member of a Panchayat, in writing invite such person to meet him at the head office of the Panchayat and shall in writing specify the point on which the explanation is required; and

(iv) require any person so appearing before him to make and sign a declaration in respect of any such document or to answer any question or prepare and submit any statement.

(2) The auditor may, in any requisition or invitation made under sub-section (1) fix a reasonable period within which the said requisition or invitation shall be complied with.

(3) The auditor shall give to the Panchayat not less than two week's notice in writing of the date on which he proposes to commence the audit:

Provided that, notwithstanding anything contained in this sub-section, the auditor may, for special reasons which shall be recorded in writing, give shorter notice than two weeks.

(4) Any person who wilfully neglects or refuses to comply with the requisition lawfully made by the auditor under sub-section (1) shall be liable on conviction before a Magistrate, to a fine which may extend to _____ rupees:

Provided that no proceedings under this section shall be instituted except on the written sanction of the Commissioner;

Provided further that before giving such sanction the Commissioner shall call upon the person against whom the proceedings are to be instituted to show cause why the sanction should not be given.

(5) No court inferior to that of a Magistrate of the first class shall try any offence against this Act

133. Audit report.-

(1) The auditors shall conduct a continuous audit of the accounts of the Panchayat and shall after completing the audit for a year or for any shorter period or for any transaction or series

of transactions, send a report to the Panchayat concerned and duplicate copies thereof to the officer authorised by the State Government in this behalf.

(2) The auditor shall append to his report a statement showing—

(a) the grants-in-aid received by the Panchayat and the expenditure incurred therefrom;

(b) all cases of material impropriety or irregularity in the expenditure or in the recovery of the monies due to the Panchayat or in the accounts of the Panchayat Fund;

(c) any loss or wastage of money or other property thereof caused by neglect or misconduct of the officer and authorities of the Panchayat.

(3) The auditors shall also report on any other matter relating to the accounts of the Panchayats as may be required by the State Government, to the officer authorised by the State Government in this behalf.

134. Follow up action on audit report.-

(1) On the receipt of the report referred to in section 133, the Panchayat concerned shall, at a meeting, remedy any defect or irregularity pointed out in the report and shall also inform the auditor of the action taken by it or shall give reasons or explanations in case any defect or irregularity is not removed. The Panchayat shall also report the action taken to the officer authorised by the State Government in this behalf.

(2) The auditors shall in the performance of their functions under this Act have all the powers of the civil court under the Code of Civil Procedure, 1908 (Central Act 5 of 1908) while trying a suit in respect of the following matters, namely: -

(a) summoning and enforcing the attendance of any persona and examining him on oath;

(b) requiring the discovery and production of any document;

(c) receiving evidence on affidavits;

(d) requisitioning any public record or copy thereof, from any court of office; and

(e) such other matters as may be prescribed.

(3) On receipt of such intimation or explanation the Auditor may in respect of all or any of the matters discussed in his report-

(a) accept the intimation or explanation given by the Panchayat and withdraw the objection, or

(b) direct that the matter be re-investigated at the next audit or at any earlier date, or

(c) hold that the defects or the irregularities pointed out in the report or any of them have not been removed or remedied.

135. Power of Auditor to surcharge, etc.-

(1) If, no information is received by the auditor from the Panchayat concerned or if the reasons or explanations given by it for not remedying any defect or irregularity as aforesaid is not considered sufficient, the auditor shall, after giving a reasonable opportunity to the person concerned to submit an explanation within a time to be specified by him and after considering any such explanation, shall disallow every item of expenditure incurred contrary to law and surcharge the same on the person incurring or authorizing the incurring of such expenditure, and shall charge against any person responsible for the amount of any deficiency, loss or unprofitable outlay occasioned by the negligence or misconduct of that person or of any sum which ought to have been but is not brought into account by that person and shall, in every such case certify the amount due from such person :

Provided that no surcharge under this sub-section shall be made after a period of four years from the date on which the expenditure in question was incurred.

Explanation. - It shall not be open to any person whose negligence or misconduct has caused or contributed to any such deficiency or loss, to contend that notwithstanding his negligence or misconduct the deficiency or loss would not have occurred, but for the negligence or misconduct of some other person.

(2) For the purposes of this section any member of a Panchayat, who is present at a meeting at which a motion or resolution is passed authorising any expenditure which is subsequently disallowed under sub-section (1) or authorising any action which results in any such expenditure, shall be deemed to be a person authorising such expenditure if his dissent is not recorded in the proceedings. All such persons shall be held jointly and severally liable for such expenditure.

(3) The auditor shall record in writing his reasons for every disallowance, surcharge and charge made under sub-section (1) and shall, in such manner as may be prescribed, send a certificate of the amount due and a copy of the reasons for his decision to the person in respect of whom the certificate is made, and shall also furnish copies thereof to the Chairperson of the Panchayat, as the case may be, in the manner laid down for the service of summons in the Code of Civil Procedure, 1908 (Central Act 5 of 1908).

135A. Person making or authorizing illegal payment to be removed.-

If any item of account contrary to law is surcharged on any person making or authorizing the making of any illegal payment or if any person is charged for being responsible for the amount

of any loss incurred by the negligence or misconduct of that person, he shall, without prejudice to any other provision of this act, be liable to removed under section 59; and upon such removal, such person may be disqualified by the State Government by an order in writing for being elected a member of a Village Panchayat or Intermediate Panchayat or District Panchayat for such term as may be specified in the order:

Provided that the State Government shall, before making any order under this sub-section, give to the person concerned an opportunity of being heard;

Provided further that any order under this sub-section shall be published in the Official Gazette.

136. Recovery of Surcharge etc.-

(1) Every sum certified by the auditors to be due from a person under this Act shall be paid by such person to the Secretary of the Panchayat concerned within thirty days after the date of service on him of the decision of the auditors unless within that time such person has made an application to the court against the decision; and such sum, if not so paid, or such sum as the court declares to be due shall be recoverable as if it were an arrear of land revenue.

137. Internal audits.-

Notwithstanding anything contained in section 130, the accounts of the funds of a Village Panchayat, an Intermediate Panchayat or a District Panchayat shall be organised, examined and audited periodically by an officer appointed in this behalf by the State Government in such manner as the State Government may direct.

138. Special audit of accounts.-

Notwithstanding anything contained in sections 130 and 137, the State Government may issue direction for special audit of the accounts of the funds of a Village Panchayat, an Intermediate Panchayat or a District Panchayat by such authority as the State Government may direct.

139. Audit report to be placed before the State Legislature.-

(1) An abstract of every annual report of a Panchayat as certified by the auditor showing its income under each head of receipt, the charges for the establishment, works undertaken, the sum expended on each work and the balance, if any, remaining unexpended, together with the audit report thereon shall be submitted to the officer authorised by the State Government in this behalf not later than fifteenth day of the second month of the next financial year.

(2) On receipt of the report referred to in sub-section (1), the officer authorized by the State Government shall forthwith consolidate the report and shall place the audit report of the

Panchayat before the State Legislature. Further, the report shall be considered by a Panchayati Raj Committee of the State Legislature.

(3) The State Government shall –

(a) cause the accounts of the Panchayat together with the audit report thereon received by it under sub-section (2) to be laid before the Legislative Assembly; and

(b) cause the accounts of the Panchayat to be published in such manner as may be prescribed.

140. Appeals.-

(1) Any person aggrieved by any disallowance, surcharge or charge may, within fourteen days after the date of service on him of the decision of the auditor, make an application to the District court to set aside such disallowance, surcharge or charge and the court, after taking such evidence as is necessary may confirm, modify or remit such disallowance, surcharge or charge with such orders as to costs as it may think proper in the circumstances.

(2) Where an application is made to the court under sub-section (1) the auditors shall be the sole respondents thereto and the applicant shall not make either the State Government or any other person a party to the proceedings.

(3) From the decision of the District court under sub-section (1) an appeal shall lie to the High Court.

D. Fiscal Responsibility

141. Fiscal Responsibility.-

The State Governments shall legislate a law on Fiscal Responsibility for Panchayat, to complement institutional audit arrangements, adoption and monitoring of prudent financial management practices in the Panchayat.

142. Medium Term Fiscal Plan.-

(1) Every Panchayat shall, as soon as may be within five years from the commencement of this Act, prepare a Medium Term Fiscal Plan along with the annual budget.

(2) The Medium Term Fiscal Plan shall set forth a four year rolling target for the fiscal indicators with specification of underlying assumptions.

(3) In particular and without prejudice to the provisions contained in sub-section (2), the Medium Term Fiscal Plan shall include an assessment of sustainability relating to:-

(a) the balance between revenue receipts and revenue expenditures; and

(b) the use of capital receipts including borrowings for generating productive assets.

- (4) The Medium Term Fiscal Plan shall, inter alia, contain-
- (a) the mission, objectives and goal of the Panchayat;
 - (b) the medium term fiscal objectives of the Panchayat;
 - (c) an evaluation of the performance of the fiscal indicators in the previous year vis-à-vis the targets set out earlier, and the likely performance in the current year as per revised estimates;
 - (d) a statement on recent trends and future prospects for growth and development affecting fiscal position of the Panchayat;
 - (e) the strategic priorities of the Panchayat in the fiscal area for the ensuing financial year;
 - (f) the policies of the Panchayat for the ensuing financial year relating to expenditure, borrowings and other liabilities, lending and investments and all such activities which have potential budgetary implications and the key fiscal measures and targets pertaining to each of these;
 - (g) an evaluation as to how the current policies of the Panchayat are in conformity with the financial management principles set out in section 143 and the fiscal objectives set out in the Medium Term Fiscal Plan;
 - (h) a clear linkage of the physical and financial targets;
 - (i) the key performance areas and corresponding performance indicators in as much quantitative detail as possible.

(5) The Medium Term Fiscal Plan shall be a source document for the preparation of the annual budget and shall address the prime needs of the citizens as relevant to the specific Panchayat such as water supply, construction of roads, education, public health, solid waste management and the like.

(6) The Medium Term Fiscal Plan shall have a functional focus and provide for backend modalities such as fund based accounting system (FBAS), computerization and realistic and transparent budgeting process.

(7) The Medium Term Fiscal Plan shall be in such form as may be prescribed by the State Government.

143. Financial Management Principles.-

Every Panchayat will be guided by the following financial management principles, namely:

- (a) ensuring transparency at all stages of policy making and implementation;
- (b) introducing performance linked budget policies;
- (c) providing for effective and sustained fiscal monitoring systems;
- (d) introducing robust financial management principles;
- (e) maintaining Panchayat's debt at prudent levels;

- (f) managing guarantees and other contingent liabilities prudently, with particular reference to the quality and level of such liabilities;
- (g) ensuring that policy decisions of the Panchayat have due regard to their current financial position and the financial implications on future generations;
- (h) adopting accrual system of accounting for payables and receivables;
- (i) ensuring that borrowings are used for productive purposes and accumulation of capital assets, and are not applied to finance current expenditure;
- (j) ensuring a reasonable degree of predictability in the flow of funds;
- (k) pursuing tax policies with due regard to economic efficiency and compliance costs;
- (l) pursuing expenditure policies that would provide impetus for economic growth, poverty reduction and improvement in human welfare;
- (m) ensuring that physical assets of the Panchayat are properly maintained;
- (n) pursuing fiscal policies with due regard to cost recovery and equity;
- (o) disclosing sufficient information to allow the public to scrutinize the conduct of fiscal policy and the state of Panchayat finances;
- (p) ensuring that Panchayat uses resources in ways that give best value for money, and also ensure that public assets are put to best possible use;
- (q) Managing expenditure consistent with the level of revenue generated;
- (r) Formulating budget in a realistic and objective manner with due regard to the general economic outlook and revenue prospects, and minimize deviation during the course of the year;
- (s) Ensure collection of dues and taxes in an expeditious manner;
- (t) Ensuring discharge of current liabilities in a timely manner;
- (u) Adoption appropriate techniques for measuring the cost of the services provided by the Panchayat.

144. Publication of Financial Documents and Annual Report.-

1. Every Panchayat shall publish the MTFP, the annual budget, annual accounts and the annual report together with the certified annual accounts in such manner as may be prescribed.

2. Every Panchayat shall, within six months from the end of the financial year submit a copy of its annual report together with the certified annual accounts to the State Government and the State Government shall cause the annual report together with the certified annual accounts to be laid, as soon as may be they are received, before the Legislative Assembly.

Chapter XIII
State Finance Commission

145. Establishment of State Finance Commission (SFC).-

(1) In this section, "Commission" means the Finance Commission constituted by the Governor pursuant to clause (1) of article 243-I of the Constitution.

(2) The Chairman of State Finance Commission shall be appointed by the Governor on the recommendation of a Collegium, comprising the Chief Minister, the Speaker of the Legislative Assembly and the Leader of Opposition in the Legislative Assembly.

(3) The Commission shall consist of such number of members not exceeding five including the Chairman and excluding the Secretary, as may be determined by the State Government. However, there should be a full-time Secretary, to enable adequate attention to the issues of information collection and analysis, office management and related activities:

Provided that members of the commission may be appointed on part time basis.

(4) A permanent SFC cell shall be created in the State Finance Department for annual accounts, other data compilation and updation and other functions as may be prescribed. This cell may be headed by the Secretary of the SFC.

(5) The Commission shall review the financial position of the Panchayats and submit recommendations to Governor regarding,

(a) (i) the sharing among the State Government and Panchayats of the net-income of the taxes, duties, cess and fees which are being levied by the State Government and which may be shared with the Panchayats as per the Constitution and dividing among the Panchayats at all levels, their shares in such incomes;

(ii) fixing the taxes, duties, cess and fees which may be ear marked for the Panchayats and may be expended by them;

(iii) the criteria regulating the financial aid etc. for the Panchayats from the State Consolidated Fund;

(b) steps necessary for improving the financial position of the Panchayats; and

(c) any other matters which is being left to the commission by the Governor taking into account of the interest of the financial security of the Panchayats.

(6) The Governor shall cause to be laid before the Assembly each recommendation submitted by the Commission under sub-section (3) along with explanatory memorandum regarding the steps taken on it.

146. Term of Office.-

(1) The term of office and eligibility for re-appointment shall be as follows:-

- (i) every member of the SFC shall hold office for such period as may be specified in the order of the State Government appointing him, but shall be eligible for reappointment,
- (ii) a member of the SFC may resign his office by a letter written under his hand and addressed to the State Government, but he shall continue in office until his resignation is accepted by the State Government; and
- (iii) the casual vacancy caused by the resignation of a member under Clause (ii) or for any other reason may be filled in by fresh appointment and a member so appointed shall hold office only for the remainder of period for which the member in whose place he is appointed would have held office.

147. Powers of SFC.-

(1) The SFC shall in the performance of its functions have all the powers of the civil court under the Code of Civil Procedure, 1908 (Central Act 5 of 1908) while trying a suit in respect of the following matters, namely: -

- (a) summoning and enforcing the attendance of witness;
- (b) requiring the production of any document;
- (c) requisitioning any public record from any office.

(2) The SFC shall have power to require any person to furnish information on such points or matters as in the opinion of the SFC may be useful for, or relevant to, any matter under the consideration of the SFC and any person so required shall, notwithstanding anything contained in any law for the time being in force, be deemed to be legally bound to furnish such information within the meaning of Section 176 of the Indian Penal Code.

(3) The SFC shall be deemed to be a Civil Court for the purposes of Sections 345 and 346 of the Code of Criminal Procedure, 1973 (Act 2 of 1974).

148. Qualifications of person to be appointed as Chairman or member.-

The Chairman of the SFC shall be selected from among persons who have experience in public affairs, and four other persons who are to be appointed as members of the SFC shall be -

- (a) person having special knowledge and wide experience in financial matters and in administration; or
- (b) person having special knowledge of finances and accounts of the State Government and local bodies; or
- (c) have special knowledge of economics; or
- (d) with specialization and experience in Panchayats and in Municipal Affairs.

149. Procedure to be followed by SFC.-

The SFC shall meet at such time and place and shall observe such procedure in regard to the transaction of business at its meeting as may be determined by the SFC.

150. Officers and staff of SFC.-

Officers having knowledge and experience in financial matters shall be appointed as staff of the SFC in order to assist the SFC.

151. Salaries and Allowances.-

The salaries and allowances payable to and the other terms and conditions of service of the officers and other employees appointed for the purpose of the SFC shall be such as may be prescribed.

152. Analysis of the finances of Panchayats and making recommendations for improvement.-

SFC shall carry out thorough analysis of the finances of Panchayats and make concrete recommendations for improvements in their working. In case of smaller Panchayats such recommendations shall be broad in nature, but in case of larger Panchayats, recommendations should be more specific.

153. Adoption of objective and transparent norms for devolution and distribution of funds.-

The SFC shall evolve objective and transparent norms for devolution and distribution of funds. The norms should include area-wise indices for backwardness. SFCs shall link the devolution of funds to the level or quality of civic amenities that citizens would expect.

154. Mechanism to review implementation of SFC recommendations.-

A mechanism be put in place which reviews the implementation of all the recommendations of the SFCs. The devolution of funds may be made conditional to Panchayats agreeing to implement the recommendations of the SFCs.

155. Action taken Report on recommendation of SFC's to be placed before the State Legislature.-

The Action Taken Report on the recommendations of the SFC must be compulsorily placed in the concerned State Legislature within six months of submission and followed with an annual statement on the devolution made and grants given to individual Panchayats and the implementation of other recommendations through an appendix to the State Budget documents. The Action Taken Report shall describe the action taken or proposed on each recommendation. It shall also provide reasons behind non-acceptance of particular

recommendations. The Action Taken Report shall be publicized to make citizens aware of its contents and implications.

156. Norms for staffing of Panchayats.-

The SFCs should evolve norms for staffing of Panchayats based on Activity Mapping i.e., an analysis of the roles and responsibilities assigned to the Panchayats of different levels.

Chapter XIV
State Election Commission

157. Establishment of State Election Commission (SEC).-

The State Election Commissioner should be appointed by the Governor on the recommendation of a Collegium, comprising the Chief Minister, the Speaker of the Legislative Assembly and the Leader of Opposition in the Legislative Assembly.

158. Term of Office.-

The State Election Commissioner shall hold office for a term of six years from the date on which he assumes his office:

Provided that where the State Election Commissioner attains the age of sixty-five years before the expiry of the term of six years, he shall vacate his office on the date on which he attains the said age:

Explanation: For the purpose of this section, the term of six years in respect of the State Election Commissioner holding office immediately before commencement of this Act, shall be computed from the date on which he had assumed office.

Provided further that where no appointment is made on the expiry of the tenure of the State Election Commissioner, the incumbent would continue in office for a period of upto six months thereafter or till the new incumbent is appointed, whichever is earlier.

159. Power of SEC.-

(1) Where the SEC in deciding any question under sub-section (2) of section 45 or section 51 of this Act considers it necessary or proper to make an inquiry, and the SEC is satisfied that on the basis of the affidavits filed and the documents produced in such inquiry by the parties concerned of their own accord, it cannot come to a decision in the matter which is being inquired into, the SEC shall have, for the purposes of such inquiry, the powers of a civil court, while trying a suit under the Code of Civil Procedure, 1908 (Central Act 5 of 1908) in respect of the following matters, namely;-

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) requiring the discovery and production of any document or other material object producible as evidence;
- (c) receiving evidence on affidavits;
- (d) requisitioning any public record or a copy thereof from any court or office;
- (e) issuing commissions for the examination of witnesses or documents.

(2) The SEC shall also have the power to require any person including State Government officials, subject to any privilege which may be claimed by that person under any law for the time being in force, to furnish information on such points or matters as in the opinion of the SEC may be useful for, or relevant to, the subject matter of the inquiry.

(3) The SEC shall be deemed to be a civil court and when any such offence, as is described in section 175, section 178, section 179, section 180 or section 228 of the Indian Penal Code (Central Act 45 of 1860), is committed in the view or presence of the SEC, the SEC may after recording the facts constituting the offence and the statement of the accused as provided for in the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), forward the case to a magistrate having jurisdiction to try the same, and the magistrate to whom any such case is forwarded shall proceed to hear the complaint against the accused as if the case had been forwarded to him under section 346 of the Code of Criminal Procedure, 1973.

(4) Any proceeding before the SEC shall be deemed to be a judicial proceeding within the meaning of section 193 and section 228 of the Indian Penal Code 1860(Central Act 45 of 1860)

(5) The preparation of electoral roll and the conduct of all elections to the Panchayats at all levels shall be held under the superintendence and control of the SEC and for this purpose it shall have power to give such directions as it may deem necessary to the District Collector or any officer or servant of the State Government or Panchayats or State Government undertakings or co-operative institutions, so as to ensure efficient conduct of the elections.

(6) The SEC may, subject to control and revision, delegate its powers to such officers as it may deem necessary.

160. Qualifications and Selection of State Election Commissioner.-

Only such person shall be appointed as State Election Commissioner who has worked for 25 years on a Group A post in the Central or State Government with experience of conducting elections. If the person is in service, he shall be deemed to have retired from that service on the date of assumption of office as the State Election Commissioner and will be entitled to receive pension and other benefits accordingly.

161. Procedure to be followed by SEC.-

The SEC shall have the power to regulate its own procedure, including the fixing of places and times of its sittings and deciding whether to sit in public or in private.

162. Officers and staff of SEC.-

(1) As soon as may be, after a request by the SEC to the Governor under clause (3) of Article 243K, the State Government shall lend the services of such number of officers and employees as may be necessary to assist the SEC in the discharge of its functions.

(2) The State Government may in consultation with the SEC, appoint an officer not below the rank of Additional Secretary to State Government as Secretary to the SEC.

(3) The officers and employees referred to in sub-section (1) and sub-section (2) shall continue to be State Government servants for all purposes and their terms and conditions of service shall continue to be the same as applicable to them under the State Government.

(4) The SEC shall, in consultation with the State Government, designate or nominate such of the officers of the State Government or of the local authority, as officers for the purpose of preparation and revision of electoral rolls and conduct of elections under this Act.

163. Salaries and Allowances.-

(1) The State Election Commissioner shall be paid a salary equal to the salary of a Judge of the High Court.

Provided that if a person who, immediately before the date of assuming office as the State Election Commissioner was in receipt of, or being eligible so to do, had elected to draw a pension (other than a disability or wound pension) in respect of any previous service under the State Government of the Union or under the State Government of the State, his salary in respect of service as the State Election Commissioner shall be reduced-

(a) by the amount of that pension; and

(b) if he had, before assuming office, received, in lieu of a portion of the pension due to him in respect of such previous service, the commuted value thereof, by the amount of that portion of the pension.

(2) Where the State Election Commissioner demits office whether in any manner specified in sub-section 3 or by resignation, he shall, on such demission be entitled to-

(a) a pension which is equal to the pension payable to a Judge of the High Court in accordance with the provisions of Part III of the First Schedule to the High Court Judges (conditions of service) Act, 1954, as amended from time to time; and

(b) such pension (including commutation of pension), family pension and gratuity as are admissible to a Judge of the High Court under the said Act and the rules made thereunder, as amended from time to time;

(3) Except where the State Election Commissioner demits office by resignation, he shall be deemed, for the purpose of this Act, to have demitted his office if and only if-

- (a) he has completed the term of office specified in section 158; or
- (b) he has attained the age of sixty-five years; or
- (c) his demission of office is medically certified to be necessitated by ill-health.

(4) Every person holding office as State Election Commissioner shall be entitled to subscribe to the General Provident Fund.

164. Delegation of Functions of SEC.-

The functions of the SEC under this Act or the rules or orders issued thereunder, subject to such general or special directions, if any, as may be given by the SEC in this behalf, may be performed also by a Deputy Election Commissioner, if any, or by the Secretary to the SEC.

165. Elections of members of District Planning Committee by SEC.-

The SEC shall conduct the elections for the elected members of the District Planning Committee.

166. SEC to investigate cases of complaint and grievance relating to infringement of law governing elections to Panchayats.-

The SEC shall have the authority to investigate the complaints and grievances related to the infringement of the law governing elections to the Panchayats, leading to suspension or disqualification of membership in the prescribed manner.

167. Statements made by persons to the SEC.-

No statement made by a person in the course of giving evidence before the SEC shall subject him to, or be used against him in, any civil or criminal proceeding except a prosecution for giving false evidence by such statement.

Provided that the statement –

- (a) is made in reply to a question which he is required by the SEC to answer, or
- (b) is relevant to the subject matter of the inquiry.

168. SEC to send report to the Governor.-

The SEC shall submit its recommendations after investigating the complaints and grievances relating to infringement of law governing elections to the Governor/ State Government.

Chapter XV
Provisions relating to Elections

A. Preparation of Electoral Rolls

169. Division of Panchayats into Constituencies.-

(1) As soon as may be after fixing the strength of a Panchayat at any level under section 9, and after determining the number of seats to be reserved for Scheduled Castes, Scheduled Tribes, Backward Classes and for women, the SEC or an officer authorised by it in this behalf shall –

(a) divide every Panchayat into as many constituencies as there are seats and fix the boundaries of such constituencies:

Provided that the population of each constituency shall, as far as practicable, be the same throughout the Panchayat area;

Provided further that where the territorial area of an Intermediate Panchayat is divided into constituencies, the boundaries of such constituencies shall not divide any constituency of any Village Panchayat and where the territorial area of a District Panchayat is divided into constituencies the boundaries of such constituencies shall not divide any constituency of any Village Panchayat or of any Intermediate Panchayat, into more than one division.

(b) determine the constituency or constituencies which shall be reserved for the Scheduled Castes or the Scheduled Tribes and for women.

(2) The SEC or the officer authorised by it shall, -

(a) publish the proposals of the SEC or the officer in respect of the matters mentioned in clause (a) of sub-section (1), with a notice specifying the date on or after which the proposals will be considered by it or by him and by inviting objections and suggestions with respect to the proposals before a date specified in the notice, by affixing copies thereof on the notice board of the Office of the Panchayat concerned and in such conspicuous places within the Panchayat area concerned;

(b) publish in the Gazette and in any two local newspapers having wide circulation within the Panchayat area concerned the act of publication under clause (a);

(c) consider all objections and suggestions that may have been received by the SEC or the officer authorised by it before the date so specified; and

(d) delimit the constituencies;

(e) determine the constituencies reserved for Scheduled Castes, Scheduled Tribes, Backward Classes or women. The constituencies shall be allotted according to rotation by draw of lots by

the officers, authorised in this behalf by the Commission and at the time, date and the place fixed by the SEC by notification in the gazette;

(f) after draw of lots an order determining the Constituencies reserved for Scheduled Caste, Scheduled Tribe, Backward Classes or women, shall be issued;

(3) An order made by the SEC or the officer authorised by it shall not be called in question in any Court of Law.

(4) The State Government or the officer authorised by them shall furnish free of cost three copies each of the proposals published and the final orders issued under sub-section (2) to the committees at the Panchayat level of all concerned political parties having representation in the Legislative Assembly and copies of such orders shall also be made available for sale at the price fixed by the State Government or the officer authorised by them, to all the public who require them.

169A. Review of final orders by SEC.-

(1) The SEC may, either suo motu or on application, review any order issued under section 169 and pass such order as it may deem fit.

(2) An application for review under sub-section (1) shall be filed within fifteen days from the date of issue of the impugned final order:

Provided that the time taken for obtaining a copy of the order against which the complaint was filed shall be excluded from calculating the said fifteen days.

(3) Every order issued by the SEC under sub-section (1) shall be published as soon as may be after it is issued, by affixing on the notice board of the Panchayat concerned and in a conspicuous place within the area of such Panchayat and the fact of such publication shall be published in the Gazette and in two local newspapers having wide circulation within the Panchayat area concerned, and a copy each, of the order, shall be given free of cost, to the concerned Panchayat level committees of all political parties having representation in the Legislative Assembly.

169 B. Power to rectify Printing mistakes, etc.-

The SEC or an officer authorised by it may, from time to time correct any printing mistake in any order made under section 169 or any error therein arising from an inadvertent slip or omission.

170. Election to the Panchayat.-

(1) The superintendence, direction and control of the preparation of electoral rolls for and the conduct of, all elections to the Panchayat shall be vested in the SEC.

(2) The State Government may, from time to time, make provisions by rules with respect to all matters relating to or in connection with the election to the Panchayat including those in relation to the preparation of electoral rolls, the delimitation of wards or constituencies and all other matters necessary for securing the due constitution of such institutions.

171. District Election Officer.-

(1) The SEC shall, in consultation with the State Government, designate or nominate an officer of the State Government or a local authority as District Election Officer for each District:

Provided that the SEC may designate or nominate more than one such officer for a District if it is satisfied that the functions of the office cannot be performed satisfactorily by one such officer.

(2) Where more than one District Election Officer is designated or nominated for a District, the SEC shall in the order designating or nominating them also specify the area in respect of which each such officer shall exercise jurisdiction.

(3) Subject to the superintendence, direction and control of the SEC, every District Election Officer shall co-ordinate and supervise the preparation and publication of Panchayat electoral rolls and also the conduct of elections to the offices of members of Panchayats at all levels, Chairperson and Deputy Chairperson of Village Panchayats, and Chairpersons and Deputy-Chairpersons of Intermediate Panchayats and District Panchayats.

(4) The District Election Officer shall also perform such other functions relating to the election as may be entrusted to him by the SEC.

172. Panchayat Electoral Registration Officer.-

(1) The electoral rolls for all the constituencies comprised in a Panchayat, within his jurisdiction, shall be prepared and published, in such manner as may be prescribed, by an Electoral Registration Officer who shall be such officer of the State Government or of a local authority as the SEC may, in consultation with the State Government, designate or nominate in this behalf.

173. Assistant Electoral Registration Officer.-

(1) The SEC may designate one or more persons as Assistant Electoral Registration Officers to assist any Electoral Registration Officer in the performance of his functions:

Provided that every such person shall be an officer of the State Government or of a Panchayat.

(2) Every Assistant Electoral Registration Officer shall, subject to the control of the Electoral Registration Officer, be competent to perform all or any of the functions of the Electoral Registration Officer.

174. Electors and electoral rolls for every constituency.-

(1) The electoral roll of a Panchayat shall be prepared by the Electoral Registration Officer, by integrating the particulars in the various entries available in such part or portion thereof of the current electoral roll of the State Legislative Assembly and various amendments issued to it from time to time, as they relate to the ward of the Village Panchayat or constituency of Intermediate or District Panchayat or a portion thereof.

(2) The roll shall be divided in to convenient parts which shall be numbered consecutively.

(3) There shall be a separate part or parts of the rolls for each Ward of a Village Panchayat or constituency of Intermediate or District Panchayat.

(4) The number of electors included in any part of the roll shall be prepared in accordance with the directions issued by the SEC from time to time.

(5) The electoral roll shall be prepared before every ordinary or casual election.

(6) Subject to the superintendence, direction and control of the SEC the electoral rolls shall be revised, modified and updated and published by such officer as may be designated by the SEC in this behalf in the prescribed manner.

(7) No amendment, transposition or deletion of any entry in the electoral roll of the State Legislative Assembly made after the last date of making nominations for election in any Panchayat territorial area and before the notification of the result of such election, shall form part of the electoral roll for each election for the purpose of this Act.

* Note: - the voter registration and preparation of electoral rolls shall be based on geographical contiguity. 'Part' shall be a compact geographical unit and shall not cut cross the Panchayat boundaries.

175. Publication of copies of rolls.-

(1) As soon as the roll is prepared in accordance with section 174 and prescribed rules, the Panchayat Electoral Registration Officer shall make arrangements to print or cyclostyle or write in manuscript as many copies of the roll as may be directed by the SEC from time to time. He shall then publish the roll in the manner prescribed, making copies thereof available for inspection by public.

(2) Upon such publication under this Act, the roll shall be the electoral roll of the Ward of the Village Panchayat or the constituency of the Intermediate Panchayat or the constituency of the District Panchayat as the case maybe and shall remain in force till a fresh electoral roll is prepared and published.

176. Procedure for lodging claims and objections.-

All omissions of names in any part of the roll or objections to any entry in the roll, at any point of time after its publication under section 175, shall be settled by first getting amended suitably the relevant portion of the electoral roll of the State Legislative Assembly Constituency based on which the Panchayat electoral roll was prepared. Anybody wishing to raise a claim for inclusion of any name in the roll or any objection in respect of any entry in the roll so published, shall submit a proper claim or objection under the provisions of the Registration of Electors Rules, 1960 to the Electoral Registration Officer of the concerned Legislative Assembly Constituency. Subject to the provisions in section 174 of the Act and based on the orders of the Electoral Registration Officer of the Assembly Constituency on such claims and objections, the Panchayat Electoral Registration Officer shall amend the relevant portion of the Panchayat Electoral Roll, incorporating the changes by issuing an amendment to the relevant part of the Panchayat Electoral Roll. In case of any clerical or printing error or both and when the entries deviate from the particulars of electoral roll of the State Legislative Assembly, the Panchayat Electoral Registration Officer may cause such errors and omissions rectified so as to bring it in conformity with the particulars of the electoral roll of the State Legislative Assembly concerned. In other words, the Panchayat Electoral Registration Officer will not resort to suo motu revision of the rolls by way of deletions or additions or modifications.

177. Staff of local authorities etc. to be made available.-

(1) Every local authority in the State shall, when so requested by the SEC or District Election Officer (Panchayats), make available to any Electoral Registration Officer such staff as may be necessary for the performance of any duties in connection with the preparation and publication of electoral rolls.

(2) The authorities specified in sub-section (3) shall, when so requested by the SEC or District Election Officer (Panchayats), make available to any Returning Officer such staff as may be necessary, for the performance of any duties in connection with an election.

(3) The following shall be the authorities for the purposes of sub-section (2), namely:-

(i) every local authority;

(ii) any other body corporate or public undertaking which is established by the State Government by or under a State Act or a Central Act or which is established otherwise but controlled, aided or financed wholly or substantially by the State Government.

178. Officers and staff deemed to be on deputation of SEC.-

The officers or staff employed in connection with the preparation, publication, revision and correction of the electoral rolls for, and the conduct of, all elections, under this Act shall be deemed to be on deputation to the SEC for the period during which they are so employed and such officers and staff shall, during that period be subject to the control and superintendence of the SEC.

B. Elections

179. Notification for general election to Panchayats.-

(1) A general election shall be held for the purpose of constitution or reconstitution of new Panchayats before the expiration of the duration of the existing Panchayats.

(2) For the said purpose, the State Government shall, by one or more notifications published in the Gazette on such date as may be recommended by SEC, call upon all the constituencies of the Panchayats in the State to elect members in accordance with the provisions of this Act and of the rules and orders made there under.

180. Conduct of Elections.-

The elections to the Panchayats at all levels shall be conducted in accordance with the procedure prescribed in the rules.

181. General duties of district election officers.-

Subject to the superintendence, direction and control of the SEC the District Election Officer shall coordinate and supervise all work in the District in connection with the conduct of all elections to the Panchayats in the District.

182. Election Observers.-

(1) The SEC may nominate adequate number of higher officials of the State Government as observers in consultation with the State Government for observing the election of the Panchayat.

(2) The observer nominated under sub-section (1) shall assist the SEC to ensure a fair and equitable election and shall discharge such other function as may be entrusted by the Commission.

183. Returning Officers.-

For every Panchayat for every election to fill a seat or seats in the Panchayat, the SEC shall, in consultation with the State Government, designate or nominate one or more Returning Officer who shall be an officer of the State Government or of a local Self Government Institution:

Provided that nothing in the section shall prevent the SEC from designating or nominating the same person to be the Returning Officer for more than one Panchayat.

184. Assistant Returning Officers.-

(1) The SEC may appoint one or more persons as Assistant Returning Officers to assist any Returning Officer in the performance of his functions.

(2) Every Assistant Returning Officer shall, subject to the control of the Returning Officer, be competent to perform all or any of the functions of the Returning Officer:

Provided that no Assistant Returning Officer shall perform any of the functions of the Returning Officer which relate to the scrutiny of nominations unless the Returning Officer is unavoidably prevented from performing the said function.

185. General duty of the Returning Officer.-

It shall be the general duty of the Returning Officer at any election to do all such acts and things as may be necessary for effectually conducting the election in the manner provided by this Act and the rules or orders made there under.

186. Provision of Polling Stations.-

The District Election Officer shall, with the previous approval of the SEC, provide sufficient number of polling stations for every Panchayat within his jurisdiction, and shall publish in such manner as the SEC may direct, a list showing the polling stations so provided and the polling areas or groups of voters for which they have respectively been provided.

187. Appointment of Presiding Officers for Polling Stations.-

(1) The District Election Officer shall appoint a presiding officer for each polling station and such polling officer or officers as he thinks necessary, but he shall not appoint any person who has been employed by or on behalf of, or has been otherwise working for, a candidate in or in relation to the election:

Provided that if a polling officer is absent from the polling station, the presiding officer may appoint any person who is present at the polling station other than a person who has been employed by or on behalf of, or has been otherwise working for a candidate in or in relation to the election, to be the polling officer during the absence of the former officer, and inform the District Election Officer accordingly;

Provided further that nothing in this sub-section shall prevent the District Election Officer from appointing the same person to be presiding officer for more than one polling station in the same premises.

(2) A polling officer shall, if so directed by the presiding officer, perform all or any of the functions of a presiding officer under this Act or any rules or orders made there under.

(3) If the presiding officer, owing to illness or other unavoidable cause, is obliged to absent himself from the polling station, his functions shall be performed by such polling officer as has been previously authorised by the District Election Officer to perform such functions during any such absence.

(4) References in this Act to the presiding officer shall, unless the context otherwise requires, be deemed to include any person performing any function which he is authorised to perform under sub-section (2) or sub-section (3) as the case may be.

188. General duty of the Presiding Officer.-

It shall be the general duty of the presiding officer at a polling station to keep order there at and to see that the poll is fairly taken.

189. Returning officer, Presiding officer etc. be deemed to be on deputation to the SEC.-

The Returning Officer, the Assistant Returning Officer, the Presiding Officer, the Polling Officer, any other officer and any police officer designated for the time being to conduct a general election or bye-election under the provisions of this Act shall be deemed to be on deputation to the SEC for the period from the date of the notification for such election to the date of declaration of the result of such election and accordingly, such officers shall be subject to the control, supervision and command of the SEC during that period.

190. Appointment of dates for nominations, etc.-

As soon as the notification calling upon the constituencies in a Panchayat at any level to elect a member or members is issued, the SEC shall, by notification in the Gazette, appoint –

- (a) the last date for making nominations which shall be the seventh day after the date of publication of the first mentioned notification or, if that day is a public holiday, the next succeeding day which is not a public holiday;
- (b) the date for the scrutiny of nominations which shall be the day immediately following the last date for making nominations or, if that day is a public holiday, the next succeeding day which is not a public holiday;
- (c) the last date for the withdrawal of candidatures, which shall be the second day after the date for the scrutiny of nominations or, if that day is a public holiday, the next succeeding day which is not a public holiday;
- (d) the date or dates on which a poll shall, if necessary, be taken which or the first of which shall be a date not earlier than the twentieth day after the last date for the withdrawal of candidatures; and
- (e) the date before which the election shall be completed.

191. Public Notice of election.-

On the issue of a notification under section 190, the Returning Officer shall give public notice of the intended election in such form and manner, as may be prescribed, inviting nominations of candidates for such election and specifying the place at which the nomination papers are to be delivered.

192. Nomination of candidates for election.-

Any person may be nominated as a candidate for election to fill a seat if he is qualified to be chosen to fill that seat under the provisions of the Constitution and this Act:

Provided that a person nominated as a candidate to fill a seat in a constituency in a Panchayat shall not be nominated as a candidate for another constituency in the same Panchayat.

193. Presentation of nomination paper and requirement for a valid nomination.-

(1) On or before the date appointed under clause (a) of section 190, each candidate shall, either in person or by his proposer, between the hours of eleven O'clock in the forenoon and three O'clock in the afternoon deliver to the Returning Officer at the place specified in this behalf in the notice issued under section 191, a nomination paper completed in the prescribed form and signed by the candidate and by an elector of the constituency as proposer.

(2) In a constituency where the seat is reserved for Scheduled Caste or Scheduled Tribe a candidate shall not be deemed to be qualified to be chosen to fill that seat unless his nomination paper contains a declaration by him specifying the particular caste or tribe of which he is a member.

(3) Where the candidate is a person who, having held any office referred to in clause (1) of section 45 has been dismissed or removed and period of five years has not elapsed since the dismissal or removal such person shall not be deemed to be duly nominated as a candidate unless his nomination paper is accompanied by a certificate issued in the prescribed manner by the SEC to the effect that he has not been dismissed or removed for corruption, or disloyalty.

(4) On the presentation of a nomination paper, the Returning Officer shall satisfy himself that the names and electoral roll numbers of the candidate and his proposer as entered in the nomination paper are the same as those entered in the electoral rolls:

Provided that no misnomer or inaccurate description or clerical, technical or printing error in regard to the name of the candidate or his proposer or any other person, or in regard to any place, mentioned in the electoral roll or the nomination paper and no clerical, technical or printing error in regard to the electoral roll numbers of any such person in the electoral roll or the nomination paper, shall affect the full operation of the electoral roll or the nomination paper with respect to such person or place in any case where the description in regard to the name of the person or place is such as to be commonly understood; and the Returning Officer shall permit any such misnomer or inaccurate description or clerical, technical or printing error to be corrected and where necessary direct that any such misnomer, inaccurate description, or clerical, technical or printing error in the electoral roll or in the nomination paper shall be overlooked.

(5) Where the candidate is an elector of a different constituency a copy of the electoral roll of that constituency or of the relevant part thereof or a certified copy of the relevant entries in such roll shall unless it has been filed along with the nomination paper, be produced before the Returning Officer at the time of scrutiny.

(6) Nothing in the section shall prevent any candidate from being nominated by more than one nomination paper:

Provided that not more than three nomination papers shall be presented by or on behalf of any candidate or accepted by the Returning Officer.

194. Procedure upon delivery of nomination papers.-

The Returning Officer shall, on receiving the nomination paper under sub-section (1) of section 193, inform the person or persons delivering the same, of the date, time and place fixed for the scrutiny of nominations and shall endorse thereon in his handwriting-

- (i) the serial number of the ward or constituency from which the candidate proposes to seek election,
- (i) the serial number of the nomination paper for such ward or constituency,
- (ii) the name of the person delivering the nomination paper together with the name of the person, if any, identifying such person, and
- (iii) the date on which and the hour at which, the nomination paper was delivered to him.

195. Withdrawal of candidature.-

(1) Any candidate may withdraw his candidature by a notice in writing which shall contain such particulars as may be prescribed and shall be subscribed by him delivered before three O'clock in the afternoon on the day fixed under clause (c) of section 190 to the returning officer either by such candidate in person or by his proposer, or election agent who has been authorised in this behalf in writing by such candidate:

Provided that if that day has been notified by the State Government as a day to be observed as a holiday in State Government offices, the notice of withdrawal shall be considered as having been delivered in due time if it is delivered before three O'clock in the afternoon on the next succeeding day which is not a holiday so notified.

(2) No person who has given a notice of withdrawal of his candidature under sub-section (1) shall be allowed to cancel the notice.

(3) The Returning Officer shall, on being satisfied as to the genuineness of a notice of withdrawal and the identity of the person delivering it under sub-section (1), cause the notice to be affixed in some conspicuous place in his office and in the office of the concerned Panchayat.

196. Publication of list of contesting candidates.-

(1) Immediately after the expiry of the period within which candidatures may be withdrawn under sub-section (1) of section 195, the Returning Officer shall prepare and publish in such form and manner as may be prescribed a list of contesting candidates.

(2) The said list shall contain the names in alphabetical order and the addresses of the contesting candidates as given in the nomination papers together with such other particulars, as may be prescribed.

197. Election agent.-

A candidate at an election may appoint, in the prescribed manner any one person other than himself to be his election agent and when any such appointment is made, notice of the appointment shall be given in the prescribed manner, to the Returning Officer.

198. Disqualification for being an election agent.-

Any person who is for the time being disqualified under this Act for being a member of a Panchayat shall be disqualified for being an election agent at any election.

199. Function of election agents.-

An election agent may perform such functions in connection with the election as are authorised by or under this Act to be performed by an election agent.

200. Appointment of polling agents and election agents.-

(1) A contesting candidate or his election agent may appoint, in the prescribed manner, such number of agents and relief agents, as may be prescribed, to act as polling agents of such candidate at each polling station provided under section 186.

(2) A contesting candidate or his election agent may appoint, in the prescribed manner one or more persons but not exceeding such number, as may be prescribed, to be present as his counting agent or agents at the counting of votes, and when any such appointment is made notice of the appointment shall be given in the prescribed manner to the Returning Officer.

201. Functions of polling agents and counting agents.-

(1) A polling agent may perform such functions in connection with the poll as are authorised by or under this Act to be performed by a polling agent.

(2) A counting agent may perform such functions in connection with the counting of votes as are authorised by or under this Act to be performed by a counting agent

202. Procedure in contested and uncontested elections.-

(1) if the number of contesting candidates for a constituency is more than one, a poll shall be taken.

(2) If there is only one candidate for a constituency, the Returning Officer shall declare him to be duly elected.

(3) If there is no candidate, election proceedings shall be started afresh for filling up the vacancy in all respects as it for a new election.

203. Fixing time for poll.-

The SEC shall fix the hours during which the poll will be taken, and the hours so fixed shall be published in such manner as may be prescribed:

Provided that the total period allotted on any one-day or polling at an election to a constituency shall not be less than eight hours between 7 a.m. and 5 p.m.

204. Manner of voting at elections.-

At every election where a poll is taken votes shall be given by ballot in such manner as may be prescribed, and no votes shall be received by proxy.

205. Right to vote.-

(1) No person who is not, and except as expressly provided by this Act, for the time being entered in the electoral roll of a constituency shall be entitled to vote in that constituency.

(2) No person shall vote at an election in any constituency if he is subject to any of the disqualifications referred to in section 47.

(3) No person shall vote at a general election in more than one constituency of the same level, and if a person votes in more than one such constituency, his votes in all such constituencies shall be void.

(4) No person shall at any election vote in the same constituency more than once, notwithstanding that his name may have been registered in the electoral roll for that constituency more than once, and if he does so vote, all his votes in that constituency shall be void.

(5) No person shall vote at any election if he is confined in a prison whether under a sentence of imprisonment or transportation or otherwise, or is in the lawful custody of the police:

Provided that nothing in this sub-section shall apply to a person subjected to preventive detention under any law for the time being in force.

206. Counting of votes.-

At every election where a poll is taken votes shall be counted by, or under the supervision and direction of, the Returning Officer and each contesting candidate, his election agent and his counting agents shall have a right to be present at the time of counting.

207. Equality of votes.-

If, after the counting of the votes is completed, an equality of votes is found to exist between any candidates, and the addition of one vote will entitle any of those candidates to be declared elected, the returning officer shall forthwith decide between those candidates by lot, and proceed as if the candidate on whom the lot falls had received an additional vote.

208. Declaration of Election Results.-

When the counting of the votes has been completed, the returning officer shall, in the absence of any direction by the SEC to the contrary, forthwith declare the result of the election in the manner provided by this Act or the rules made there under.

209. Report of the result.-

As soon as may be after the result of an election has been declared, the Returning Officer shall report the result to the Panchayat concerned, to the SEC and to the State Government, and the SEC shall cause to be published in the Gazette the declarations containing the names of the elected candidates. The name or names of the elected candidate or candidates shall also be published on the notice board of the Panchayat concerned.

210. Date of election of candidate.-

For the purpose of this Act, the date on which a candidate is declared by the Returning Officer under the provisions of section 202, or section 208, to be elected to a Panchayat shall be the date of election of that candidate.

211. Publication of election results.-

Where a general election is held for the purpose of constituting or reconstituting a Panchayat there shall be notified by the SEC in the Gazette the names of the members elected from the constituencies, as soon as may be after the results of the elections in all those constituencies have been declared by the Returning Officer under the provisions of the section 202 or, as the case may be under section 208, other than those constituencies in which the poll could not be taken for any reason on the date originally fixed under clause (d) of section 190 or for which the time for completion of the election has been extended under the provisions of section 242, and upon the publication of such notification the members shall be deemed to be duly elected:

Provided that the publication of such notification shall not be deemed –

(a) to prelude –

(i) the taking of the poll and the completion of the election in any Panchayat constituency or constituencies in which the poll could not be taken for any reason on the date originally fixed under clause (e) of section 190; or

(ii) the completion of the election in any Panchayat constituency or constituencies for which time has been extended under the provisions of section 242;

(b) to affect the duration of the Panchayat, if any, functioning immediately before the issue of the said notification.

212. Account of election expenses and maximum thereof.-

(1) Every candidate at an election shall, either by himself or by his election agent, keep a separate and correct account of all expenditure in connection with the election incurred or authorised by him or by his election agent between the date on which he has been nominated and the date of declaration of the result thereof (both dates inclusive).

Explanation 1. – any expenditure incurred or authorised in connection with the election of a candidate by a political party or by any other association or body or persons or by any individual (other than the candidate or his election agent) - shall not be deemed to be expenditure in connection with the election incurred or authorised by the candidate or by his election agent for the purposes of this sub-section.

Explanation 2. - For the removal of doubt, it is hereby declared that any expenditure incurred in respect of any arrangements made, facilities provided or any other act or thing done by any person in the service of the State Government and belonging to any of the classes mentioned in clause (8) of section 216 in the discharge or purported discharge of his official duty as mentioned in the proviso to that clause shall not be deemed to be expenditure in connection with the election incurred or authorised by a candidate or by his election agent for the purpose of this sub-section.

(2) The account shall contain such particulars, as may prescribed.

(3) The total of the said expenditure shall not exceed such amount as may be prescribed.

213. Lodging of accounts with the officer authorized by the SEC.-

Every contesting candidate at an election shall, within 30 days from the date of election of the returned candidate lodge with the officer authorised by the SEC, an account of his election expenses along with the connected records which shall be a true copy of the account kept by him or by his election agent under section 212. The said officer shall, as soon as may be, immediately after the expiry of the said period of 30 days, make available to the officer appointed by the Commission, the accounts of election expenses received by him along with a list of candidates who did not lodge the accounts of election expenses prescribed by the Commission.

214. List of officers and staff of the State Government Departments, local authorities or other authorities and educational institutions to be furnished.-

(1) Every head of office, department, of educational institutions of the State Government, headmasters of aided schools and principals of private affiliated colleges and every local Self Government Institution or other authority shall, on requisition by the SEC or an officer authorised by him, furnish to him a list of officers and staff of such office or educational institution within such time as may be specified in the requisition, for performing any duty in connection with an election to a Panchayat:

Explanation. – For the purpose of this section, 'other authority' means any authority by whatever name called, constituted by the State Government under any law or established by or under any State enactment for the time being in force.

(2) If any person to whom a requisition under sub-section (1) is made by the SEC or an officer authorised by it fails to furnish the list of officers and staff within such time as may be specified in such requisition, he shall be punishable with fine which may extend to five hundred rupees.

215. Requisition of premises etc., for election purposes.-

(1) If it appears to the SEC or the District Election Officer that in connection with an election to a Panchayat –

(a) any premises are needed or are likely to be needed for the purpose of being used as a polling station or for the storage of ballot boxes after a poll has been taken, or

(b) any vehicle or vessel is needed or is likely to be needed for the purpose of transport of ballot boxes to or from any polling station, or transport of members of the police force for maintaining order during the conduct of such election, or transport of any officer or other person for the performance of any duties in connection with such election, the SEC or as the case may be, the District Election Officer may by order in writing requisition such premises or such vehicle or vessel, as the case may be, and may make such further orders as may appear to him to be necessary or expedient in connection with the requisitioning in respect of matters including reasonable remuneration to be given therefor:

Provided that no vehicle or vessel which is being lawfully used by a candidate or his agent for any purpose connected with the election of such candidate shall be requisitioned under this sub-section until the completion of the poll at such election.

(2) The requisition shall be effected by an order in writing, addressed to the person deemed by the SEC or as the case may be, the District Election Officer to be the owner or person in possession of the property.

(3) Whenever any property is requisitioned under sub-section (1) the period of such requisition shall not extend beyond the period for which such property is required for any of the purposes mentioned in that sub-section.

(4) If any person contravenes any order made under this section, he shall be punishable with imprisonment for a term which may extend to three months or with fine or with both.

(5) In this section –

(a) 'premises' means, any land, building or part of a building and includes a hut, shed or other structure or any part thereof;

(b) 'vehicle' means any vehicle used or capable of being used for the purpose of road transport, whether propelled by mechanical power or otherwise.

(c) 'vessel' means any vessel used or capable of being used for the purpose of water transport, whether propelled by mechanical power or otherwise.

C. Corrupt Practices and Electoral Offences

216. Corrupt Practices.-

(1) Corrupt practices. - The following shall be deemed to be corrupt practices for the purposes of this Act –

(1) 'Bribery', that is to say, -

(A) any gift, offer or promise by a candidate or his agent or by any other person with the consent of a candidate or his election agent of any gratification, to any person whomsoever, with the object, directly or indirectly of inducing –

(a) a person to stand or not to stand as, or to withdraw or not to withdraw from being a candidate at an election, or

(b) an elector to vote or refrain from voting at an election, or as a reward to –

(i) a person for having so stood, or not stood, or for having withdrawn or not having withdrawn his candidature; or

(ii) an elector for having voted or refrained from voting;

(B) the receipt of, or agreement to receive, any gratification, whether as a motive or a reward –

(a) by a person for standing or not standing as, or for withdrawing or not withdrawing from being, a candidate; or

(b) by any person whomsoever for himself or any other person for voting or refraining from voting, or inducing or attempting to induce any elector to vote or refrain from voting, or any candidate to withdraw or not to withdraw his candidature.

Explanation. - For the purposes of this clause the term gratification is not restricted to pecuniary gratifications or gratifications estimable in money and it includes all forms of entertainment and all forms of employment for reward but it does not include the payment of expenses bonafide incurred at, or for the purpose of, any election and duly entered in the account of election expenses referred to in the rules.

(2) 'Undue influence', that is to say, any direct or indirect interference or attempt to interfere on the part of the candidate, or his agent, or of any other person with the consent of the candidate or his election agent with the free exercise of any electoral right:

Provided that -

(a) without prejudice to the generality of the provisions of this clause any such person as is referred to therein who -

(i) threatens any candidate or any elector, or any person in whom a candidate or an elector is interested, with injury of any kind including social ostracism and ex-communication or expulsion from any caste or community; or

(ii) induces or attempts to induce a candidate or an elector to believe that he, or any person in whom he is interested, will become or will be tendered an object of divine displeasure or spiritual censure, shall be deemed to interfere with the free exercise of the electoral right of such candidate or elector within the meaning of this clause.

(b) a declaration of public policy or a promise of public action, or the mere exercise of a legal right without intent to interfere with an electoral right shall not be deemed to be interference within the meaning of this clause.

(3) The appeal by a candidate or his agent or by any other person with the consent of a candidate or his election agent to vote or refrain from voting for any person on the ground of his religion, race, caste, community or language or the use of, or appeal to religious symbols or the use of, or appeal to national symbols such as the national flag or the national emblem for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate:

Provided that no symbol allotted under any rules made under this Act to a candidate shall be deemed to be a religious symbol or a national symbol for the purposes of this clause.

(4) The promotion of, or attempt to promote, feelings of enmity or hatred between different classes of the citizens of India on grounds of religion, race, caste, community, or language by a candidate or his agent or any other person with the consent of a candidate or his agent or any other person with the consent of a candidate or his election agent for the furtherance of

the prospects of the election of that candidate or for prejudicially affecting the election of any candidate.

(5) The publication by a candidate or his agent or by other person, with the consent of a candidate or his election agent, of any statement of fact which is false, and which he either believes to be false or does not believe to be true, in relation to the personal character or conduct of any candidate, or in relation to the candidature, or withdrawal, of any candidate being a statement reasonably calculated to prejudice the prospects of that candidate's election.

(6) The hiring or procuring, whether on payment or otherwise, of any vehicle or vessel by a candidate or his agent or by any other person with the consent of a candidate or his election agent, or the use of such vehicle or vessel for the free conveyance of any elector (other than the candidate himself, the members of his family or his agent) to or from any polling station provided under section 186:

Provided that the hiring of a vehicle or vessel by an elector or by several electors at their joint cost for the purpose of conveying him or them to and from any such polling station or place fixed for the poll shall not be deemed to be a corrupt practice under this clause if the vehicle or vessel so hired is a vehicle or vessel not propelled by mechanical power:

Provided further that the use of any public transport, vehicle or vessel or any tramcar or railway carriage by any elector on his own cost for the purpose of going to or coming from any such polling station or place fixed for the poll shall not be deemed to be a corrupt practice under this clause.

Explanation. - In this clause, the expression 'vehicle' means any vehicle used or capable of being used for the purpose of road transport, whether propelled by mechanical power or otherwise and whether used for drawing other vehicles or otherwise.

(7) The incurring or authorising of expenditure in contravention of section 212.

(8) The obtaining or procuring or abetting or attempting to obtain or procure by a candidate or his agent or, by any other person with the consent of a candidate or his election agent, any assistance (other than the giving of vote) for the furtherance of the prospects of that candidate's election, from any person in the service of a Panchayat or of State Government, and belonging to any of the following classes, namely: -

- (a) gazetted officers;
- (b) members of police forces;
- (c) excise officers;

(d) revenue officers; and

(e) such other class of persons in the service of the State Government as may be prescribed:

Provided that where any person, in the service of the State Government and belonging to any of the classes aforesaid, in the discharge or purported discharge of his official duty makes any arrangements or provides any facilities or does any other act or thing, for, to, or in relation to, any candidate or his election agent or any other person acting with the consent of the candidate or his election agent, (whether by reason of the office held by the candidate or for any other reason), such arrangements, facilities or act or thing shall not be deemed to be assistance for the furtherance of the prospects of that candidates election.

(9) Booth capturing by a candidate or his agent or other person acting with the consent of the candidate or his election agent.

Explanation 1 – In this section the any expression 'agent' includes an election agent, a polling agent and any person who is held to have acted as an agent in connection with the election with the consent of the candidate.

Explanation 2– For the purposes of clause (8), a person shall be deemed to assist in the furtherance of the prospects of a candidate's election if he acts as an election agent of that candidate.

Explanation 3– For the purposes of clause (8), notwithstanding anything contained in any other law, the publication in the Gazette of the appointment, resignation, termination of service, dismissal or removal from service of a person in the service of the State Government or of a Panchayat shall be conclusive proof –

(i) of such appointment, resignation, termination of service, dismissal or removal from service, as the case may be, and

(ii) where the date of taking effect of such appointment resignation, termination of service, dismissal or removal from service as the case may be, is stated in such publication; also of the fact that such person was appointed with effect from the said date, or in the case of resignation, termination of service, dismissal or removal from service, such person ceased to be in such service with effect from the said date.

217. Electoral Offences.-

The provisions of sections 125, 126, 127, 127-A, 128, 130, 131, 132, 132-A, 133, 134, 134-A, 134-B, 135, 135-A, 135-B, 135-C and 136 of the Representation of the People Act, 1951 (Central Act XLIII of 1951) shall have effect as if-

(a) references therein to an election were reference to an election under this Act;

(b) references therein a constituency included references to a ward or a constituency of a Panchayat; and

(d) in sub-sec. (1) of Section 135-B, for the words "House of the People or the Legislature Assembly of a State", the words "Panchayat" were substituted.

D. Disputes regarding Elections

218. Election Petitions.-

No election shall be called in question except by an election petition presented in accordance with the procedure prescribed in this chapter and the rules.

219. Court competent to try election petitions.-

(1) The court having jurisdiction to try an election petition shall be, -

(a) In the case of a Village Panchayat, the Munsiff's Court having jurisdiction over the place in which the headquarters of the Panchayat is located; and

(b) In the case of Intermediate Panchayat or District Panchayat the District Court having jurisdiction over the place in which the headquarters of the Panchayat concerned is located.

(2) The State Government shall, in consultation with the High Court notify the appropriate courts in the Gazette.

220. Presentation of petitions.-

(1) An election petition calling in question any election may be presented on one or more of the grounds specified in section 226 and section 227, to the appropriate court as specified in section 219, by any candidate at such election or by any elector within 30 days from, but not earlier than, the date on which the returned candidate was declared elected.

Explanation – In this sub-section, 'elector' means a person who was entitled to vote at the election to which the election petition relates, whether he has voted at such election or not.

(2) Every election petition shall be accompanied by as many copies thereof as there are respondents mentioned in the petition and every such copy shall be attested by the petitioner under his own signature to be a true copy of the petition.

221. Parties to the Petition.-

A petitioner shall join as respondents to his petition.

(a) Where the petitioner, in addition to claiming a declaration that the election of the returned candidate is void, claims a further declaration that he himself or any other candidate has been

duly elected, all the contesting candidates other than the petitioner, and where no such further declaration is claimed, the returned candidates; and

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

222. Relief that may be claimed by the Petitioner.-

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

223. Trial of election petition.-

(1) The court shall dismiss an election petition which does not comply with the provisions of section 220 or section 221 or section 237.

Explanation. - An order of the court dismissing an election petition under, this sub-section shall be deemed to be an order made under clause (a) of section 224.

(2) Where more election petitions than one are presented to the court in respect of the same election, the court may, in its discretion, try them separately or in one or more groups.

(3) Any candidate not already a respondent shall, upon application made by him to the Court within fourteen days from the date of commencement of the trial and subject to any order as to security for costs which may be made by the court, be entitled to be joined as a respondent.

Explanation. - For the purposes of this sub-section and section 224 the trial of a petition shall be deemed to commence on the date fixed for the respondents to appear before the court and answer the claim or claims made in the petition.

(4) The court may upon such terms as to costs and otherwise as it may deem fit, allow the particulars of any corrupt practice alleged in the petition to be amended or amplified in such manner, as may in its opinion be necessary for ensuring a fair and effective trial of the petition, but shall not allow any amendment of the petition which will have the effect of introducing particulars of a corrupt practice not previously alleged in the petition.

(5) Every election petition shall be tried as expeditiously as possible and shall be disposed of within six months from the date on which the election petition is presented to the Court for trial.

224. Decision of the Court.-

At the conclusion of the trial of an election petition the court shall make an order –

- (a) dismissing the election petition; or
- (b) declaring the election of the returned candidate to be void; or
- (c) declaring the election of the returned candidate to be void and the petitioner or any other candidate to have been duly elected.

225. Other orders to be made by the Court.-

At the time of making an order under section 224, the court shall also make an order -

- (a) where any charge is made in the petition of any corrupt practice having been committed at the election, recording –
 - (i) a finding whether any corrupt practice has or has not been proved to have committed at the election, and the nature of that corrupt practice; and
 - (ii) the names of all persons, if any, who have been proved at the trial to have been guilty of any corrupt practice and the nature of that any practice; and
- (b) fixing the total amount of costs payable and specifying the persons by and to whom costs shall be paid:

Provided that a person who is not a party to the petition shall not be named in the order under sub-clause (ii) of clause (a) unless –

- (i) he has been given notice to appear before the court and to show cause why he should not be so named; and
- (ii) if he appears in pursuance of the notice, he has been given an opportunity of cross examining any witness who has already been examined by the court and has given evidence against him, of calling evidence in his defence and of being heard.

226. Grounds for declaring election to be void.-

(1) Subject to the provisions of sub-section (2) if the court is of opinion –

- (a) that on the date of his election a returned candidate was not qualified, or was disqualified, to be chosen to fill the seat under this Act; or
- (b) that any corrupt practice has been committed by a returned candidate or his election agent or by any other person with the consent of a returned candidate or his election agent; or
- (c) that any nomination has been improperly rejected; or
- (d) that the result of the election, in so far as it concerns a returned candidate, has been materially affected –
 - (i) by the improper acceptance of any nomination, or
 - (ii) by any corrupt practice committed in the interests of the returned candidate by an agent other than his election agent; or

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

(iv) by any non-compliance with the provisions of this Act or of any rules or orders made there under, the court shall declare that the election of the returned candidate to be void.

(2) If in the opinion of the court a returned candidate has been guilty by an agent, other than his election agent, of any corrupt practice but the court is satisfied. –

(a) that no such corrupt practice was committed at the election by the candidate or his election agent, and every such corrupt practice was committed contrary to the orders, and without the consent, of the candidate or his election agent;

(b) that the candidate and his election agent took all reasonable means for preventing the commission of corrupt practices at the election; and

(c) that in all other respects the election was free from any corrupt practice on the part of the candidate or any of this agents, then the court may decide that the election of the returned candidate is not void.

Explanation - In this section the term 'agent' has the same meaning as in section 216.

227. Grounds for which a candidate other than the returned candidate may be declared to have been elected.-

If any person who has lodged a petition has, in addition to calling in question the election of the returned candidate, claimed a declaration that he himself or any other candidate has been duly elected and the court is of opinion –

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

(b) that but for the votes obtained by the returned candidate by corrupt practices the petitioner or such other candidate would have obtained a majority of the valid votes, the court shall after declaring the election of the returned candidate to be void declared the petitioner or such other candidate, as the case may be, to have been duly elected.

228. Procedure in case of an equality of votes.-

If during the trial of an election petition it appears that there is an equality of votes between any candidates at the election and that the addition of one vote would entitle any of those candidates to be declared elected, then-

(a) any decision made by the Returning Officer under the provisions of this Act shall, in so far as it determines the question between those candidates, be effective also for the purpose of the petition; and

(b) in so far as that question is not determined by such a decision the court shall decide between them by lot and proceed as if the one on whom the lot then falls and received an additional vote.

229. Communication of orders of the Court.-

(1) The court shall, as soon as may be, after the conclusion of the trial of an election petition, intimate the substance of the order to the SEC and the Chairperson of the Panchayat concerned and, as soon as may be, thereafter, shall send to the SEC an authenticated copy of the order.

(2) As soon as may be after the receipt of any order made by the court under section 224 or section 225, the SEC shall forward copies of the order to the Chairperson of the Panchayat concerned and, shall cause the order to be published in such manner as the SEC may deem fit.

230. Effect of orders of the Court.-

(1) An order under section 224 or section 225 shall take effect as soon as it is pronounced by the court.

(2) Where by an order under section 225 the election of a returned candidate is declared to be void, acts and proceedings in which that returned candidate has, before the date thereof participated as a member of a Panchayat shall not be invalidated by a reason of that order, nor shall such candidate be subjected to any liability or penalty on the ground of such participation.

231. Withdrawal of Election Petitions.-

(1) An election petition may be withdrawn only by leave of the court, if an application for its withdrawal is made.

(2) Where an application for withdrawal is made under sub-section (1), notice thereof fixing a date for the hearing of the application shall be given to all other parties to the petition and shall be published in the office of the Panchayat concerned.

232. Procedure for withdrawal of Election Petitions.-

(1) if there are more petitioners than one, no application to withdraw an election petition shall be made except with the consent in writing of all the petitioners.

(2) No application for withdrawal shall be granted if, in the opinion of the court and if the court is satisfied that such application has been induced by any bargain or consideration which ought not to be allowed.

(3) If the application is granted –

(a) the petitioner shall be ordered to pay the costs of the respondents thereto for incurred or such portion thereof as the court may think fit;

(b) the court shall direct that the notice of withdrawal shall be published in the office of the court and also in the office of the Panchayat concerned;

(c) a person who might himself have been a petitioner may, within fourteen days of such publication, apply to be substituted as petitioner in the place of the party withdrawing, and upon compliance with the conditions, if any, as to security, shall be entitled to be so substituted, and to continue the proceedings upon such terms as the court may deem fit.

233. Report of withdrawal by the court to the SEC.-

When an application for withdrawal is granted by the court and no person has been substituted as petitioner under clause (c) of sub-section (3) of section 232, in the place of the party withdrawing, the court shall report the fact to the SEC.

234. Abatement of election petitions.-

(1) An election petition shall abate only on the death of a sole petitioner or of the survivor of several petitioners.

(2) Where an election petition abates under sub-section (1), notice of the abatement shall be published in the Office of the Court, in the Office of the SEC and in the Office of the Panchayat concerned.

(3) Any person who might himself have been a petitioner may, within fourteen days of such publication, apply to be substituted as petitioner and upon compliance with the conditions, if any, as to security, shall be entitled to be so substituted and to continue the proceedings upon such terms as the court may deem fit.

235. Abatement or substitution on death of respondent.-

If before the conclusion of the trial of an election petition, the sole respondent dies or gives notice that he does not intend to oppose the petition or any of the respondents dies or gives such notice and there is no other respondent who is opposing the petition, the court shall cause notice of such even to be published in the office of the court, in the office of the SEC and in the office of the Panchayat concerned and thereupon any person who might have been a petitioner may, within fourteen days of such publication apply to be substituted in place of such respondent to oppose the petition, and shall be entitled to continue the proceedings upon such terms as the court may think fit.

236. Appeals.-

(1) Any person aggrieved, by an order made by the court under section 224 or section 225, may prefer an appeal, on any question of law or of fact, -

(a) before the District Court on the decision of the Munsiff's Court; and

(b) before the High Court on the decision of the District Court;

(2) The State Government shall, in consultation with the High Court notify the appropriate courts in the Gazette.

(3) Every appeal under this section shall be preferred within a period of thirty days from the date of the order of the court under section 224 or section 225 and in accordance with the procedure prescribed in the rules:

Provided that the Appellate Court may entertain an appeal after the expiry of the said period of thirty days, if it is satisfied that the appellant had sufficient cause for not preferring the appeal within such period.

237. Security for costs.-

(1) At the time of presenting an election petition, the petitioner shall deposit in the court a sum of five hundred rupees as security or enclose with the petition a State Government treasury receipt showing that the deposit of the said amount has been made by him in a State Government treasury in favour of the Musiff or the District Judge, as the case may be, as security for the costs of the petition.

(2) During the course of the trial of an election petition, the court may at any time call upon the petitioner to give such further security for costs as it may direct and if the petitioner fails to do so inspite of allowing sufficient time, dismiss the petition.

238. Security for costs from a respondent.-

No person shall be entitled to be joined as a respondent under sub-section (3) of section 223 unless he has given such security for costs as the court may direct.

239. Costs.-

Costs shall be in the discretion of the court, provided that where a petition is dismissed under clause (a) of section 224, the returned candidate shall be entitled to the costs incurred by him in contesting the petition and accordingly the court shall make an order for costs in favour of the returned candidate.

240. Payment of costs out of security deposits and return of such deposits.-

(1) If in any order as to costs under the provisions of this chapter there is a direction for payment of costs by any party to any person, such costs shall, if they have not been already paid, be paid in full, or so far as possible, out of the security deposit and the further security deposit, if any, made by such party under this chapter on an application made in writing in

that behalf within a period of one year from the date of such order to the court by the person in whose favour the costs have been awarded.

(2) If there is any balance left out of any of the said security deposits, after payment under sub-section (1) of the costs referred to in that sub-section, such balance, or where no costs have been awarded or no application as aforesaid has been made within the said period of one year the whole of the said security deposits may, on an application made in that behalf in writing to the court by the person by whom the deposit have been made, or if such person dies after making such deposits, by the legal representative of such person be returned to the said person or to his legal a representative, as the case may be.

241. Execution of orders as to costs.-

Any order as to costs under the provisions of this chapter may be produced before the principal civil court of original jurisdiction with the local limits of whose jurisdiction any person directed by such order to pay any sum of money has a place of residence or business and such court shall execute the order or cause the same to be executed in the same manner and by the same procedure as if it were a decree for the payment of money made by itself in a suit:

Provided that where any such costs or any portion there of may be recovered by an application made under sub-section (1) of section 237, no application shall lie under this section within a period of one year from the date of such order unless it is for the recovery of the balance of any costs which has been left unrealised after an application has been made under that sub-section owing to the insufficiency of the amount of the security deposits referred to in that sub- section.

E. General Provisions

242. Extension of time for completion of election.-

It shall be competent for the SEC for reasons which it considers sufficient, to extend the time for the completion of any election by making necessary amendment in the notification issued by it under section 190.

243. Appointment of Special officer or administrative committee or on failure to constitute a Panchayat.-

(1) A Panchayat at nay level shall be deemed to be constituted only when the majority of the members are duly elected.

(2) Where the term of a Panchayat has expired and a new Panchayat has not been constituted or where Panchayat has been dissolved under section 352, the State Government may, by

notification in the Gazette appoint a Special Officer or an Administrative Committee consisting of not less than three officers of the State Government as members for the administration of the Panchayat.

(3) Administrative Committee or the special officer shall hold office for such period not exceeding six months as the State Government may specify in the notification under sub-section (2).

(4) Where a special officer has been appointed under sub-section (2), all powers functions and duties of the Panchayat concerned, the Chairperson, and the various committees of the Panchayat, shall be exercised and performed by the special officer and where an Administrative Committee has been appointed, the powers, functions and duties of the Panchayat shall be exercise and performed by such committee and the powers, duties and functions of the Chairperson and Deputy Chairperson shall be exercised and performed by the member of the committee authorised by the State Government:

Provided that, the Special Officer or the Administrative Committee appointed shall exercise the powers and perform the functions subject to the general or specific directions issued by the State Government.

(5) The administrative committee or special officers shall be deemed to be a duly constituted Panchayat for the purposes of this Act:

Provided that the term of office of the special officer or of the administrative committee shall, notwithstanding that the term as specified in the notification under sub-section (2) has not expired, be deemed to have expired with effect from the date of reconstitutions of the Panchayat.

244. Special Elections.-

If at a general election or bye-election no person is elected to fill the vacancy a fresh election shall be held within three months after the general election or bye-election, as the case may be, for such vacancy on such day as the State Election Commission may fix.

Chapter XVI

Accountability of Panchayats

245. Benchmarking of Performance.-

The State Government may constitute an Audit Committee at the District level to exercise oversight regarding the integrity of financial information, adequacy of internal controls, compliance with the applicable laws and ethical conduct of all persons involved in the Panchayat. A suitable mechanism to evolve a system of benchmarking on the basis of identified indicators may be adopted by the State Government.

246. Mechanism for redressal of grievances.-

There shall be an in-house mechanism in each Panchayat for redressing the grievances of the citizens.

247. Norms for attending and responding to citizens' grievances.-

The State Government shall lay down norms for attending and responding to citizen's grievances.

248. Provision of 'Citizens Report Cards'.-

The State Government may introduce a performance evaluation tool of Citizen Report Card incorporating the feedbacks from the citizens regarding the performance of Panchayat.

249. Suo motu Disclosure.-

The suo motu disclosures under section 4(1) of the Right to information Act, 2005 shall be extended to other subjects where public interest exists.

250. Right to information.-

(1) Every bonafide person requiring any information shall have the right to get such information in accordance with the procedure prescribed in the Right to Information Act, 2005.

251. Social audits.-

The State Governments shall ensure conduct of social audit of Gram Panchayats by the committees of Gram Sabha as mentioned in sub-section (6) of section 22. The Gram Sabha shall elect the members of this committee and ensure adequate representation of SC, ST and women on the committee. Social audit "action taken reports" shall be time bound and placed in the public domain. It is advisable to precede a social audit with the action taken on the previous social audit. It shall be open to the people to inspect the records of the Panchayats particularly their documentation on property lists, tax assessments and tax collected, measurement books and muster rolls. The Intermediate Panchayat may also provide details of

the comparative performance of all Village Panchayats falling within its jurisdiction, so that people can get an idea of where their Village Panchayat stands in respect of each service delivered.

252. Service Delivery Policy.-

The State Government may prepare a Service Delivery Policy outlining the framework within which each department could indicate clearly the roles and responsibilities of Panchayats for each department.

Chapter XVII
Ombudsman for Panchayats

253. Definitions.-

(1) For the purpose of this Chapter, -

(a) 'Action' means action taken by way of decision, recommendation, resolution or finding or in execution thereof or in exercise of administrative or legal functions in any other manner and includes willful default in taking action or omission and all other expressions connoting such action shall be construed accordingly;

(b) 'Allegation', -

(a) in relation to a public servant means, any affirmation that such public servant, -

(i) has abused his position as such for any gain or favour to himself or to any other person or to cause undue harm or hardship to any other person;

(ii) was actuated in the discharge of his functions as such public servant by personal interest or improper or corrupt motives;

(iii) is guilty of corruption, favouritism, nepotism or lack of integrity;

(iv) is guilty of any action as public servant which facilitates or causes to make any loss, waste or misapplication of money or other property of the Panchayat.

(b) In relation to Panchayat means any affirmation that such Panchayat has defaulted or acted in excess of its powers in the discharge of its functions imposed on it by law or in implementing the lawful orders and directions of the State Government;

(c) 'Complaint' means a statement of allegation that a public servant or a Panchayat is guilty of corruption or maladministration and includes any reference to an allegation in respect of which suo moto enquiry has been proposed or recommendation for enquiry has been made by State Government;

(d) 'Corruption' includes anything punishable under Chapter X of the Indian Penal Code (Central Act 45 of 1860) or under the Prevention of Corruption Act, 1988 (Central Act 49 1988);

(f) 'Maladministration' means action taken or purporting to have been taken in the exercise of administrative function in any case, -

(i) Where such action, administrative procedure or practice governing such action is unreasonable, unjust, oppressive, discriminatory or nepotistic and will result in illegitimate gain or loss or in denying deserving benefits; or

(ii) Where there is willful negligence or delay in taking such action, or the administrative procedure or method regulating such action will cause undue delay and includes the action leading to loss or waste or misuse of fund by mal-feasance or misfeasance.

(g) 'Ombudsman' means the ombudsman referred to in section 254;

(h) 'Public Servant' means an employee, or officer under the Panchayat or an elected member of the Panchayats including its Chairperson or Deputy Chairperson and includes an employee

or officer of any office or institution transferred to the Panchayat under the provisions of this Act;

(i) 'Secretary' means the Secretary of the Ombudsman referred to in section 257;

(j) 'Investigating officer' means an officer authorised by the Ombudsman to conduct investigation in respect of an allegation or complaint.

254. Establishment and appointment of Ombudsman.-

(1) There shall be an authority for Panchayats constituted for a group of districts known as 'Ombudsman' for making investigations and enquiries, in respect of charges on any action involving corruption or maladministration or irregularities in the discharge of administrative functions by Panchayats and Public Servants working under them, in accordance with the provisions of this Act and for the disposal of complaint in accordance with section 268.

(2) The Ombudsman should be a single member body appointed by a committee consisting of the Chief Minister of the State, the Speaker of the State Legislative Assembly and the Leader of the Opposition in the Legislative Assembly. The Ombudsman should be selected from a panel of eminent persons of impeccable integrity and should not be a serving State Government official.

(2) A person appointed to be the Ombudsman shall, before he or she enters upon his office, make and subscribe before the Governor or some person appointed in that behalf by him, an oath or affirmation according to the form prescribed.

255. Term of office and conditions of Service of the Ombudsman.-

(1) A person appointed as Ombudsman shall hold office for a term of three years from the date on which he enters upon his office:

Provided that, -

(a) the Ombudsman may, by writing to the Governor, resign from his office; and

(b) the person appointed as Ombudsman may be removed from his office in the manner provided in section 256.

(2) The person appointed as Ombudsman shall be entitled for salary and allowances as are admissible to a Judge of the High Court.

(3) On expiry of his term of office as Ombudsman, he shall not be eligible for reappointment as Ombudsman or for further appointment to any office of profit under the State Government or in any corporation, company, society or university by or under the control of the State Government.

256. Removal of Ombudsman.-

(1) The Ombudsman shall not be removed from his office, except by an order of the Governor, passed after an address by the State Legislative Assembly, supported by a majority of the total membership of the House and by a majority of not less than two-thirds of the members of the Legislative Assembly present and voting, has been presented to the Governor in the same session for such removal, on the ground of proved misbehaviour or incapacity.

(2) The procedure for the presentation of an address under sub-section (1) and for the investigation and proof of the misbehaviour or incapacity of the Ombudsman shall be in accordance with the provisions of law made by the Legislative Assembly.

257. Staff of Ombudsman.-

(1) The Ombudsman shall have a Secretary, and such other officers and employees as the State Government may determine in consultation with the Ombudsman to assist the Ombudsman in the exercise of its powers and discharge of its functions under this Act.

(2) The appointment and conditions of service of the Secretary and the employees shall be such as may be specified by the State Government and as far as possible appointment on deputation from the State Government shall be resorted to.

(3) The Ombudsman may require the assistance of any officer of any State Government Department in order to ascertain the veracity of an allegation under investigation and such officer shall be bound to render such assistance in addition and without detriment to his official duties.

(4) The Ombudsman may utilise the services of any person having experience and expertise in any particular subject in deciding the questions before it.

258. Functions of the Ombudsman.-

(1) The Ombudsman shall perform all or any of the following functions, namely: -

(i) Investigate into any allegation contained in a complaint or on a reference from State Government, or that has come to the notice of the Ombudsman;

(ii) Enquire into any complaint in which corruption or maladministration of a public servant except Nyaya Panchas or a Panchayat is alleged;

(iii) Pass an order on the allegation in the following manner, namely: -

(a) Where the irregularity involves a criminal offence committed by a public servant, except Nyaya Panchas, the matter shall be referred to the appropriate authority for investigation.

(b) Where the irregularity causes loss or inconvenience to a citizen, direct the Panchayat to give him compensation and to reimburse the loss from the person responsible for the irregularity;

(c) Where the irregularity involves loss or waste or misuse of the fund of the Panchayat, realise such loss from those who are responsible for such irregularity, and

(d) Where the irregularity is due to omission or inaction cause to redress the omission and to rectify the mistake.

(2) In addition to the functions enumerated in sub-section (1), the Ombudsman may pass an interim order restraining the Panchayat from doing anything detrimental to the interest of the complainant if it is satisfied that much loss or injury will be caused to the complainant due to the alleged act.

(3) The Ombudsman may by order, impose penalty in addition to compensation if it is of opinion that the irregularity involves corrupt practice for personal gain.

259. Time limit for investigation of complaints.-

A time limit may be prescribed for the Ombudsman to complete its investigations into complaints by the State Government.

260. Powers of the Ombudsman.-

(1) The Ombudsman shall, for the purpose of any investigation or enquiry under this Act, have the same powers as are vested in a Civil Court while trying a suit under the Code of Civil Procedure, 1908 (Central Act V of 1908) in respect of the following matters, namely: -

(a) summoning and enforcing the attendance of any witness and examining him;

(b) requiring the discovery and production of any document;

(c) receiving evidence on affidavits;

(d) requisitioning any public records, or copy thereof from any court or office;

(e) issuing commissions for the examination of witnesses;

(f) such other powers as are prescribed;

(2) Where the Ombudsman finds that the allegation contained in a complaint is without any substance or trivial in nature it may by order direct the complainant to pay to the opposite party so much of the amount specified in the order by way of cost.

(3) Where the allegation contained in a complaint is about the loss or waste or misapplication of the fund of the Panchayat or in respect of the loss or inconvenience caused to a citizen, the Ombudsman may, during enquiry, collect evidence, determine the loss and direct in its order the amount to be realised from the person responsible.

(4) If the amount paid as per the order passed by the Ombudsman under sub-section (2) or sub-section (3) is not paid within the period specified by it, the same shall be recoverable by Revenue Recovery Proceedings as if it were an arrears of land revenue.

261. Service of State Government Departments.-

The State Government may, at the request of the Ombudsman make available the services of officers and employee of the State Government including police personnel to assist the Ombudsman in the conduct of investigation and enquiry and in respect of such functions such Officer or employee shall be deemed to be the officer or employee of the Ombudsman.

262. Investigation.-

(1) The Ombudsman may, according to the provisions of this Act, enquire into any complaint filed before it under this Act.

(2) Notwithstanding anything contained in this Act the State Government may refer any allegation of corruption or maladministration against a Panchayat or a public servant which is within its knowledge or brought to its notice, to the Ombudsman and the Ombudsman shall enquire into it as if it was a complaint filed under this Act.

(3) The Ombudsman may, on receipt of a complaint, conduct an investigation in the matter and where there is prima facie case it may conduct a detailed enquiry.

(4) The Ombudsman shall not enquire into matters relating to, -

(a) any matter in respect of which a formal and public enquiry has been ordered by State Government;

(b) any matter in respect of which a remedy is available from the Nyaya Panchayat constituted under section 274 ;

(c) any matter in respect of which an enquiry has been ordered under the Commission of Inquiries Act, 1952 (Central Act 60 of 1952) or any matter pending before a court;

(d) any complaint filed after the expiry of three years from the date on which the matter complained against has taken place:

Provided that the Ombudsman may entertain such complaint if the complainant satisfies that he had sufficient reason for not filing the complaint within the specified period.

263. Enquiry.-

(1) After an investigation if the Ombudsman is satisfied that, -

(a) the complaint is frivolous or vexatious or is not made in good faith; or

(b) there is no sufficient ground to initiate proceedings; or
(c) other remedies are available to the complainant and it would be more beneficial for the complainant to avail of such remedies in view of the circumstances of the case, it may dispose of the complaint as rejected after recording its findings stating the reason therefore, and communicate the same to the complainant.

(2) If, the Ombudsman is of opinion that there is a prima-facie case against the person or the Panchayat complained of it shall record its findings to this effect and send notices of the proposed enquiry to the complainant and to the opposite party.

(3) The Ombudsman shall, subject to the provisions of this Act and the rules made there under, have power to regulate its procedures by fixing the time and place of sitting.

(4) In any proceedings before the Ombudsman, no legal practitioner will be permitted to represent any person, unless the Ombudsman permits, by an order, a person to be represented by a legal practitioner for reasons to be recorded.

264. Existing cases to be transferred to Ombudsman.-

(1) Notwithstanding anything contained in any other law, if any proceedings, filed and not disposed of under the said Act, before the constitution of Ombudsman as per the provisions of this chapter, relate to a public servant or Panchayat as per the provisions of this Act, all cases with regard to such proceedings shall be transferred to the Ombudsman and the Ombudsman shall decide the cases in accordance with the provisions of this Act.

(2) All cases, with regard to the loss, wastage and misappropriation of any land of the Panchayat, pending before the State Government or any other authority and disposed of just before the constitution of Ombudsman and the Ombudsman shall dispose of the cases in accordance with the provisions of this Act.

265. Power to investigate and recommend action in certain cases.-

The Ombudsman shall have the power to investigate and recommend action in complaints or grievance regarding abuse of office, corruption, maladministration against the Panchayats or its elected members, or where suspension of any resolution passed by the Panchayats or dissolution of the Panchayats is alleged. The State Government should not have power to suspend or rescind any resolution passed by the Panchayats or take action against the elected representatives on the ground of abuse of office, corruption etc. or to supersede or dissolve the Panchayats. In all such cases, Ombudsman will send his report to the Governor for further action.

266. State Government to place records before ombudsman in certain cases.-

If the State Government feels that there is need to take immediate action against the Panchayats or their elected representatives on one or more of the grounds of abuse of office, corruption etc., it should place the records before the Ombudsman for urgent investigation. In all such cases the Ombudsman will send his report to the Governor in a specific period.

267. Initiation of prosecution.-

(1) If, after an investigation or inquiry, the Ombudsman finds that there is a prima-facie case against the accused involving a criminal offence, the Ombudsman may refer the complaint and the findings to a competent authority with recommendation to initiate prosecution.

(2) The authority responsible, for initiating such prosecution shall conduct a detailed enquiry if necessary and charge a case.

268. Disposals of complaints.-

(1) The Ombudsman may consider and dispose of complaints other than those involving criminal offences, in the following manner, -

- (i) Award compensation to a citizen in case of loss or grievance;
- (ii) Order the recovery of loss caused to the Panchayat from the person responsible;
- (iii) Order the supply of omission or rectification of defects due to inaction;
- (iv) Order the recovery of loss from the accused failing which, order realization through Revenue Recovery Proceedings;
- (v) Order other necessary remedial measures considering the facts and circumstances of the case.

(2) Where the Ombudsman finds that the procedure or practice regarding the administration of Panchayat gives room for complaint, it may give suggestions to the State Government or Panchayats relating to the measures for avoiding the recurrence of such complaint.

(3) The Ombudsman shall give annually a detailed report regarding the performance of its functions under this Act to the State Government and the State Government it shall lay it before the Legislative Assembly with an explanatory memorandum.

269. Report to be sent to Governor.-

In case of complaints and grievances regarding corruption and maladministration against the Panchayats in general and its elected functionaries, the Ombudsman shall send its report to the Governor.

270. Reasons for disagreement with the report to be placed in public domain.-

If there is disagreement with the recommendations of the Ombudsman in case of complaints and grievances regarding corruption and maladministration against the Panchayats in general and its elected functionaries, the Governor must place the reasons in the public domain.

271. Procedures to be prescribed.-

The State Government may make rules in respect of the following matters, namely: -

- (i) The conditions of service of the Ombudsman and Ombudsman's staff;
- (ii) The manner of filing complaints before the Ombudsman and the manner of filling cases either suo moto or on reference by State Government
- (iii) The manner and procedure of conducting investigation;
- (iv) Procedure for moving the appropriate authority for the initiation of prosecution;
- (v) Procedure to be followed during the inquiry, which as far as possible should be summary proceedings;
- (vi) The manner of implementing the order of the Ombudsman and further proceedings;
- (vii) Any other matter which the State Government may deem necessary to prescribe.

Chapter XVIII
Nyaya Panchayats

272. Definitions.-

(1) In this Act, unless the context otherwise requires:

(a) "Business partner" shall include an association with any person or group of persons which may result in personal or pecuniary regard or satisfaction from any determination, decision or order of the Nyaya Panchayat;

(b) "Nyaya Panchayat" means a Nyaya Panchayat constituted under section 296, and excludes any other Panchayat (by whatever name called) or mechanisms or traditional dispute resolution;

(c) "Near relation" means a husband, wife, son, daughter, father, mother, brother, sister, grandfather, grandmother, grandson, grand-daughter, maternal or paternal uncle or aunt, nephew, niece, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law or sister-in-law;

(d) "Non- parties" include Non State Governmental Organizations, Social Service Organizations and Community Based Organizations working towards securing justice for women, children and for weaker sections of society;

(e) "Nyaya Manch" means a permanent public place, as may be prescribed by the Nyaya Panchayat within the Village Panchayat area notified for conducting proceedings of Nyaya Panchayat;

(f) "Nyaya Sahayak" means a Nyaya Sahayak appointed under sub-section 1 of section 280;

(g) "Panchayat area" means the territorial area of a Panchayat;

(h) "Nyaya Panchayat Chairperson" means a Nyaya Panchayat Chairperson appointed under sub-section 5 of section 274;

(i) "Presiding Authority" means the District Judge of the District concerned, or any officer especially designated to perform the duties of the Presiding Authority by the State Government;

(j) "Panch" means a Panch of a Nyaya Panchayat elected under sub-section (2) of section 274;

(2) The words and expressions used and not defined in this Act but defined in Article 243 of the Constitution shall have the meanings respectively assigned to them therein.

273. Application to PESA Districts.-

The provisions of this Chapter shall apply to the Scheduled and Tribal Areas referred to in Article 244 of the Constitution, with such modifications and exceptions as have been carved

out in the provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996 (40 of 1996).

Provided that the provisions of this Chapter shall not extend to the States or areas specifically excluded under the provisions of the Constitution.

274. Composition of a Nyaya Panchayat.-

(1) There shall be a constituted a Nyaya Panchayat for every Village Panchayat area or a group of Village Panchayat areas as may be prescribed by the State Government.

(2) Every Nyaya Panchayat shall consist of five Panchas who shall be elected by the voters enrolled in the voter's list of that Village Panchayat or group of Village Panchayats, in the manner to be prescribed by the State Government:

Provided that at least two seats in a Nyaya Panchayat shall be reserved for women and one seat for members of the Scheduled Castes or Scheduled Tribes;

Provided further that the seat to be reserved for members of the Scheduled Castes and Scheduled Tribes in each Nyaya Panchayat may also be filled by members of the Backward Classes by rotation, as prescribed by the State Government.

(3) Elections to the Nyaya Panchayat shall be held along with the elections to the Village Panchayats concerned and the term of the Nyaya Panchayat shall be co-terminus with that of the Village Panchayat or Panchayats concerned, unless terminated earlier in accordance with the provisions of this Act.

(4) No Panch of a Nyaya Panchayat shall participate in any meetings or proceedings of a Panchayat at the Village, Intermediate or District level.

(5) Every Nyaya Panchayat Panch shall hold the office of Nyaya Panchayat Pramukh for a period of one year by rotation on the basis of seniority by age. The eldest shall be elected in the first meeting of the Nyaya Panchayat as the first Nyaya Panchayat Pramukh.

(6) Every dispute brought before the Nyaya Panchayat under the provisions of this Act, shall be heard and determined by a Bench of the Nyaya Panchayat, consisting of the Nyaya Panchayat Pramukh and two Panchas selected from amongst the Panchas of the Nyaya Panchayat by rotation and two other persons not otherwise disqualified from being elected as a Panch of the Nyaya Panchayat from amongst a panel of names suggested by the Parties to the dispute.

(7) Every offence relating to treatment of women, including domestic violence, sexual harassment, adultery, humiliation, or dispute relating to custody and maintenance of children and dependants, including divorced spouses brought before the Nyaya Panchayat under the provisions of this Act shall be heard and determined by a Bench of the Nyaya Panchayat, consisting of the Nyaya Panchayat Pramukh and two elected women Panchas and two other persons not otherwise disqualified from being elected as a Panch of the Nyaya Panchayat from amongst a panel of names suggested by the Parties to the dispute.

275. Qualifications of the Nyaya Panchas.-

Every person who is enrolled a voter in that Nyaya Panchayat area, shall, unless disqualified under this Act or any other law for the time being in force and who has attained 25 years of age shall be qualified to be elected as a Panch.

276. Disqualifications of Nyaya Panchas.-

(1) A person shall be disqualified for being chosen and for being a Panch:

- (a) If he is so disqualified by or under any law for the time being in force for the purposes of election to the State Legislature;
- (b) if he has been convicted of an offence and awarded imprisonment for a term exceeding six months;
- (c) if, in an inquiry by the presiding authority he has been found at fault in the discharge of his duties by reason of misconduct, negligence or dereliction of duty or for refusing to perform any function expected of him in his capacity as a Nyaya Panch or Nyaya Panchayat Pramukh:

Provided that no person shall be disqualified without giving a notice in writing of the cause and given sufficient time to present his case in person to the presiding authority;

Provided further that the presiding authority shall record reasons for his final decision.

(2) A disqualified member shall be suspended immediately and shall not be eligible for re-election until the expiry of 5 years from the date of his disqualification.

(3) The decision of the presiding authority on disqualification shall be final and binding.

277. Bar on hearing certain cases.-

(1) No Nyaya Panch of the Nyaya Panchayat shall be nominated to or participate in the proceedings of a Nyaya Panchayat bench or be involved in any manner with any proceeding before the Nyaya Panchayat where any party is either a near relation or a business partner.

(2) All decisions of the Nyaya Panchayat taken in breach of the provisions of sub-section (1) shall stand vitiated and a new Panchayat shall be formed to hear the case afresh.

(3) Notwithstanding anything contained in sub-section (2), the parties to the dispute may accept any settlement for reasons to be fully recorded by the Nyaya Panchayat.

278. Resignation by a member.-

(1) A member of the Nyaya Panchayat may resign from his office through a written notice of resignation addressed to the Nyaya Panchayat Pramukh and containing reasons for his resignation

(2) A Nyaya Panchayat Pramukh may resign from his office through a written notice of resignation addressed to the presiding authority and containing reasons for his resignation

(3) The notice of resignation shall take effect after the expiry of thirty days from the date thereof.

(4) The Nyaya Pramukh, or in the case of the resignation of the Nyaya Pramukh, the presiding officer shall fully ensure that the resignation is not in any manner coerced or otherwise involuntarily rendered, before accepting the same after the notice period of thirty days.

279. Vacancy.-

(1) In the event of a vacancy arising by reason of a member's death, disqualification or resignation, an election shall be held within three months to fill in the vacancy so occurred in the Nyaya Panchayat, provided that at least one year remains in respect of the previous member's tenure.

(2) Without prejudice to sub-section(1), in cases where the tenure of any previous member is less than one year, a Panch from the adjoining Nyaya Panchayat may be co-opted to hold office for the length of the remaining term.

(3) Vacancies arising in a reserved category shall be filled up through elections from the same category of reservations.

280. Nyaya Sahayak.-

(1) There shall be a Nyaya Sahayak attached to every Nyaya Panchayat appointed in a manner as may be prescribed by the State Government, to assist the Nyaya Panchayat in the discharge of its duties.

(2) Any person who has completed the age of 25 years with the ability to read and write, is an enrolled voter of the Panchayat and who is ordinarily resident in the Nyaya Panchayat area shall be eligible for appointment as a Nyaya Sahayak in the Nyaya Panchayat.

(3) The State Government may, by notification in the Official Gazette, make rules to provide for the appointment and other terms and conditions of employment of the Nyaya Sahayak.

281. Functions of Nyaya Sahayak.-

(1). The Nyaya Sahayak shall while performing his duties under the Act adhere and follow Part IVA of the Constitution relating to Fundamental Duties.

(2). The functions of the Nyaya Sahayak shall include:

(i) maintenance of the records of the Nyaya Panchayat in proper order;

(ii) placement of disputes before the Nyaya Panchayat;

(iii) announcement of the dates of hearing, provision of copies of the records and undertaking of correspondence on behalf of the Nyaya Panchayat, in accordance with the directives of the Nyaya Panchayat Pramukh;

(iv) recording of the proceedings of the Nyaya Panchayat, in such manner as the State Government may prescribe,

(v) maintenance of records of all conciliations arrived at by the Nyaya Panchayat, with signatures of parties and the Nyaya Panchas involved in dispute resolution;

(vi) recording of compromises or settlements entered into before the Nyaya Panchayat and obtain signatures of parties and the Nyaya Panchas involved as witnesses affirming the compromise or settlement.

(vii) provision to the Nyaya Panchayat of such legal or other information as may be required of him for dispute resolution;

(viii) to perform such other duties as may be legally enjoined upon him by the Nyaya Panchayat Chairperson from time-to time.

(3). No Nyaya Sahayak shall represent or assist any of the parties to the dispute in any manner.

282. Chowkidar

(1) There shall be a Chowkidar attached to every Nyaya Panchayat appointed in a manner as may be prescribed by the State Government.

(2) The functions of the Chowkidar shall include:

- i. report to the appropriate authority with regard to violation of public peace and order, if any;
- ii. service of summons issued by the Nyaya Panchayat to any person to be examined on oath;
- iii. report to the Nyaya Panchayat Pramukh about any criminal offence committed within the geographical jurisdiction of a Nyaya Panchayat;
- iv. keep general watch on the area under the jurisdiction of Nyaya Panchayat;
- v. to perform such other duties as may be legally enjoined upon him by the Nyaya Panchayat Pramukh from time-to time.

(3) The State Government may, by notification in the Official Gazette, make rules to provide for the appointment and other terms and conditions of employment of the Chowkidar.

283. Fundamental Duties of Nyaya Panchayats.-

(1). All Nyaya Panchas shall on the assumption of office, affirm their faith and allegiance to the Constitution of India and in particular, shall adhere and follow Part IVA of the Constitution relating to Fundamental Duties.

(2). It shall be the duty of the Nyaya Panch to discharge his functions assigned under this law without fear or favour, affection or ill-will in a fair and judicious manner.

(3). The Nyaya Panch shall be vigilant in maintaining communal harmony and desist from taking any action which may directly or indirectly foment, provoke, promote, enhance, or sustain any such disharmony.

284. Jurisdiction of the Nyaya Panchayat.-

(1). The Nyaya Panchayats shall follow persuasion, conciliation and mediation as means to resolve disputes.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 or the Code of Civil Procedures, 1908, the Provincial Small Cause Courts Act, 1887 (9 of 1887) or any other law for the time being in force and subject to the provisions of this Act, the Nyaya Panchayat shall have exclusive jurisdiction to hear and deal with cases, claims, issues, offences and proceedings arising within their geographical territory and shall have exclusive jurisdiction over the following civil and criminal matters.

(a) Civil jurisdiction: –

(i) claims relating to recovery of debts and contractual monies not exceeding rupees twenty five thousand, and all proceedings arising with respect thereto, provided that the parties may agree in writing to waive the bar on the maximum value of a suit;

(ii) disputes relating to property and physical boundaries, except those involving issues of law or title to land or any other right or interest in any immovable property or mortgages;

(iii) all suits of partition, except where a complicated question of law is involved;

(iv) claims for damages relating to grazing or trespass;

(v) claims for recovery of movable property of cattle or for its value, including those where separate criminal proceedings have been instituted;

(vi) claims for compensation for wrongfully taking or damaging movable property, including those where separate criminal proceedings have been instituted;

(vii) disputes relating to custody and maintenance of children and dependants, including divorced spouses;

(viii) any other matter covered by or falling under Schedule 11 of the Constitution;

(ix) claims for rent of immovable property:

(x) disputes relating to environmental pollution and causing public nuisance;

(xi) settlement of consumer disputes and matters connected therewith, within the meaning and definition as provided under section 2(1)(c) of the Consumer Protection Act, 1986 upto a limit of Rs. 1 Lakh and in the manner as prescribed under sections 11,12, 13 and 14 of the Consumer Protection Act, 1986.

Provided that, unless otherwise provided in any law for the time being in force, the right to bring a claim in respect of any of the above instances should have accrued within three years prior to the claim being referred to the Nyaya Panchayat.

Provided further that, where the Nyaya Panchayat is of the view that, complicated question of law or title is involved, in a suit for partition The Nyaya Panchayat shall transfer such suit to the court of competent jurisdiction:

Provided further that the parties to a suit of the above description under clauses (ii) and (iii) may, by a written agreement, refer the suit to the Nyaya Panchayat for decision irrespective of the value of the suit and the bench shall, subject to such rules as may be prescribed as to court-fees and other matters, have jurisdiction to hear and determine the said suit under this Act:

Provided further that the Nyaya Panchayat shall by a written agreement of the parties, have jurisdiction to hear and determine a suit of any description irrespective of the value of the suit subject to such rules as may be prescribed as to court-fees and other matters.

(b) Criminal Jurisdiction:

Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974) or any other law being in force for the time being and subject to the provisions of this Act the Nyaya Panchayat shall have jurisdiction within the local limits of the Village Panchayat if committed within the local limits of its jurisdiction, namely:-

(i) compoundable offences (in which permission of court is not necessary) in terms of sub-section (1) of section 320 of the Code of Criminal Procedure, 1973, namely, sections 298, 323, 334, 341, 342, 352, 355, 358, 426, 427, 447, 448, 491, 497, 498, 500, 501, 502, 504, 506 and 508 of the Indian Penal Code, 1860.

(ii) offences alleged to have been committed under sections 160, 172, 174, 175, 178 to 180, 269, 277, 279, 283, 285, 289, 290, 294, 323, 324, 334, 336, 341, 352, 357, 358, 374, 379, 403, 411, 426, 428, 430, 431, 447, 448, 504, 506, 509 and 510 of the Indian Penal Code, 1860 (No. XLV of 1860);

(iii) offences under the Cattle Trespass Act, 1871, (No. 1 of 1871);

(iv) offences under the Public Gambling Act, 1867 (No. III of 1867);

(v) offences relating to treatment of women and children, including domestic violence, sexual harassment, humiliation and child labour under the relevant laws;

(vi) any offence under this Act or any rule made hereunder;

(vii) any other offence which the State Government may from time to time declare, by notification in the Official Gazette, as cognizable by a Nyaya Panchayat; and

(3) Additional jurisdiction :- (a) The Nyaya Panchayat may consider the issues of misuse of any public office in the Panchayat area, on its own cognizance or upon information duly received by it, record its observations thereon and refer it to the court of competent jurisdiction for taking appropriate action, if any, in the matter.

(4) The Nyaya Panchayat shall have preventive jurisdiction in matters of public disharmony or causing communal tension.

(3) No Nyaya Panchayat shall inflict a sentence of imprisonment whether substantively or in default of payment of fine.

285. Procedure and Powers of the Nyaya Panchayat.-

(1) Subject to the provisions of this Act and the rules made thereunder, the Nyaya Panchayat shall have powers to regulate its own procedure including the place at which it shall have its sittings.

(2) If, either before or after the commencement of a case, a Nyaya Panchayat Pramukh is precluded from attending by reason of personal interest, ill-health or absence from the area, then the presiding authority may appoint another member as a Nyaya Panchayat Pramukh for the duration of the original Nyaya Panchayat Pramukh's incapacity.

(3) The Nyaya Panchayat shall not be bound by the procedure laid down by the Code of Civil Procedure, 1908 but shall be guided by the principles of natural justice.

(4) The Nyaya Panchayat shall have, for the purposes of discharging its functions under this Act, the same powers as are vested in a civil court under the Code of Civil Procedure, 1908, while trying a suit, in respect of the following matters, namely:-

(a) summoning and enforcing the attendance of any person and examining him on oath:

Provided that no women shall be compelled to appear in person before the Nyaya Panchayat, and she may be examined on commission in the manner prescribed;

(b) requiring the discovery and production of documents or other records;

(c) receiving evidence on affidavits;

(d) issuing commissions for the examination of witnesses or documents;

(e) reviewing its decisions;

(f) dismissing an application in situations where the complainant does not appear at a due date, provided always the Nyaya Pramukh may dismiss for good reasons any proceeding for default or deciding it ex parte;

(g) any other matter which may be prescribed by the Central Government.

(5) Every proceeding before the Nyaya Panchayat shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228, and for the purposes of section 196 of the Indian Penal Code, and it shall be deemed to be a civil court for the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973.

(4) Any person aggrieved by any decision or order of the Nyaya Panchayat may file an appeal in a civil court or competent jurisdiction within sixty days from the date of communication of the decision or order of the Nyaya Panchayat to him on any question of fact or law arising out of such order:

Provided that the civil court may, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal within the said period, allow it to be filed within a further period not exceeding sixty days.

286. Fees or fines received by the Nyaya Panchayat.-

All amounts realised through the imposition of any fees, fines or compensation which are due to the Nyaya Panchayat, shall be deposited into the Gram Panchayat Fund where the Nyaya Panchayat is situated, in the name of the appropriate Nyaya Panchayat and entered into the ledger maintained by the Nyaya Sahayak for this purpose; and which shall be used for defraying the costs of the functioning of the Nyaya Panchayat which may include sitting fees, remuneration to the Nyaya Sahayak and other expenses.

287. Fees for sittings.-

(1) The Members of the Nyaya Panchayat shall be entitled to such daily sitting fee and other expenses incurred by them during the discharge of their duties, as may be prescribed.

(2) A Nyaya Sahayak shall be paid remuneration not below 25 days of work per month at rate not below the minimum wage for a rural semi-skilled worker notified by the State Government from time to time.

288. Civil Court not to have jurisdiction.-

No civil court shall have jurisdiction to entertain any suit or proceeding in respect of any matter which Nyaya Panchayat is empowered by or under this Act to determine and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act.

289. Time limit for filing of complaints in criminal matters.-

Notwithstanding anything contained in this Act, Nyaya Panchayat shall not entertain any complaint relating to criminal matter under this Act after the expiry of the period of one year from the date when the cause of complaint arises:

Provided that the Nyaya Panchayat may, for reasons to be recorded in writing, allow the complaint within an extended period of up to one year.

290. Appearance in person or by representatives.-

Parties to disputes before the Nyaya Panchayat shall appear in person unless, upon a valid reason having been given, personal appearance is exempted and the Nyaya Panchayat Pramukh gives permission for a near relative or friend to appear instead:

Provided that no legal practitioner shall be allowed to appear in any civil or criminal jurisdiction case, although, parties accused of a criminal offence may request a legal practitioner to appear as a friend on their behalf which may be decided by the Nyaya Panchayat on the principles of natural justice.

291. Procedure to be followed in civil cases.-

(1) The claimant shall specify the full value of his claim and any other relief sought therein.

(2) Under this Act, every claim, suit, proceedings or applications for monetary or other relief shall be submitted to the Nyaya Panchayat Pramukh within the jurisdiction of the Nyaya Panchayat, by the claimant under a written memorandum and accompanied by the payment of a fee amounting to minimum of twenty rupees and maximum of 1% (one per cent) of the total principal claim, the details of which shall be entered into an official record kept by the Nyaya Sahayak in such manner as may be prescribed.

292. Nyaya Panchayat to attempt conciliation.-

The Nyaya Panchayat shall, upon receiving a complaint from a party, announce a date for conciliation proceedings in the matter and request parties concerned to be present at a mutually agreed public place and suitable time

293. Process of conciliation.-

(1) It shall be the duty of the Nyaya Pramukh to attempt an amicable settlement of dispute between the parties through conciliation.

(2) If parties agree to conciliation proceedings, the Nyaya Panchayat Pramukh shall give an opportunity to each such party to choose a conciliator from amongst voters resident in the Area of the Nyaya Panchayat to represent them in the conciliation process.

(3) The Nyaya Panchayat Pramukh shall nominate two Nyaya Panchas to participate in the conciliation process.

(4) The persons so selected shall together hear parties to the dispute and any member of the public who volunteers to assist the Panchayat in attempting conciliation.

294. Process for adjudication.-

(1) The Nyaya Panchayat may, on failure of conciliation or on the behest of the aggrieved party take up a dispute for adjudication.

(2) The Nyaya Panchayat Pramukh or in his absence, his nominee shall preside over the proceedings:

Provided that where the nominated Panch presides over the proceedings, he shall nominate a Panch in his place to complete the quorum.

(3) On the fixed date for hearing, the Panchayat shall hear the parties and if needed call for evidence in support of their claim.

(4) The Nyaya Panchayat shall, based upon evidence, decide the matter within three hearings or a period of two months of taking up of the matter whichever is earlier.

295. Proceedings to be held in public.-

The Nyaya Panchayat shall hold all its proceedings in public, at the Nyaya Manch and at a time convenient to the parties to dispute, interested persons and the Nyaya Panchas:

Provided that in exceptional cases where the proceedings cannot be held at the Nyaya Manch, the proceedings shall be held at a place convenient to the parties to dispute, interested parties and the Nyaya Panchas and the said change in place of holding the Nyaya Panchayat proceedings shall be publicized one week in advance;

Provided that the Nyaya Panch Pramukh may allow any person to speak or give clarification before the Nyaya Panchayat which may assist in adjudication of the dispute or the controversy.

296. Language.-

The language used in proceedings before the Nyaya Panchayat shall be that which is commonly understood in the region and, in particular, by the parties

297. Parties' agreement.-

The parties to any suit, proceedings, or dispute may enter into a special written agreement to refer any dispute of a civil nature to a particular Nyaya Panchayat though falling outside its jurisdiction, provided that prior permission has been obtained in writing from the presiding authority.

Provided that the Presiding authority shall not delay the permission beyond a reasonable time not exceeding 30 days;

Provided further that no such agreement shall be contrary to any of the provisions contained in Part III, Part IV and Part IV-A of the Constitution.

298. Evidence and witnesses.-

(1) The Nyaya Panchayat shall ascertain all relevant facts of the case and may make any reasonable orders with regard to the production of documents or other evidence, including the tender of oral evidence by witnesses it considers necessary for the resolution of the dispute before it.

(2) The Nyaya Panchayat may permit a witness to tender a signed statement by way of evidence, or for evidence to be given at a location other than the venue of the hearing if he is unable to attend on the prescribed date by reason of ill-health, absence from the area or any other cause acceptable to the Nyaya Panchayat.

299. Parties' opportunity to be heard.-

(1) Every party to a dispute shall be given full opportunity to be heard, as well as for the calling of any evidence that is reasonable for the full and proper presentation and consideration of his case.

(2) Where the Nyaya Panchayat is of the view that any aspect of the case is being pursued with a view to delaying the final resolution of the dispute, or to gain time for benefits or for purposes of coercion, it may proceed to decide the matter and direct the party delaying the case to pay a fine of rupees two hundred as penalty.

300. Parties' failure to appear.-

(1) Upon the Claimant's failure to appear at the hearing, despite sufficient notice to him of the time and venue, the Nyaya Panchayat may, unless sufficient reason is given by the claimant, dismiss the claim without further notice, with or without costs.

Provided that if any of the parties before the Nyaya Panchayat is a woman, the Nyaya Panchayat shall fully satisfy itself about the reasons for the absence of the same before deciding the matter ex-parte.

(2) If the Respondent fails to appear at any hearing of the proceeding despite a summons having been served upon him, the Nyaya Panchayat may, unless sufficient reason is given by the respondent, dispose of the claim on the basis of the documents and evidence before them.

Provided that the Nyaya Panchayat shall satisfy itself about the reason of absence before the complaint is decided ex parte if either of the parties is a woman.

301. Settlement.-

(1) On a claim being made, the Nyaya Panchayat may invite parties to engage in informal discussions with a view to arriving at a compromise.

(2) Wherever a compromise has been arrived at to the dispute, whether in full or in part, the Nyaya Panchayat may, upon a request by either party, make a formal order recording the terms of the compromise.

(3) Where the Nyaya Panchayat is unable to obtain a settlement or reconciliation between the parties, the Pramukh Nyaya Panch may proceed for adjudication.

302. Final decision.-

(1) A Nyaya Panchayat shall pronounce its final decision by way of a detailed order recording the reasons therein, which shall be binding on the parties to the dispute:

Provided that clerical or arithmetical mistake in any order or errors arising therein from any accidental slip or omission may at any time be corrected by the Nyaya Panchayat either on its own motion or on the application of any of the parties;

Provided further that the Nyaya Panchayat may hear representations or statements of views by non-parties before reaching the compromise or settlement.

(2) In the event of a disagreement between the Nyaya Panchas, the majority decision shall prevail.

(3) The dissenting member's view shall be noted in the order and in the record of the Nyaya Panchayat.

303. Compensation and maintenance.-

(1) In cases other than those for a simple recovery of monies under the provisions of this Act, the Nyaya Panchayat may order compensation or maintenance to a claimant in the amount which it considers just having regard to all the circumstances of the case, including the conduct of the respondent, provided that same shall not exceed rupees twenty five thousand.

(2) In suits relating to maintenance, the Nyaya Panchayat may make orders for maintenance by monthly installments at such rate as the Nyaya Panchayat deems fit.

304. Interest and costs.-

The Nyaya Panchayat may exercise its discretion to award interest and costs in addition to the principal amount of the claim, and counter-claim, if any, on the following basis –

- (i) Interest payable at the rate fixed as at the date of the final decision by the local branch of any nationalised bank; and
- (ii) Costs to include the amount of the suit fees and any out of pocket expenses paid by the successful party, or for travel etc.

305. Res judicata.-

Where the subject-matter of a dispute between the same parties has previously been decided or disposed of in any manner, or is currently being processed, by a Nyaya Panchayat or court of competent jurisdiction, then no subsequent proceedings shall lie before another Nyaya Panchayat in respect of the same issue.

306. Vexatious and frivolous claims.-

If the Nyaya Panchayat is satisfied upon examination of the claimant and his evidence that the claim is vexatious, frivolous, false or made with a view to misleading the Nyaya Panchayat, it may dismiss the claim with a fine not exceeding rupees five hundred.

307. Procedure to be followed in criminal cases.-

(1) Any criminal offence referred to in this Act occurring within the geographical jurisdiction of a Nyaya Panchayat shall be notified to the Pramukh Nyaya Panch of the area by any person witnessing or having knowledge of the offence having been committed or by the Police authorities as soon as it is practicable to do so.

(2) In cases where the defendant is under arrest and in the custody of the police, the Nyaya Panchayat shall be kept informed by the Police for the proper care of the accused.

(3) The Pramukh Nyaya Panch shall have details of the offence entered into the Nyaya Panchayat record, together with details of the complainant, bare facts of the offence and any directions given to the accused or the police.

308. Evidence and witnesses.-

(1) The Nyaya Panchayat shall have the power to make inquiries in the local community, including taking statements from any person or witness who has information relating to the offence with which the defendant is charged.

(2) The Nyaya Panchayat may order the production of any documents or the presence of any witness at any hearing which in the view of the Nyaya Panchayat is necessary for the proper ascertainment of all the facts in the case.

309. Penalty.-

Upon the defendant being found guilty of an offence, the Nyaya Panchayat may make a preventative order or an order requiring a fine to be paid under the corresponding section of the appropriate legislation as charged, provided that no order of imprisonment shall be made in the event of the defendant's failure to pay the fine in an expedient manner, provided in such cases, payment by installments shall be acceptable.

310. Power to Review Orders.-

The Nyaya Panchayat may exercise power to review its orders and decisions where it has been brought to its notice that such orders or decisions were obtained in duress by parties, or it considers that there is miscarriage of justice

311. Appeal.-

Any party to the dispute shall, if not satisfied with the order of the Nyaya Panchayat, whether final or interlocutory, be entitled to appeal or seek a review of the order by the Judicial Magistrate having jurisdiction for the District within thirty days from the date of the order.

312. Lack of jurisdiction of Nyaya Panchayat.-

Where a question has been raised about the jurisdiction of a Nyaya Panchayat, whether by the members themselves or by one of the parties, the matter may be referred to the presiding authority.

313. Concurrent jurisdiction.-

(1) In the event that more than one Nyaya Panchayat is entitled to hear a case, whether civil or criminal, the Nyaya Panchayat first seized of the matter shall take precedence:

Provided that in cases of domestic violence or maintenance, the women shall have the right to choose the Nyaya Panchayat concerned, where the hearing shall be conducted.

(2) The decision of the presiding authority on the appropriate Nyaya Panchayat to hear the case shall be final.

314. Reciprocity between Nyaya Panchayats.-

Every Nyaya Panchayat shall take cognizance of and enforce orders of other Nyaya Panchayats brought to their attention for knowledge or action or if the subject matter pertains to its Panchayat area.

315. Transfer of cases by and to the Nyaya Panchayat by the District administration.-

The District administration or as the case may be, a Nyaya Panchayat may direct a case to be transferred from its jurisdiction to any other Nyaya Panchayat with prior intimation to the parties and such order shall be deemed to be operative for the Nyaya Panchayat to which the case is transferred.

316. Inspection of the Nyaya Panchayat by a District judge and support to the Nyaya Panchayat from the District administration and the police authorities.-

(1) The District Judge may or through a Judicial Magistrate nominated in this behalf, inspect, supervise and give directions to the Nyaya Panchayat in the discharge of its adjudicatory functions.

(2) The civil authority and the police having jurisdiction over the area shall assist the Nyaya Panchayat in enforcing orders passed by it.

317. Reports and Returns.-

(1) The Nyaya Panchayat shall furnish to returns and statements at such time and in such form and manner as may be prescribed by the State Government.

(2) A copy of reports referred to in sub-section (1) shall be laid, as soon as may be, before a Committee at the District level headed by the District Judge. The District Magistrate, Superintendent of Police and such other persons as may be prescribed shall be the members of the Committee. The Committee shall, as soon as may be, submit an overall review report to each Houses of the State Legislature.

318. Nyaya Panch Chairperson, Nyaya Panch and Nyaya Sahayak to be Public Servants.-

The Nyaya Panchayat Pramukh, Nyaya Panch and Nyaya Sahayak of the Nyaya Panchayat shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (45 of 1860).

319. Protection of Action taken in good faith.-

No suit, prosecution or other legal proceedings shall lie against the State Government, the Nyaya Panchayat or any Nyaya Panchayat Pramukh, Nyaya Panch or Nyaya Sahayak thereof for anything which is in good faith done or intended to be done under this Act or the rules made thereunder.

Chapter XIX

Regulatory Functions

320. Rural policing.-

The Panchayats shall be endowed with the regulatory function of rural policing. For general watch and ward and for meeting emergent events like fire, breach of embankment, collapse of bridge, outbreak of epidemics, to encounter burglary or dacoity etc. or in order to perform such other duties that may be imposed by the State Government from time to time and for maintenance of public peace and order, a Rural Policing Group shall be organised under a group leader, appointed in the prescribed manner, for every Village Panchayat and all able-bodied persons of a village between the ages of 18 and 30 years shall be members of the said group. The State Government may make rules for the organisation, duty and utilization of Rural Policing Group.

321. Erection of Building.-

No part of the land shall be used as a site for the construction of a building and no building shall be constructed or re-constructed and no addition or alteration shall be made to an existing building otherwise than in accordance with the provisions of any rules or bye-laws made under this Act relating to the use of building sites or the construction or reconstruction of buildings.

Provided that the Government may, in respect of all Village Panchayats or with consent of the Village Panchayat, in respect of any particular Village Panchayat or portion thereof, exempt all buildings or any class of buildings from all or any of the provisions of any rules or bye-laws made under this Act.

322. Issue of birth, death, caste and residence certificates.-

The Panchayats shall be endowed with the regulatory function of issuing of birth, death, caste and residence certificate.

323. Enforcement of regulations pertaining to weights and measures.-

The Panchayats shall be endowed with the regulatory function of enforcement of regulations pertaining to weights and measures.

324. Managing small endowments and charities.-

The Panchayats shall be endowed with the regulatory function of managing small endowments and charities.

325. Identification and devolution of regulatory functions to be a continuing exercise.-

The regulatory functions which can be performed by the Panchayats shall be identified and devolved on a continuous basis.

Chapter XX
Implementation of PESA Act, 1996

326. Definitions.-

Notwithstanding anything contained in this Act and unless the context otherwise requires in this Chapter:

a) 'Gram Sabha' means a body consisting of persons whose names are included in the electoral rolls relating to the area of a Panchayat at the Village level, or part thereof, for which it is constituted.

b) 'Village' means a Village in the Scheduled Areas which shall ordinarily consist of a habitation or a group of habitations or a hamlet or a group of hamlets comprising a community and managing its affairs in accordance with traditions and customs.

327. Constitution of Village and Gram Sabha.-

(1) The Governor shall by public notification specify a 'Village' for the purpose of this Chapter. Ordinarily, there shall be a Gram Sabha for a 'Village' as defined in sub-section (1):

Provided that if the members of the Gram Sabha so desire, more than one Gram Sabha may be constituted in a Village, in such manner as may be prescribed, and each such Gram Sabha may consist of a habitation or a group of habitations or a hamlet or a group of hamlets comprising a community and managing its affairs in accordance with traditions and customs.

(2) Not less than one-fifth or one thousand, whichever is less of the total number of members of the Gram Sabha shall form a quorum for a meeting of the Gram Sabha and out of which not less than one-third shall be women members.

(3) The meeting of Gram Sabha shall be presided over by a member of the Gram Sabha belonging to the Scheduled Tribes not being the Chairperson or the Deputy Chairperson of the Village Panchayat or any member of the Panchayat, to be elected for the purpose by the majority of the members present in that meeting.

328. Powers and Functions of Gram Sabha.-

In addition to the powers and functions contained in the Fifth Schedule, the Gram Sabha in Scheduled Areas shall also have the following powers and functions, namely:-

a) to safeguard and preserve the traditions and customs of the people, their cultural identity, community resources and the customary mode of dispute resolution;

b) to manage natural resources including land, water and forests within the area of the Village in accordance with its tradition and in harmony with the provisions of the Constitution and with due regard to the spirit of other relevant laws for the time being in force.

c) to enforce prohibition or to regulate or restrict the sale and consumption of any intoxicant;

d)) to prevent alienation of land in the Scheduled Areas and to take appropriate action to restore any unlawfully alienated land of a Scheduled Tribe;

e) to exercise control over money lending to the Scheduled Tribes;

f) to exercise and perform such other powers and functions as the State Government may confer on or entrust under any law for the time being in force.

329. Reservation of Seats.-

(1) The reservation of seats for Scheduled Castes and Scheduled Tribes in every Panchayat in the Scheduled Areas shall be in proportion to their respective population in that Panchayat:

Provided that the reservation for the Scheduled Tribes shall not be less than one-half of the total number of seats;

Provided further that all seats of Chairpersons of Panchayats, at all levels in the Scheduled Areas shall be reserved for members of the Scheduled Tribes.

(2) The State Government may nominate persons belonging to such Scheduled Tribes as have no representation in the Panchayat in the Scheduled Areas at the Intermediate level or in the Panchayat in the Scheduled Areas at the District level:

Provided that such nomination shall not exceed one-tenth of the total members to be elected in that Panchayat.

330. Powers and Functions of Intermediate and District Panchayat.-

Without prejudice to the generality of powers conferred by this Act, the Intermediate Panchayat or the District Panchayat, as the case may be, in Scheduled Areas shall also have the following powers, namely:-

a) to plan, own and manage minor water bodies up to a specified water area;

b) to control local plans, resources and expenditure for such plans including tribal sub-plans;

c) to exercise control over institutions and functionaries in all social sectors transferred to them; and

d) to exercise and perform such other powers and functions as the State Government may confer on or entrust under any law for the time being in force.

331. Effective Implementation of the Tribal Sub-Plan (TSP).-

(1) The State Government shall form a Special Planning Unit, consisting of members with prescribed qualifications to prepare the Tribal Sub-Plan.

Chapter XXI

Penalties

332. Power of Panchayats to impose penalty.-

If a Panchayat is satisfied that a person has disobeyed a general or special order passed by the Panchayat, it may direct that such person shall pay, by way of penalty, a sum which may extend to _____ rupees and, in case of disobedience being a continuing one, a further sum which may extend to _____ for every day after the first day, during which the disobedience continues.

333. Penalty for acting as Chairperson, Deputy Chairperson or member of a Panchayat when disqualified. –

(1) Whoever acts as the Chairperson, or Deputy-Chairperson of a Panchayat, or exercises any of his functions knowing that under this Act or the rules made thereunder, he is not entitled or has ceased to be entitled to hold office as such, or to exercise such functions, shall be punishable with fine not exceeding _____ rupees for every such offence.

2) Whoever acts as a member of a Panchayat knowing that, under this Act or the rules made thereunder, he is not entitled or has ceased to be entitled to hold office as such, shall be punishable with fine not exceeding _____ rupees for every such offence.

334. Penalty for interested member voting.-

Whosoever votes as member of a Panchayat in contravention of the provisions of sub-section (4) of Section 68 shall be punished with fine which may extend to _____ rupees.

335. Penalty for acquisition by an officer or employee or member of interest in contract work.-

If any officer or employee or member of a Panchayat knowingly acquires, directly or indirectly, by himself or by a partner, employer or servant, any personal share or interest in any contract or employment with, by or on behalf of the Panchayat, he shall be deemed to have committed an offence under section 168 of the Indian Penal Code:

Provided that no person shall by reason of being a share holder in, or member of, any company, be held to be interested in any contract entered into between such company and the Panchayat unless he is a director of such company.

336. Wrongful restraint of Secretary or his delegate.-

(1) Any person who prevents the Chairperson, the Secretary or any person to whom the Chairperson or the Secretary has lawfully delegated his powers of entering on or into any place,

building or land, from exercising his lawful power of entering thereon or there into shall be deemed to have committed as offence under section 341 of the Indian Penal Code.

2) Any person who prevents any Standing Committee or any other committee of the Panchayat or the Chairperson of the Standing Committee from exercising its or his legal power of entering into any place, building or land shall be deemed to have committed the offence specified in sub-section (1)

337. Prohibition of obstruction of Panchayat etc.-

Any person who obstructs a Panchayat, or the Chairperson, Deputy Chairperson, Chairperson of Standing Committee, member or the Secretary of the Panchayat, or any person employed by it or any person with whom a contract has been entered into by or on behalf of the Panchayat, in the discharge of his duty or of anything which he is empowered or required to do by virtue, or in consequence, of this Act or of any rule, bye-law or order made there under, shall be punishable with fine which may extend to _____rupees.

338. Prohibition of removal or obliteration of notice.-

Any person who without authority in that behalf, removes, destroys, deface or otherwise obliterated any notice exhibited or any sign or mark erected by, or under the orders, of a Panchayat or its Secretary, shall be punishable with fine which may extend to _____rupees.

339. Penalty for contravention of any order regarding requisition.-

If any person contravenes any order made under section 215 he shall be punished with imprisonment for a term which may extend to one year or with fine or with both.

340. Penalty for not giving information or giving false information. –

Any person who is required by this Act or by any notice or other proceedings issued there under to furnish any information, without reasonable excuse omits to furnish such information or knowingly furnish false information shall be punishable with fine not exceeding _____rupees.

341. Prohibition of bidding.-

- (1) No member or servant of a Panchayat or any officer having any duty to perform in connection with the sale of movable or immovable property under this Act shall directly or indirectly bid for or acquire interest in any property sold at such sale.
- (2) Any person who contravenes the provisions of sub-section (1) shall be punished with fine which may be extend to rupees_____ and if he is an officer or servant of a Panchayat, shall also be liable to be removed from service.

342. Procedure to make good the damage to any property of Panchayats.-

If through any act, neglect or default on account of which any person shall have incurred any penalty imposed by or under this Act and any damage to the property of any Panchayat have been cause by any such person, he shall be liable to make good such damage, as well as to pay such penalty and the value of the damage, shall in case of dispute, be determined by the Court having jurisdiction , by whom the person incurring such penalty has been convicted and on non-payment of such value on demand, the same shall be levied by distress, and the Court shall issue a warrant accordingly.

343. Fines to be credited to Panchayat. -

All fines imposed by the Panchayat or the Court under this Act or any rule or bye-law made there under shall on realization be credited to the fund of the Panchayat concerned in respect of offences committed within the jurisdiction of such Panchayat.

344. Penalty for breach of Bye-laws.-

In making a bye-law under this Act, the Panchayat making the bye-law may also provide that a breach there of shall be punishable with fine which may extend to _____Rupees and when the breach is a continuing one, with a further fine which may extend to _____rupees for every day after the date of the first conviction during which the offender is proved to have persisted in the offence.

345. Penalty for breach of rules.-

In making any rule under this Act, the State Government may provide that a breach thereof shall be punishable with fine which may extend to _____rupees, or in case of a continuing breach, with fine, not exceeding _____rupees for every day during which the breach continues after conviction for the first breach.

Chapter XXII
Powers and Responsibilities of State Government.

346. No power of State Government to suspend or rescind any resolution passed by Panchayats.-

The State Governments shall not have the power to suspend or rescind any resolution passed by the Panchayats. If the Secretary of the Panchayat is of the opinion that the resolution passed by the Panchayat has not been legally passed and is in excess of the powers conferred by this Act or any other Act or is likely to endanger human life, health or public safety, if implemented, he shall refer the matter to the Ombudsman. The Ombudsman shall have the power to investigate and recommend action and will send its report to the Governor. If the Governor disagrees with the recommendations made by the Ombudsman, the reasons will be placed in the public domain.

347. Power to inspect records etc. of Panchayats.-

(1) The State Government or any officer empowered by the State Government may, -
(a) call for any record, register or other document in the possession, or under the control of any Panchayat:

Provided that, the document, register, or records furnished by the Panchayat shall be returned in original to the Panchayat, within ninety days of its receipt by the State Government, and attested copy of the same shall be retained by the State Government if necessary.

- (b) require any Panchayat to furnish any return, plan, estimate, statement of accounts;
- (c) require any Panchayat to furnish any information or report on any matter connected with such Panchayat;
- (d) require any Panchayat to obtain their previous sanction before giving up a claim or closing down any institution which is a source of income; and
- (e) record in writing for the consideration of any Panchayat any observation in regard to the proceedings or duties of the Panchayat; and
- (f) have power to inspect any office or any records or other documents of the Panchayats or movable properties kept therein or any work or institution or property under the control of the Panchayat;

(2) Every Panchayat Chairperson, Secretary and Other Officer shall be bound to facilitate exercising duties under sub-section (1) by the Panchayat.

(3) The State Government may, in the manner prescribed, arrange periodical performance audit in respect of the administration of the Panchayat.

348. Technical supervision and inspection.-

The heads of departments concerned and other technical officers nominated by them may inspect the works and development schemes implemented by any officer of that department under the control of any Panchayat and also inspect relevant records pertaining to such works and development schemes, in the manner specified by the State Government.

349. General power of State Government to issue guidelines and to conduct enquiry.-

(1) Notwithstanding anything contained in this Act, the State Government shall have the power to issue general guidelines to the Panchayats in accordance with the National and State Policies in matters such as finance, maintenance of accounts, officer management, formulation of schemes, selection of sites and beneficiaries, proper functioning of Gram Sabha, welfare programmes and environmental regulations and Panchayats shall comply with such directions.

(2) If there is any default in the implementation of schemes or maintenance of accounts or complaint is received in the matter, the State Government may refer the matter to Ombudsman for enquiry.

(3) After such enquiry, State Government may take such action as is necessary and permissible under this Act.

350. Power to take action for default by a member, Chairperson or Secretary of a Panchayat.-

If, at any time, it appears to the State Government that a member or Chairperson or Secretary has defaulted in performing any duty imposed by or under this Act or in carrying out any orders lawfully issued by the State Government, or that there is need to take immediate action against the member or Chairperson or Secretary on one or more of the grounds of abuse of office, corruption etc. it should place the record before the Ombudsman for urgent investigation. The Ombudsman will send its findings and the recommendations to the Governor/State Government. If the Governor/State Government disagrees with the recommendations made by the Ombudsman, the reasons will be placed in the public domain.

351. Administration report of the Panchayats.-

(1) Every Panchayat shall prepare a report in respect of its administration every year in such form and with such details as may be prescribed by the State Government in accordance with the provisions of this section and publish the same before the thirtieth of September of the succeeding year and if the report is not published within the said time limit, the State Government may withhold the payment of grants due to the Panchayat thereafter.

(2) The draft of the administration report in respect of the institutions and offices under the administrative control of the Panchayat shall be prepared by the heads of such institutions and offices and shall be furnished to the Secretary of the Panchayat who shall prepare the draft of the administration report of that Panchayat in consultation with the Chairperson of the Panchayat and shall submit it before the Panchayat for its approval.

(3) The Panchayats within a District shall immediately after the approval and publication of the administration report, forward it to the officer authorised by the State Government in this behalf and the Village Panchayats and Intermediate Panchayats shall also furnish their administration reports to the District Panchayat.

(4) The officer authorised by the State Government shall submit a consolidated report containing the abstracts of the administration reports of the Village Panchayats, Intermediate Panchayats and District Panchayats, to the State Government before the 31st of December every year.

(5) The State Government shall, as soon as may be after the receipt of the consolidated report cause it to be laid before the Legislative Assembly in its next session along with a review report of the State Government and it shall be so laid within forty five days from the first day of that session.

352. Dissolution of Panchayats.-

(1) If the majority of Panchayat members resigns from office or are disqualified or the Panchayat fails to pass the budget of the Panchayat for the succeeding financial year before the end of a financial year, the Ombudsman shall, on receiving a complaint or on a reference from the State Government or suo motu, investigate and recommend action. The Ombudsman shall send his report to the Governor with findings and recommendations.

Provided that the Panchayat shall be given a reasonable opportunity of being heard before making recommendations.

(2) If the State Government is of the opinion that a Panchayat persistently defaults in performing the duties imposed on it by law or in carrying out the orders or directions lawfully issued by the State Government or exceeds or abuses its powers, the State Government shall, if it is of the opinion that the Panchayat should be dissolved, place the record before the Ombudsman for urgent investigation. The Ombudsman will send his report to the Governor.

Provided that, before making recommendations for dissolution, the Ombudsman shall communicate to the Panchayat the proposal to dissolve the Panchayat along with the reasons

for the same and give the Panchayat a reasonable opportunity to show cause against it and shall consider the objections or explanation, if any.

(3) In case of disagreement with the recommendations made by the Ombudsman, the Governor shall place the reasons in the public domain.

(4) If the Ombudsman has recommended dissolution of Panchayat and the Governor has accepted the recommendation, a notification shall be issued dissolving the said Panchayat and all the members of the Panchayat including the Chairperson and Deputy Chairperson shall forthwith be deemed to have vacated their offices as such, and fresh election shall be held in accordance with the provisions of this Act. A copy of the notification shall be forwarded to the SEC.

(5) The members of a reconstituted Panchayat shall enter upon their offices on the date fixed for the reconstitution of the Panchayat and shall continue only for the remainder of the period for which the dissolved Panchayat would have continued under the provisions of this Act had it not been so dissolved.

(6) The administration of the Panchayat during the interval between the dissolution and reconstitution of Panchayat shall be exercised by the special officer or administrative committee appointed under sub-section (2) of section 243.

(7) When a Panchayat is dissolved the administrative committee or the special officer appointed by the State Government until the date of reconstitution thereof and the reconstituted Panchayat thereafter shall be entitled to all the assets and be subject to all the liabilities of the Panchayat as on the date of dissolution and on the date of reconstitution respectively.

353. Powers of Officers taking action on behalf of or in default of Panchayat and liability of Panchayat Fund.-

The State Government or any other officer lawfully taking action on behalf or in default of a Panchayat under this Act shall have all such powers as are necessary for the purpose and shall be entitled to the same protection under this Act as the Panchayat or its employees whose powers are exercised; and compensation shall be recoverable from the Panchayat's fund by any person suffering damage from the exercise of such powers to the same extent, as if the action had been taken by the Panchayat or its employees.

354. Delegation of Powers.-

The State Government may, by notification in the Official Gazette, delegate-

- (a) all or any of its power under this Act to any officer or authority subordinate to it, and
- (b) all or any of the power of the officer-in-charge of Panchayats under this Act to any other officer or authority.

355. Power to provide for performance of duties in default of a Panchayats.-

(1) On a complaint made or otherwise if the State Government is satisfied that a Panchayat has been guilty of making default in performing duties imposed upon it by or under this Act, it may after due enquiry, by order in writing fix the period for the performance of that duty and such order shall forthwith be communicated to the Panchayat concerned.

(2) If that duty is not performed within the period so fixed, the State Government may appoint some person to perform it and direct that the expenses incurred in the performance of such duty together with a reasonable remuneration to the person appointed to perform it, shall be forthwith paid by the Panchayat concerned.

(3) If the expenses and remuneration are not so paid, the State Government may make an order directing the person having the custody of the balance of the fund of the Panchayat concerned to pay the expenses and the remuneration or such part thereof as is possible from that balance.

356. Appointment of officers and staff by State Government.-

For the discharge of such functions in regard to the administration of Panchayats as are provided for in this Act or as may be prescribed thereunder, the State Government may appoint an officer-in-charge of Panchayats with such designation as it may from time to time notify and such other subordinate officers and staff as the State Government may deem necessary.

357. Inspection and enquiry by State Government.-

The State Government or any other Officer generally or specially authorised by the State Government in this behalf may -

- (a) inspect or cause to be inspected any immovable property owned and used or occupied by a Panchayat or any work in progress under the direction of such Panchayat;
- (b) by an order in writing call for and inspect a book or document in the possession of or under the control of a Panchayat.
- (c) likewise require a Panchayat to furnish such statements, reports or copies of documents relating to the proceedings or the duties of such Panchayat as it thinks fit;
- (d) record in writing for the consideration of a Panchayat, any observation which it thinks proper in regard to the proceedings or the duties of such Panchayat; and

(e) place the matter before the Ombudsman for an enquiry against any member Chairperson or Deputy Chairperson of a Panchayat in respect of any matter relating to such Panchayat.

358. Power to make rules.-

(1) The State Government may, by notification in the Gazette, make rules either prospectively or retrospectively to carry out all or any purposes of this Act.

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

(3) Every rule pertaining to elections shall only be made in consultation with the SEC.

(4) Every rule made under this Act shall be laid as soon as may be after it is made before the Legislative Assembly, while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, the Legislative assembly makes any modification in the rule or decides that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

359. Power of State Government to alter Schedules.-

(1) The State Government may by notification add to or alter any of the entries in the Schedules to this Act.

(2) Any Schedule in this Act or any entry to such Schedule shall not be omitted otherwise than in exercise of the power conferred by a law made by the legislature of the State.

360. Disputes.-

(1) If any dispute arises between two Panchayats or between a Panchayat and any other local authority, it shall be referred to the State Government.

(2) The decision of the State Government on such dispute shall be final and shall not be questioned through any suit or other proceeding before any Civil Court.

Chapter XXIII

Miscellaneous

361. Members and officers of Panchayats, SEC and SFC to be public servants.-

The members, officers and servants of the Panchayats and Standing Committees or Sub-Committee thereof shall be deemed to be public servants within the meaning of section 21 of the Indian Panel Code, 1860 (Central Act 45 of 1860).

362. Powers and responsibilities of police in respect of offences and assistance to the Panchayats.-

Every police officer shall give immediate information to the Panchayat of an offence coming to his knowledge which has been committed against this Act or any rule or bye-law made thereunder and shall assist all the members, officers and servants of the Panchayat in the exercise of their lawful authority.

363. Liability of members, Chairpersons and Deputy Chairpersons of Panchayats.-

(1) Every member of a Panchayat including the Chairperson or Deputy Chairperson thereof shall be liable to the Panchayat of which he is such member or, as the case may be, Chairperson or Deputy Chairperson, for the loss, waste or misapplication of any money or other property belonging to such a Panchayat as direct consequence of his neglect or misconduct while in office.

(2) Whenever, on a complaint made by a Panchayat or otherwise, the Ombudsman is of the opinion that any such member or, as the case may be, such Chairperson or Deputy Chairperson has caused or done any loss, waste or misapplication of any money or other property belonging to the Panchayat the Ombudsman shall give notice to the concerned office-bearer of the allegations against him and require him to appear on the date and time to be specified in the notice and to file a written statement in reply to the allegations against him.

(3) If on appearance the member or, as the case may be, the Chairperson or the Deputy Chairperson admits his liability and its amount, the Ombudsman shall pass an order for the recovery of the amount of each liability from such member or, as the case may be, such Chairperson or Deputy Chairperson.

(4) If the member or, as the case may be, the Chairperson or the Deputy Chairperson disputes his liability or its extent, the Ombudsman after recording evidence in support of the allegations and after giving the concerned office-bearer opportunity to cross-examine the witness and to adduce evidence in defence shall, by order, determine the extent and amount of liability of such office-bearer for such waste or misapplication of money or property.

(5) Any person aggrieved by an order made by the Ombudsman under sub-section (4) may appeal therefrom to the State Government within thirty days of the date on which the order is communicated to him. The Ombudsman and the State Government may, after giving the parties interested an opportunity of being heard, confirm, modify or set aside the order or remit the case to the Ombudsman for such further enquiry as it thinks fit.

(6) The Panchayat to which such member or, as the case may be, such Chairperson or Deputy Chairperson is liable, shall be and shall be deemed to be a party in an enquiry under this section before the Ombudsman or in an appeal under sub-section (5) before the State Government.

(7) The Ombudsman or the State Government holding an enquiry or hearing an appeal under this section shall have the powers of a Civil Court under the Code of Civil Procedure, 1908 (Central Act V of 1908) relating to-

- (a) proof of facts by affidavits;
- (b) enforcing attendance of any person and his examination on oath;
- (c) production of documents; and
- (d) issuing of commission.

(8) The amount of any liability ordered to be recovered under sub-section (3) or determined under sub-section (4) shall be recoverable by the Panchayat concerned from such member or, as the case may be, such Chairperson or deputy Chairperson as an arrear of land revenue.

(9) No civil or other revenue court shall have jurisdiction in respect of any matter which is required to be decided, determined, or dealt with by the Ombudsman or State Government under this section and no order made by the Ombudsman or State Government shall be called in question in any court.

364. Validity of Notice.-

No notice issued under this Act shall be invalid on account of any defect or omission in its form.

365. Bar to interference by courts in certain matters.-

(1) Notwithstanding anything contained in this Act-

- (a) the validity of any law relating to the delimitation of constituencies or wards made or purporting to be made under this Act, shall not be called in question in any court, and
- (b) no election to any Panchayat shall be called in question except by an election petition presented to such authority and in such manner as is provided for by or under this Act.

(2) No Civil Court shall have jurisdiction-

- (a) to entertain or adjudicate upon any question whether any person is or is not entitled to be registered in an electoral roll for a constituency; or
- (b) to question the legality of any action taken by or under the authority of an electoral registration officer, or any decision given by any authority appointed under this Act for the revision of such roll; or
- (c) to question the legality of any action taken or of any decision given by the returning officer or by any other person appointed under this Act in connection with an election.

366. General Provisions regarding licences and permissions.-

(1) Save as otherwise expressly provided in, or may be prescribed under this Act, every application for any licence or permission under this Act or any rule or byelaw made there under or for the renewal thereof, shall be made not less than thirty and not more than ninety days before the earliest date with effect from which, or the commencement of the period (being a year or such less period as is mentioned in the application) for which the licence or permission is required.

(2) Save as otherwise expressly provided in or may be prescribed under this Act, for every such licence or permission fees may be charged on such units and at such rates as may be fixed by the Village Panchayat with due regard to the expenditure to be incurred for rendering service to the trade and for the regulation of the trade, for which the licence or permission is granted.

(3) Save as aforesaid, if orders on an application for any such licence or permission are not communicated to the applicant within thirty days or such longer period as may be prescribed in any class of cases after the receipt of the application by the Secretary the application shall be deemed to have been allowed for the period, if any for which it would have been ordinarily allowed and subject to the law, rules and bye-laws and all conditions ordinarily imposed.

(4) The acceptance of the pre-payment of the fee for any such licence or permission shall not entitle the person making such pre-payment to the licence or permission but only to a refund of the fee in case of refusal of the licence or permission.

(5) If an act for which any such licence or permission is necessary is done without such licence or permission or in a manner inconsistent with the terms of the licence or permission obtained, then –

(a) The Secretary may, by notice require the person so doing such act to alter, remove or as far as practicable restore to its original state, the whole, or any part of any property, movable

or immovable, public or private, affected thereby, within a time to be specified in the notice; and shall, so require if directed by the Village Panchayat;

(b) If no penalty has been specifically provided in this Act for so doing such act the person so doing it shall be punishable with fine not exceeding one thousand rupees and with such higher rate of fine in case of repetition of offence and after three offences much severer punishment "may be awarded or prosecution proceeding may be initiated as the Panchayat may deem fit"

(6) Whenever any person is convicted of an offence in respect of the failure to obtain any such licence or permission, the Magistrate shall, in addition to any fine which may be imposed, recover summarily and pay over to the Village Panchayat the amount of the fee chargeable for the licence or permission, and may, in his discretion, also recover summarily and pay over to the Village Panchayat such amount, if any as he may fix as the costs of the prosecution.

Explanation. - The recovery of the fee for a licence or permission under this sub-section shall not entitle the person convicted to the licence or permission.

(7) Every order of the Secretary granting or refusing a licence or permission shall be published on the notice board of the Village Panchayat.

(8) Every order of the Secretary refusing, suspending, canceling or modifying a licence or permission shall be in writing and shall state the grounds on which it proceeds.

(9) Any licence or permission granted under this Act or any rule made under it may at any time be suspended or revoked by the Secretary, if any of its restrictions limitations or conditions is evaded or infringed by the grantee or if the grantee is convicted of a breach of the provisions of the Act or of any rules made under it in any matter to which such licence or permission relates or if the grantee has obtained the same by misrepresentation or fraud.

(10) It shall be the duty of the Secretary to inspect places in respect of which a licence or permission is required by or under this Act, and he may enter any such place between sunrise and sunset and if he has reason to believe that anything is being done in any place without a licence or permission where the same is required by or under this Act, or otherwise than in conformity with the same, he may at any time by day or night without notice enter such place for the purpose of satisfying himself whether any provision of law or rules, any condition of a licence or permission or any lawful direction or prohibition is contravened and no claim shall lie against any person for any damage or inconvenience necessarily caused by the exercise of powers under this sub-section by the Secretary or any person to whom he has lawfully

delegated his powers or by any force necessary for effecting an entrance under this subsection.

(11) When any licence or permission is suspended or revoked or when the period for which it was granted, or within which application for renewal should be made, has expired, whichever expires later, the grantee shall for all purposes of this Act or any rule made under it be deemed to be without a licence or permission until the order suspending or revoking the licence or permission is cancelled or, subject to sub-sections (3) and (4), until the licence or permission is renewed, as the case may be.

(12) Every grantee of a licence or permission shall at all reasonable times, while such licence or permission remains in force, produce the same when required by the Secretary.

(13) Notwithstanding anything contained in the provisions of this section, no licence or permission under this Act shall be granted to any person who has defaulted payment of any tax, fees or other dues payable to the Village Panchayat.

367. State Government not to obtain licence and permission.-

Nothing in this Act or in rule or bye-law made there under shall be construed as requiring any State Government or the Central State Government to take out a licence in respect of any place in the possession or under the control of or any property belonging to such State Government.

368. Powers of entry and inspection.-

(1) Subject to such restrictions and conditions as may be prescribed, the Secretary of a Panchayat or any person authorised by him or by the Panchayat may enter on or into any place, building or land, with or without assistants or workmen in order –

(a) to make any inquiry, inspection, test examination, survey, measurement or valuation or to execute any other works which is authorised by the provisions of this Act or of any rule or bye-law or order made under it or which it is necessary to make or execute for any of the purposes of this Act or in pursuance of any of the said provisions; or

(b) to satisfy himself that nothing is being done in such place, building or land for which a licence or permission is required under any of the said provisions without such licence or permission or otherwise than in conformity with the terms of the licence or permission obtained.

Provided that –

(i) no such entry into a building shall be made between sunset and sunrise.

(ii) no dwelling house or place shall be so entered except with the consent of the occupier thereof or without giving the occupier at least twenty-four hours notice of the intention to make such entry;

(iii) reasonable opportunity and facility shall be allowed to the women occupying any part of a dwelling house to withdraw; and

(iv) due regard shall, so far as feasible, be paid to the social and religious customs and usages of the occupants of the premises entered into.

(2) It shall be lawful for any officer authorised by the Secretary or by the Panchayat to open or cause to be opened any door, gate or other barrier to made any entry into any place -

(a) if he considers the opening thereof necessary for the purpose of such entry; and

(b) if the owner or occupier is absent or, being present, refuse to open such door, gate or barrier.

(3) Before making any entry into any such place or opening of causing to be opened any such door, gate or other barrier under sub-section (2), the person authorised in this behalf shall call upon two or more persons of the locality in which the place to be entered into is situated to witness the entry or opening and may issue an order in writing to them or any of them so to do.

369. Power to recall for information from village officers.-

(1) The Secretary of a Panchayat may, with the approval of the Panchayat by an order in writing require the village officer of any revenue village in the Panchayat area to furnish him with the information on any matter falling within such categories as may be prescribed in respect of such village or any part thereof or any person or property therein and every such order shall be complied with by the village officer.

(2) The order shall specify the period within which it may be complied with, and it shall be complied within the time specified and if not, the Secretary shall not extend such time limit more than once.

370. Persons empowered to prosecute.-

(1) Save as otherwise expressly provided in this Act, no person shall be tried for an offence against this Act or any rule or bye-law made thereunder unless complaint is made within one year of the commission of the offence by the police, the Secretary or a person expressly authorised by the Panchayat in this behalf, but nothing herein shall affect the provisions of the Code of Criminal Procedure, 1973. (Central Act 2 of 1974) in regard to the power of certain Magistrate to take cognizance of offences upon information received or upon their own knowledge of suspicion:

Provided that failure to take out a licence or obtain permission under this Act shall, for the purpose of this section, be deemed to be a continuing offence until the expiration of the period, if any, for which the licence or permission is required.

(2) Every person other than the Secretary making a complaint shall immediately report the fact to the Secretary.

371. Composition of offence. –

The Secretary of a Panchayat may, subject to such restrictions and control as may be prescribed, compound any offence against this Act, or any rule or bye-law made thereunder, which may by rules be declared compoundable with the approval of the Chairperson. Every Prosecution instituted or offence compounded by the Secretary shall be reported by him to the Panchayat at its next meeting and its approval secured.

372. Institution of suits against authorities of Panchayats, their officers etc.-

(1) No suit or other civil proceedings against a Panchayat or against the Chairperson, Deputy-Chairperson or any other member, or employee thereof or against any other person acting under the direction of the Panchayat or any member or employee thereof for anything done or purporting to be done under this Act in its or his official capacity, -

(a) shall be instituted until the expiration of one month after notice in writing, stating the cause of action, the name and place of abode of the intending plaintiff and the nature of the relief which he claims, has been, in the case of a Panchayat delivered or left at the office of the Panchayat and in the case of a member, employee or person as aforesaid delivered to him or left at his office or at his usual place of abode and the plaint shall in each such case contain a statement that such notice has been so delivered or left; or

(b) shall be instituted unless it is a suit for the recovery of immovable property or for the declaration of title thereto, otherwise than within six months next after the accrual of the alleged cause of action.

(2) The notice referred to in sub-section (1), when it is intended for a Panchayat shall be addressed to the Secretary.

(3) If any Panchayat or person to whom notice is given under sub-section (1) tenders to plaintiff before the proceeding is commenced and if the plaintiff does not in such proceedings require more than the amounts so tendered he shall no recover any costs incurred by him after

such tender: and the plaintiff shall also pay all cost incurred by the Panchayat after such tender.

373. Protection of action taken in good faith.-

(1) No suit, prosecution or other legal proceeding shall lie against the SEC or any person acting under the direction of the Commission in respect of anything which is in good faith done or intended to be done in pursuance of the foregoing provisions of this chapter or of any order made there under or in respect of the tendering of any opinion by the Commission to the State Government or in respect of the publication, by or under the authority of the Commission of any such opinion, paper or proceedings.

(2) No suit prosecution or other legal proceedings shall lie against the Chairperson, Deputy-Chairperson, any member, Secretary, any officer or employee of a Panchayat for anything which is in good faith done or purported or intended to be done in pursuance of this Act or any rule or bye-law made thereunder.

374. Adjudication of disputes between Panchayats.-

(1) Where a dispute exists among two or more Village Panchayats or between a Village Panchayat and one or more than one Intermediate Panchayats or between a Village Panchayat and a District Panchayat or between a District Panchayat and one or more Intermediate Panchayats or among two or more Intermediate Panchayat and or among two or more District Panchayats in regard to any matter arising under the provisions of this or any other law and the Panchayats involved in the dispute are according to their own admission unable to settle amicably any officer of the State Government authorised by the State Government in this behalf by general or special order, may take such action as is necessary to settle the dispute by himself or if it cannot be so settled, refer it with a report to the State Government for decision.

(2) Any decision of the State Government under sub-section (1) shall be binding on each Panchayat involved in the dispute and shall not be liable to be questioned in any court of law.

375. Removal of difficulties.-

(1) If any difficulty arises in giving effect to, enforcing or carrying out the provisions of this Act, the State Government may, by order published in the Official Gazettee give such directions and do such things which appear to it to be necessary for the removal of such difficulty:

Provided that no such order shall be made after the expiration of three years from the commencement of this Act.

(3) Every order made under sub-section (1) shall be laid before the House of the State Legislative Assembly.

Chapter XXIV
Repeal and Savings

376. Repeal and savings.-

(1) On the date of commencement of this Act, hereinafter in this section referred to as "the date of commencement", the following consequences shall ensue, that is to say-

(a) all property, movable and immovable, and all interests of whatsoever kind therein, which vested in an existing Panchayat, immediately before the date of commencement, shall be deemed to be transferred to, and shall vest in the successor Panchayat, subject to all limitations, conditions and rights or interests of any person, body or authority in force or subsisting immediately before the date of commencement;

(b) all rights, liabilities and obligations of an existing Panchayat (including those arising under any agreement or contract) shall be deemed to be the rights, liabilities and obligations of the successor Panchayat.

(c) all functions of the existing Panchayats, whether under the Acts repealed as aforesaid or under any other law for the time being in force, shall be deemed to have transferred to the successor Panchayats under this Act;

(d) all sums due to an existing Panchayat, whether on account of any tax or otherwise, shall be recoverable by the successor Panchayat and for the purposes of such recovery the successor Panchayati Raj Institution shall be competent to take any measure of institute any proceedings which it would have been open to an existing Panchayat or any authority thereof to take or institute before the date of commencement;

(e) the unexpended balance in the funds of the existing Panchayat and all sums due to such Panchayats and such sums of any other body or bodies as the State Government may direct shall form part of, and be paid into, the funds of the corresponding successor Panchayat;

(f) all contracts made with, and all instruments executed by or on behalf of an existing Panchayat shall be deemed to have been made with, or executed by or on behalf of the successor Panchayat, and shall have effect accordingly;

(g) all proceedings and matters pending before an existing Panchayat or any authority of an existing Panchayat under the repealed Acts immediately before the commencement shall be deemed to have been instituted and to have been pending before the successor Panchayat or such authority as the successor Panchayat may direct;

(h) in all suits and legal proceedings pending on the date of commencement in or to which an existing Panchayat is a party, the successor Panchayat, shall be deemed to be substituted therefore:

(i) any appointment, notification, tax, fee, order, scheme, license permission, rule bye law, regulation or form made, issued, imposed or granted in respect of any existing Panchayat or the local area thereof under the repealed Acts, and in force immediately before the date of commencement, shall, in so far as it is not inconsistent with the provisions of this Act, continue to be in force as if made, issued, imposed or granted under this Act in respect of the successor Panchayat or the corresponding local area thereof until suspended or modified by any appointment, notification, notice, tax, fee, order, scheme, license, permission, rule, bye-law, regulation or form made, issued, imposed or granted under this act.

(j) all budget estimates, assessments, assessment lists, valuations of measurements made or authenticated by or in respect of an existing Panchayats under the repealed Acts and in force immediately before the date of commencement shall, in so far as they are not inconsistent with the provisions of this Act, be deemed to have been made or authenticated by the successor Panchayat;

(k) all officers and servants in the employment of an existing Panchayat immediately before the date of commencement, shall, subject to the provisions of this Act, be deemed to be transferred to the service of the successor Panchayat; and

(l) any reference in any law or in any instrument to any provision of the repealed Acts, or any authority constituted, elected or appointed thereunder shall, unless a different intention appears, be construed as a reference to the corresponding provision of this Act, or as the case may be, to the corresponding authority constituted, elected or appointed under this Act.

Explanation. - For the purposes of this section-

(a) "an existing Panchayat" means a Village Panchayat, an Intermediate Panchayat or a District Panchayat existing immediately before the date of commencement and, where any such Panchayat has been superseded or dissolved or the term thereof has expired, includes the person or persons appointed to exercise the powers or to perform the functions of such Panchayat; and

(b) "The successor Panchayat" means a Village Panchayat, an Intermediate Panchayat or a District Panchayat constituted under this Act for such local area as corresponds to the respective local area of the existing Village Panchayat, Intermediate Panchayat or District Panchayat.

First Schedule
Functions of Village Panchayat

Second Schedule
Functions of Intermediate Panchayat

Third Schedule
Functions of District Panchayat

Details available at www.panchayat.nic.in

Fourth Schedule

Functions of Ward Sabha:-

- a) rendering assistance to the Village Panchayat in collection and compilation of details required for formulation of development plans;
- b) generating proposals and fixing priority of development schemes and programmes to be implemented in the area of the Ward Sabha;
- c) identification of beneficiaries in order of priority, for the implementation of development schemes pertaining to the area of Ward Sabha;
- d) rendering assistance in effective implementation of development scheme;
- e) suggesting the location of public utilities, amenities and services like street lights, community water taps, public wells, public sanitation units, irrigation facilities etc.;
- f) Formulating schemes and imparting awareness on matters of public interest like cleanliness, preservation of environment, prevention of pollution, guarding against social evils etc.;
- g) promoting harmony and unity among various groups of people;
- h) verifying the eligibility of persons getting various kinds of Welfare assistance from State Government such as pensions and subsidies;
- i) getting information on the detailed estimates of works proposed to be taken in the area of the Ward Sabha; exercise social audit in all works implemented in the area of the Ward Sabha and awarding utilisation and completion certificate for such works;
- j) getting information from the officials concerned as to the services they will render and the works they propose to do in the area of the Ward Sabha;
- k) assisting the activities of parent-teacher associations in the area;
- l) promoting literacy, education, health, child care and nutrition;
- m) to monitor and render assistance to the beneficiary communities engaged in the developmental activities within the area of the Village Panchayat;
- n) to know the rationale behind every decision taken by the Village Panchayat regarding the area of the Ward Sabha;
- o) to know the follow up action taken on the decisions of the Ward Sabha and the detailed reasons for not implementing any of the decisions;
- p) to co-operate with the employees of the Village Panchayats in the sanitation processes and rendering voluntary service for the removal of garbage;
- q) to find out the deficiencies in the arrangements for water supply, street lighting etc. within the area of the Ward Sabha and to suggest remedial measures;
- r) to assist the public health activities especially prevention of diseases and family welfare, within the area of the Ward Sabha;
- s) to perform such other functions as may be prescribed from time to time;

Fifth Schedule

Functions of Gram Sabha:-

- a) identify and approve the plans, programmes and projects for social and economic development in order of priority from out of the plans, programmes and projects approved by the Ward Sabha before such plans, programmes and projects are taken up for implementation by the Village Panchayat;
- b) to lay down the principles for identification of schemes and their priority for economic development of the village.
- c) identification or selection of persons as beneficiaries under the poverty alleviation and other programmes, in order of priority out of the persons by the various Ward Sabha coming under its jurisdiction;
- d) To ensure proper utilization and disbursement of funds are assets to the beneficiaries;
- e) To ascertain and certify the proper utilisation by the Village Panchayat of funds for plans, programmes and projects referred to in clause (a).
- f) exercise social audit in respect of plots allotted to the weaker sections;
- g) formulating and approving development plans for Abadi lands;
- h) mobilizing voluntary labour and contribution in kind or cash or both for the community welfare programmes;
- i) promoting literacy, education, health and nutrition;
- j) promoting of unity and harmony among all sections of the society in such area;
- k) seeking clarifications from the Chairperson and members of the Village Panchayat about any particular activity, scheme, income and expenditure;
- l) planning and management of minor water bodies upto a specified water area situated within its territorial jurisdiction;
- m) to lease out any minor water body upto a specified area for the purpose of fishing and other commercial purposes;
- n) to regulate the use of water of rivers, streams, minor water bodies for irrigation purposes;
- o) the ownership and management of minor forest produce;
- p) control over local plans and resources for such plans including tribal sub-plan;
- q) to manage Village Markets by whatever name called.
- r) to be consulted before making the acquisition of land in the area for development projects and before re-settling or rehabilitating persons affected by such projects in the area ;
- s) to make recommendations prior to grant of prospecting licence or mining lease for minor minerals in the Area;
- t) to make recommendations prior to grant of concession for exploitation of minor minerals by auction;
- u) to consider and approve the recommendations made by each Ward Sabha in the area of such Village Panchayat; and

- v) to consider the Annual Budget of the Village Panchayat, and make recommendations thereon;
- w) to consider the report of audit and accounts of the Village Panchayat;
- x) to ensure active participation of people in implementation, maintenance and equitable distribution of benefits of development schemes in the Village;
- y) to promote general awareness amongst the people; and
- z) to exercise control through the Village Panchayat over institutions and functionaries in social sectors transferred to or appointed by that Panchayat;
- aa) to manage natural resources including land, water, forests within the area of the Village in accordance with provisions of the Constitution and other relevant laws for the time being in force;
- bb) sanitation, conservancy and prevention and abatement of nuisance;
- cc) supervise the construction, repair and maintenance of public wells, ponds and tanks and supply of water for domestic animal;
- dd) supervise the construction and maintenance of sources of water for bathing and washing and supply of water for domestic animals;
- ee) supervise the construction and maintenance of Village roads, culverts, bridges, bunds and other works and building of public utility;
- ff) supervise the construction, maintenance and clearing of public street, latrines, drains, tanks, wells and other public places;
- gg) filling in of disused wells, unsanitary ponds, pools ditches and pits and conversion of step wells into sanitary wells;
- hh) supervise the lighting of Village streets and other public places;
- ii) assist in removal of hindrances and projections to public streets and places as well as the spaces which are not private properties or which are open for public use whither such places are vested in the Panchayat or belong to the State Government;
- jj) regulating and controlling recreations, games-shows, shops, eating houses and vendors of beverage, sweets, fruits, milk and similar other articles;
- kk) supervising the construction of houses, cess-pits urinals, drains and flush latrines;
- ll) management of public land, extension and development of Village site;
- mm) disposal of corpses, carcasses (including those unclaimed) and other obnoxious articles in such a way that the same may not be injurious to health;
- nn) earmarking places for dumping refuse;
- oo) regulation of sale and preservation of meat;
- pp) maintenance of Gram Sabha-properties;
- qq) establishment and management of cattle pounds and maintenance of records regarding cattle;

- rr) taking care of ancient and historical monuments other than those which have been declared to be of national importance and maintaining grazing grounds and other lands lying within control of the Gram Sabha;
- ss) maintaining records of births, deaths and marriages;
- tt) assisting in census or other surveys done by the centre, state or other organizations constituted lawfully;
- uu) giving assistance in control of contagious diseases, vaccination work etc.;
- vv) helping the disabled and destitute (including women and children);
- ww) expansion of youth welfare, family welfare and sports;
- xx) afforestation and conservation of Village forestry;
- yy) abolition of social evils like dowry;
- zz) granting loans for the purpose of-
 - ii) providing medical assistance to indigent persons in serious and emergency cases;
 - iii) disposal of dead body of an indigent person or any member of his family; or
 - iv) any other purpose for the benefit of an indigent person as may be notified by the State Government from time to time subject to such terms and conditions as may be prescribed;

- aaa) implementation of orders of the State Government or other competent officers to improve the condition of Scheduled Castes, Scheduled Tribes, Backward Classes and to prevent untouchability;
- bbb) preparing schemes for basic amenities and making arrangements therefore;
- ccc) helping disabled women/children;
- ddd) execution of work assigned by Intermediate Panchayat and District Panchayat;
- eee) execution and supervision of development schemes and construction work as per specified schemes within the Gram Sabha area;
- fff) to control and monitor beneficiary oriented schemes and programmes;
- ggg) to exercise control over institutions and functionaries in all social sectors transferred to or appointed by the Gram Sabha;
- hhh) dissemination of information regarding developmental and welfare activities;
- iii) participating in and canvassing of programmes of Health and Literacy and such other time bound developmental programmes;
- jjj) collecting essential socio-economic data;
- kkk) providing feed back on the performance of development programmes;
- lll) resort to moral sanction to pay taxes, repayment of loans promote environmental cleanliness and to maintain social harmony;
- mmm) mobilise local resources to augment resources of the Village Panchayat;
- nnn) supervising development activities as volunteer teams and
- ooo) make arrangements for reporting urgently incidence of epidemics, natural calamities, etc.

ppp) exercise and discharge of powers and functions assigned by the State Government under this Act or any other law in force in the State for the time being.

Sixth Schedule
[see section 44]

Form of Oath or Affirmation

I,....., a candidate for election as a member in constituency No.....of the Village / Intermediate / District Panchayat, do swear in the name of God, solemnly affirm that I will bear true faith and allegiance to the Constitution of India as by law established, and uphold the sovereignty and integrity of India. If elected I will duly and faithfully and to the best of my ability, knowledge and judgment perform the duties of my office without fear or favour or affection or illwill.

Seventh Schedule

[see sections 19 and 54]

Form of Oath or Affirmation

I,, having been elected member/Chairperson/Deputy Chairperson of theVillage/Intermediate/District Panchayat, do swear in the name of God/solemnly affirm, that I will bear true faith and allegiance to the Constitution of India as by law established, and uphold the sovereignty and integrity of India that I will duly and faithfully and to the best of my ability, knowledge and judgment perform the duties of my office without fear or favour or affection or illwill.