

OFFICIAL GAZETTE



GOVERNMENT OF GOA

NOTE:— There is one Supplementary and one Extraordinary issues to the Official Gazette, Series I No. 53 dated 31-3-94 as follows:

1) Supplement dated 31-3-94 from pages 775 to 778 regarding Notification from Legislature Secretariat.

2) Extraordinary dated 31-3-94 from pages 779 to 782 regarding Notification from Law Department (Legal Affairs.)

figures "Rs.5,000/-" the word and figures "Rs.20,000/-" shall be substituted.

By order and in the name of the Governor of Goa.

B. N. Bhat, Under Secretary (Industries).
Panaji, 21st March, 1994.

GOVERNMENT OF GOA

Industries Department

Notification

19-44-70-IND

The following draft amendment which is proposed to be made to the Goa, Daman and Diu State-aid to Industries Rules, 1968 is hereby pre-published as required by sub-section (3) of section 7 of the Goa, Daman and Diu State-aid to Industries Act, 1965 (Act 15 of 1965), for the information of all persons likely to be affected thereby and notice is hereby given that the said draft amendment will be taken into consideration by the Government on the expiry of 30 days from the date of publication of this Notification in Official Gazette.

All objections and suggestions to the said draft amendment may be forwarded to the Under Secretary to the Government of Goa, Industries and Labour Department, Secretariat Annexe, EDC House, Panaji before the expiry of 30 days from the date of publication of this Notification in the Official Gazette.

DRAFT AMENDMENT

In exercise of the powers conferred by section 7 of the Goa, Daman and Diu State-aid to Industries Act, 1965 (Act 15 of 1965) and all other powers enabling it in that behalf, the Government of Goa hereby makes the following rules so as to further amend the Goa, Daman and Diu State-aid to Industries Rules, 1968, namely:—

1. *Short title and commencement.*— (1) These rules may be called the Goa State-aid to Industries (Second Amendment) Rules, 1994.

(2) They shall come into force at once.

2. *Amendment of rule 15.*— In sub-rule (3) of the Goa, Daman and Diu State-aid to Industries Rules, 1968, in clauses (a) and (b), for the word and

LEGISLATURE SECRETARIAT

Notification

LA/B/910/1994

The following Bill which was introduced in the Legislative Assembly of Goa on 28-3-94 is hereby published for general information in pursuance of the provisions of Rule-138 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

Panaji, 29th March, 1994.

The Goa Land Revenue Code (Amendment) Bill, 1994

(Bill No. 10 of 1994)

A BILL

further to amend the Goa Land Revenue Code, 1968.

Be it enacted by the Legislative Assembly of Goa in the Forty-fifth Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Land Revenue Code (Amendment) Act, 1994.

(2) It shall come into force with effect from the 1st day of April, 1994.

2. *Amendment of section 32.*— In sub-section (6) of section 32 of the Goa Land Revenue Code, 1968 (Act 9 of 1969), for the words and figures "Rs. 5/- per square metre", the words and figures "Rs. 15/- per square metre" shall be substituted.

Statement of Objects and Reasons

With a view to augmenting the revenue, it is proposed to suitably amend sub-section (6) of section 32 of the Goa Land Revenue Code, 1968 (Act 9 of 1969), so as to increase the fees chargeable for conversion of agricultural land for non-agricultural purpose in respect of commercial housing/industrial and commercial constructions from Rs. 5/- per square metre to Rs. 15/- per square metre.

Financial Memorandum

It is proposed to raise the charges for conversion of agricultural land to non-agricultural purpose, to Rs. 15/- per sq. m. on commercial housing/industrial and commercial constructions for the purpose of augmenting the revenue thereunder, from the present rate of Rs. 5/- per square metre.

The additional revenue expected to yield as a result of the proposed Amendment will be to the tune of Rs. 1.20 crores approximately.

Panaji, WILFRED DE SOUZA
24th March, 1994. Chief Minister

Panaji, ASHOK B. ULMAN
Assembly Hall, Secretary to the Legislative
28th March, 1994. Assembly of Goa.

Governor's recommendation under Article 207 of the Constitution:

In pursuance of clause (1) and (3) of Article 207 of the Constitution, the Governor of Goa has recommended to the introduction and the consideration of the Goa Land Revenue Code (Amendment) Bill, 1994.

(Annexure to Bill No. 10 of 1994)

The Goa Land Revenue Code (Amendment) Bill, 1994

The Goa Land Revenue Code 1968
(Act 9 of 1969)

Section 32. Procedure for conversion of use of land from one purpose to another. — (6) When the land is permitted to be used for a non-agricultural purpose, a sanad shall be granted to the holder thereof in the form prescribed under the rules on payment of the fees at the rates mentioned as under: —

- (i) on personal housing Rs. 2/- per square metre.
- (ii) on commercial housing/ Rs. 5/- per square metre. /industrial and commercial constructions

Provided that no such fees shall be leviable in cases where sanad is granted —

- (i) for area not exceeding two hundred square metres;
- (ii) for the purpose of churches, temples, mosques, gurudwaras, sports, hospitals, or educational, charitable, cultural or religious institutions.

Assembly Hall, ASHOK B. ULMAN
Panaji, Secretary to the
28th March, 1994. Legislative Assembly of Goa.

LA/B/913/1994

Report of the Select Committee on Bill No. 35 of 1993 — The Goa Municipalities (Amendment) Bill, 1993 alongwith the Bill as amended by the Select Committee which was presented to the Legislative Assembly of Goa on 28th March, 1994 is hereby published for general information in pursuance of the provisions of Rule 231 of the Rules of Procedure and Conduct of Business of Legislative Assembly.

Panaji, 29th March, 1994.

A

BILL

Further to amend the Goa, Daman and Diu Municipalities Act, 1969.

COMPOSITION OF THE SELECT COMMITTEE

CHAIRMAN

1. Dr. Carmo Pegado — Minister for Urban Development.

MEMBERS

2. Shri J. B. Gonsalves, MLA.
3. Shri Ravi S. Naik, MLA.
4. Shri S. V. Sirsat, MLA.
5. Shri Somnath Zuwarkar, MLA.
6. Shri Luis Alex Cardoz, MLA.
7. Shri Shivdas Verenkar, MLA.
8. Shri Ashok Parab, MLA.

SECRETARIAT

1. Shri Ashok B. Ulman — Secretary, Legislature.
2. Shri Y. S. Amonkar — Under Secretary, Legislature.

GOVERNMENT REPRESENTATIVES

1. Shri B. S. Subbanna — Law Secretary.
2. Smt. S. Kashyap — Secretary (Revenue).
3. Shri R. P. Pal — Director Municipal Administration.

REPORT OF THE SELECT COMMITTEE

I, the Chairman of the Select Committee to which Bill No. 35 of 1993 — The Goa Municipalities (Amendment) Bill, 1993 was referred having been authorised by the Committee to submit the report on its behalf present its report with the Bill as amended by the Committee annexed hereto.

The Bill was introduced in the Legislative Assembly on 24-11-93 and was referred to the Select Committee on 25th November, 1993.

The Committee held its preliminary meeting on 12th January, 1994. As per the decision of the Committee a Press note was issued inviting suggestions/comments from the persons/institutions interested on the Bill. The press-note was published in all local Dailies by 7-12-93. Since there was no response from the public the press-note reiterating the intentions of the Committee was issued on 15-1-94. The suggestions received were placed before the Committee. The Committee visited Calcutta and Port Blair to examine the working of the Municipalities in the State/Union Territory. The Committee had a meeting with the Mayor of Calcutta Municipal Corporation on 4-2-94 and with the Port Blair Municipal Board on 7-2-94.

The Committee while examining clauses 31, 32 and 33 recommended that there should be a common cadre for all the staff working in the Municipal Councils. The Committee also recommended while

considering clause 41 that the practice of appointing a single Administrator may not be followed and it should be normally a body of persons preferably non-officials.

The Committee held meetings on 12-1-94, 25-1-94, 31-1-94 and 25-2-94 and this draft report was adopted on 22-3-94.

The Committee is thankful to Law Secretary, Revenue Secretary, Director of Municipal Administration, Secretary, Legislature Secretariat, Officers and Staff of the Goa Legislature Secretariat, for their co-operation.

Assembly Hall,
Panaji,
22nd March, 1994.

CARMO PEGADO
Minister for Urban
Development

Note: — Deletions made by the Select Committee are shown in square brackets.

The Goa Municipalities (Amendment) Bill, 1993

(Bill No. 35 of 1993)

A

BILL

Further to amend the Goa, Daman and Diu Municipalities Act, 1969.

Be it enacted by the Legislative Assembly of Goa in the Forty-fourth Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Municipalities (Amendment) Act, 1993.

(2) It shall come into force at once.

2. *Amendment of section 1.*— In section 1 and in any other section of the Goa, Daman and Diu Municipalities Act, 1969 (Act 7 of 1969) (hereinafter referred to as the 'principal Act'),—

(i) in the long and short title, the figure and words, “, Daman and Diu” wherever they occur, shall be omitted;

(ii) for the words “Union territory of Goa, Daman and Diu” or “Union Territory”, wherever they occur, the words “State of Goa” shall be substituted.

3. *Amendment of section 2.*— In section 2 of the principal Act,—

(i) after clause (5), the following shall be inserted, namely:—

“(5a) “Chairperson” and “Vice-Chairperson” means Chairperson and Vice-Chairperson of the Council as the case may be;”;

(ii) for clause (7), the following shall be substituted, namely:—

“(7) “Collector” means the Collector of North Goa District and that of South Goa District;”;

(iii) after clause (10), the following shall be inserted, namely:—

“(10a) “Development Committee” means the Development Committee constituted under section 322B;”;

(iv) after clause (11), the following shall be inserted, namely:—

“(11a) ‘District’ means a district in the State of Goa;”;

(v) clause (39) shall be omitted.

(vi) after clause (51), the following shall be inserted, namely:—

“(51a) “State” means the State of Goa;”;

(vii) clause (54) shall be omitted;

(viii) after clause (55), the following clause shall be inserted, namely:—

“(55a) “ward” means the territorial constituency of the municipal area;”.

4. *Amendment of section 3.*— In section 3 of the principal Act,—

(i) in sub-section (3), for the words “Collector of District”, the word “Director” shall be substituted;

(ii) in sub-section (4), for the word “Collector”, the word “Director” shall be substituted.

5. *Amendment of section 7.*— In section 7 of the principal Act,—

(i) in clause (b) or in any other section, for the word “President” wherever it occurs, the word “Chairperson” shall be substituted;

(ii) after clause (e), the following shall be inserted, namely:—

“(f) the Municipal Engineer.”.

6. *Amendment of section 9.*— In section 9 of the principal Act,—

(i) for sub-section (1), the following shall be substituted, namely:—

“(1) Save as otherwise provided by this Act, every Council shall consist of Councillors [and Chairperson directly] elected at ward elections; and shall also include Councillors co-opted by the elected Councillors in the prescribed manner, from amongst persons who are entitled to vote at the municipal election and who,—

(i) have special knowledge and experience in municipal administration;

(ii) are members of the House of the People and the members of the Legislative Assembly of Goa representing the constituencies which comprise wholly or partly the municipal area concerned;

(iii) are members of the Council of States and are registered as electors within the municipal area.

Provided that the persons referred to in clause (i) shall not have the right to vote in the meetings of the Council.

Provided further that —

(i) in every Council, not less than one third seats shall be reserved for women;

(ii) in every Council, seats shall also be reserved for the Scheduled Castes and the Scheduled Tribes and for women belonging to the Scheduled Castes or as the case may be, the Scheduled Tribes as provided in sub-section (2);

(iii) the total number of co-opted Councillors shall not exceed ten percent of the number of elected Councillors fixed under sub-section (2), and in determining such number, a fraction shall be ignored;

(ii) in sub-section (2), —

(a) in item (ii) of clause (a), for the words and figures "above 10,000", the words and figures "above 15,000" shall be substituted;

(b) for clause (b), the following shall be substituted, namely: —

"(b) the number of seats, if any, to be reserved for the Scheduled Castes or the Scheduled Tribes so that such number shall bear, as nearly as may be, the same proportion to the number of elected Councillors as the population of the Scheduled Castes or of the Scheduled Tribes in the municipal area bears to the total population of that area and not less than one-third of such seats shall be reserved for women and such seats shall be allotted by rotation to different constituencies in a municipal area.

(c) the number of seats for the office of Chairperson in the Council for Scheduled Castes, the Scheduled Tribes and women so that such number will bear as nearly as may be, the same proportion to the number of elected Councillors as the population of the Scheduled Castes or of the Scheduled Tribes in the municipal area bears to the total population of that area and such seats shall be allotted by rotation to different constituencies in a Council."

7. *Amendment of section 10.* — In sub-section (1) of section 10 of the principal Act, after the words and figure "in which seats are reserved for Scheduled Castes or Scheduled Tribes," and before the words "having regard to the concentration of population", the words and figure "including the seats for offices of Chairperson," shall be inserted.

8. *Insertion of new section 10A.* — After section 10 of the principal Act, the following shall be inserted, namely: —

"10A. *Election to the Councils.* — The superintendence, direction and control of the preparation of electoral rolls for, and the conduct of, all elections to the Council shall be vested in the State Election Commission constituted under section 238 of the Goa Panchayat Raj Act, 1993."

9. *Amendment of section 11.* — In section 11 of the principal Act, —

(i) in sub-section (1), —

(a) for the word "Director" wherever it occurs, the words "State Election Commission" shall be substituted;

(b) after the words "shall be divided", the words "by such officers of the Council or the Government as may be designated by the Director in this behalf" shall be omitted;

(ii) in sub-section (3), for the word "Council", the words "State Election Commission" shall be substituted.

10. *Amendment of section 15.* — In section 15 of the principal Act, for the words "twenty five", the words "twenty one" shall be substituted.

11. *Amendment of section 16.* — In section 16 of the principal Act, [(i)] in sub-section (1), —

(a) clause (a) shall be omitted;

(b) in clause (c), for the figures "46", the figures "47" shall be substituted;

(c) in clause (j), for the figures "145", the figures "147" shall be substituted;

(d) clause (l) shall be omitted;

[(ii) in sub-section (2), —

(a) in clause (e), for the words "two thousand rupees" and "ten thousand rupees", the words "ten thousand rupees" and "one lakh rupees" shall respectively be substituted;

(b) in clause (f), for the words "two hundred rupees" and "one thousand rupees", the words "two thousand rupees" and "ten thousand rupees" shall respectively be substituted.]

12. *Amendment of section 17.* — In section 17 of the principal Act, —

(i) after the words "it shall be referred", the words "in such manner as may be prescribed" shall be inserted;

(ii) for the words "for decision", the words "who shall decide the question within six months from the date of its receipt by him" shall be substituted;

(iii) in the proviso, for the figure and words "7 days", the figure and words "30 days" shall be substituted.

13. *Amendment of section 19.* — In section 19 of the principal Act, —

(i) for sub-section (1), the following shall be substituted, namely: —

"(1) If, at a general election or bye-election, no councillor is elected from the ward, a fresh election shall be held to elect a councillor from that ward."

(ii) sub-section (2) shall be omitted.

14. *Amendment of section 20.* — In section 20 of the principal Act, —

(i) in sub-sections (1) and (4), for the word "Collector", wherever it occurs, the words "State Election Commission" shall be substituted;

(ii) in sub-section (2), for the word "Director", the words "State Election Commission" shall be substituted;

(iii) in sub-section (5), after the words "remaining ward or wards", the words "within a

period of six months from the date of making of such choice" shall be substituted.

15. *Amendment of section 21.* — In section 21 of the principal Act, —

(i) in sub-section (1), for the word "Collector", the words "State Election Commission" shall be substituted;

(ii) sub-section (2) shall be omitted.

16. *Amendment of section 22.* — In section 22 of the principal Act, —

(i) in sub-section (1), for the words "co-option or nomination", the words "or co-option" shall be substituted;

(ii) in sub-section (2), for the words "co-option or nomination", the words "or co-option" shall be substituted;

(iii) in clause (e) of sub-section (3), —

(a) the words "or nomination" shall be omitted;

(b) the words "or nominated" shall be omitted;

(iv) in clause (d) of sub-section (4), —

(a) the words "or nominated" shall be omitted; and

(b) the words "or the Government who nominated the Councillor, as the case may be" shall be omitted.

17. *Amendment of section 35.* — In section 35 of the principal Act, for the word "Collector", the words "State Election Commission" shall be substituted.

18. *Amendment of section 36.* — In sub-section (1) of section 36 of the principal Act, for the word "Collector" wherever it occurs, the words "State Election Commission" shall be substituted.

19. *Amendment of section 42.* — In section 42 of the principal Act, —

(i) for sub-section (1), the following shall be substituted, namely: —

"(1) The Councillors elected at a general election, shall hold office for a term of five years."

(ii) in sub-section (2), the words "held to elect the President and the Vice-President under section 52" shall be omitted;

(iii) sub-section (6) shall be omitted;

20. *Amendment of section 43.* — For section 43 of the principal Act, the following shall be substituted, namely: —

"43. *Resignation of Councillors.* — A Councillor may resign his office in writing under his hand addressed to the Chairperson and his seat shall become vacant on the expiry of seven days from the date of receipt of such resignation, unless within the said period of seven days he withdraws his resignation by writing under his hand addressed to the Chairperson."

21. *Amendment of section 46.* — In section 46 of the principal Act, —

(i) in sub-section (2), for the words "co-opted or nominated", the words "or co-opted" shall be substituted;

(ii) for the word "Collector", the word "Director" shall be substituted;

(iii) in the Explanation, —

(a) for the figure and words, "co-opted or nominated" wherever they occur, the words "or co-opted" shall be substituted;

(b) for the figure and words "co-option or nomination", the words "or co-option" shall be substituted;

22. *Amendment of section 50.* — In sub-section (1) of section 50 of the principal Act, —

(i) for the figure and words "co-opted or nominated", the words "or co-opted" shall be substituted;

(ii) the words "or nomination" wherever they occur, shall be omitted;

(iii) the words "or nominated" shall be omitted.

23. *Amendment of section 51.* — In sub-section (5) of section 51 of the principal Act, —

(i) for the figures "XXXIV", the figures "XXV" shall be substituted;

(ii) for figure "1898", the figures and words "1973 (Central Act 2 of 1974)" shall be substituted; and

(iii) the words and figures "V of 1898" shall be omitted.

24. *Amendment of section 52.* — In section 52 of the principal Act, —

(i) in the heading, the words "Election of" shall be omitted;

(ii) in sub-section (1), the words "or deemed to be elected" shall be omitted;

(iii) in sub-section (2), —

(a) for the words "twenty-five", the word "ten" shall be substituted;

(b) for the word "Collector", the word "Director" shall be substituted;

(c) for the words "Vice President", the words "Vice Chairperson" shall be substituted;

(iv) in sub-section (3), for the word "Collector", the word "Director" shall be substituted;

(v) in sub-section (4), —

(a) for the words "Vice President", the words "Vice Chairperson" shall be substituted;

(b) for the word "Collector", the word "Director" shall be substituted;

(vi) in sub-section (5) and in any other section, for the words "Vice President" wherever they occur, the words "Vice Chairperson" shall be substituted;

(vii) in sub-section (8),—

(a) for the word "Collector", the word "Director" shall be substituted;

(b) for the words "twenty-five", the word "ten" shall be substituted.

25. *Amendment of section 54.*—For section 54 of the principal Act, the following shall be substituted, namely:—

"54. *Resignation of Chairperson.*—A Chairperson may resign his office by tendering his resignation in writing under his hand addressed to the Director and such resignation shall take effect on the expiry of seven days from the date of receipt of such resignation, unless within the said period of seven days he withdraws his resignation by writing under his hand addressed to the Director."

26. *Amendment of section 56.*—In section 56 of the principal Act,—

(a) in clause (a) of sub-section (2), for the word "Collector", the word "Director" shall be substituted;

(b) in sub-section (4), the proviso shall be omitted.

27. *Amendment of section 57.*—In sub-section (3) of section 57 of the principal Act, for the word "Collector", the word "Director" shall be substituted.

28. *Amendment of section 59.*—In clause (e) of sub-section (1) of section 59 of the principal Act,—

(a) the words "or the Collector" shall be omitted;

(b) the words "the Collector" shall be omitted.

29. *Amendment of section 69.*—For section 69 of the principal Act, the following shall be substituted, namely:—

"69. *Limits of powers of Committees in respect of financial sanction.*—The powers of financial sanctions of the Standing Committee and the Subjects Committees of Councils of different classes of municipal areas shall not exceed the limits indicated in columns 2 and 3 of the table given below:—

Class of municipal area	Limit of financial sanctions in respect of	
	Standing Committee	Subjects Committee
1	2	3
	Rupees	Rupees
A	10 Lakhs	2 Lakhs
B	6 Lakhs	1,20,000
C	4 Lakhs	80,000

30. *Amendment of section 71.*—In sub-section (2) of section 71 of the principal Act,—

(a) the figure and words "and the Collector of each district," shall be omitted;

(b) the words "or the Collector" shall be omitted.

31. *Amendment of section 72.*—In clause (b) of sub-section (5) of section 72 of the principal Act, for the word and figures "Rs. 225/-", the words and figures "Rs. 1650" shall be substituted.

32. *Amendment of section 73.*—In sub-section (2) of section 73 of the principal Act, for the word and figures "Rs. 120/-", wherever they occur, the words and figures "Rs. 1400" shall be substituted.

33. *Amendment of section 76.*—In sub-section (4) of section 76 of the principal Act, for the words and figures "Rs. 120/-", the word and figure "Rs. 1400" shall be substituted.

34. *Amendment of section 85.*—In section 85 of the principal Act,—

(i) in sub-section (1) and in any other sub-sections, for the word "Collector" wherever it occurs, the word "Director" shall be substituted; and

(ii) in sub-section (3), for the word "Deputy", the word "Additional" shall be substituted.

35. *Amendment of section 104.*—In clause (a) of section 104 of the principal Act, for the figures "1939", the figures "1988" shall be substituted.

36. *Insertion of section 142A.*—After section 142 of the principal Act, the following shall be inserted, namely:—

"142A. *Assignment of certain taxes, etc.*—The Government shall,—

(a) assign to the Council, such taxes, duties, tolls and fees levied and collected by the Government for such purposes and subject to such conditions and limits as may be prescribed;

(b) provide for making such grants-in-aid to the Council for the Consolidated Fund of the State as may be determined from time to time by an order published in the Official Gazette."

37. *Insertion of new section 143A.*—After section 143 of the principal Act, the following shall be inserted, namely:—

"143A. *Finance Commission.*—(1) The Finance Commission as constituted under section 200 of the Goa Panchayat Raj Act, 1993 shall have power to review the financial position of all Councils in the State from the date of commencement of the Goa Municipalities (Amendment) Act, 1993 and thereafter at the expiration of every fifth year, constitute a Finance Commission to review the financial position of the Councils and to make recommendation to the Government as to,—

(a) the principles which should govern—

(i) the distribution between the State and the Councils and the net proceeds of the tax, duties, tolls and fees leviable by the Government which may be divided between them and allocation between them of their respective share of such proceeds;

(ii) the determination of the taxes, duties, tolls and fees which may be assigned to or appropriated by the Councils;

(iii) the grants-in-aid to the Councils from the Consolidated Fund of the State;

(b) the measures needed to improve the financial position of the Council;

(c) any other matter referred to the Finance Commission by the Governor in the interest of sound finance of the Council.

(2) The Finance Commission shall determine its procedure.

(3) The Commission shall have the following powers in the performance of its functions, namely:—

(a) to call for any record from any officer or authority;

(b) to summon any person to give evidence or produce records;

(c) such other power as may be prescribed.

(4) The Governor shall cause every recommendation made by the Finance Commission under this section together with an explanatory memorandum as to the action taken thereof to be laid before the State Legislature.

38. *Insertion of new sections 184F and 184G.* — After section 184E of the principal Act, the following shall be inserted, namely:—

“184F. *Preparation of development plan.* — Every Council shall prepare every year a development plan and submit it to the District Planning Committee constituted under section 184G.

184G. *District Planning Committee.* — (1) The Government shall constitute in every district, a District Planning Committee to consolidate the plans prepared by the Councils in the district as a whole.

(2) The District Planning Committee shall consist of, —

(a) members of the House of the People who represent the whole or part of the district;

(b) the members of the Council of States who are registered as electors in the district;

(c) the Chairman of the Council having jurisdiction over the headquarters of the district;

(d) such number of persons, not less than one-third of the total number of members of the Committee as may be specified by the Government, elected in the prescribed manner from amongst the members of the Councils in the district, in proportion to the ratio between the population of the urban area in the district.

(3) All the members of the State Legislative Assembly whose constituencies lie within the district shall be permanent invitees of the Committee.

(4) The Chief Executive Officer shall be the Secretary of the Committee.

(5) The Chairman of the District Planning Committee shall be chosen in the manner as may be prescribed.

(6) The District Planning Committee shall consolidate the plans prepared by the Councils in the District and prepare a draft development plan for the district as a whole.

(7) Every District Planning Committee shall in preparing the draft development plan, —

(a) have regard to, —

(i) the matters of common interest between the Councils in the district including special planning, sharing of water and other physical and natural resources, the integrated development of infrastructures and environmental conservation;

(ii) the extent and type of available resources whether financial or otherwise;

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

(8) The Chairpersons of every District Planning Committee shall forward the development plan, as recommended by such committee to the Government”.

39. *Amendment of section 281.* — In section 281 of the principal Act, —

(i) in sub-section (4), —

(a) for the figure “248”, the figure “257” shall be substituted;

(b) for the figure ‘1898’, the figures and words “1973 (Central Act 2 of 1974)” shall be substituted; and

(c) the figures and words “V of 1898” shall be omitted;

(ii) in sub-section (5), for the figure “1898”, the figures and words “1973 (Central Act 2 of 1974)” shall be substituted.

40. *Amendment of section 300.* — In section 300 of the principal Act, after sub-section (3), the following proviso shall be inserted, namely:—

“Provided that the Council shall be given a reasonable opportunity of being heard before its dissolution.”.

41. *Amendment of section 302.* — In section 302 of the principal Act, —

(i) after the words “shall be re-established” and before the words “on such date”, the words “within six months of its dissolution” shall be inserted;

(ii) after section 302, the following shall be inserted, namely:—

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

42. *Insertion of new section.* — After section 302 of the principal Act, the following shall be inserted, namely:—

“302A. *Duration of Council constituted upon dissolution.* — A Council constituted upon the disso-

lution of a Council before the expiration of its duration shall continue only for the remainder of the period for which the dissolved Council would have continued during its full term of five years."

43. *Amendment of section 321.*— In clause (b) of sub-section (2) of section 321 of the principal Act, —

(a) for the figure "1898", the figures and words "1973 (Central Act 2 of 1974)" shall be substituted; and

(b) the figures and words "V. of 1898" shall be omitted.

44. *Insertion of new sections.*— After section 322 of the principal Act, the following shall be inserted, namely: —

"322A. Powers for preparation of plans, etc.—

The Council shall prepare plans for economic development and social justice and perform the functions and implement schemes as may be entrusted to it including those in relation to the matters listed in the X Schedule.

322B. Constitution of Development Committee.— (1) Every Council shall constitute a Development Committee consisting of such number of members not exceeding seven as may be prescribed.

(2) The Committee constituted shall carry out responsibilities as may be prescribed including those in relation to the matters listed in the X Schedule."

45. *Amendment of section 325.*— In section 325 of the principal Act, —

(i) in clause (d) of sub-section (1), for the words and figure "Goa, Daman and Diu Village Panchayat Regulation, 1962", the words and figure "Goa Panchayat Raj Act, 1993" shall be substituted;

(ii) in sub-section (2), —

(a) in clause (b), after the word and figure "area," the word "or" shall be inserted;

(b) clause (d) shall be omitted;

(c) the following shall be omitted, namely: —

"(e) a municipal area is split up into two or more municipal areas";

(d) for sub-clause (i), the following shall be substituted, namely: —

"(i) in a case falling under clause (a) or (b), all relevant provisions of this Act shall apply and all rules, bye-laws, orders, notifications, directions issued and in force in the municipal area at the time of inclusion of such area shall apply to the area or areas so included.";

(e) sub-clause (ii) shall be omitted.

(f) sub-clauses (iv) and (v) shall be omitted.

(g) in sub-clause (xii), for figures and letter '(e)', the figures and letter '(c)' shall be substituted;

(iii) in sub-section (4), —

(a) in clause (a), —

(i) the words "or municipal administrators appointed or" shall be omitted;

(ii) the figures and words "(ii) or (iv)" shall be omitted;

(b) for clause (b), the following shall be substituted, namely: —

"(b) The Councillors of the Council in whose case there is an interim increase in their number, shall, notwithstanding the expiry of the term for which they may have been elected, continue in office for the area concerned, until immediately before the first meeting of the new Council or Councils, as the case may be.";

(c) in clause (c), the words "or Municipal Administrators" shall be omitted.

46. *Omission of section 333.*— Section 333 of the principal Act shall be omitted.

47. *Insertion of Schedule.*— After Schedule IX of the principal Act, the following shall be inserted, namely:—

"SCHEDULE X

(See Section 322A)

1. Urban Planning including town planning.
2. Regulation of land-use and construction of buildings.
3. Roads and bridges.
4. Urban forestry, protection of the environment and promotion of ecological aspects.
5. Slum improvement and upgradation.
6. Provision of urban amenities and facilities such as parks, gardens, playgrounds.
7. Burials and burial grounds; cremations, cremation grounds and electric crematoriums.
8. Cattle pounds; prevention of cruelty to animals.
9. Vital statistics including registration of births and deaths.
10. Public amenities including street lighting, parking lots, bus stops and public conveniences.
11. Regulation of slaughter houses and tanneries."

LA/B/957/1994

Report of the Select Committee on Bill No. 30 of 1993. The Goa Panchayat Raj Bill, 1993 alongwith the Bill as amended by the Select Committee which was presented to the Legislative Assembly of Goa on 29th March, 1994 is hereby published for general information in pursuance of the provisions of Rule

231 of Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

The Goa Panchayat Raj Bill, [1993] 1994

(Bill No. 30 of 1993)

A

BILL

to replace the present enactment relating to Panchayat by a comprehensive legislation.

COMPOSITION OF THE SELECT COMMITTEE

CHAIRMAN

1. Shri Shankar Salgaonkar, Minister for Panchayats

MEMBERS

2. Shri Luizinho Faleiro, Minister for Law.
3. Shri Domnick Fernandes
4. Shri Somnath Zuwarkar
5. Shri Ashok Parab
6. Shri Vinayak Naik
7. Smt. Shashikala G. Kakodkar
8. Shri Prakash Velip
9. Shri Victor Gonsalves
10. Smt. Farrel Furtado e Gracias
11. Shri Ranu Prabhu Desai

SECRETARIAT

1. Shri Ashok B. Ulman, Secretary Legislature
2. Shri P. N. Rivankar, Joint Secretary Legislature
3. Shri A. M. Amonkar, Superintendent, Legislature
4. Shri J. N. Braganza, Superintendent Legislature

GOVERNMENT

1. Shri B. S. Subbanna, Law Secretary
2. Shri Satya Gopal, Collector, North
3. Shri Dharmendra, Collector, South
4. Shri Ashok Kumar, Director, Panchayat
5. Shri M. C. Afonso, Deputy Collector (Dev.)

Report of the Select Committee

I, the Chairman of the Select Committee to which Bill No. 30 of 1993 - The Goa Panchayat Raj Bill, 1993 was referred, having been authorised by the

committee to submit the report on its behalf, present its report with the Bill as amended by the committee annexed hereto.

The Bill was introduced in the Goa Legislative Assembly on 28-7-93 and was referred to Select Committee on 29-7-93. The Committee held its preliminary meeting on 20-8-93 and on the directions of the Committee, the Goa Legislature Secretariat has issued letters to all the Members of the Goa Legislative Assembly as well as the Sarpanchas of all the Village Panchayats in Goa and invited suggestions on the Bill. A Press Note was also issued in the local newspapers inviting suggestions on the Bill from Public. Accordingly suggestions received from the Sarpanchas of Village Panchayats and the public have been scrutinised and taken into consideration while examining the clause by clause of the Bill.

The Committee held the sittings on 4-10-93, 19-10-93, 4-11-93, 4-1-94, 16-2-94 and 17-2-94 to examine the Bill in detail.

In order to acquaint the Panchayat Raj System, the Committee visited Surat District of Gujarat State in September, 1993 to study the working of Panchayat system in Gujarat State as Gujarat State has achieved much progress in the Panchayati Raj system. During the visit to Surat District the Committee Members visited the office of District Panchayat, Offices of Taluka Panchayats and Village Panchayats and had discussion with the authorities and the Members of the Village Panchayats, Taluka Panchayats and District Panchayats. The authorities in Surat District have extended and provided all the information required by the Committee which helped the Committee while examining the Bill on Panchayat Raj.

The Committee is very thankful to Shri B. S. Subbanna, Law Secretary for his valuable guidance while examining the Bill. The Committee is also thankful to Shri Satya Gopal, Collector (North), Shri Dharmendra, Collector (South), Shri Ashok Kumar, Ex-Director of Panchayats, Shri M. C. Afonso, Dy. Collector Development (North) in helping the Committee in its deliberations. The Committee is also thankful to Secretary Legislature, Joint Secretary Legislature and Officials of the Legislature Secretariat for their co-operation.

The Committee has adopted the report of the Select Committee in its meeting held on 23rd March, 1994.

Date: 23-3-1994.

SHANKAR SALGAONKAR
Chairman

Select Committee on Panchayat
Raj Bill

RECOMMENDATIONS

CLAUSE 2

In Clause 2—Definitions, the designation of Chairman and Vice-Chairman of the Village Panchayat and Zilla Panchayat is changed as Sarpanch and Dy. Sarpanch of the Village Panchayat & Adhyaksha

& Upadhyaksha of Zilla Panchayat and accordingly definition of Sarpanch, Dy. Sarpanch, Adhyaksha & Upadhyaksha is incorporated in the definition. The words Sarpanch, Deputy Sarpanch, Adhyaksha and Upadhyaksha are substituted wherever it occurs in the Bill.

CLAUSE 5

In Clause 5, the provision is made that a meeting of Gram Sabha to meet once in 6 months instead of two meetings of Gram Sabha every year and made compulsory attendance of Secretary of Village Panchayat in Gram Sabha meetings.

CLAUSE 6

In Clause 6, new provision after sub-clause (2) is made to constitute Vigilance Committee on the lines suggested by NIRE Hyderabad to supervise the Panchayat works and other activities and to submit the report to Gram Sabha and the existing sub-clause (3) is changed as sub-clause (4).

CLAUSE 7

In Clause 7, new norms are adopted for re-constitution of Panchayats as per populations and the classification of Panchayats has been made on the basis of the membership of the Panchayat and typographical error is corrected as "where" in sub-clause (7) of Clause 7.

CLAUSE 10

In Clause 10, item 'c' is substituted regarding disqualification of membership holding the office of profit identical to Karnataka.

And in item 'e' of Clause 10, imposing restriction on disqualification if sentence to imprisonment for not less than 6 months involving moral turpitude is deleted.

CLAUSE 11

In Clause 11, the authority to decide disqualification of Members of Panchayat has been prescribed in the Bill itself as "State Election Commission" as the existing provision was "such an authority may be prescribed."

CLAUSE 12

In Clause 12(1) (b) as far as vacation of seat for remaining absent from the Panchayat area for four consecutive months has been changed and now the vacation of seats to be declared is made possible only if a member is absent from the State of Goa for more than four consecutive months.

In sub-clause (2), the words "clause (b) or clause (c)" have been inserted after the words "disqualification under" to make the provision in clear terms. Also the authority as "Chief Executive Officer" has been prescribed in the Bill itself instead of "prescribed authority".

CLAUSE 42

The heading of section is corrected as "office" instead of "officer" which is a typographical error.

CLAUSE 44

In Clause 44, "seven days period" is prescribed for withdrawal of resignation by the member of the Village Panchayat.

CLAUSE 45

The heading of Section 45 is changed as "Reservation of office of Sarpanch & Dy. Sarpanch" and deleted the existing sub-clause(1) and renumbered existing sub-clause(2) as sub-clause(1) as Sarpanchas are to be elected directly.

CLAUSE 47

In Clause 47, the word and figure "section 231" is substituted for the word and figure "section 232" due to renumbering of clauses from section 231 onwards.

CLAUSES 49 & 50

In Clauses 49 and 50, the word "Collector" wherever it occurs in these clauses is substituted for the word "Director" as administratively the matters of Sarpanch or Dy. Sarpanch are in the jurisdiction of the Director in the new set up.

CLAUSE 51

In Clause 51, the ratification of the no confidence motion against the Sarpanch in a Gram Sabha is made by simple majority and a meeting for the purpose to be convened by Director within a period of 30 days.

CLAUSE 55

In Clause 55, it is made mandatory to hold meeting of the Panchayat once in a month instead of once in two months.

CLAUSE 58

In Clause 58(2) it is made mandatory to forward the minutes of the meeting of the Panchayat to the Chief Executive Officer and deleted the word "Collector".

CLAUSE 60

After Clause 60, Chapter IV is numbered as Chapter III and all foregoing Chapters are renumbered as Chapter IV onwards.

CLAUSE 64

The constitution of standing committee in a panchayat is not made mandatory and the word "may" is substituted for the word "shall" in sub-clause(1) of Clause 64.

CLAUSE 68

In clause 68(1) the typographical error as "Section 65" is corrected as "section 67" and in clause 68(4) the fine amount for erecting a building is raised to "five thousand rupees" instead of existing fine of "five hundred rupees".

CLAUSE 72

In Clause 72, the words "other than a shop referred to in section 68 and 69" are deleted as Panchayat is the licensing authority in its jurisdiction.

CLAUSE 73

In Clause 73(3) the words "Chief Executive Officer" is substituted for the words "Director" to decide the appeal by independent authority.

CLAUSE 74

In Clause 74(1)(b) the fine of "one hundred rupees" is raised to "five hundred rupees" on conviction and from "five rupees" to "ten rupees" for continuous encroachment upon public streets open sites. In clause 74(4) the words "for not more than four days and" are deleted as temporary erection or occupation may be decided by the Panchayat depending upon the function.

CLAUSE 79

In Clause 79(1) and (2) the word "Panchayat" is substituted for the word "Collector" as the Panchayat is having control over the place of pilgrimage etc.

CLAUSE 83

In Clause 83 the word "Member" is deleted as the power to enter into or upon any building is restricted to the officer or servant of the Panchayat.

CLAUSE 91

In Clause 91(2) the words "publishing in the local newspapers if any and shall be" are deleted and the words "displayed" is added before the words "at the Panchayat office" so that notification envisaged in clause 91 be displayed at the Panchayat office and conspicuous spots.

CLAUSE 96

In Clause 96(3) it is made mandatory for the panchayat to give notice to the public in general before the licence is granted for disposal of dead body.

CLAUSE 116

In Clause 116(2) it is made obligatory for the Secretary to take the approval of the panchayat before any fine, suspension or stoppage of increment is done on any employee of the panchayat.

CLAUSE 118

In Clause 118(iii) all the members of the State Legislative Assembly to be elected from the District as the members of the Zilla Panchayat except the Ministers in the Government and Speaker of Legislative Assembly.

Clause 118(iv) is substituted with a new provision so that the Chairperson of the Panchayats in a Taluka of the District elected from amongst themselves in the ratio of one such chairperson for a Taluka having upto fifteen panchayats and two such chairpersons for a Taluka having more than fifteen Panchayats.

CLAUSE 125

In Clause 125(i) (c) the words "State of Goa" are substituted for the word "District" in view of clause 12(b).

CLAUSE 134

In Clause 134(1) a provision is made to fill the vacancy in the office of Adhyaksha and Upadhyaksha within a period of 30 days of occurrence of such vacancy.

CLAUSE 136

A proviso is added after sub-clause(3) prohibiting to move no confidence motion against the Adhyaksha and Upadhyaksha within a period of six months from the date of moving earlier resolution.

CLAUSE 137

In Clause 137(k) a provision is made to modify or cancel the earlier resolution passed by not less than two-thirds number of members present in the meeting instead of one-half.

CLAUSE 158

In Clause 158 the words "levy and" is deleted as Panchayat can only collect the tax.

CLAUSE 162

A provision is made to credit the Panchayat fund only in the Scheduled Banks or Cooperative Banks and the provision of crediting the Panchayat Fund in Govt. treasury is deleted.

CLAUSE 165

In Clause 165 the word "of" is added after the words "hold and dispose" as it was typographical error.

CLAUSE 182

In Clause 182(1) the word "no" is deleted before the word "co-ordinated" as it was a typographical error.

CLAUSE 188

In Clause 188 (10) a provision is made to lay the audit report and rectification report made by the Panchayat on the Table of the House.

CLAUSE 201

In Clause 201(1) the word "Government" is substituted for the word "Director". The power for dissolution of the Panchayat is with the Government but dissolution of Panchayat to be done after consultation with the Zilla Panchayat concerned.

In Clause 201(2) a provision is made to conduct the inquiry under section 178 before the dissolution of the Panchayat is effected.

In Clause 201(3) the words "the Director or" and the words "as the case may be" are deleted.

CLAUSE 217

In Clause 217 the word "furnishing" is substituted for the word "having" in the heading of the section as it was a typographical error.

CLAUSE 222

Clause 222 is deleted as it is made obligatory for the Government to obtain licence and permission in

respect of any property of the Central Government or Government to obtain licence and permission from Village Panchayat.

CLAUSE 223

Due to deletion of existing clause 222, Clauses from No. 223 to 227 are re-numbered accordingly.

CLAUSE 225

In the existing clause 225 (1) & (2) the word and figure "Chapter VIII" is substituted for the word and figure "Chapter IX".

CLAUSE 226

In the existing clause 226, the word & figure "Chapter VIII" is substituted for the word and figure "Chapter IX".

CLAUSE 228

In the existing Clause 228, the word and figure "Chapter VIII" is substituted for the word & figure "Chapter IX".

CLAUSE 229

In Clause 229 (3) the words "as may be prescribed" the existing words are substituted for the words "not exceeding five hundred rupees".

CLAUSE 236

In the existing Clause 236(7) the word and figure "Chapter VIII" is substituted for the word & figure "Chapter IX".

CLAUSE 238

In the existing clause 238(2) the word and figure "section 239" is substituted for the word and figure "clause 240".

CLAUSE 240

In the existing Clause 240, sub-clause (5), a provision is made that Adhyaksha of Zilla Panchayat shall be ex-officio Chairman of the District Planning Committee.

CLAUSE 243

In the existing Clause 243 the word and figure "Section 240" is substituted for the word and figure "Section 241".

CLAUSE 244

In the existing Clause 244(1) the word and figure "Section 240" and "Section 242" are substituted for the word and figure "Section 241" and "Section 243" respectively.

CLAUSE 245

In the existing Clause 245(5) the word and figure "Sections 242 and 243" are substituted for the words and figure "Sections 243 and 244".

SCHEDULE

In item II — Agriculture, including Agricultural extensions; sub-item (1) is deleted and renumbered the existing sub-items as No. 1 and 2.

In item III — Animal Husbandry, Dairy and Poultry, sub-item (1) is deleted and renumbered the existing sub-items as No. 1 and 2.

In item VII — Rural Housing, in sub-item (1) the words "Village Panchayat" are substituted for the word "Gramathana".

In item IX — Roads, buildings, culverts, bridges, ferries, waterways and other means of communication, sub-item (3) is deleted.

In item XII — Poverty alleviation programmes, in sub-item (2) the words "through Gram Sabha" are deleted.

Item XXIV Construction and maintenance of cattle sheds, ponds, and cart stands is deleted and item XXV onwards accordingly renumbered.

SCHEDULE II

The heading of Schedule II is amended as "Functions and Responsibilities of Zilla Panchayat".

SCHEDULE III

Item A(1) tax on buildings the words "such percentage of the annual letting value as may be prescribed" are substituting for the existing figures and words "10 per cent of the annual letting value (per annum)".

Item — Vehicle Tax: is deleted and renumbered the existing items accordingly.

In existing item E, sub-item (iii) the words "one rupee" are substituted for the words "twenty-five paise" and in sub-item (iv) the words "twenty rupees per month" are substituted for the words "five rupees per month".

New item is added after existing item G.

- | | |
|--|-----------|
| (i) sand extraction for M3. | one rupee |
| (ii) Laterite stone or other stone extracted for M3. | one rupee |

Clause I, Preamble and title the figure "1994" is substituted for the figure "1993" to bring in consonance with the year of passing of Bill.

N. B.: Deletions made by the Select Committee are shown in square brackets and additions and substitutions made are underlined.

The Goa Panchayat Raj Bill, 1993

(Bill No. 30 of 1993)

A

BILL

to replace the present enactment relating to Panchayat by a comprehensive legislation.

Whereas it is expedient to replace the present enactment by a comprehensive enactment to establish a two-tier Panchayat Raj system in the State with elected bodies at village and District levels, in keeping with the Constitution Amendment relating to Panchayats for greater participation of the people and more effective implementation of rural development programmes.

Be it enacted by the Legislative Assembly of the State of Goa in the Forty-fourth Year of the Republic of India as follows: —

CHAPTER I**Preliminary**

1. *Short title and commencement.*— (1) This Act may be called the Goa Panchayat Raj Act, [1993.] 1994

(2) It shall come into force on such date as the Government may, by notification in the Official Gazette specify and different dates may be specified for different provisions of this Act.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(1) “Backward classes” means such classes of citizens as may be notified by the Government from time to time as belonging to backward class;

(2) “building” includes a house, outhouse, stable, privy, urinals, shed, hut, wall and any other structure whether of masonry, bricks, wood, metal or any other material, but does not include a temporary structure erected on ceremonial or festive occasion or a tent;

[(3) “Chairman” means a Chairman of a Panchayat or a Zilla Panchayat as the case may be;]

(3) “Sarpanch” means the Sarpanch of a Panchayat.

(4) “Deputy Sarpanch” means the Deputy Sarpanch of a Panchayat.

(5) “Adhyaksha” means the Adhyaksha of a Zilla Panchayat.

(6) “Upadhyaksha” means the Upadhyaksha of a Zilla Panchayat.

[(4)] (7) “Collector” means the Collector of the district;

[(5)] (8) “Chief Executive Officer” means the Chief Executive Officer of a Zilla Panchayat;

[(6)] (9) “Director” means the person appointed as the Director of Panchayat under this Act;

[(7)] (10) “district” means a revenue district;

[(8)] (11) “Government” means the Government of Goa;

[(9)] (12) “land” includes land which is built upon or covered with water;

[(10)] (13) “notification” means a notification published in the Official Gazette;

[(11)] (14) “Panchayat” means a Village Panchayat established under section 3;

[(12)] (15) “erection or re-erection or enlargement” of any building includes,—

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

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

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

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

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

(vi) the addition of any rooms, buildings, houses or other structures to any building;

(vii) the conversion, by any structural alteration into a place of religious worship or into a building originally meant or constructed for such purposes;

(viii) roofing or covering an open space between wall or buildings, in respect of the structure which is formed by roofing or covering such space;

(ix) conversion into a stall, shop, warehouse or godown or any building not originally constructed for use as such or vice versa;

(x) construction of a door in a wall adjoining any street or land not vested in the owner of the wall and opening in such street or land;

[(13)] (16) “factory” means besides a factory as defined in the Factories Act, 1948 (Central Act 13 of 1948), any premises including the precincts thereof wherein any industrial manufacturing or trade process is carried on with the aid of steam, water, oil, gas, electrical or any other form of power which is mechanically transmitted and is not generated by human or animal agency;

[(14)] (17) “prescribed” means prescribed by rules framed under this Act;

[(15)] (18) “Schedule” means a Schedule appended to this Act;

[(16)] (19) “Scheduled Castes and Scheduled Tribes” means such Scheduled Castes and Scheduled Tribes specified in respect of the State of Goa under the Constitution;

[(17)] (20) “Secretary” means the Secretary of the Panchayat;

[(18)] (21) “Zilla Panchayat” means a Zilla Panchayat established under this Act.

CHAPTER — II

Gram Sabha — Constitution of Panchayats

3. *Declaration of panchayat areas and establishment of Panchayats.*— (1) After making such inquiry as may be necessary, the Government may, by notification, declare a local area, comprising of a village or a group of villages or any part or parts thereof or a combination of any two or more of them to be a panchayat area for the purposes of this Act and also specify its headquarters.

(2) For every panchayat area, there shall be a Panchayat as from such date as the Government may, by notification, appoint.

(3) The Government may, at the request of the Panchayat concerned, or otherwise, and after previous publication of the proposal by notification, at any time,—

(a) increase the area of any panchayat area by including within such panchayat area any village or group of villages;

(b) diminish the area of any panchayat area by excluding from such panchayat area any village or group of villages;

(c) alter the headquarters of any panchayat area;

(d) alter the name of any panchayat area; or

(e) declare that any area shall cease to be a panchayat area.

4. *Gram Sabha.*—As from the date appointed under section 3, all persons whose names are for the time being entered as electors in the electoral roll for a Panchayat shall be deemed to constitute the Gram Sabha for that Panchayat.

[5. *Meeting of Gram Sabha.*—(1) There shall be held at least two meetings of the Gram Sabha every year on such date and at such time and place as may be prescribed:]

5. *Meeting of Gram Sabha.*—(1) There shall be a meeting of Gram Sabha once in six months on such date and at such time and place as may be prescribed.

Provided that the [Chairman] Sarpanch shall, upon a requisition in writing by not less than one fifth of number of members and within thirty days of the receipt of such requisition, call an extraordinary general meeting of the Gram Sabha.

(2) The [Chairman] Sarpanch or, in his absence, the [Vice-Chairman,] Deputy Sarpanch, or, in the absence of both, any person chosen by the Gram Sabha shall preside at such meeting.

(3) One-tenth of the total number of members of the Gram Sabha shall form the quorum for the meeting.

(4) When there is no quorum for any meeting, after fifteen minutes from the appointed time, the meeting shall stand adjourned for half an hour and when it re-assembles, no quorum shall be necessary to transact the business communicated to members in the agenda of the appointed meeting.

(5) An officer nominated by the Chief Executive Officer of the Zilla Panchayat shall attend the Gram Sabha meetings.

6. *Work at General Meeting.*—(1) The Panchayat shall place before the Gram Sabha,—

(a) the annual statement of accounts;

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

(c) the development and other programmes of work proposed for the current financial year;

(d) the last audit report and replies made thereto;

(e) proposals for fresh taxation or enhanced taxation under any new programme not covered by clauses (a) and (c); and

(f) proposals for organising community service, voluntary labour or mobilisation of the local people for any specific work included in any programme.

(2) It shall be open to the Gram Sabha to discuss any or all of the matters placed before it under sub-section (1) and the Panchayat shall consider the suggestions, if any, made by the Gram Sabha.

(3) A Gram Sabha may constitute one or more Vigilance Committees, as may be necessary to supervise Panchayat works, schemes and other activities which shall submit its report to the Gram Sabha in its meetings.

[(3)] (4) A Gram Sabha shall carry out such other functions as the Government may, by general or special order require.

7. *Constitution of Panchayats.*—(1) A Panchayat shall consist of, apart from the [Chairman] Sarpanch, such number of members as the Government may, by order, determine, so far as may be in accordance with the following Table:—

TABLE

For a Panchayat with a population of	Number of members
(1) 1500 or more but not more than 2000	4
(2) more than 2000 but not more than 4000	6
(3) more than 4000 but not more than 5000	8
(4) more than 5000	10

TABLE

For a Panchayat with a population of	Number of Members	Classification
(1) 1500 or more but not more than 2000	4	D
(2) more than 2000 but not more than 5000	6	C
(3) more than 5000 but not more than 8000	8	B
(4) more than 8000	10	A

(2) All the members of a Panchayat shall be elected.

(3) The Director shall divide each panchayat area into wards the number of which shall be equal to the number of members determined in respect of such Panchayat under sub-section (1).

(4) In every Panchayat, seats shall be reserved for the Scheduled Castes and the Scheduled Tribes and the number of seats so reserved shall bear as nearly as may be, the same proportion to the total number of seats in the Panchayat as the population of the Scheduled Castes and the Scheduled Tribes in the panchayat area bears to the total population of the panchayat area.

(5) The Government may, by notification, reserve such number of seats in any Panchayat as

may be considered necessary, taking into account the population of the backward classes in the panchayat area, for persons belonging to the backward classes.

(6) Not less than one third of the seats in any Panchayat shall be reserved for women:

Provided that the seats reserved under sub-sections (4), (5) and (6) shall be allotted by rotation to different wards in the panchayat area:

Provided further, nothing contained in this section shall be deemed to prevent a woman or a person belonging to the Scheduled Castes and Scheduled Tribes or Backward Classes from contesting for elections to any non-reserved ward in such Panchayat.

(7) Notwithstanding anything contained in sub-section (1), [whert] where two-thirds of the total number of members are required to be elected or have been elected, failure to elect the remaining members shall not affect the constitution of the Panchayat.

(8) The Director shall publish, in the prescribed manner, the names of members elected or deemed to have been duly elected to a Panchayat.

8. *Incorporation of Panchayats.*— Every Panchayat shall, by the name specified by the Government in this behalf, be a body corporate having perpetual succession and a common seal, and subject to the provisions of this Act, have powers to acquire, hold or dispose of properties both movable and immovable and to contract and shall by the said name sue or be sued.

9. *Qualification for membership.*— Every person whose name is in the list of voters referred to in section 13 of the wards in a Panchayat shall, unless disqualified under this Act or under any other law for the time being in force, be qualified to be elected from any ward in that Panchayat:

Provided that in the case of seats reserved for the Scheduled Castes or Scheduled Tribes or Backward Classes or women, no person who is not a member of any of the Scheduled Castes or Scheduled Tribes or Backward Classes or is not a woman, as the case may be, shall be qualified to be elected to such seat.

10. *Disqualification for membership.*— A person shall be disqualified for being chosen as, and for being, a member of the Panchayat if,—

(a) he is so disqualified by or under any law for the time being in force for the purposes of the elections to the State Legislature:

Provided that no person shall be disqualified on the ground that he is less than twenty five years, if he has attained the age of twenty-one years;

(b) he has been dismissed from service of the Government or any local authority;

[(c) he holds any office of profit under the Government, the Central Government or any local authority;]

(c) he holds any office of profit under any local or other authorities subject to the control of the Central Government, the State Government or the Government of any other States, other such offices as are declared by rules made under this Act not to disqualify the holder.

(d) he is in arrears for such period as may be prescribed of any tax, fee or other sum due to the Panchayat;

(e) he has been convicted by a court of any offence involving moral turpitude [and sentenced to imprisonment for not less than six months] and five years have not been elapsed since his release; or

(f) he has directly or indirectly any share or monetary interest in any work done by or to the Panchayat or any contract or employment with, under or by or on behalf of, the Panchayat.

11. *Decision on questions as to disqualification.*— If any question arises as to whether a member of a Panchayat has become subject to any disqualification referred to in section 10, it shall be referred to [such authority as may be prescribed] the State Election Commission for decision and his decision thereon shall be final.

12. *Vacation of seat by members.*— (1) If a member of a Panchayat,—

(a) is or becomes subject to any of the disqualifications mentioned in section 10; or

(b) absents himself for more than three consecutive ordinary meetings of the Panchayat without the leave of the Panchayat or is absent from the [Panchayat area] State of Goa for more than four consecutive months; or

(c) votes or takes part in discussion in contravention of the provisions of sub-section (4) of section 56, his seat shall be deemed to be or to have become, as the case may be, vacant.

(2) If any question arises as to whether a person is or has become subject to disqualification under clause (b) or clause (c) of sub-section (1), the [prescribed authority] Chief Executive Officer may either suo moto or on a report made to him and after giving an opportunity to the person concerned of being heard, decide the question which decision shall be final.

13. *List of voters.*— (1) Subject to the provisions of sub-section (2), the electoral roll of the Zilla Panchayat for the time being in force for such part of the ward of a Panchayat shall be deemed to be the list of voters for such panchayat wards.

(2) No amendment, transposition or deletion of any entry in the electoral roll of the Zilla Panchayat made after, the last date of making nominations for an election in any Panchayat ward and before the completion of such election shall form part of the list of voters for such election for the purpose of this section.

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

(2) No person shall vote at an election under this Act in more than one ward or more than once in the same ward.

15. *Election of members.*— The election of members from wards of a Panchayat shall be held in accordance with such manner as may be prescribed on such date or dates as the Government may, by notification direct:

Provided that a casual vacancy in a ward shall be filled up within a period of six months from the date of occurrence of the vacancy.

16. *Election Petition.*— (1) No election to fill a seat or seats in a Panchayat shall be called in question except by an election petition presented on one or more of the grounds specified in sub-section (1) of section 20 and section 21 to such authority as may be prescribed, by any candidate at such election or by any voter qualified to vote at such election together with a deposit of five hundred rupees as security for costs, within thirty days from, but not earlier than, the date of declaration of the result of the election of the returned candidate at the election, and if the dates of declaration of the results of their election are different, the last of these dates.

(2) A petitioner shall join as respondents to his petition,—

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

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

(3) Every election petition shall be accompanied by as many copies thereof as there are respondents mentioned in the petition and every such copy shall be attested by the petitioner under his own signature to be a true copy of the petition.

Explanation.— The expression "returned candidate" means candidate who has been declared as duly elected.

17. *Contents of petition and relief that may be claimed.*— (1) An election petition, —

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

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

(c) shall be signed by the petitioner and verified in the manner laid down in the Code of Civil Procedure, 1908 (Central Act 5 of 1908) for the verification of pleadings:

Provided that where the petitioner alleges any corrupt practice, the petition shall also be accompanied by an affidavit in the prescribed form in support of the allegation of such corrupt practice and the particulars thereof.

(2) Any schedule or annexure to the petition shall also be signed by the petitioner and verified in the same manner as the petition.

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

18. *Trial of election petition.*— (1) The prescribed authority shall dismiss an election petition which does not comply with any of the provisions of section 16.

Explanation.— An order dismissing an election petition under this sub-section shall be deemed to be an order made under clause (a) of sub-section (1) of section 19.

(2) Where more election petitions than one are presented to the prescribed authority in respect of the same election the prescribed authority may, try them separately or in one or more groups.

(3) Any candidate not already a respondent shall, upon application made by him to the prescribed authority 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 prescribed authority, be entitled to be joined as a respondent.

Explanation.— For the purpose of this section, a trial of petition shall be deemed to commence on the date fixed for the respondents to appear before the prescribed authority and answer the claim or claims made in the petition.

(4) The prescribed authority, may upon such terms as to costs and otherwise as he may deem fit, allow the particulars of any corrupt practice alleged in the petition to be amended or amplified in such manner as may in his opinion be necessary for ensuring a fair and effective trial of the petition, but shall not allow any amendment of the petition, which will have the effect of introducing particulars of a corrupt practice not previously alleged in the petition.

(5) The trial of an election petition shall, so far as is practicable consistently with the interest of justice in respect of the trial be continued from day to day until its conclusion, unless the prescribed authority finds the adjournment of trial beyond the following day to be necessary for reasons to be recorded.

(6) Every election petition shall be tried as expeditiously as possible and endeavour shall be made to conclude the trial within six months from the date on which the election petition is presented to the prescribed authority for trial.

(7) Subject to the provisions of this Act, every election petition shall be tried by the prescribed authority, as nearly as may be in accordance with the procedure applicable under the Code of Civil Procedure, 1908 (Central Act 5 of 1908), to the trial of suits:

Provided that the prescribed authority shall have discretion to refuse for reasons to be recorded in writing to examine any witness or witnesses if he is of the opinion that their evidence is not material for the decision of petition or that the party tendering such witness or witnesses is doing so on frivolous grounds or with a view to delay the proceedings.

(8) The provisions of the Indian Evidence Act, 1872 (Central Act 1 of 1872) shall subject to the provisions of this Act be deemed to apply in all respects to the trial of an election petition.

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

19. *Decision of the prescribed authority.* — (1) At the conclusion of the trial of an election petition, the prescribed authority shall make an order, —

- (a) dismissing the election petition; or
- (b) declaring the election of all or any of the returned candidates to be void; or
- (c) declaring the election of all or any of the returned candidates to be void and the petitioner or any other candidates to have been duly elected.

(2) At the time of making an order under sub-section (1), the prescribed authority 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 been committed at the election and the nature of that corrupt practice; and
 - (ii) the names of all persons, if any, who have been proved at the trial to have been guilty of any corrupt practice and the nature of that practice; and
- (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 prescribed authority 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 prescribed authority and has given evidence against him, of calling evidence in his defence and of being heard.

20. *Grounds for declaring election to be void.*— (1) Subject to the provisions of sub-section (2), if the prescribed authority is of opinion, —

- (a) that on the date of his election a returned candidate was not qualified, or was disqualified, to be chosen as member under this Act; or
- (b) that any corrupt practice has been committed by a returned candidate or his agent or by any other person with the consent of a returned candidate or his agent; or
- (c) that any nomination paper has been improperly rejected; or
- (d) that the result of the election, in so far as it concerned a returned candidate, has been materially affected,—
 - (i) by the improper acceptance of any nomination; or
 - (ii) by any corrupt practice committed in the interests of the returned candidate by an agent; or
 - (iii) by the improper reception, refusal or rejection of any vote or reception of any vote which is void; or
 - (iv) by any non-compliance with the provisions of this Act or of any rules or order made thereunder;

the prescribed authority shall declare the election of the returned candidate to be void.

(2) If in the opinion of the prescribed authority, any agent of a returned candidate has been found guilty of any corrupt practice, but the prescribed authority is satisfied, —

- (a) that no such corrupt practice was committed at the election by the candidate and every such corrupt practice was committed contrary to the orders and without the consent of the candidate;
 - (b) that the candidate took all reasonable measures for preventing the commission of corrupt practices at the election; and
 - (c) that in all other respects the election was free from any corrupt practice on the part of the candidate or any of his agent;
- then the prescribed authority may decide that the election of the returned candidate is not void.

21. *Grounds on which a candidate other than the returned candidate may be declared to have been elected.*— (1) If any person who has filed an election petition has, in addition to calling in question the election of the returned candidate claims a declaration that he himself or any other candidate has been duly elected and the prescribed authority 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 prescribed authority shall after declaring the election of the returned candidate to be void, declare the petitioner or such other candidate, as the case may be, to have been duly elected.

(2) The decision of the prescribed authority shall be final.

22. *Procedure in case of equality of votes.*— If during the trial of an election petition it appears that there is an equality of votes between any candidates at the election and that the addition of a vote would entitle any of these candidates to be declared elected, then the prescribed authority shall decide between them by lot and proceed as if the one on whom the lot falls has received an additional vote.

23. *Corrupt practices.*— The following shall be deemed to be corrupt practices for the purposes of this Act, namely:—

(i) bribery as defined in clause (1) of section 123 of the Representation of the People Act, 1951 (Central Act 43 of 1951), for the time being in force;

(ii) undue influence as defined in clause (2) of section 123 of the Representation of the People Act, 1951 (Central Act 43 of 1951) for the time being in force;

(iii) the appeal by a candidate or his agent or by any other person with the consent of a candidate or his agent to vote or refrain from voting for any person on the ground of his religion, race, caste, community or language or the use of, or appeal to religious symbols or the use of or appeal to national symbols, such as the National flag or the National emblem, for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate;

(iv) the promotion of or attempt to promote, feelings of enmity or hatred between different classes of the citizens 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 election agent for the furtherance of the election of that candidate or for prejudicially affecting the election of any candidate;

(v) the publication by a candidate or his agent or by any other person, with the consent of candidate or his agent of any statement of fact which is false, and which he either believes to be false or does not believe to be true in relation to the personal character or conduct of any candidate, or in relation to the candidature or withdrawal of any candidature, being a statement reasonably calculated to prejudice the prospects of the candidate's election;

(vi) the hiring or procuring, whether on payment or otherwise, any vehicle, or vessel by a candidate or his agent or by any other person with the consent of a candidate or his agent, or the use of such vehicle or vessel for the free conveyance of any voter (other than the candidate himself, the members of his family or his agent) to or from any polling station provided in accordance with the rules made under this Act;

Provided that the use of any public transport vehicle or vessel or railway carriage by any voter at his own cost for the purpose of going to or coming from any such polling station or place fixed for the poll shall not be deemed to be a corrupt practice under this clause.

Explanation.— In this clause, the expression "vehicle" means any vehicle used or capable of being used for the purpose of road transport, whether propelled by mechanical power or otherwise, whether used for the drawing of other vehicles or otherwise.

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

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

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

24. *Order as to corrupt practices.*— The corrupt practices referred to in section 23 shall entail disqualification for membership of any local authority for a period of five years counting from the date on which the finding of the prescribed authority as to such practices takes effect under this Act.

25. *Communication of orders.*— The prescribed authority shall after announcing the orders made under sections 20 and 21 send a copy thereof to the Government.

26. *Fresh election if a seat becomes vacant.*— If the seat of any member has become vacant or is deemed to have become vacant under section 12, a fresh election for the vacancy caused shall be held in accordance with the provisions of this Act.

27. *Prohibition of canvassing in or near polling station.*— (1) No person shall, on the date or dates on which a poll is taken in any polling station, commit any of the following acts within the polling station or in any public or private place within a distance of one hundred metres of the polling station, namely:—

(a) canvassing for votes; or

(b) soliciting the vote of any voter; or

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

(d) persuading any voter not to vote at the election; or

(e) exhibiting any notice or sign (other than an official notice relating to the election).

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

(3) An offence punishable under this section shall be cognizable.

28. *Penalty for disorderly conduct in or near polling stations.*— (1) No person shall on the date or dates on which a poll is taken at any polling station—

(a) use or operate within or at the entrance of the polling station, or in any public or private

place in the neighbourhood thereof, any apparatus for amplifying or reproducing the human voice, such as a megaphone or a loudspeaker; or

(b) shout, or otherwise act in a disorderly manner, within or at the entrance of the polling station or in any public or private place in the neighbourhood thereof, so as to cause annoyance to any person visiting the polling station for the poll, or so as to interfere with the work of the officers and other persons on duty at the polling station.

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

(3) If the presiding officer of a polling station has reasons to believe that any person is committing or has committed an offence punishable under this section, he may direct any police officer to arrest such person, and thereupon the police officer shall arrest him.

(4) Any police officer may take such steps and use such force as may be reasonably necessary for preventing any contravention of the provisions of sub-section (1), and may seize any apparatus used for such contravention.

29. Penalty for misconduct at polling station. —

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

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

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

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

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

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

31. Officers etc. at elections not to act for candidate or influence voting. — (1) No person who is a returning officer or a presiding or a polling officer at any election or any officer or clerk appointed by the returning officer or the presiding officer

to perform any duty in connection with an election, shall, in the conduct or management of the election do any act (other than the giving of a vote) for the furtherance of the prospects of the election of a candidate.

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

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

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

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

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

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

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

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

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

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

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

(2) If the presiding officer of a polling station has reason to believe that any person is committing or has committed an offence punishable under sub-section (1) such officer may before such person leaves the polling station, arrest or direct a police officer to arrest such person and may search such person or cause him to be searched by a police officer:

Provided that when it is necessary to cause a woman to be searched, the search shall be made by another woman with strict regard to decency.

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

the search is made by a police officer, shall be kept by such officer in safe custody.

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

34. *Other offences and penalties thereof.* — (1) A person shall be guilty of an offence if at any election, he, —

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

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

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

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

(e) fraudulently puts into any ballot box anything other than the ballot paper which he is authorised by law to put in; or

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

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

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

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

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

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

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

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

36. *Prohibition of public meetings on the day preceding the election day and on the election day.* —

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

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

37. *Powers of Collector to prohibit fairs etc., on election day.* — The Collector may, in order to ensure free and fair election, prohibit any fair (including cattle fairs) in a Panchayat area on the day of election to the Panchayat of such area.

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

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

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

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

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

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

(3) For the purposes of this section, —

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

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

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

40. *Penalty for illegal hiring or procuring of conveyance at election.*— If any person is guilty of any such corrupt practice as is specified in clause (vi) of section 23 at or in connection with an election, he shall, on conviction, be punished with fine which may extend to five hundred rupees.

41. *Prosecution in certain offences.*— No court shall take cognizance of an offence punishable under clause (a) of sub-section (2) of section 34, unless there is a complaint made by an order of or under authority from the Director.

42. *Term of [officer.] office.*— The members of a Panchayat shall, save as otherwise provided in this Act, hold office, for a term of five years.

43. *Commencement of term of office.*— (1) The term of office of the members elected at a general election shall commence on the date appointed for the first meeting of the Panchayat.

(2) The term of office of a member elected to fill a casual vacancy shall commence on the date of publication of his name under sub-section (8) of section 7.

44. *Resignation of member.*— A member of a Panchayat may resign his membership in writing under his hand addressed to the [Chairman] Sarpanch and his seat shall become vacant on the expiry of [fifteen] seven days from the date of the receipt of such resignation, unless within the said period [fifteen] seven days he withdraws such resignation by writing under his hand addressed, to the [Chairman.] Sarpanch.

45. *[Election of Chairman and Vice-Chairman].— Reservation of office of Sarpanch and Deputy Sarpanch* [(1) Every Panchayat shall, as soon as may be, choose two members of the Panchayat to be Chairman and Vice-Chairman respectively. In the event of occurrence of any vacancy by reason of death, resignation, removal or otherwise in the office of Chairman and Vice-Chairman, the Panchayat shall choose another member to be the Chairman or the Vice-Chairman, as the case may be.]

[(2)] (1) The Government may by general or special order reserve,—

(a) such number of offices of [Chairman] Sarpanch and [Vice-Chairman] Deputy Sarpanch of Panchayats in the State for the Scheduled Castes and Scheduled Tribes and the number of such offices bearing as nearly as may be the same proportion to the total number of the offices in the State as the population of the Scheduled Castes in the State or the Scheduled Tribes in the State bears to the total population of the State;

(b) such number of offices of [Chairman] Sarpanch and [Vice-Chairman] Deputy Sarpanch of the Panchayats, which shall as nearly as may

be, one third of the total number of offices of [Chairman] Sarpanch and [Vice-Chairman] Deputy Sarpanch in the State for the persons belonging to the Backward Classes;

(c) not less than one-third of the total number of offices of [Chairman] Sarpanch and [Vice-Chairman] Deputy Sarpanch of Panchayats in the State from each of the categories which are reserved for persons belonging to the Scheduled Castes, Scheduled Tribes and Backward Classes and of those which are non-reserved, for women:

Provided that the offices reserved under this sub-section shall be allotted by rotation to different Panchayats.

Explanation.— For the removal of doubts it is hereby declared that the principle of rotation for purposes of reservation of offices under this section shall commence from the first election to be held after the commencement of this Act.

46. *Procedure for election of [Chairman] Sarpanch.*— (1) The [Chairman] Sarpanch of the Panchayat shall be a person who is directly elected to the office of the [Chairman] Sarpanch by the voters in the panchayat area.

(2) Except for the purposes of this section and section 50, the [Chairman] Sarpanch shall be deemed to be a member for all other purposes of this Act.

47. *Procedure for election of [Vice-Chairman] Deputy Sarpanch of Panchayat, etc.*— (1) On the establishment of Panchayat for the first time under this Act, or on its reconstitution or establishment under section [232] 231 or on its reconstitution on the expiry of the term of the members of Panchayat, a meeting of the Panchayat shall be called immediately by the prescribed officer who shall himself preside over the meeting, but shall have no right to vote, and in such meeting the [Vice-Chairman] Deputy Sarpanch shall be elected.

(2) Any dispute relating to the validity of the election of the [Vice-Chairman] Deputy Sarpanch of Panchayat under this Act shall be decided by the prescribed officer.

48. *Term of office and conditions of service of [Chairman] Sarpanch and [Vice-Chairman] Deputy Sarpanch.*— (1) The term of office of every [Chairman] Sarpanch and every [Vice-Chairman] Deputy Sarpanch of the Panchayat shall, save as otherwise provided in this Act, cease on the expiry of his term of office as a member of the Panchayat.

(2) Salary and other conditions of service of [Chairman] Sarpanch and [Vice-Chairman] Deputy Sarpanch shall be as prescribed.

49. *Appointment of [Chairman] Sarpanch during vacancy in the office.*— During a vacancy in the office of the [Chairman] Sarpanch of the Panchayat, the [Vice-Chairman] Deputy Sarpanch and

when there is no [Vice-Chairman] Deputy Sarpanch an officer appointed by the [Collector] Director shall exercise the powers and perform the duties of the [Chairman] Sarpanch until a [Chairman] Sarpanch is duly elected.

50. *Resignation or Removal of [Chairman] Sarpanch or [Vice-Chairman] Deputy Sarpanch.* — (1) The [Chairman] Sarpanch of the Panchayat may resign his office by writing under his hand addressed to the [Collector] Director and the [Vice-Chairman] Deputy Sarpanch of the Panchayat may resign his office by writing under his hand addressed to the [Chairman] Sarpanch and in the absence of the [Chairman] Sarpanch to the [Collector] Director.

(2) Every [Chairman] Sarpanch or [Vice-Chairman] Deputy Sarpanch of the Panchayat shall vacate his office if he ceases to be a member of the Panchayat.

(3) Every resignation under sub-section (1) shall take effect on the expiry of ten days from the date of its receipt by the [Collector] Director or the [Chairman] Sarpanch as the case may be, unless within the period of ten days he withdraws such resignation by writing under his hand.

(4) Every [Chairman] Sarpanch [Vice-Chairman] Deputy Sarpanch of Panchayat shall, after an opportunity is afforded for hearing him, be removable from his office as [Chairman] Sarpanch and [Vice-Chairman] Deputy Sarpanch by the [Collector] Director for being persistently remiss in the discharge of his duties and the [Chairman] Sarpanch or [Vice-Chairman] Deputy Sarpanch so removed who does not cease to be a member under sub-section (2) shall not be eligible for re-election as [Chairman] Sarpanch or [Vice-Chairman] Deputy Sarpanch during the remaining term of office as member of such Panchayat.

(5) A [Chairman] Sarpanch or [Vice-Chairman] Deputy Sarpanch removed from his office under sub-section (4) may also be removed by the [Collector] Director from the membership of the Panchayat.

[51. *Motion of no confidence against Chairman.* — Every Chairman of a Panchayat shall forthwith be deemed to have vacated his office if a resolution expressing want of confidence in him is passed by a majority of not less than two thirds of the total number of members of the Panchayat at a meeting specially convened for the purpose and ratified by two thirds of members of Gram Sabha at a meeting specially convened for this purpose in accordance with such rules as may be prescribed:]

51. *Motion of no confidence against Sarpanch.* — Every Sarpanch of a Panchayat shall forthwith be deemed to have vacated his office if a resolution expressing on a no confidence in him is passed by a majority of not less than two-thirds of the total number of members of the Panchayat at a meeting

specially convened for the purpose and ratified by simple majority in a Gram Sabha at a meeting specially convened by the Director within 30 days for this purpose.

Provided that no such Gram Sabha meeting shall be convened unless a notice requisitioning for such a meeting is signed by not less than one-fifth of the total number of its members.

52. *Motion of no-confidence against [Vice-Chairman] Deputy Sarpanch of Panchayat.* — Every [Vice-Chairman] Deputy Sarpanch of Panchayat shall forthwith be deemed to have vacated his office if a resolution expressing want of confidence in him is passed by a majority of not less than two thirds of the total number of members of the Panchayat at a meeting specially convened for the purpose in accordance with the procedure as may be prescribed:

Provided that no such resolution shall be moved unless notice of the resolution is signed by not less than one third of the total number of members and at least ten days notice has been given of the intention to move the resolution.

53. *Procedure at meeting.* — The procedure at a meeting of the Panchayat shall be as prescribed.

54. *Casual vacancies.* — A casual vacancy in the office of the [Chairman] Sarpanch or [Vice-Chairman] Deputy Sarpanch or member of the Panchayat shall be filled by election of [Chairman] Sarpanch or [Vice-Chairman] Deputy Sarpanch or member who shall hold office so long as the [Chairman] Sarpanch, [Vice-Chairman] Deputy Sarpanch or member in whose place he has been elected would have held office, if the vacancy had not occurred.

55. *Meeting of the Panchayat.* — (1) A Panchayat shall meet for transaction of business at least once in [two months] one month at the office of the Panchayat and at such time as the [Chairman] Sarpanch may determine.

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

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

(4) The officers to whom notice is given under sub-section (3) and other Government officers having jurisdiction over the panchayat area or any part thereof shall be entitled to attend every meeting of the Panchayat and take part in the proceedings but shall not be entitled to vote.

(5) If the [Chairman] Sarpanch fails to call a special meeting as provided in sub-section (2), the

[Vice-Chairman] Deputy Sarpanch or one-third of the total number of members may call such a meeting on a day not more than fifteen days after the presentation of such request and require the Secretary of the Panchayat to give notice to the members and to take such action as may be necessary to convene the meeting.

56. *Quorum and procedure.*— (1) The quorum for a meeting of the Panchayat shall be one-third of the total number of members. If at the time appointed for the meeting a quorum is not present, the presiding authority shall wait for thirty minutes, and if within such period there is no quorum, the presiding authority shall adjourn the meeting to such time on the following day or such future day as he may fix. He shall similarly after waiting for thirty minutes adjourn the meeting if at any time after it has begun, attention is drawn to the want of a quorum. A notice of the meeting so fixed shall be posted in the office of the 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 any subsequent adjourned meeting at which there is a quorum.

(2) Save as otherwise provided by or under this Act, at every meeting of Panchayat, the [Chairman] Sarpanch or in his absence the [Vice-Chairman] Deputy Sarpanch shall preside, and in the absence of both, the members present shall choose one from amongst themselves to preside over the meeting.

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

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

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

(6) Such sitting fee as may be prescribed shall be paid to each member for attending the meeting of the Panchayat or any committee thereof.

57. *Modification or cancellation of resolution.*— 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 one-half of the total number of members at an

ordinary or special meeting, notice whereof shall have been given fulfilling the requirements of sub-section (3) of section 55 setting forth fully the resolution which is proposed to be modified or cancelled at such meeting and the motion or proposition for the modification or cancellation of such resolution.

58. *Minutes.*— (1) Minutes shall be kept of the names of the members and of the officers, if any, present, and of the proceedings at each meeting of the Panchayat and if any member present at the meeting so desires, of the names of the members voting respectively for or against any resolution, in a book to be provided for the purpose and after they are read over and agreed to shall be signed by the [Chairman] Sarpanch or [Vice-Chairman] Deputy Sarpanch or person presiding at such meeting and shall at all reasonable times be open to inspection by any member of the Panchayat. Any person may inspect the copy of the minutes of the meeting. The minutes books shall always be kept in the office of the Panchayat and shall be in the custody of the Secretary of the Panchayat.

(2) A copy of [every resolution passed by the Panchayat] the minute of every meeting of Panchayat shall within ten days from the date of the meeting, be forwarded by the Secretary to the [Collector.] Chief Executive Officer.

59. *Interpellations and resolutions.*— (1) Any member may call the attention of the [Chairman] Sarpanch to any neglect in the execution of the Panchayat work or to any waste of Panchayat property or to the wants of any locality and may suggest any improvements which may appear desirable.

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

60. *Validity of proceedings.*— (1) No disqualification of or defect in the election or appointment of any person acting as member, or as the [Chairman] Sarpanch of the Panchayat or Chairman or member of a Committee of a Panchayat constituted under this Act shall be deemed to vitiate any act or proceeding of the Panchayat or any such committee, as the case may be, in which such person has taken part whenever the majority who were parties to such act or proceeding were entitled to act.

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

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

deemed to have been duly constituted and to have had the power to deal with matters referred to in the minute.

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

CHAPTER [IV] III

Functions, Duties and Powers of Panchayats, [Chairman] Sarpanch and [Vice-Chairman] Deputy Sarpanch

61. *Functions of the Panchayat.*— (1) Subject to such conditions as may be specified by the Government from time to time, the Panchayat shall perform the functions specified in Schedule - I.

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

(3) The Panchayat may, by a resolution, passed at its meeting and supported by two-thirds of its total number of members and with the prior approval of the Adhyaksha of the Zilla Panchayat,

(a) make provision for or make contribution towards, any exhibition, conference or seminar within or outside the Panchayat area but within the district; or

(b) make contribution to any medical, educational or charitable institutions or any other institutions of public utility, within the Panchayat area which are registered under the Societies Registration Act, 1860 (Central Act 21 of 1860) or under any other law for the time being in force.

62. *Assignments of functions.*— (1) The Government may, by notification and subject to such conditions as may be specified therein,—

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

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

(c) entrust the Panchayat with the collection of land revenue on behalf of the Government and the maintenance of such records as are connected therewith;

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

Provided that no entrustment under clause (c) shall be made without the concurrence of the Panchayat concerned:

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

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

63. *General powers of the Panchayat.*— Panchayat shall have powers to do all acts necessary for or incidental to the carrying out of the functions entrusted, assigned or delegated to it and in particular and without prejudice to the foregoing powers to exercise all powers specified under this Act.

64. *Standing Committees.*—(1) Every Panchayat [shall] may constitute the following committees by election:—

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

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

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

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

(c) welfare of women and children;

(iii) an Amenities Committee to perform functions in respect of education, public health, public works and other functions of the Panchayat.

(2) (a) Each Committee shall consist of not less than three and not more than five members including the Chairman and Vice-Chairman, as the case may be. The [Chairman] Sarpanch shall be the ex-officio member and Chairman of Production Committee and Amenities Committee. The [Vice-Chairman] Deputy Sarpanch shall be the ex-officio member and Chairman of the Social Justice Committee:

Provided that the Social Justice Committee shall consist of at least one member who is a woman and one member belonging to the Scheduled Castes or Scheduled Tribes.

(b) Each Committee shall be competent to co-opt in such manner as may be prescribed, members of farmers clubs, mahila mandals, yuvak mandals and other similar bodies recognised by the Government. A representative of co-operative societies in the Panchayat area shall be co-opted to the Production Committee. The rights and liabilities of the co-opted members shall be such, as may be prescribed.

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

65. *Powers and duties of the [Chairman] Sarpanch [Vice-Chairman.] Deputy Sarpanch.*— The [Chairman] Sarpanch of the Panchayat shall, in addition to the power exercisable under any other provision of this Act or rules made thereunder,—

(a) convene meeting of the Panchayat;

(b) have access to the records of the Panchayat; and

(c) exercise supervision and control over the acts of the officers and employees of the Panchayat.

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

(3) The [Vice-Chairman] Deputy Sarpanch of the Panchayat shall exercise the powers and perform the duties of the [Chairman] Sarpanch when the [Chairman] Sarpanch is absent, on leave or is incapacitated from functioning.

66. Power of Panchayat as to roads, bridges, etc.— All village roads and bridges thereon, cart tracks, drain, well and other public places in the Panchayat area not being private property and not being under the control or management of Zilla Panchayat, or Municipal Council, or the Government shall vest in the Panchayat and the Panchayat may do all things necessary for the maintenance and repair thereof, and may,—

(a) layout and make new roads;

(b) construct new bridges;

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

(d) with the previous sanction of the Zilla Panchayat divert, discontinue or close any road or bridge; and

(e) deepen or otherwise improve any water way:

Provided that no road or bridge shall be diverted, discontinued or closed before the Panchayat publishes its intention of doing so and calls for objections and obtains the approval of the Zilla Panchayat to which a copy of the resolution of the Panchayat and the objections thereto shall be forwarded.

67. Regulation of the erection of buildings.— (1) Subject to such rules as may be prescribed, no person shall erect any building or alter or add to any existing buildings or reconstruct any building without the written permission of the Panchayat. The permission may be granted on payment of such fees as may be prescribed.

(2) If the Panchayat does not, within sixty days from the receipt of the application determine whether such permission should be given or not and communicate its decision to the applicant, such permission shall be deemed to have been given and the applicant may proceed to execute the work, but not so as to contravene any of the provisions of this Act or any rules made under this Act.

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

sub-section (1) or any conditions imposed by the permission granted, the Panchayat may,—

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

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

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

(5) An appeal shall lie to the [Collector] Director from any order or direction or notice of the Panchayat under sub-section (1), (2) or (3) and his decision on such appeal shall be final.

68. Power of Government to prohibit and regulate the erection of buildings in certain areas without permission.— (1) Notwithstanding anything contained in section [65] 67 the Government may, in the interest of the general public and after consulting the Panchayat concerned, prohibit by notification the erection of any building within a specified area within the jurisdiction of a Panchayat except with the permission granted by the Government or any officer authorised by the Government in this behalf (hereinafter in this section referred to as the "authorised officer"):

Provided that such prohibition shall not be made in respect of land which has been set apart as a building site by the Government or the Panchayat prior to the date of such notification.

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

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

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

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

69. Permission for the construction of factories and the installation of machinery.— No person shall,

without the permission of the Panchayat and except in accordance with the condition specified in such permission,—

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

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

70. *Prohibition of offensive or dangerous trades without licence.*— No place within the jurisdiction of Panchayat shall be used for the purpose of any trade, business or industry which the Government may, by notification declare to be offensive or dangerous, except under a licence granted or renewed by the Panchayat and subject to such conditions as may be imposed in the licence.

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

72. *Licensing of shops.*— No place within the jurisdiction of a Panchayat shall be used as a shop whether permanently or temporarily, other than a shop referred to [in sections 68 and 69] except under a licence granted or renewed by the Panchayat and except in accordance with the conditions specified therein.

73. *Provisions applicable to permission and licences.*—(1) A permission shall be granted under section 69 and the licence under sections 70, 71 and 72 shall be granted or renewed, only on payment in advance of such fee as may be prescribed.

(2) The Panchayat may, for reasons to be recorded in writing refuse to grant the permission under section 69 or to grant or renew a licence or suspend or cancel a licence granted or renewed, under sections 70, 71 and 72 for default of any of the conditions subject to which the licence was granted.

(3) Any person aggrieved by the refusal to grant permission under section 69 or to grant or renew licence, or by the suspension or cancellation of a licence under sub-section (2) may, within thirty days of the date of communication of the order, appeal to the [Director] Chief Executive Officer and his decision on such appeal shall be final.

74. *Obstructions and encroachments upon public streets and open sites.*— (1) Whoever not being duly authorised in this behalf within limits of a Panchayat area,—

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

(b) deposit or cause to be placed or deposited any box, bale, package, or merchandise, or any other thing in any public street or place or in or over or upon any open drain, gutter, sewer or aquaduct in such street or places;

shall, on conviction, be punished with fine which may extend to [one hundred] five hundred rupees and with further fine which may extend to [five] ten rupees for every day on which such projection, encroachment, obstruction or deposit continues after the date of first conviction for such offence.

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

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

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

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

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

75. *Transfer of any work or institution to Panchayat.*— The Government may entrust to the Panchayat, the execution, maintenance or repair of any work or the management of any institution on behalf of the Government or any local authority:

Provided that the funds necessary for the execution, maintenance or repair of the work or the management of the institution shall be placed at the disposal of the Panchayat by the Government or such local authority.

76. *Power to name streets and number buildings.*—

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

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

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

77. *Removal of structures, trees, etc., which are in ruins or likely to fall.*— (1) If it appears at any time to the Panchayat that any building or any part thereof or any tree or branch of a tree is in a ruinous state or is likely to fall or is in any other way dangerous to any person occupying, resorting to or passing by such building or the part thereof, or the tree or the branch of the tree, the Panchayat may by written notice require the owner or occupier of such building or tree, as the case may be, —

- (i) to pull down, lop or cut down; or
- (ii) to secure; or
- (iii) to remove; or
- (iv) to repair;

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

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

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

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

78. *Power as to sanitation, conservancy and drainage.*— (1) If it appears necessary to improve the sanitary condition of any area within its jurisdiction, a Panchayat may by written notice, require within a reasonable period to be specified therein, —

- (i) the owner or occupier of any building or any hut or the owner of any privy to remove such hut or privy either wholly or in part;
- (ii) the owner or the occupier of any building to construct private drains thereof or to alter or to remove private drains thereof;
- (iii) the owner or occupier of any land or building which needs to be cleansed, to cause the same to be cleansed to the satisfaction of the Panchayat;
- (iv) the owner or occupier of any land or building which contains a well, pool, ditch, pit, pond, tank or any place containing or used for the collection of any drainage, filth or stagnant water, which is injurious to health or offensive

to the neighbourhood or is otherwise a source of nuisance to cause the same to be filled up, cleansed or deepened or to cause the water to be removed therefrom or drained off to take such other action therewith, as may be deemed necessary by the Panchayat;

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

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

79. *Contribution from persons having control over places of pilgrimage, etc.*— (1) Where a church, mosque, temple, mutt or any place of religious worship or institution or any place which is used for holding fairs, or festivals or for other like purposes is situated within the limits of a Panchayat or in the neighbourhood thereof and attracts either throughout the year or on particular occasions a large number of persons, any special arrangements necessary for public health, safety or convenience, whether permanent or temporary, shall be made by the Panchayat. The [Collector] Panchayat may after providing sufficient opportunity to the person or persons having control over such place require him or them to make such recurring or non-recurring contribution to the funds of the Panchayat as he may determine in such manner as may be prescribed.

(2) A person required to make a contribution under sub-section (1) may appeal to the prescribed authority against any determination made by the [Collector.] Panchayat.

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

80. *Power for providing adequate water supply.*— (1) For providing the area under its control or any part thereof with a supply of water pure and sufficient for public and private purposes, the Panchayat may, —

- (a) construct, repair and maintain tanks or wells and clear streams or water courses;
- (b) purchase or acquire by gift or otherwise any tank, well, stream or water course, or any right to take or convey water within or without the area under its control;
- (c) with the consent of the owner thereof utilise, cleanse or repair any tank, well, stream or water course or provide facilities for obtaining water therefrom;
- (d) contract with any person for supply of water; or

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

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

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

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

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

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

82. *Appointment of Joint Committee.* — (1) A Panchayat may, and if so required by the Zilla Panchayat shall, join with one or more than one other local authority or statutory body for any purpose in which they are jointly interested or for any matter for which they are jointly responsible and may or shall constitute, as the case may be, a Joint Committee to be in charge of the work.

(2) The Joint Committee, may include persons who are not members of the local authorities or statutory bodies concerned but who may in their opinion possess special qualifications or special interest for serving on such Committee:

Provided that the number of such persons on the Committee shall not exceed one third of the total number of members of the Joint Committee.

(3) The constitution of a Joint Committee and its proceedings shall be governed by regulations made by the Zilla Panchayat.

(4) Without prejudice to the generality of the power to make regulations under sub-section (3), such regulations may provide for the following matters, namely: —

(a) the total number of members on the Committee;

(b) the number of members to be appointed under sub-section (2), if any;

(c) the manner of election or appointment;

(d) the term of office;

(e) the power of the Committee which shall not be in excess of the powers which can be exercised by the local authorities or statutory bodies concerned;

(f) the provision of funds to and the administration of funds by the Joint Committee;

(g) the procedure of the Joint Committee.

(5) The Joint Committee may be dissolved after serving the purpose for which it was constituted.

(6) The Zilla Panchayat may issue such direction as it thinks necessary in regard to the distribution of its assets and liabilities when the Committee is dissolved.

83. *Power of entry.* — Any [member,] officer or servant of a Panchayat may enter into or upon any building or land with or without assistants or workmen, in order to make any inspection or execute any work for any of the purposes of this Act:

Provided that —

(a) no such entry shall be made between sunset and sunrise;

(b) unless the entry be with the consent of its occupier, no dwelling house shall be so entered without giving reasonable previous notice signed by the [Chairman] Sarpanch or by a person duly authorised by him in this behalf of the intention to make such entry; and

(c) due regard shall be had in making such entry to the social and religious usages of the occupants of the premises entered.

84. *Filthy buildings, etc.* — Whoever, being the owner or occupier of any building or land, whether tenable or otherwise suffers the same to be in a filthy or unwholesome state, or in the opinion of the Panchayat a nuisance to persons residing in the neighbourhood or overgrown with prickly pear or vegetation, and who shall not, within a reasonable time after notice in writing from any person authorised by the Panchayat in this behalf to cleanse, clear or otherwise put the same in a proper state, have complied with the requisition contained in such notice, shall on conviction, be punished with fine which may extend to one hundred rupees and if the offence be a continuing one with further fine which may extend to five rupees for every day during which the said offence is continued after the date of first conviction.

85. *Powers and duties in regard to sources of water supply.* — The Secretary or any officer authorised by the Panchayat in this behalf may at any time by written notice require that the owner or any person who has control over any well, stream, channel, tank, or other source of water-supply shall, whether it is private property or not, —

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

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

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

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

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

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

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

(b) within twenty four hours of such notice, repair, protect or enclose in such manner as the Panchayat may direct or approve any source of water supply, whether used for drinking purposes or not, other than a stream in its natural flow, if for want of sufficient repair, protection or enclosure such source of water supply is, in the opinion of the Panchayat, dangerous to the health or safety of the public or of any persons having occasion to use or to pass by or approach the same.

86. *Remedy for non-compliance with directions issued.*— If the owner or the person having control as aforesaid fails or neglects to comply with any such requisition within the time required by or under the provisions of section 85, the Panchayat may, and, if in the opinion of the Secretary immediate action is necessary to protect the health or safety of any person, he shall at once, proceed to execute the work required by such notice, and all the expenses incurred thereon shall be paid by the owner, or person, having control over such source of water supply, and shall be recovered in the same manner as an amount claimed on account of any tax recoverable under this Act:

Provided that in the case of any well or private stream or any private channel, tank or other source of water supply the water of which is used by the public or by any section of the public as of right, the expenses incurred by such owner or the person having control may, if the Panchayat so directs, be paid from the Panchayat fund.

87. *Power to set apart public springs, etc., for certain purposes.*— The Panchayat may by public notice which shall be put up at the spring, tank, or other place concerned and otherwise as required by this Act, set apart public springs, tanks, wells and other places and parts of public water sources for drinking purposes or for bathing or for washing clothes or animals or for any purposes calculated

to promote the health, cleanliness, comfort or convenience of the inhabitants, and with the consent of the owners, may also set apart any private springs, tanks, wells or other places for any of the aforesaid purposes.

88. *Power to prohibit use of water from certain sources.*— The Panchayat may, during epidemics, on receipt of a certificate from any medical officer of the Government stating that such action is desirable, summarily by notice prohibit the use of water from any source to which the public have access. Such notice shall be served by putting up a copy thereof near the source of water supply stating the number of days during which such prohibition shall last. The Panchayat may from time to time extend or modify the period of prohibition without the production of a further certificate.

89. *Penalty for using water for certain purposes.*— Whoever, —

(a) bathes on, or defiles, the water in any place set apart for drinking purposes by the Panchayat or, in the case of private property, by the owner thereof; or

(b) deposits any offensive or deleterious matter in the dry bed of any place set apart as aforesaid for drinking purposes; or

(c) washes clothing in any place set apart as aforesaid for drinking or bathing; or

(d) washes any animal or any cooking utensils or wood, skins, or other foul or offensive substances, or deposits, any offensive or deleterious matter in any place set apart as aforesaid for drinking purposes or for bathing or for washing clothes; or

(e) allows the water from a sink, sewer, drain, engine or boiler, or any other offensive matter belonging to him or flowing from any building or land belonging to or occupied by him, to pass into any place set apart as aforesaid for drinking purposes or for bathing or for washing clothes; or

(f) uses water from any source in contravention of the provisions of section 88; shall on conviction, be punished with fine which may extend to fifty rupees and if the offence be a continuing one, with further fine which may extend to ten rupees for every day during which the said offence is continued after the date of first conviction.

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

91. *Closing of places for the disposal of the dead.*— (1) If the Panchayat is of opinion that

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

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

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

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

93. *Disinfection of buildings, etc.*— If the Secretary is of the opinion that the cleansing or disinfecting of a building or premises or of a part thereof or of any articles therein is likely to retain infection, would tend to prevent or check the spread of any infectious disease, he may by notice require the owner or occupier to cleanse or disinfect the same within a time to be specified in such notice:

Provided that if the Secretary considers that immediate action is necessary or that the owner or occupier is by reason of poverty or otherwise, unable effectively to comply with his requisition, he may himself cause such building or premises or articles to be cleansed or disinfected and for this purpose may cause such articles to be removed from such building or premises and the expenses incurred under this section shall be recoverable from the said owner or occupier as if it were a tax imposed under this Act unless he was, by reason of poverty unable effectively to comply with the requisition.

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

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

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

95. *Registration of burial and burning grounds.*—

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

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

96. *Licensing of places for disposal of the dead.*—

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

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

(3) The Panchayat to which an application is made, may after giving due notice to the public in general,—

(a) grant or refuse a licence; or

(b) postpone the grant of a licence until objections, if any, to the site, considered reasonable by the Panchayat have been removed or any particulars called for by it have been furnished.

97. *A book to be kept of places registered, licensed, as provided.*— (1) A book shall be kept at the office of every Panchayat in which the places registered, licensed or provided under section 95 or section 96 shall be recorded.

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

98. *Prohibition against burying or burning, in unauthorised places.*— No person shall in any panchayat area bury, burn or otherwise dispose off or cause or suffer to be buried, burnt or otherwise dispose off any corpse in any place within hundred metres of a dwelling place or any source of drinking water-supply other than a place registered under section 95 or licensed under section 96, or provided by the panchayat.

99. *Notice of burials, etc. to be given to Panchayat.*— The person having control of a place for disposing of the dead in a panchayat area shall give information of every burial, burning or other disposal, of a corpse at such place to any person appointed by the Panchayat.

100. *Public landing places, cart stands etc.*— Save as otherwise provided in this Act and subject

to such rules as may be prescribed, a Panchayat may,—

(a) provide public landing places, halting places and cart stands and levy fees for their use; and

(b) where any such place or stand has been provided, prohibit the use for the same purpose by any person within such distance thereof, of any public place or the sides of any public road, as the Panchayat may, subject to the control of the Collector, specify.

101. *Regulation of huts.*— No person shall erect any hut, shed or range or block of huts or sheds or add to any hut or shed already existing in panchayat area without obtaining previous permission. The Panchayat may require such huts or sheds to be built so that they may stand in regular lines with a free passage or way in front of and between every two lines of such width as the Panchayat may think proper for ventilation and to facilitate scavenging and at such a level as will admit of sufficient drainage. If any hut or shed is built without obtaining previous permission of the Panchayat, the Panchayat may give written notice to the owner or builder thereof or to the owner or occupier of the land on which the same is erected or is being erected requiring him within such reasonable time as may be specified in the notice, to remove the same or to make such alterations therein or additions thereto as having regard to the sanitary considerations, the Panchayat may think fit.

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

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

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

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

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

(2) It shall not be lawful to erect any building or to rebuild any building or to occupy any building

newly erected or rebuilt in a panchayat area unless and until,—

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

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

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

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

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

(2) Thereupon, the Panchayat after giving to such other person a reasonable opportunity of stating any objection, may, if no objection is raised or if the objection raised is insufficient, authorise the applicant to carry his drain into or through or under the land or into the said drain, as the case may be, in such manner and on such conditions as to the payment of rent or compensation, and as to the respective responsibilities of the parties for maintenance and repair as may appear to it to be adequate and equitable.

(3) Every such order shall be a complete authority to the person in whose favour it is made, or to any agent or other person employed by him for this purpose after giving or tendering to the owner, occupier or user of the said land or drain the compensation and rent, if any, specified in the said order, and otherwise fulfilling as far as possible the conditions of the said order, and after giving to the said owner, occupier or user reasonable notice in writing, to enter upon the land specified in the

said order with assistants and workmen at any time between sunrise and sunset and, subject to the provision of this Act, to do all such work as may be necessary, —

(a) for the construction or connection of the drain as may be necessary from time to time; or

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

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

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

106. *Rights of owner of land through which drain is carried in regard to subsequent building thereon.*— If the owner of any land into, through or under which a drain has been carried under section 105 whilst such land was not built upon, shall at any subsequent time desires to construct a building thereon, the Panchayat shall, if it sanctions the construction of such building or land, by written notice require the owner to demolish or close any privy for the benefit of which such drain was constructed, to close, remove or divert the same, and to fill in, reinstate and make good the land in such manner as it may deem to be necessary in order to admit of the construction or safe enjoyment of the proposed building.

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

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

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

108. *Cost of altering, repairing and keeping in proper order privies, etc.*— (1) All sewers, drains, privies, water-closets, house-gullies and cesspools within a panchayat area shall, unless constructed at the cost of the Panchayat be altered, repaired, and kept in proper order at the cost and charges of the owners of the land and building to which the same belong, or for the use of which they are constructed or continued, and the Panchayat may, by written notice, require such owner to alter, repair and put the same in good order in such manner as it thinks fit.

(2) The Panchayat may, by written notice, require the owner to demolish or close any privy or cesspool whether constructed before or after the coming into force of this Act, which in the opinion of the Panchayat, is a nuisance, or is so constructed as to be inaccessible for the purpose of scavenging or incapable of being properly cleansed or kept in good order.

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

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

110. *Dangerous quarrying.*— If in the opinion of a Panchayat, the working of any quarry or the removal of a stone, earth or other material, from the soil in any place, is dangerous to persons residing in or having legal access to the neighbourhood thereof or creates or is likely to create a nuisance, the Panchayat may, by written notice, require the owner of the said quarry or place or the person responsible for such working or removal, not to continue or permit the working of such quarry or the removing of such material or to take such other measures in respect of such quarry or place as the Panchayat may direct for the purpose of preventing danger or of abating the nuisance arising or likely to arise therefrom:

Provided that if such quarry or place is vested in the Government or if such working thereof or removal therefrom as aforesaid, is being carried on by or on behalf of the Government or any person acting with the permission or under the authority of the Government or any officer of the Government acting as such, the Panchayat shall not take such action unless and until the Director of Mines and Geology or the person authorised by him in this behalf has consented to its so doing:

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

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

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

(2) If any person shall, after such direction, use or permit to be used, any such furnace not so constructed, supplemented or altered or shall so negligently use or permit to be used any such furnace that the smoke arising therefrom shall not be effectually consumed or burnt as far as may be practicable, every person so offending being the owner or occupier of the said works or buildings or being an agent or other person employed by such owner or occupier for managing the same, shall, on conviction, be punished with fine which may extend to one hundred rupees and upon any subsequent conviction, with fine which may extend to five hundred rupees:

Provided that nothing in this section shall be held to apply to locomotive engines used for the purpose of traffic upon any railway or any other engines, for the repair of roads.

113. *Prohibition of nuisance.*—Whoever, within a panchayat area,—

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

(i) eases himself; or

(ii) loiters or begs importunately for alms;

or

(iii) exposes or exhibits, with the object of exciting charity, any deformity or disease or any offensive sore or wound; or

(iv) carries meat exposed to public view; or

(v) without proper authority pickets animals, or collects carts; or

(vi) without proper authority defaces or writes upon or otherwise marks any building, monument, post, wall, fence, tree or other thing; or

(vii) without proper authority affixes upon any building, monument, post, wall, fence, tree or other thing any bill, notice or other document; or

(viii) without proper authority removes, destroys, defaces or otherwise obliterates any notice or other document put up or exhibited under this Act or the rules or bye-laws made thereunder; or

(b) at any time or place at which the same has been prohibited by the Panchayat by public or special notice, beats any drum or tom-tom or blows a horn or trumpet or beats any utensil or sounds any brass or other instrument or plays any music; or

(c) without proper authority disturbs the public peace or order by singing, screaming or shouting or by using any apparatus for amplifying or reproducing the human voice, such as megaphone or a loudspeaker; or

(d) lets loose any animal so as to cause, or negligently allows any animal to cause injury, danger, alarm or annoyance to any person; or

(e) uses or permits to be used as a latrine any place not intended for that purpose;

shall, on conviction, be punished with fine which may extend to one hundred rupees.

CHAPTER [V] IV

Staff of Panchayats

114. *Secretary.*—(1) Every Panchayat shall have a wholetime Secretary who shall be an officer of the Government, and shall draw his salary and allowances from the Panchayat Fund.

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

115. *Staffing pattern and schedule of employees.*—The Government may, by order, specify the staffing pattern, the scales of pay and mode of recruitment of staff of Panchayats.

116. *Appointment and control of employees.*—(1) Subject to the provisions of sections 114 and 115, the Panchayat may, with the prior approval of the Chief Executive Officer, appoint other employees of the Panchayat and pay their salaries from the Panchayat Fund:

Provided that in making appointments, the appointing authority shall reserve posts for the Scheduled Castes, the Scheduled Tribes and other socially and educationally Backward Classes of citizens in the same manner and to the same extent as is applicable for the recruitment to posts in the State Civil Services.

(2) The Secretary may, with the approval of the Panchayat by order, fine, suspend or withhold, the increment of any employee appointed by the Panchayat.

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

(4) An appeal shall lie against an order passed by the Secretary under sub-section (2) and against an order passed by the Panchayat under sub-section (3), to the [Director] Chief Executive Officer whose decision shall be final.

CHAPTER [VI] V

Zilla Panchayats Constitution of Zilla Panchayats

117. *Establishment of Zilla Panchayat and its incorporation.*— (1) There shall be constituted for each district a Zilla Panchayat having jurisdiction over the entire district excluding such portions of the district as are included in a municipal council or a notified area constituted under any law for the time being in force.

(2) Every Zilla Panchayat shall, by the name specified by the Government in this behalf, be a body corporate having perpetual succession and a common seal and subject to the provisions of this Act, have powers to acquire, hold or dispose off the properties both movable and immovable and shall by the said name sue or be sued.

118. *Constitution of Zilla Panchayat.*— Every Zilla Panchayat shall consist of,—

(i) twenty elected members;

(ii) the members of the House of the People and the members of the Council of States who are registered as the electors within the district;

(iii) [such number of] the members of the State Legislative Assembly, [as may be prescribed:] of the District:

Provided that no such member shall be a minister in the Government: or the Speaker of Legislative Assembly:

Provided further that the total number of such members shall not exceed the number of talukas in the Zilla Panchayat and such members shall be elected from amongst themselves;

[(iv) such number of Chairman of Panchayats in the district in the ratio of one Chairman for every ten Panchayats in the district and elected from amongst themselves.]

(iv) Chairperson of Panchayats in each taluka of the district elected from amongst themselves in the ratio of one such chairperson for a taluka having upto 15 Panchayats and two such chairpersons for a taluka having more than 15 panchayats.

119. *Reservation of seats.*— Reservation of seats as are applicable for an election to the Panchayat under the provisions of sub-sections (4) to (6) of section 7 shall, mutatis mutandis, apply to the elections of the members referred to in clause (i) of section 118.

120. *Delimitation of territorial constituencies.*— The Government shall, by notification, —

(a) divide the area within the jurisdiction of every Zilla Panchayat, for the purposes of election to such Zilla Panchayat into twenty single member territorial constituencies;

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

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

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

122. *Electoral Roll.*— The electoral roll of Zilla Panchayat shall be prepared subject to the superintendence, direction and control of the State Election Commission:

Provided that the electoral roll of the State Legislative Assembly for the time being in force for such part of the district as is included in any constituency of the Zilla Panchayat may be adopted for the purpose of preparation of electoral roll of the Zilla Panchayat for such constituency:

Provided further that the electoral roll for such constituency of the Zilla Panchayat shall not include any amendment, transposition, inclusion or deletion of any entry made after the last date for making nomination for the election to such constituency and before the completion of such election.

123. *Qualification of a candidate.*— (1) A person shall not be qualified to be chosen to fill a seat in a Zilla Panchayat unless his name is included in the electoral roll of the Zilla Panchayat for the time being in force in the district.

(2) A person shall not be qualified to be chosen from a territorial constituency to fill a seat in a Zilla Panchayat unless in the case of a seat reserved for the Scheduled Castes or Scheduled Tribes or Backward Classes or women such person is a member of these castes or tribes or classes or is a woman.

124. *Disqualification for members.*— (1) The provisions of section 10 shall apply for a person for being chosen as, and for being a member of a Zilla Panchayat subject, however, that the expression 'Panchayat' in clauses (d) and (f) of that section shall be construed as a reference to 'Zilla Panchayat'.

(2) If a person who has been chosen as a member of the Zilla Panchayat is or becomes a member of the House of the People, the Council of States, the State Legislative Assembly, a Municipal Council or a Panchayat then at the expiration of a period of 15 days of such election, his seat in the Zilla Panchayat shall become vacant, unless he has previously resigned from his seat in the House of the People, the Council of States, the State Legislative Assembly, the Municipal Council or the Panchayat, as the case may be.

125. *Vacancy of seat.*— (1) If any member of a Zilla Panchayat, —

(a) is or becomes subject to any of the disqualification specified in section 124; or

(b) votes or takes part in the discussion of any question coming up for consideration at a meeting of the Zilla Panchayat or any Committee, if the question is one in which apart from its general application to the public, he has any pecuniary interest; or

(c) being an elected member, absents himself, for more than three consecutive ordinary meetings of the Zilla Panchayat unless leave so to absent himself, which shall not exceed six months, had been granted by the Zilla Panchayat, or absents himself from the [District] State of Goa or over four consecutive months, his seat shall be deemed to be or to have become, as the case may be, vacant:

Provided that where an application is made by a member to the Zilla Panchayat for leave to absent himself and the Zilla Panchayat fails to inform the applicant of its decision on the application within a period of one month from the date of the application, the leave applied for shall be deemed to have been granted by the Zilla Panchayat.

(2) The Government on a report made to it and after giving a reasonable opportunity to the person concerned of being heard, shall declare whether the seat of the person concerned is or has become vacant.

126. Method of voting and procedure for election.— (1) Every elector shall have one vote and no elector shall give more than one vote to any one candidate.

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

(3) The provisions of sections 27 to 41 shall apply in respect of elections to Zilla Panchayat as they apply to elections to Panchayats.

127. Prohibition of simultaneous membership.— (1) If a person is elected by more than one Zilla Panchayat constituency, he shall by notice in writing signed by him and delivered to the Director or any other officer authorised by the Government, within the prescribed time, choose any one of the constituencies which he shall serve, and the choice shall be final.

(2) If the person does not make the choice referred to in sub-section (1), the Director or the authorised officer shall determine by lot and notify the constituency which such person shall serve.

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

128. Application of certain sections relating elections.— The provisions of sections 16, 17, 18, 19, 20, 21, 22, 23, 24 and 25 shall apply, mutatis mutandis, in respect of election of Zilla Panchayat, the deposit as security for costs being two thousand rupees.

129. Publication of names of members.— The names of members elected to any Zilla Panchayat shall be reported to the Government which shall notify the same in the Official Gazette.

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

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

(3) The term of office of a member elected to fill a casual vacancy shall commence on the date of publication of his name under section 129.

131. Resignation of members.— A member of a Zilla Panchayat may resign his membership in writing under his hand addressed to the Chairman of Zilla Panchayat and his seat shall become vacant on the expiry of fifteen clear days from the date of such resignation, unless within the said period of fifteen days, he withdraws such resignation by writing under his hand addressed to the Chairman.

132. Removal of Members for misconduct.— The prescribed authority if it thinks fit on the recommendation of the Zilla Panchayat, may remove any member after giving him an opportunity of being heard and after such enquiry as it deems necessary if such member has been guilty of misconduct in the discharge of his duties or of any disgraceful conduct, or has become incapable of performing his duties as a member.

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

134. Election of [Chairman] Adhyaksha and [Vice-Chairman] Upadhyaksha and term of office.— (1) The elected members of the Zilla Panchayat referred to in clause (i) of section 118, shall as soon as may be, choose two members from amongst them to be respectively [Chairman] Adhyaksha and [Vice-Chairman] Upadhyaksha thereof and so often as there is a casual vacancy in the office of the [Chairman] Adhyaksha or [Vice-Chairman] Upadhyaksha, they shall choose another member from amongst them to be [Chairman] Adhyaksha or [Vice-Chairman] Upadhyaksha within a period of thirty days of occurrence of such vacancy as the case may be.

(2) Save as otherwise provided in this Act, the [Chairman] Adhyaksha or [Vice-Chairman] Upadhyaksha shall hold office for the term of office of the members of the Zilla Panchayat.

(3) The election of the [Chairman] Adhyaksha or the [Vice-Chairman] Upadhyaksha of a Zilla Panchayat and filling up of vacancies in the said offices and the determination of disputes relating to such election shall be in accordance with such rules as may be prescribed.

(4) There shall be reserved by the Government one office of [Chairman] Adhyaksha and one office of [Vice-Chairman] Upadhyaksha of the Zilla Panchayat to be filled by women:

Provided that the office reserved under this sub-section shall be allotted by rotation to different Zilla Panchayat.

135. *Salary and Allowances to the [Chairman] Adhyaksha and [Vice-Chairman] Upadhyaksha and other members.* — (1) The salary and allowances of [Chairman] Adhyaksha and [Vice-Chairman] Upadhyaksha shall be as prescribed.

(2) Every member of the Zilla Panchayat other than the [Chairman] Adhyaksha and the [Vice-Chairman] Upadhyaksha shall be entitled to receive, such sitting fee and allowances as may be prescribed.

136. *Resignation or removal of [Chairman] Adhyaksha and [Vice-Chairman] Upadhyaksha.* — (1) A member holding office as [Chairman] Adhyaksha of Zilla Panchayat may resign his office at any time by writing under his hand addressed to the Director and the [Vice-Chairman] Upadhyaksha of Zilla Panchayat may resign his office at any time by writing under his hand addressed to the [Chairman] Adhyaksha and in the absence of [Chairman] Adhyaksha to the Director and the office shall become vacant on the expiry of fifteen days from the date of such resignation unless within the said period of fifteen days he withdraws such resignation by writing under his hand addressed to the Director or the [Chairman] Adhyaksha, as the case may be.

(2) Every [Chairman] Adhyaksha or [Vice-Chairman] Upadhyaksha of Zilla Panchayat shall vacate office if he ceases to be a member of the Zilla Panchayat.

(3) Every [Chairman] Adhyaksha and every [Vice-Chairman] Upadhyaksha of Zilla Panchayat shall be deemed to have vacated his office forthwith if a resolution expressing want of confidence in him is passed by a majority of the total number of elected members of the Zilla Panchayat at a meeting specially convened for this purpose:

Provided that no such resolution shall be moved within six months from the date of moving earlier resolution.

(4) Every [Chairman] Adhyaksha and [Vice-Chairman] Upadhyaksha of Zilla Panchayat shall, after an opportunity is afforded for hearing him, be removable from his office by the Government for misconduct in the discharge of his duties, or for being persistently remiss in the discharge of his duties and the [Chairman] Adhyaksha or [Vice-Chairman] Upadhyaksha so removed who does not cease to be a member under sub-section (5), shall not be eligible for re-election as [Chairman] Adhyaksha or [Vice-Chairman] Upadhyaksha during the remaining term of office as member of such Zilla Panchayat.

(5) A [Chairman] Adhyaksha or [Vice-Chairman] Upadhyaksha removed from his office under sub-section (4), may also be removed by the Government from membership of the Zilla Panchayat.

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

(2) (a) The date of the first meeting of the Zilla Panchayat after the first constitution or reconstitution, shall be fixed by the Director, who shall preside at such meeting, and the date of such subsequent ordinary meeting shall be fixed at the previous meeting of the Zilla Panchayat, provided that the [Chairman] Adhyaksha of Zilla Panchayat, may for sufficient reasons, alter the date of the meeting to a subsequent date. The [Chairman] Adhyaksha may, whenever he thinks fit, and shall, upon the written request of not less than one-third of the total number of members and on a date within fifteen days from the receipt of such request, call a special meeting. Such request shall specify the object for which the meeting is proposed to be called. If the [Chairman] Adhyaksha fails to call a special meeting, the [Vice-Chairman] Upadhyaksha or one-third of the total number of members of the Zilla Panchayat may call the special meeting for a day not more than fifteen days after presentation of such request and require the Chief Executive Officer to give notice to the members and to take such action as may be necessary to convene the meeting.

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

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

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

(e) Every meeting shall be presided over by the [Chairman] Adhyaksha or if he is absent, by the [Vice-Chairman,] Upadhyaksha, and if both are absent, or if the [Chairman] Adhyaksha is absent and there is no [Vice-Chairman,] Upadhyaksha, the members present shall elect one from among themselves to preside.

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

(g) No member of a Zilla Panchayat shall vote on, or take part in the discussion of, any question coming up for consideration at a meeting of a Zilla Panchayat or any Committee, if the question is one in which apart from its general application to the public, he has any pecuniary interest.

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

(i) No proposition shall be discussed at any ordinary meeting unless it has been entered in the notice convening such meeting or in the case of a special meeting, in the written request for such meeting. A member may propose any resolution connected with or incidental to the subjects in the list of business. The [Chairman] Adhyaksha may propose any urgent subject of a routine nature not included in the list of business if no member objects to it. No permission shall be given in the case of a motion or proposition to modify or cancel any resolution within three months after the passing thereof except in accordance with clause (k). The order in which any business or proposition shall be brought forward at such meeting shall be determined by the presiding authority who, in case it is proposed by any member to give priority to any particular item of such business or to any particular proposition, shall put the proposal to the meeting and be guided by the majority of votes given for or against the proposal.

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

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

(3) The proceedings of every meeting shall be recorded in the minutes book immediately after the deliberations of the meeting and shall, after being read over by the [Chairman] Adhyaksha of the meeting, be signed by him. The action taken on the decisions of the Zilla Panchayat shall be reported at the next meeting of the Zilla Panchayat. The minutes book shall at all reasonable times be open to inspection by any member of the Zilla Panchayat. The minutes book shall always be kept in the office of the Zilla Panchayat and it shall be in the custody of the Chief Executive Officer.

(4) A copy of every resolution passed by a Zilla Panchayat at a meeting shall, within ten days from the date of the meeting, be forwarded to the Director.

(5) During any vacancy in a Zilla Panchayat or any Committee thereof, the continuing members may act as if no vacancy occurred.

138. *Interpellations and Resolution.*—(1) A member of Zilla Panchayat may move resolutions and interpellate the [Chairman] Adhyaksha of Zilla Panchayat on matters connected with the administration of the Zilla Panchayat, subject to such regulations as may be made by the Zilla Panchayat.

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

139. *Zilla Panchayat may require the presence of Government officers at meetings.*—If it shall appear to a Zilla Panchayat that the attendance of any officer of the Government having jurisdiction over an area of a division or circle or less than a division or circle and not working under the Zilla Panchayat, is desirable at a meeting of the Zilla Panchayat, the Chief Executive Officer shall by a letter addressed to such officer not less than fifteen days before the intended meeting, request that officer to be present at the meeting and the officer shall, unless prevented by sickness or other reasonable cause, attend the meeting:

Provided that the officer on receipt of such letter may, if he, for any of the causes aforesaid, is unable to be present thereat himself, instruct his deputy or other competent subordinate officer to represent him at the meeting.

140. *Validity of proceedings.*—(1) No disqualification or defect in the selection or appointment of any person acting as member, or as the [Chairman] Adhyaksha of Zilla Panchayat or presiding authority of a special or general meeting or a [Chairman] Adhyaksha or members of Committee appointed under this Act, shall be deemed to vitiate any act or proceeding of the Zilla Panchayat or of any such Committee, as the case may be, in which such person has taken part, whenever the majority who were parties to such act or proceedings, were entitled to act.

(2) No resolution of a Zilla Panchayat or of any committee appointed under this Act shall be deemed invalid on account of any irregularity in the service

of notice upon any member, provided that the proceedings of the Zilla Panchayat or Committee, were not prejudicially affected by such irregularity.

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

(4) During any vacancy in the Zilla Panchayat or Committee, the continuing member or members may act as if no vacancy has occurred.

CHAPTER [VII] VI

Functions, Duties and Powers of Zilla Panchayat [Chairman] Adhyaksha and [Vice-Chairman] Upadhyaksha

141. *Functions of the Zilla Panchayat.* — Subject to such conditions as may be specified by the Government from time to time, the Zilla Panchayat shall perform the functions specified in Schedule-II.

142. *Assignment of functions.* — (1) The Government may assign to a Zilla Panchayat functions in relation to any matters to which the executive authority of the Government extends or in respect of functions which have been assigned to the State Government by the Central Government.

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

143. *Standing Committees.* — (1) The Zilla Panchayat shall have the following Committees (hereinafter called the 'Standing Committees'), namely:—

- (a) General Standing Committee;
- (b) Finance, Audit and Planning Committee;
- (c) Social Justice Committee;
- (d) Education and Health Committee;
- (e) Agriculture and Industries Committee;
- (f) Taluka Development Committee.

(2) Each Standing Committee shall consist of such number of members not exceeding five [including the Chairman] Adhyaksha elected by the members of the Zilla Panchayat from amongst the members.

(3) The [Chairman] Adhyaksha shall be the Ex-officio Member and Chairman of the General Standing Committee and the Finance, Audit and Planning Committee. The [Vice-Chairman] Upadhyaksha shall be the Ex-officio Member and Chairman of the Social Justice Committee. The other Standing Committees shall elect the Chairman from amongst their members.

(4) No member of the Zilla Panchayat shall be eligible to serve on more than two Standing Committees.

(5) The Chief Executive Officer shall be the Ex-officio Secretary of all the Standing Committees.

(6) The Standing Committees shall perform such functions as may be specified in the regulations made by the Zilla Panchayat.

144. *Delegation of powers.* — The Zilla Panchayat may by notification, delegate to the Chief Executive Officer or other officer, any of the powers conferred by or under this Act on the Zilla Panchayats.

145. *Power to divert, discontinue or close road.* — (1) The Zilla Panchayat may, by notification, turn, divert, discontinue or permanently close any road which is under the control and administration of, or is vested in the Zilla Panchayat.

(2) Before issuing a notification under sub-section (1), the Zilla Panchayat shall publish in such manner as may be prescribed, a notice of its proposal inviting objections and shall take into consideration any objections received.

146. *General powers of Zilla Panchayat.* — (1) The Zilla Panchayat shall have powers to do all acts necessary for or incidental to, the carrying out of the functions entrusted or delegated to it and, in particular, and without prejudice to the foregoing powers, to exercise all powers specified under this Act.

(2) Subject to the general or special orders of the Government, a Zilla Panchayat may, —

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

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

(c) contribute to associations of All India, State or Inter-State level, concerned with the promotions of local Government and to exhibitions, seminars and conferences within the district related to the activities of Panchayat and Zilla Panchayat; and

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

147. *Control of unwieldy traffic.* — A Zilla Panchayat may subject to such rules as may be prescribed and to the regulations framed by the Zilla Panchayat, notify that any road vested in it shall not be used by any vehicle of such form, construction, weight or size, or laden with such machinery or other unwieldy objects as may be deemed likely to cause injury to the roadway or to any construction thereon or risk or obstruction to other vehicles or to pedestrians except under the licence issued by the Chief Executive Officer and in accordance with the regulations framed from time to time as regards speed, time, fees, mode of traction or locomotion, use of appliances for protection of the roadway, number of lights and assistants and other general precautions.

148. *Powers and duties of the [Chairman.] Adhyaksha.*—The [Chairman] Adhyaksha of the Zilla Panchayat shall,—

(a) convene, preside at and conduct meetings of the Zilla Panchayat;

(b) discharge all duties imposed and exercise all the powers conferred on him by or under this Act or perform such functions entrusted to him by the Government from time to time;

(c) exercise such administrative supervision and control over the Chief Executive Officer for securing implementation of resolutions or decisions of the Zilla Panchayat or of the Standing Committees which are not inconsistent with the provisions of this Act, or any general or specific directions issued under this Act;

(d) exercise overall supervision over the financial and executive administration of the Zilla Panchayat and place before the Zilla Panchayat all questions connected therewith which shall appear to him to require its orders and for this purpose may call for records of the Zilla Panchayat; and

(e) have power to accord sanction up to a total sum of rupees one lakh in a year for the purpose of providing immediate relief to those who are affected by natural calamities in the district:

Provided that the [Chairman] Adhyaksha shall place at the next meeting of the Zilla Panchayat for its ratification, the details of such sanctions.

149. *Powers and duties of the [Vice-Chairman.] Upadhyaksha.*—The [Vice-Chairman] Upadhyaksha of the Zilla Panchayat shall,—

(a) exercise the powers and perform the functions of the [Chairman] Adhyaksha when he is absent on leave incapacitated from functioning; and

(b) in the absence of the [Chairman,] Adhyaksha, preside over the meetings of the Zilla Panchayat.

150. *Mode of making contracts.*—(1) Every contract or agreement entered into on behalf of the Zilla Panchayat, shall be binding on the Zilla Panchayat only if the said contract or agreement is executed in accordance with the provisions of this section.

(2) The Chief Executive Officer shall execute contract or agreement on behalf of the Zilla Panchayat in respect of matter which he is empowered to carry out under the provisions of this Act. He may execute such contract or agreement on behalf of the Zilla Panchayat upto such amount of value of contract or agreement as may be specified by the Government from time to time. In the other cases, he shall execute a contract or agreement only with the sanction of the Zilla Panchayat.

CHAPTER [VIII] VII

Staff of Zilla Panchayat

151. *Chief Executive Officer and other Officers.*—

(1) The Government shall appoint an officer not below the rank of the Collector of a district as Chief Executive Officer of the Zilla Panchayat.

(2) The Government shall also appoint a Chief Accounts Officer and such other officers as considered necessary.

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

(4) The Government may, as from the specified day, constitute such services for Zilla Panchayats as may be prescribed.

152. *Functions, powers and duties of the Chief Executive Officer and other Officers.*—(1) Save as otherwise expressly provided by or under this Act, the Chief Executive Officer shall,—

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

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

(c) supervise and control the execution of all works of the Zilla Panchayat;

(d) take necessary measures for the speedy execution of all works and developmental Schemes of the Zilla Panchayat;

(e) have custody of all papers and documents connected with the proceedings of the meetings of the Zilla Panchayat and its Committees;

(f) draw and disburse moneys out of the Zilla Panchayat Fund; and

(g) exercise such other powers and discharge such other functions as may be prescribed.

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

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

(4) The Chief Accounts Officer shall advise the Zilla Panchayat in matters of financial policy and shall be responsible for all matter relating to the accounts of the Zilla Panchayat including the preparation of the annual accounts and budget.

(5) The Chief Accounts Officer shall ensure that no expenditure is incurred except under proper sanction and in accordance with this Act and the rules

and regulations made thereunder and shall disallow any expenditure not warranted by this Act or the rules or regulations made thereunder for which no provision was made in the budget.

(6) All Officers of the Zilla Panchayat shall assist the Chief Executive Officer in the performance of his duties.

153. Chief Executive Officer's right to requisition records etc. — (1) Every person in possession of moneys, accounts, records or other property pertaining to a Panchayat or Zilla Panchayat shall on the requisition in writing of the Chief Executive Officer for this purpose, forthwith handover such moneys or deliver up such accounts, records or other property to the Chief Executive Officer or the person authorised in the requisition to receive the same.

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

(3) An appeal shall lie from an order of the Chief Executive Officer under this section to the Director.

CHAPTER ['IX'] VIII

Taxes and Fees

154. Levy of taxes, rate, etc. by Panchayats. — (1) Every Panchayat shall, in such manner and subject to such exemptions as may be prescribed and not exceeding the maximum rate specified in Schedule — III, levy tax upon buildings and lands which are not subject to agricultural assessment, within the limits of the panchayat area:

Provided that where an owner of the building or land has left the panchayat area or cannot otherwise be found, the occupier of such building or land shall be liable for the tax leviable on such owner.

(2) A Panchayat may levy water rate for supply of water for drinking and other purposes.

(3) A Panchayat may also levy all or any of the following tax and fees at such rates as the Panchayat may by bye-law determine but not exceeding the maximum specified in Schedule III and in such manner and subject to such exemptions as may be prescribed, namely: —

(a) tax on entertainment other than cinematograph shows;

(b) tax on vehicles, other than motor vehicles;

(c) tax on advertisement and hoarding;

(d) pilgrim fee on persons attending the jattras, festivals, etc., where necessary arrangement for water supply, health and sanitation are made by the Panchayat;

(e) market fee on persons who expose their goods for sale in any market place;

(f) fee on the registration of cattle brought for sale in any market place;

(g) fee on buses and taxies and auto-stands provided adequate facilities are provided for the travellers by the Panchayat; and

(h) fees on grazing cattle in the grazing lands.

155. Recovery of taxes and other dues. — (1) When any tax, cess, rate or fee becomes due, a Panchayat shall, with the least practicable delay, cause to be presented to the person liable for the payment thereof, a bill for the amount due from him, specifying the date on or before which the account shall be paid.

(2) If any person fails to pay any tax or fee 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 Panchayat shall cause a notice of demand in the prescribed form to be served on the defaulter.

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

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

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

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

(d) if none of the means 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) If the tax, rate, fee or other amounts for which a notice of demand has been served is not paid within thirty days from the date of such service, the Panchayats may recover the amount due alongwith a penalty of ten percent of the sum due, by distraint and sale of the movable property of the defaulter in the prescribed manner.

(5) Fees for, —

(a) every distraint made under sub-section (4);

(b) every notice of demand issued under sub-section (4);

(c) the cost of maintaining any live-stock seized under sub-section (4);

shall be chargeable at such rates as may be prescribed.

(6) Notwithstanding anything contained in the foregoing sub-sections, any tax, rate or fee payable to a Panchayat shall be recoverable as an arrear of land revenue.

156. Appeal against assessment, etc. — Subject to such rules as may be prescribed, any person aggrieved by the assessment, levy or imposition of any tax, rate or fees under section 154, may appeal to the prescribed authority, whose decision shall be final.

157. *Composition of taxes in factory areas.* — (1) Subject to such rules as may be prescribed, when the owner of any industry or factory established in any panchayat area provides sanitary and other amenities for the buildings and land used for the industry or as factory quarters for employees and for other purposes connected with undertaking, the Panchayat may in lieu of the taxes, rates or fees, payable under this Act in respect of such buildings and lands receive such amount annually as may be agreed upon between the Panchayat and such owner.

(2) Where no such agreement as is referred to in sub-section (1) can be reached, the matter may be referred to the Zilla Panchayat and the Zilla Panchayat may, after giving to the Panchayat and the owner concerned an opportunity of being heard, determine the amount payable by such owner and such determination shall be binding on the Panchayat and such owner.

(3) The Zilla Panchayat may by notification direct that the provision of sub-section (1) shall be applicable to such other establishments as may be specified in such notification.

158. *Agency for collection.* — The tax, rate, fee or other amount payable to the Panchayat may be collected by such agency as the Panchayat may appoint in this behalf, provided that it shall be lawful for a Panchayat to lease the right to [levy and] collect any tax, rates, fees or other amount that may be imposed under this Act, by public auction or by tender, subject to the rules prescribed and the amount due under such lease shall be recoverable in the manner provided in this Chapter.

CHAPTER [X] IX

Properties and Funds of Panchayats

159. *Panchayat may acquire, hold and dispose of property, etc.* — 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 Government in this behalf:

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 Zilla Panchayat.

160. *Vesting of property in Panchayat.* — (1) It shall be competent for the Government, or Zilla Panchayat with the concurrence of the Panchayat from time to time, to direct that any property vesting in the Government or Zilla Panchayat as the case may be, shall vest in the Panchayat either conditionally or otherwise:

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

(2) Every work constructed by a Panchayat out of the Panchayat fund shall vest in such Panchayat:

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

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

161. *Grants to a Panchayat or a Zilla Panchayat.* —

(1) The Government may, subject to such conditions as it deems fit, make grants to a Panchayat or a Zilla Panchayat for general purposes or for improvement of the area within its jurisdiction and welfare of the residents therein.

(2) The Government may sanction such loans as may be prescribed to the Panchayat or a Zilla Panchayat for taking up such Scheme, as may be prescribed within its jurisdiction.

162. *Panchayat Fund.* — (1) There shall be for each Panchayat, a fund called Panchayat Fund.

(2) The following shall form part of, or be paid into the Panchayat Fund, namely: —

(a) the amount which may be granted or passed on to the Panchayat by the Government or the Zilla Panchayat under the provisions of this Act or any other Act, or on any other account;

(b) the proceeds of any tax, rate and fee imposed by the Panchayat;

(c) all sums received by the Panchayat by way of loans or contributions from the Government or any other authority or person or by way of gift;

(d) the rent or other income from, or sale proceeds of any immovable or movable property owned by or vesting in the Panchayat; and

(e) all other sums received from any source whatsoever.

(3) The amounts at the credit of the Panchayat Fund shall be kept in [the Government Treasury of the taluka or with the approval of the Chief Executive Officer in] any Scheduled Bank or a Co-operative Bank situated in the panchayat area or the neighbouring panchayat area.

163. *Application of Panchayat Fund and property.* — (1) Subject to the provisions of this Act and rules made thereunder and such general or special orders of the Government, all property owned by, or vested in the Panchayat under this Act and all funds received by it and all sums accruing to it under the provisions of this Act or any other law for the time being in force, shall be applied for the purposes for which by or under this Act, or any other law for the time being in force, powers are conferred or duties are imposed upon the Panchayat:

Provided that no expenditure shall be incurred out of the Panchayat fund unless provision therefor has been made in the budget of the Panchayat or funds are obtained by re-appropriation duly approved except in such cases as may be prescribed.

(2) The Panchayat Fund shall also be utilised for the following purposes:—

(i) payment of salaries and allowances to the [Chairman] Sarpanch and [Vice-Chairman,] Deputy Sarpanch, Officers and staff travelling allowance, daily allowance, and sitting fees to the members of the Panchayat or any Committee thereof, subject to such rules as may be prescribed;

(ii) any amount falling due on any loan raised by the Panchayat;

(iii) with the previous sanction of the Chief Executive Officer, for any other purpose for which the application of such property or fund is necessary in public interest:

Provided that any amount granted to the Panchayat by the Government or any person or local authority for any specific work or purpose shall be applied exclusively for such work or purpose and in accordance with such instructions as the Government may specify, either generally or specially in this behalf.

164. *Panchayat may raise loans and form a sinking fund.*— A Panchayat may, with the previous sanction of the Government and subject to the conditions imposed by it from time to time, raise loans for the execution of any work or for the purpose of carrying out any of the provisions of this Act and form a sinking fund in the prescribed manner for the repayment of such loans.

165. *Zilla Panchayat may acquire, hold and dispose of property, etc.*— The power of every Zilla Panchayat to acquire, hold and dispose off property both movable and immovable whether within or without the limits of the area over which it has authority, to lease, sell or otherwise transfer any movable or immovable property which may have become vested in or been acquired by it, and to contract and to do all other things necessary for the purposes of this Act, which shall be subject to the rules made by the Government in this behalf:

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

166. *Vesting of property in Zilla Panchayat.*— (1) It shall be competent for the Government with the concurrence of the Zilla Panchayat from time to time, to direct that any property vesting in the Government shall vest in the Zilla Panchayat:

Provided that no lease, sale or transfer of such immovable property by the Zilla Panchayat shall be valid without the previous sanction of the Government.

(2) Every work constructed by the Zilla Panchayat out of Zilla Panchayat Fund shall vest in such Zilla Panchayat:

Provided that the Government may, if it deems fit, declare by order that such road, buildings or other works vested in the Zilla Panchayat, shall stand transferred to, and vest in the Government.

167. *Zilla Panchayat Fund.*— There shall be for each Zilla Panchayat, a fund called Zilla Panchayat Fund and the following shall form part of or be paid into the Zilla Panchayat Fund, namely:—

(i) the amounts transferred to the Zilla Panchayat Fund by appropriation from and out of the Consolidated Fund of the State;

(ii) all grants, assignments, loans and contributions made by the Government;

(iii) all fees and penalties paid to or levied by or on behalf of the Zilla Panchayat under this Act and all fines imposed under this Act;

(iv) all rents from lands or other properties of the Zilla Panchayat;

(v) all interests, profits and other moneys accruing by gifts, grants, assignments or transfers from private individuals or institutions;

(vi) all proceeds of land, securities and other properties sold by the Zilla Panchayat;

(vii) all sums received by or on behalf of the Zilla Panchayat by virtue of this Act:

Provided that sums received by way of endowments for any specific purpose shall not form part of or be paid into the Zilla Panchayat Fund.

168. *Custody and investment of Zilla Panchayat Fund.*— (1) The amounts at the credit of the Zilla Panchayat Fund shall be kept in the Government Treasury.

(2) It shall be lawful for the Zilla Panchayat to deposit with the sanction of the Government, in any Scheduled Bank or Co-Operative Bank in the State, any surplus funds in its hands which may not be required for current charges and with like sanction, to invest such funds in securities of the Government of India or the State Government or in such other securities as the Government may, from time to time, approve in this behalf and to vary such investment or dispose of such securities with like sanction.

169. *Application of Zilla Panchayat Fund and property.*— (1) Subject to the provisions of this Act and the rules made thereunder and such general or special orders as the Government may make, all property owned by or vested in the Zilla Panchayat under this Act and all funds received by it and all sums accruing to it under the provisions of this Act or any other law for the time being in force shall be applied for the purposes for which by or under this Act or any other law for the time being in force, powers are conferred or duties are imposed upon the Zilla Panchayat:

Provided that no expenditure shall be incurred out of the Zilla Panchayat Fund unless provision therefor has been made in the budget of the Zilla Panchayat or funds are obtained by re-appropriation duly approved except in such cases as may be prescribed.

(2) The Zilla Panchayat Fund and all property held or vested in the Zilla Panchayat under this Act

shall be applied, subject to the provisions of this Act, for the payment of,—

(a) salaries and allowances to the [Chairman] Adhyaksha and the [Vice-Chairman] Upadhyaksha and travelling and daily allowances to the [Chairman] Adhyaksha and [Vice-Chairman] Upadhyaksha for tours outside the district and travelling and daily allowance to the members of the Zilla Panchayat or any Committee thereof subject to such rules as may be made in this behalf by the Government;

(b) the salaries, allowances, pensions and gratuities of its officers and employees other than those whose salaries and allowances are paid from the Consolidated Fund of the State;

(c) any amounts falling due on any loans contracted by the Zilla Panchayat;

(d) for the purposes specified in this Act;

(e) all other purposes for which by or under this Act or the rules or regulations made thereunder or by or under any other law for the time being in force, powers are conferred or duties are imposed upon the Zilla Panchayat;

(f) with the previous sanction of the Government, for any other purpose for which the application of such property or fund is necessary in public interest:

Provided that any fund granted to the Zilla Panchayat by the Government or any person or local authority for any specific work or purpose, shall be applied exclusively for such work or purpose and in accordance with such instructions as the Government may specify, either generally or specially in this behalf.

170. *Rents and Fees.* — Save as otherwise provided in this Act and subject to the regulations made in this behalf, a Zilla Panchayat may charge fee for any licence or permission issued by it under this Act, and the rules made thereunder and levy rent and fee for the occupation or use of land or other property placed under its control or vested in it or maintained out of the Zilla Panchayat Fund.

171. *Zilla Panchayat may raise loans and form a sinking Fund.* — A Zilla Panchayat may, with the previous sanction of the Government and subject to the conditions imposed by it from time to time, raise loans for the execution of any work or for the purpose of carrying out any of the provisions of this Act and form a sinking fund for the repayment of such loans.

172. *Prohibition of expenditure not covered by the Budget.* — Except as hereinafter provided, no payment of any sum shall be made out of the Zilla Panchayat fund, unless the expenditure of the same is covered by a budget grant except in the following cases, namely: —

(a) refund of moneys which the Zilla Panchayat is authorised to make under this Act or the rules or regulations made thereunder;

(b) repayment of moneys belonging to the contractors or other persons held in deposit and of moneys credited to the Zilla Panchayat fund by mistake;

(c) sums which the Zilla Panchayat is required or empowered by this Act to pay by way of compensation;

(d) every sum payable,—

(i) under this Act by order of the Director or the Government;

(ii) under a decree or order of a civil court; and

(iii) under a compromise of any suit or other legal proceedings or claim.

173. *Government may place roads and other property under Zilla Panchayat.* — (1) It shall be lawful for the Government from time to time to direct, by notification, that any road, bridge, channel, building or other property, movable or immovable, which is vested in the Government and which is situated in the district, shall with the consent of the Zilla Panchayat and subject to such exceptions and conditions as the Government may make and impose, be placed under the control and administration of the Zilla Panchayat for the purposes of this Act and thereupon such road, bridge, channel, buildings or other property shall be under the control and administration of the Zilla Panchayat, subject to all exceptions and conditions so made and imposed and to all charges and liabilities affecting the same.

(2) It shall be competent for the Government by notification, to resume any property placed under the control of a Zilla Panchayat under sub-section (1), on such terms as the Government may determine.

CHAPTER [XI] X

Inspection, Supervision, etc.

174. *Power of inspection and supervision.* — The Secretary to the Government in charge of Panchayat Raj Department in case of the Zilla Panchayat, and the Chief Executive Officer in case of the Panchayat may,—

(a) inspect the offices or premises of or works taken up by any Zilla Panchayat, or Panchayat and for this purpose examine or cause to be examined the books of accounts, registers and other documents concerned and the Zilla Panchayat, or Panchayat concerned shall comply with the instructions issued after such inspections;

(b) call for any return, statement, account or report which he may think fit to require the Zilla Panchayat or Panchayat concerned to furnish.

175. *Technical supervision and inspections.* — (1) The Heads of Departments concerned and the Officers in charge of the Departments at the Divisional level, may inspect works or developmental schemes relating to their Department under the control of any Zilla Panchayat or Panchayat and also to inspect relevant documents pertaining to such work or development scheme in the manner specified by the Government.

(2) The scope of such inspections may cover technical aspects including feasibility, economic viability, the technical quality of the work and the expenditure being incurred.

(3) A report of inspections by such Officers after such inspection shall be forwarded to the Chief Executive Officer, or the Secretary, as the case may be, for appropriate action.

176. *Director and Chief Executive Officer's powers in respect of Panchayat and Zilla Panchayat.*— (1) The Chief Executive Officer may in respect of a Panchayat exercise the following powers:—

(a) call for proceedings of any Panchayat or any extract of any book or document in the possession or under the control of the Panchayat or any return or statement of account or report;

(b) require a Panchayat to take into consideration any objection which appears to him to exist towards the doing of anything which is about to be done or is being done by Panchayat or any information which appears to him to necessitate the doing of anything by such Panchayat or within such period as he may fix;

(c) order a duty to be performed within a specified period, if a Panchayat has made default in the performance of any duty and if such duty is not performed within the specified period, to appoint a person to perform such duty and direct that the expenses thereof shall be paid by the defaulting Panchayat within such period as he may fix;

(d) direct a Panchayat to levy any tax if it has failed to do so in accordance with the provisions of this Act;

(e) call for meetings of the Panchayat, or any of its Committees if no meeting of the Panchayat or its Committees has been held as per the provisions of this Act or rules.

(2) The Panchayat may appeal to the Director against any order under clause (c) of sub-section (1), within thirty days from the date of the order.

(3) The Director may, in respect of Zilla Panchayat, exercise the following powers:—

(a) call for proceedings of any Zilla Panchayat or any extract of any book or document in the possession or under the control of the Zilla Panchayat or any return or statement of account or report;

(b) require a Zilla Panchayat to take into consideration any objection which appears to him to exist towards the doing of anything which is about to be done or is being done by such Zilla Panchayat or any information which appears to him to necessitate the doing of anything by such Zilla Panchayat or within such period as he may fix;

(c) order a duty to be performed within a specified period if a Zilla Panchayat has made default in the performance of any duty and if such duty is not performed within the specified period, to appoint a person to perform such duty and direct that the expenses thereof shall be paid by the defaulting Zilla Panchayat within such period as he may fix;

(d) call for meetings of the Zilla Panchayat or any of its Committees if no meeting of the Zilla Panchayat or its Committees has been held as per the provisions of this Act or rules.

(4) A Zilla Panchayat may appeal to the Government against any order under clause (c) of sub-section (3), within thirty days from the date of the order.

177. *Power of Government, Director and Chief Executive Officer to provide for performance of duties in default of Panchayat or Zilla Panchayat.*— When the Government in case of a Zilla Panchayat, or the Director in case of a Panchayat, is informed on complaint made or otherwise, that any Zilla Panchayat or Panchayat has made default in performing any duty imposed upon it, by or under this Act, or by or under any law for the time being in force and if satisfied, after due enquiry that any Zilla Panchayat or Panchayat has failed in the performance of such duty, it or he may fix a period for the performance of that duty:

Provided that no such period shall be fixed unless the Zilla Panchayat, or Panchayat concerned, has been given an opportunity to show-cause why such an order shall not be made.

178. *Inquiry into affairs of Panchayat, or Zilla Panchayat by the Government.*— (1) The Government may, at any time for reasons to be recorded, cause an inquiry to be made by any of its officers in regard to any Panchayat, or Zilla Panchayat on matters concerning it, or any matters with respect to which the sanction, approval, consent or orders of the Government are required under this Act.

(2) The Officer holding such inquiry shall have the powers of the Civil Court under the Code of Civil Procedure, 1908 (Central Act 5 of 1908), to take evidence and to compel attendance of witnesses and production of documents for the purpose of the inquiry.

(3) The Government may make orders as to the costs of inquiries made under sub-section (1) and as to the parties by whom and the funds out of which they shall be paid and such order may, on the application of the Director or of any person named therein, be executed as if it were a decree of a Civil Court.

179. *Power of suspending execution of unlawful orders or resolution.*— (1) If in the opinion of the Director, the execution of any order or resolution of a Panchayat or Zilla Panchayat or any order of any authority or officer of the Panchayat or the Zilla Panchayat or the doing of anything which is about to be done, or is being done, by or on behalf of a Panchayat or a Zilla Panchayat is unjust, unlawful or improper or is causing or is likely to cause injury or annoyance to the public or to lead to a breach of peace, he may by order suspend the execution or prohibit the doing thereof.

(2) When the Director makes an order under sub-section (1), he shall forthwith forward to the Government and the Panchayat or Zilla Panchayat affected thereby a copy of the order with a statement of the reasons for making it, and the Government may confirm or rescind the order or direct that it shall continue to be in force with or without modification permanently or for such period as it thinks fit:

Provided that no order of the Director passed under sub-section (1) shall be confirmed, revised

or modified by the Government without giving the Panchayat or the Zilla Panchayat concerned a reasonable opportunity of showing cause against the proposed order.

180. *Purchase of stores and equipments.* — (1) The Government may by general or special order provide for all or any of the following matters, namely:—

(a) the manner in which purchase of stores, equipments, machineries and other articles required by a Zilla Panchayat, or Panchayat shall be made by them;

(b) the manner in which tender for works, contracts and supplies shall be invited and examined and accepted;

(c) the manner in which works and development schemes may be executed and inspected and payment may be made in respect of such works and Scheme; and

(d) constitution of Committee for the purpose of this section.

(2) Save as otherwise expressly provided in sub-section (1), in respect of all other matters relating to drawal of funds, form of bills, incurring of expenditure, maintenance of accounts, rendering of accounts and such other matters, the rules of implementation as applicable to the Departments of the Government shall mutatis mutandis apply.

181. *Power to appoint Administrator in certain cases.* — (1) Whenever, —

(a) any general election to a Zilla Panchayat or Panchayat under this Act or any proceedings consequent thereon has been stayed by an order of a competent court or authority; or

(b) all the members or more than two-thirds of the members of a Zilla Panchayat have resigned;

The Government shall, by notification in the Official Gazette, appoint an Administrator for such period as may be specified in the notification and may, by like notification, curtail or extend the period of such appointment, as however the total period of such appointment shall not exceed six months.

(2) Notwithstanding anything contained in this Act, on the appointment of an Administrator under sub-section (1), and during the period of such appointment, the Zilla Panchayat and the Committees thereof and the [Chairman] Adhyaksha or [Vice-Chairman] Upadhyaksha of such Panchayat, charged with carrying out the provisions of this Act, or of any other law, shall cease to exercise any powers and perform and discharge any duties or functions conferred or imposed on them by or under this Act or any other law and all such powers shall be exercised and all such duties and functions shall be performed and discharged by the Administrator.

182. *Government's power to specify the role of Panchayats.* — (1) The Government may, by general or special order, specify from time to time, the role of Panchayat and Zilla Panchayat in respect of the

programmes, Schemes and activities related to the functions specified in Schedule I and II, in order to ensure properly [no-]coordinated and effective implementation of such programmes, Schemes and activities.

(2) When the Director makes an order under sub-section (1), he shall forthwith forward to the Government and the Panchayat or Zilla Panchayat affected thereby, a copy of the order with a statement of the reasons for making it, and the Government may confirm or rescind the order or direct that it shall continue to be in force with or without modification permanently or for such period as it thinks fit:

Provided that no order of the Director passed under sub-section (1) shall be confirmed, revised or modified by the Government without giving the Panchayat or the Zilla Panchayat concerned a reasonable opportunity of showing cause against the proposed order.

CHAPTER [XII] XI

Financial Control and Audit

183. *Presentation of accounts and budget of Panchayat.* — (1) The Secretary shall prepare and lay before the Panchayat at a meeting, which shall be held between the first day of February and the tenth day of March, a complete account of the actual or expected receipts and expenditure for the financial year ending on the thirty-first day of March next following together with a budget estimate of the income and expenditure, of the Panchayat for the financial year to commence on the first day of April next following.

(2) The Panchayat shall thereupon decide upon the appropriations and the ways and means contained in the budget of the year to commence on the first day of April next following. The budget as passed by the Panchayat shall be sent to the Zilla Panchayat before such date as may be fixed by the Government.

(3) In such budget estimate, the Panchayat shall among other things, —

(a) make adequate and suitable provision for such services as may be required for the fulfilment of the several duties imposed on the Panchayat by this Act or any other law;

(b) allow for a balance at the end of the year of not less than such sum or percentage of income as may from time to time be fixed by the Government either generally for all Panchayats or specially for any Panchayat;

(c) provide for the payment, as they fall due, of all instalments of principal and interest for which the Panchayat may be liable in respect of loans contracted by it.

(4) If such budget estimate is not in accordance with the provisions of this Act or the rules and orders issued thereunder, the Zilla Panchayat may within two months from the date of receipt of the budget, modify the same to secure compliance with this Act, the rules or the orders:

Provided that the Zilla Panchayat shall not have power to direct that total proposed expenditure shall exceed the total of the estimated income of the Panchayat for the following year and the opening balance.

(5) If the Panchayat fails to pass the budget estimate on or before the date mentioned in sub-section (1), the Secretary shall forward the budget estimate to the Zilla Panchayat and it shall approve it with or without modification. The budget as approved by the Zilla Panchayat shall be certified by the Chief Executive Officer and thereupon shall be deemed to have been duly approved by the Panchayat.

184. *Revision of budget.*— If, in the course of the financial year, the Panchayat finds it necessary to modify the provision made in the budget with regard to the receipts or to the distribution of the amounts to be expended on the different services it undertakes, it may make such modifications:

Provided that no diversion of grants transferred by the Government out of the Consolidated Fund of the State can be made for a purpose or programme or Scheme not covered under such grants:

Provided further that, without the approval of the Chief Executive Officer,—

(a) no reduction of over ten percent shall be made in the grants approved for any developmental functions of the Panchayat; and

(b) the closing balance shall not be reduced below the sum fixed under clause (b) of sub-section (3) of section 183.

185. *Maintenance of accounts and restriction of expenditure.*— (1) Accounts of the income and expenditure of a Panchayat shall be kept in accordance with such rules as may be prescribed.

(2) Expenditure from the Panchayat Fund shall, save as otherwise expressly provided for in this Act, be incurred subject to such sanctions, conditions and limitations as may be prescribed.

(3) A Panchayat shall, within a period not exceeding three months after the close of the financial year, pass the accounts of that year.

186. *Transmission of accounts.*— The Panchayat shall as soon as the annual accounts have been finally passed by it, transmit a copy thereof to the Zilla Panchayat in the form prescribed and shall furnish such details and vouchers relating to the same as the Zilla Panchayat may, from time to time, direct.

187. *Power to write off irrecoverable amounts.*— Subject to such restriction as may be prescribed, a Panchayat may write off any tax, fee, rate or other amount whatsoever due to it, whether under a contract or otherwise, or any sum payable in connection therewith if, in its opinion, such tax, fee, rate or other amount or sum is irrecoverable.

188. *Audit of accounts.*— (1) The accounts of every Panchayat shall be audited each year by

such officer as may be authorised by the Director of Accounts of the Government (hereinafter referred to as the 'auditor').

(2) The auditor shall, for the purpose of audit, have access to all the accounts and other records of the Panchayat.

(3) The auditor may,—

(a) require in writing the production before him of such voucher, statements, returns, correspondence, notes or other documents which he may consider necessary for the proper conduct of his audit;

(b) require in writing any person accountable for, or having the custody or control of, any such vouchers, statements, returns, correspondence, notes or documents or any person having directly or indirectly by himself or his partner, any share or interest in any contract with or under the Panchayat, to appear in person before him;

(c) require any person so appearing before him to make and sign a declaration with respect to such vouchers, statements, returns, correspondence, notes or documents or to answer any statements;

(d) in the event of an explanation being required from the Chairman or other member of the Panchayat, in writing invite such person to meet him and shall in writing specify the point on which explanation is required.

(4) Any person who wilfully neglects or refuses to comply with any requisition lawfully made under sub-section (3), shall on conviction, be punished with fine which may extend to one hundred rupees:

Provided that no proceedings under this sub-section shall be instituted without the sanction of the Chief Executive Officer.

(5) The auditor shall, within one month after the completion of audit, forward a copy of the audit report to the Panchayat and to the Chief Executive Officer.

(6) On receipt of the audit report, the Panchayat shall either remedy any defects or irregularities which have been pointed out in the report and send to the Executive Officer within three months an intimation of its having done so, or shall within the same period furnish to the Chief Executive Officer any further explanation in regard to such defects or irregularities.

(7) On receipt of such intimation or explanation in respect of all or any of the matters discussed in the audit report, the Chief Executive Officer may, in consultation with the auditor,—

(a) accept the intimation or explanation given by the Panchayat and order the withdrawal of the objection; or

(b) direct that the matter be reinvestigated at the next audit or at any earlier date; or

(c) direct that the defects or irregularities pointed out in the audit report or any of them shall be removed or remedied by the Panchayat.

(8) The Chief Executive Officer may, after making such enquiry as he may consider necessary, disallow any item of expenditure which appears to him to be contrary to law and surcharge the amount thereof on the person making or authorising the illegal payment and after taking the explanations of the person concerned, the Chief Executive Officer may direct by an order in writing that such person shall pay to the Panchayat the amount surcharged alongwith interest at fifteen percent per annum on the amount due, from the date from which it became due and if the amount is not paid within two months from the date of such order, the Chief Executive Officer shall take steps to recover it as an arrears of land revenue and credit it to the Panchayat Fund.

(9) Any person aggrieved by the order of the Chief Executive Officer under sub-section (8), may, within thirty days of the receipt by him of a copy of the decision, appeal to the Director who shall pass such orders as he may deem fit.

(10) The Director of Accounts shall submit a summary of observations made in the audit report and rectifications made by the Panchayats to the Government[,] which shall be laid on the table of the House.

189. *Presentation of accounts and budget of Zilla Panchayat.* — (1) The Finance, Audit and Planning Committee shall cause to be prepared and laid before the Zilla Panchayat at a meeting, which shall be held between the first day of February and the tenth day of March, a complete account of the actual and expected receipts and expenditure for the financial year ending on the thirty-first day of March next following together with a budget estimate of the income and expenditure of the Zilla Panchayat for the financial year to commence on the first day of April next following.

(2) The Zilla Panchayat shall thereupon decide upon the appropriations and the ways and means contained in the budget of the year to commence on the first day of April next following. The budget as passed by the Zilla Panchayat shall be sent to the Government before such date as may be fixed by the Government.

(3) In such budget estimate, the Zilla Panchayat shall among other things, —

(a) make adequate and suitable provision for such services as may be required for the fulfillment of the several duties imposed on the Zilla Panchayat by this Act or any other law;

(b) provide for the payment, as they fall due, of all instalments of principal and interest for which the Zilla Panchayat may be liable in respect of loans contracted by it;

(c) allow for a balance at the end of the said year of not less than such sum or percentage of income as may from time to time, be fixed by the Government either generally for all Zilla Panchayats or specially for any Zilla Panchayat.

(4) If such budget estimate is not in accordance with the provisions of this Act or the rules and orders issued thereunder, the Government may,

within two months from the date of receipt of the budget, modify the same to secure compliance with this Act, the rules or the orders:

Provided that the Government shall not have power to direct that total proposed expenditure shall exceed the total of the estimated income of the Zilla Panchayat for the following year and the opening balance.

(5) If the Zilla Panchayat fails to approve the budget estimate on or before the date mentioned in sub-section (1), the Chief Executive Officer shall forward the budget estimate to the Government and the Government shall approve it with or without modification. The budget as approved by the Government shall be certified by the Government and thereupon shall be deemed to have been duly approved by the Zilla Panchayat.

190. *Revision of budget.* — If, in the course of the financial year, the Zilla Panchayat finds it necessary to modify the provisions made in the budget with regard to the receipts or to the distribution of the amounts to be expended of the different services it undertakes, it may make such modification:

Provided that no diversion of grants transferred by the Government out of the consolidated funds of the State may be made for a purpose, programme or Scheme not covered under such grants:

Provided also that, without the approval of the Government, —

(a) no reduction of over ten percent is made in the grants approved for any developments, functions of the Zilla Panchayat;

(b) the closing balance shall not be reduced below the sum fixed under clause (c) of sub-section (3) of section 189.

191. *Supplementary budget.* — Supplementary budget may be prepared and submitted whenever necessary. The Zilla Panchayat may at any time during the year for which a budget has been sanctioned by the Government, cause a supplementary budget to be prepared and submitted to the Government. Every such supplementary budget shall be considered and approved by the Zilla Panchayat and submitted to the Government for approval.

192. *Maintenance of accounts and restrictions of expenditure.* — (1) Accounts of the income and expenditure of the Zilla Panchayat Fund shall be kept in accordance with such rules as may be prescribed.

(2) Expenditure from the Zilla Panchayat Fund shall, save as otherwise expressly provided for in this Act, be incurred subject to such sanctions, conditions and limitations as may be prescribed.

(3) The Zilla Panchayat shall within a period not exceeding three months after the close of the financial year, pass the accounts of that year.

193. *Transmission of accounts.* — The Zilla Panchayat shall, as soon as the annual accounts have been finally passed by it, transmit to the Government an account in the form prescribed in this behalf, and shall furnish such details and vouchers

relating to the same as the Government may, from time to time direct.

194. *Power to write off irrecoverable sums.*— Subject to such restrictions as may be prescribed, a Zilla Panchayat may write off any sum due to it, whether any sum payable in connection therewith, if in its opinion, is irrecoverable.

195. *Audit of Accounts.*— (1) The accounts of the Zilla Panchayat Fund shall be audited by the Comptroller and Auditor-General of India (hereinafter referred to as auditor), in accordance with the provisions of the Comptroller and Auditor-General's (Duties, Powers and Conditions of Service) Act, 1971 (Central Act 56 of 1971).

(2) The auditor shall, for the purpose of audit have access to all the accounts and other records of the Zilla Panchayat.

(3) The Government shall on receipt of the audit report of the Zilla Panchayats, lay them before the State Legislature.

196. *Action by Zilla Panchayat on audit report.*—

(1) The Zilla Panchayat shall, on the report of the auditor or may on its own motion and after taking the explanation of the person concerned or making such further enquiry as it may consider necessary, charge any person responsible for irregular expenditure pointed out by the auditor or the amount of any deficiency or loss caused by the negligence or misconduct of such person or any sum received which ought to have been, but is not brought into account by such person, and shall in every such case, certify the amount due from such person.

(2) The Zilla Panchayat shall in writing state the reasons for its decision in respect of every charge and send a copy thereof to the person against whom it is made.

197. *Recovery of amounts disallowed.*— (1) Every sum certified by Zilla Panchayat, to be due from any person under sub-section (1) of section 196 shall be paid by such person to the Zilla Panchayat within thirty days from the date of the receipt by him of a copy of the decision.

(2) Such sum, if not duly paid alongwith interest at fifteen percent per annum on the amount due from the date from which it became due, shall be recoverable as an arrear of land revenue alongwith the necessary expenses of such recovery and shall be credited to the Zilla Panchayat Fund.

198. *Procedure for recovery of dues of Zilla Panchayat.*— (1) When any sum payable on demand, —

(a) which by or under the provisions of this Act, is declared to be recoverable in the manner provided by this Chapter; or

(b) which is claimable as a fee, tax or other amount due to the Zilla Panchayat under this Act, or under any rules or regulations made thereunder, shall have become payable and remains unpaid for fifteen days after the same is due, the Chief Executive Officer, or an officer duly authorised by him in writing in this behalf (hereinafter referred to as the authorised officer), may serve upon the person or persons liable to pay such sum, a notice in writing in the prescribed form.

(2) If such person does not, within fifteen days, from the service of such notice of demand upon him, pay the sum due, or show cause to the satisfaction of the Chief Executive Officer as to why the same should not be paid, the Chief Executive Officer or the Executive Officer may recover such sum, with all costs, by distraint and sale of the movable property of the defaulter.

(3) In order to effect the distraint and sale of property under sub-section (2), the Chief Executive Officer or the authorised officer concerned, shall issue a warrant in the prescribed form and a warrant fee of one rupee shall be leviable for each such warrant.

(4) The Chief Executive Officer or the authorised officer concerned shall make an inventory of the property distrained, a copy of which shall on demand be delivered to the defaulter or any person on his behalf, and if the amount due is not paid within fifteen days after distraint, the property may be sold.

(5) The Chief Executive Officer or the authorised officer concerned shall give or cause to be given to every person making payment of the amount due, a receipt therefor signed by him. Such receipt shall specify, —

(a) the date of the payment thereof;

(b) the name of the person by whom it is paid;

(c) the amount due in respect of which the payment has been made;

(d) the period for which the payment has been made; and

(e) the amount in respect of which it is granted.

(6) Any sum due to a Zilla Panchayat under this Act, shall without prejudice to any other mode of collection, be recoverable as an arrear of land revenue.

199. *Conditions of distraint and sale.*— (1) Whenever, under section 198 any property is distrained, seized or sold in consequence of the non-payment of any amount due, such distraint, seizure and sale shall be effected subject to the provisions of the following sub-sections and of section 62 of the Code of Civil Procedure, 1908 (Central Act 5 of 1908).

(2) All such property as is by the Code of Civil Procedure, 1908 (Central Act 5 of 1908), exempt from attachment or sale in execution of the decree shall be exempt from distraint or sale under this section.

(3) The distress shall not be excessive. The value of the property distrained shall be, as nearly as possible, proportionate to the amount due on account of the fee, rent or the other amount due, and the distraint fee and the probable expenses incidental to the detention and sale of the said property.

(4) When the property seized is subject to speedy and/or natural decay, or if in the opinion of the person seizing the property, the expenses of keeping it in custody together with amount due, exceeds the value of the property, the said person shall immediately

tely after seizure of such property, give notice to the person from whose possession it was seized, to the effect that it will be sold at once and shall sell it accordingly unless the amount due is paid forthwith.

(5) Any surplus amount that may remain after deducting the amount due and of the said expenses, including the expenses of the sale, shall be paid to the owner of the property.

(6) If any claim be set up by a third person to movable property distrained under section 198, the Chief Executive Officer shall after a summary enquiry held, after giving reasonable notice to the claimant admit or reject the claim. If the claim is admitted wholly or partly, the property shall be disposed of/dealt with accordingly. Except in so far as it is admitted, the property shall be sold and the title of the purchaser shall hold good for all purposes, and the proceeds shall be disposed as hereinbefore directed.

Provided that nothing in this sub-section shall be deemed to bar the claimant or any person having any interest in the property distrained from seeking relief in a Civil Court having jurisdiction.

200. *Finance Commission.* — (1) The Government shall as soon as may be, within one year from the date of commencement of this Act and thereafter at the expiration of every fifth year, constitute a Finance Commission to review the financial position of the Zilla Panchayats, Panchayats and to make recommendation to the Government as to, —

(a) the principles which should govern, —

(i) the distribution between the State and the Zilla Panchayats, and Panchayats and the net proceeds of the tax, duties, tolls and fees leviable by the Government which may be divided between them and allocation between the Zilla Panchayats and Panchayats of their respective shares of such proceeds;

(ii) the determination of the taxes, duties, tolls and fees which may be assigned to or appropriated by the Zilla Panchayats;

(iii) the grants-in-aid to the Zilla Panchayat and Panchayat from the consolidated fund of the State;

(b) the measures needed to improve the financial position of the Zilla Panchayats and Panchayats;

(c) any other matter referred to the Finance Commission by the Governor in the interest of sound finance of the Zilla Panchayats and Panchayats.

(2) The Finance Commission shall consist of a Chairman and two other members.

(3) The Chairman and members of Finance Commission shall possess such qualification and shall be appointed in such manner as may be prescribed.

(4) The Finance Commission shall determine its procedure.

(5) The Chairman or a member of the Finance Commission may resign his office by writing under

his hand and addressing to the Finance Secretary to the Government, but he shall continue in office until his resignation is accepted by the Government.

(6) The casual vacancy created by the resignation of the member or Chairman under sub-section (5) or for any other reason, may be filled by fresh appointment and a member or Chairman so appointed shall hold office for the remaining period for which the member or Chairman in whose place he was appointed would have held office.

(7) The Commission shall have the following powers in the performance of its functions, namely: —

(a) to call for any record from any officer or authority;

(b) to summon any person to give evidence or produce records;

(c) such other power as may be prescribed.

(8) The Governor shall cause every recommendation made by the Finance Commission under this section together with an explanatory memorandum as to the action taken thereof to be laid before the State Legislature.

CHAPTER [XIII] XII

Miscellaneous

201. *Dissolution of Panchayats.* — (1) If, in the opinion of the [Director] Government, a Panchayat exceeds or abuses its powers or is not competent to perform or makes persistent default in the performance of the duties imposed on it under this Act or any other law for the time being in force, the [Director] Government may, after consultation with the Zilla Panchayat concerned by an order published in the Official Gazette dissolve such Panchayat.

(2) If in the opinion of the Government, a Zilla Panchayat exceeds or abuses its power or is not competent to perform or makes persistent default in the performance of the duties imposed on it under this Act or any other law for the time being in force, the Government may after conducting an inquiry under Section 178, by an order published in the Official Gazette, dissolve such Zilla Panchayat.

(3) Before publishing an order under sub-section (1) or sub-section (2), [the Director or] the Government, [as the case may be,] shall communicate to the Panchayat or Zilla Panchayat, as the case may be, the grounds on which he or it proposes to do so, fix a reasonable period for the Panchayat or Zilla Panchayat to show-cause against the proposal and consider its explanation and objections, if any.

(4) When a Zilla Panchayat or Panchayat is dissolved, all the members of such Zilla Panchayat or Panchayat as the case may be, shall, from the date specified in the order, vacate their office as such members.

(5) When a Panchayat or Zilla Panchayat is dissolved it shall be reconstituted in the manner provided in this Act before the end of six months from the date of such dissolution:

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

(6) A Zilla Panchayat or Panchayat constituted upon dissolution before the expiration of its duration, shall continue only for the remainder of the period of which the dissolved Zilla Panchayat or Panchayat would have continued had it not been so dissolved.

(7) If a Panchayat or Zilla Panchayat is dissolved, —

(a) all the powers and duties of the Zilla Panchayat or Panchayat shall, during the period of its dissolution be exercised and performed by such person or persons as the Zilla Panchayat or the Government, as the case may be, may from time to time appoint in this behalf;

(b) all property vested in the Panchayat or Zilla Panchayat dissolved shall during the period of dissolution vest in the Government.

(c) the persons vacating office on dissolution shall be eligible for re-election.

202. *Appeals.* — (1) Any person aggrieved by original order of the Panchayat under sections 77, 78, 85, 101, 105 and 106 of the Act may, within such period as may be prescribed, appeal to the Director.

(2) The Appellate Authority may, after giving an opportunity to the appellant to be heard and after such enquiry as it deems fit, decide the appeal and its decision shall be final.

203. *Power over decisions of committees.* — Every Zilla Panchayat or Panchayat concerned shall have power to revise or modify any decision taken by any of its Committees.

204. *Requisition of premises, vehicles, etc. for election purposes.* — (1) If it appears to an officer authorised by the State Election Commission for conduct of elections to the Zilla Panchayat or a Panchayat under this Act (hereinafter referred to as "the requisitioning authority"), that in connection with an election under this Act, —

(a) any premises is needed or is likely to be needed for the purpose of being used as a polling station or for the storage of ballot boxes after a poll has been taken; or

(b) any vehicle 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 performance of any duties in connection with such election, the requisitioning authority 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 it to be necessary or expedient in connection with the requisitioning:

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 in such elections.

(2) The requisitioning shall be effected by an order in writing addressed to the person deemed by the requisitioning authority, and such order shall be served in the manner prescribed on the person to whom it is addressed.

(3) Whenever any property is requisitioned under sub-section (1), the period of such requisitioning shall not extend beyond the period for which such property is required for any of the purposes mentioned in this sub-section.

Explanation. —

(4) In this section, —

(a) "premises" means any land, building or part of building and includes a hut, shed or other structure or part thereof;

(b) "vehicle" means any vehicle used or capable of being used for the purposes of road transport, whether propelled by mechanical power or otherwise.

205. *Payment of compensation.* — (1) Whenever in pursuance of section 204, the requisitioning authority requisitions any premises, the Panchayat or Zilla Panchayat concerned shall pay to the persons interested compensation the amount of which shall be determined by the requisitioning authority by taking into consideration the following factors that is to say, —

(i) the rent payable in respect of the premises, if no rent is so payable, the rent payable for similar premises in the locality;

(ii) if in consequence of the requisitioning of premises the person interested is compelled to change his residence or place of business, the reasonable expense, if any, incidental to such change:

Provided that, when any person interested being aggrieved by the amount of compensation so determined makes an application to the requisitioning authority within thirty days of the order under sub-section (1), the matter shall be referred by the requisitioning authority to the Court having jurisdiction in the locality and the amount of compensation to be paid shall be such as the Court may determine.

Explanation. — In this sub-section, the expression "person interested" means the person who was in the actual possession of the premises requisitioned under section 204 immediately before the requisitioning or where no person was in such actual possession, the owner of such premises.

(2) Whenever in pursuance of section 204, the requisitioning authority requisitions any vehicle or vessel, the Panchayat, or Zilla Panchayat shall pay to the owner thereof compensation, the amount of which shall be determined by the requisitioning authority on the basis of fair rates prevailing in the locality for the hire of such vehicle or vessel:

Provided that where the owner of such vehicle or vessel being aggrieved by the amount of compen-

sation so determined, makes an application within thirty days to the requisitioning authority, the matter shall be referred to the Court having jurisdiction in the locality and the amount of compensation to be paid shall be such as the Court may determine:

Provided further that where immediately before the requisitioning, the vehicle or vessel was, by virtue of a hire purchase agreement, in the possession of a person other than the owner, the amount determined under this sub-section as the total compensation shall be apportioned between that person and the owner in such manner as they may agree upon and in default of agreement, in such manner as an arbitrator appointed by the requisitioning authority in this behalf may decide.

206. *Power to obtain information.*—The requisitioning authority may, with a view to requisitioning any property under section 204 or determining the compensation payable under section 205 by order, require any person to furnish to such authority as may be specified in such order, information in his possession relating to such property as may be specified.

207. *Power of entry into and inspection of premises, etc.*—(1) Any person authorised in this behalf by the requisitioning authority may enter into any premises and inspect such premises and any vehicle or vessel therein for the purpose of determining whether and if so in what manner an order under section 206 should be made in relation to such premises, vehicle or with a view to securing compliance with any order made under that section.

(2) In this section, the expression "premises" and "vehicle" have the same meaning as in section 204.

208. *Eviction from requisitioned premises.*—(1) Any person remaining in possession of any requisitioned premises in contravention of any order made under section 204, may be summarily evicted from the premises by any officer empowered by the requisitioning authority in this behalf.

(2) Any officer so empowered may, after giving to any woman not appearing in public, reasonable warning and facility to withdraw, remove or open any lock or bolt or break open any door of any building or do any other act necessary for effecting such eviction.

209. *Release of premises from requisitioning.*—(1) When any premises requisitioned under section 204 are to be released from requisition, the possession thereof shall be delivered to the person from whom possession was taken at the time of the requisition or if there was no such person, to the person deemed by the requisitioning authority to be the owner of such premises and such delivery of possession shall be a full discharge of the requisitioning authority from all liabilities in respect of such delivery but shall not prejudice any rights in respect of the premises which any other person may be entitled by due process of law to enforce against the person to whom possession of the premises is so delivered.

(2) Where the person to whom possession of any premises requisitioned under section 204 is to be given under sub-section (1) cannot be found or is

not readily ascertainable or has no agent or any other person empowered to accept delivery on his behalf, the requisitioning authority shall cause a notice declaring that such premises are released from the requisition to be affixed on some conspicuous part of such premises and on the notice board of the office of the Mamlatdar of the Taluka.

(3) When a notice is affixed on the notice board as provided in sub-section (2), the premises specified in such notice shall cease to be subject to requisition on and from the date of such affixing of the notice and be deemed to have been delivered to the person entitled to possession thereof and the requisitioning authority or the Zilla Panchayat or Panchayat shall not be liable for any compensation or other claim in respect of such premises for any period after the said date.

210. *Penalty for contravention of any order regarding requisition.*—If any person contravenes any order made under section 204 or section 206 he shall, on conviction, be punished with imprisonment for a term which may extend to one year or with fine or with both.

211. *Penalty for acting as a member, [Chairman or Vice-Chairman], Sarpanch or Dy. Sarpanch of Village Panchayat and Adhyaksha or Upadhyaksha at Zilla Panchayat when disqualified.*—(1) Whoever acts as a member of a Panchayat or Zilla Panchayat when he knows that under this Act or the rules made thereunder, he is not entitled to or has ceased to be entitled to hold office as such, shall, on conviction, be punished with fine of one hundred rupees for every day on which he sits or votes as a member.

(2) Whoever acts as the [Chairman] Sarpanch or [Vice-Chairman] Dy. Sarpanch of Panchayat or Adhyaksha or Upadhyaksha of Zilla Panchayat or exercises any of his functions when he knows that under this Act or the rules made thereunder, he is not entitled to or has ceased to be entitled to hold office as such, or to exercise such functions shall, on conviction, be punished with fine of two hundred rupees for every day on which he acts or functions as such.

(3) Any person who has been the [Chairman] Sarpanch or [Vice-Chairman] Dy. Sarpanch of a Panchayat, or Adhyaksha or Upadhyaksha of Zilla Panchayat fails to hand over any document or any moneys or other properties vested in, or belonging to, the Panchayat or the Zilla Panchayat, as the case may be, which are in or have come into his possession or control to his successor in office or other prescribed authority,—

(a) in every case, as soon as his term of office as [Chairman] Sarpanch or [Vice-Chairman] Dy. Sarpanch of Panchayat and Adhyaksha or Upadhyaksha of Zilla Panchayat expires; and

(b) in the case of a person who was the [Vice-Chairman] Dy. Sarpanch on demand by the [Chairman;] Sarpanch of the Panchayat and Upadhyaksha of the Zilla Panchayat.

shall, on conviction, be punished with a fine which may extend to one hundred rupees.

212. *Penalty for interested member voting.*—Whoever votes as member of a Panchayat or Zilla Panchayat in contravention of the provisions of sub-section (4) of section 56 or clause (g) of sub-section (2) of section 137, shall on conviction, be punished with fine which may extend to five hundred rupees.

213. *Penalty for acquisition by officer or servant of interest in contract.*—If any member, officer or servant of a Panchayat or Zilla Panchayat knowingly acquires for himself directly or indirectly, by himself or by a partner, employer or servant, any share or interest in any contract or employment with, by or on behalf of a Panchayat or Zilla Panchayat he shall, on conviction, be punished with fine which may extend to five hundred rupees:

Provided that no person shall, by reason of being a share-holder, in or member of, any company, be held to be interested in any contract entered into between such company and the Panchayat or Zilla Panchayat unless he is a Director of such company:

Provided further that nothing in this section shall apply to any person who, with the sanction of the Director enters into a contract with a Panchayat or Zilla Panchayat.

214. *Wrongful obstruction of certain officers.*—Any person who prevents the Chief Executive Officer or the Secretary or any person to whom such officer has lawfully delegated his powers from entering on or into any place, building or land, from exercising his lawful power of entering thereon or therein shall, on conviction, be punished with simple imprisonment for a term which may extend to one month or with fine which may extend to five hundred rupees or with both.

215. *Prohibition against obstruction of [Chairman] Sarpanch or [Vice-Chairman] Dy. Sarpanch etc.*—Any person obstructing a [Chairman] Sarpanch, [Vice-Chairman] Dy. Sarpanch, Secretary or member of a Panchayat, [Chairman] Adhyaksha, [Vice-Chairman] Upadhyaksha, Chief Executive Officer or member of a Zilla Panchayat or any person employed by the Panchayat or Zilla Panchayat or any person with whom a contract has been entered into by or on behalf of a Panchayat or Zilla 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 any rules, bye-law, regulation or order made thereunder, shall, on conviction, be punished with fine which may extend to five hundred rupees.

216. *Prohibition against removal or obliteration of notice.*—Any person, who without authority in that behalf, removes, destroys, defaces or otherwise obliterated any notice exhibited or any sign or mark erected by or under the orders of, a Panchayat, or Zilla Panchayat or its executive authority, shall, on conviction, be punished with fine which may extend to one hundred rupees.

217. *Penalty for not [having] furnishing information or giving false information.*—Any person who is required by this Act or by any notice or by other proceedings issued thereunder to furnish any information, fails to furnish any information

or knowingly false information, shall, on conviction, be punished with fine which may extend to one hundred rupees.

218. *Bidding prohibited.*—(1) No member or employee of the Panchayat or Zilla Panchayat or any officer having any duty to perform in connection with the sale of movable or immovable property under this Act shall directly or indirectly bid for or acquire interest in, any property sold at such sale.

(2) Any person who contravenes the provisions of sub-section (1) shall, on conviction, be punished with fine which may extend to five hundred rupees, and if he is an officer or employee of the Panchayat or Zilla Panchayat, shall also be liable for dismissal from service.

219. *Application of the term "public servant" to members of Panchayats and their officers and servants.*—Every member of Panchayat, or Zilla Panchayat and every officer and servant, employee under the Panchayat, or Zilla Panchayat shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code and the Prevention of Corruption Act, 1988 (Central Act 49 of 1988) for the time being in force.

220. *Damage to any property of Panchayats and how made good.*—If through any act, neglect or default on account of which any person shall have incurred penalty imposed by or under this Act and any damage to the property of any Panchayat or Zilla Panchayat shall have been caused by such person, he shall be liable to make good such damage as well as to pay such penalty and the value of the damage shall, in case of dispute, be determined by the Court having jurisdiction. The person incurring such penalty shall be convicted, and non-payment of such value on demand, the same shall be levied by distress, and the Court shall issue a warrant accordingly.

221. *Restrictions with respect to institution of suits against a Panchayat or Zilla Panchayat.*—(1) No suit for damages or compensation shall be instituted against any Panchayat or Zilla Panchayat or any of its officers, or any person acting under its direction, for anything done or purporting to be done under this Act or any rule, bye-law, regulation or order made thereunder until the expiration of two months next after notice in writing shall have been delivered or left at the office of the Panchayat or Zilla Panchayat concerned or at the place of abode of such officer or person; such notice shall state the cause of action, the relief sought, the amount of compensation, if any, claimed and the name and the place of abode of the intending plaintiff.

(2) If any person to whom any notice is given under sub-section (1), tenders the amount to the plaintiff before the suit is instituted and if the plaintiff does not recover in any such action more than the amount so tendered, he shall not recover any costs incurred after such tender and the defendant shall be entitled to costs as from the date of tender.

(3) When the defendant in any suit is a member, Officer or servant of such Panchayat, or Zilla Panchayat or any person acting under its direction, the Secretary or Chief Executive Officer, as the

case may be, shall determine whether defence shall be undertaken by such Panchayat or Zilla Panchayat and be paid for out of its fund.

(4) Nothing in this section shall be deemed to apply to any suit instituted under section 38 of the Specific Relief Act, 1963 (Central Act 47 of 1963).

[222. *Government not to obtain licences and permission.* — Nothing in this Act or in any rule, bye-law or regulation made thereunder shall be construed as requiring the taking out of any licence or the obtaining of any permission under this Act or any such rule, bye-law or regulation in respect of any place in the occupation or under the control of the Central Government or the Government or in respect of any property of the Central Government or Government.]

[223] 222. *Injunctions not to be granted in election proceedings.* — Notwithstanding anything in any law for the time being in force, no court shall grant any permanent or temporary injunction or make any interim order restraining any proceeding which is being or about to be taken under this Act for the conduct of any election under this Act.

[224.] 223. *Punishment for disobedience or orders and notices not punishable under any other section.* — Whoever disobeys or fails to comply with any lawful direction given by way of written notice issued by or on behalf of a Panchayat, or Zilla Panchayat under any power conferred by this Act or fails to comply with the conditions subject to which any permission was given to him by the Panchayat, or Zilla Panchayat concerned under any power so conferred, shall, on conviction, if the disobedience or failure is not an offence punishable under any other section, be punished with fine which may extend to one hundred rupees and with further fine which may extend to five rupees for every day during which the said disobedience or failure continues after the date of first conviction:

Provided that when the notice fixes a time within which a certain act is to be done, and no time is specified in this Act, the Magistrate shall determine whether the time so fixed was reasonable.

[225.] 224. *In default of owner or occupier, Panchayat may execute works and recover expenses.* — (1) Whenever under the provisions of this Act, any work is required to be executed by the owner or occupier of any building, or land, and default is made in the execution of such work, the Panchayat or Zilla Panchayat concerned whether any penalty is or is not provided for such default, may cause such work to be executed, and the expenses thereby incurred shall unless otherwise expressly provided in this Act, be paid to it by the person by whom such work ought to have been executed, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter [IX] VIII either in one sum or by instalments, as the Panchayat or the Zilla Panchayat concerned may deem fit.

(2) If the defaulter is the owner of the building or land, the Panchayat or the Zilla Panchayat

concerned may, by way of additional remedy, whether a suit or proceeding has been brought or taken against such owner or not, require such owner subject to the provisions of sub-section (3), to make the payment of all or any part of the expenses payable by the owner for the time being from the person who then or at any time thereafter occupies the building or land under such owner, and in default of payment thereof by such occupier on demand, the same may be levied from such occupier, and every amount so leviable shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter [IX.] VIII. Every such occupier shall be entitled to deduct from the rent payable by him to his landlord so much as has been so paid by or recovered from such occupier in respect of any such expenses.

(3) No occupier of any building or land shall be liable to pay more money in respect of any expenses charged on the owner thereof, than the amount of rent which is due from such occupier for the building or land in respect of which such expenses are payable at the time of the demand made upon him, or which at any time after such demand and notice not to pay the same to his landlord, has accrued and become payable by such occupier, unless he neglects or refuses upon application made to him for the purpose by a Panchayat or Zilla Panchayat truly to disclose the amount of his rent, and the name and address of the person to whom the rent is payable, but the burden of proof that the sum demanded of any such occupier is greater than the rent which was due by him at the time of such demand or which has since accrued, shall be upon such occupier:

Provided that nothing herein contained shall be deemed to affect any special contract made between any such occupier and the owner respecting payment of the expenses of any such works as aforesaid.

[226.] 225. *Expenses or costs how determined and recovered.* — If a dispute arises with respect to any expenses or costs which are by this Chapter directed to be paid, the amount, and if necessary, the apportionment of the same, shall, save where it is otherwise expressly provided in this Act, be ascertained and determined by the Panchayat or Zilla Panchayat concerned and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter [IX.] VIII.

[227.] 226. *Bar of suits, etc.* — (1) No civil court shall entertain a suit objecting to an assessment, demand or charge made or imposed under this Act, or for the recovery of any sum or money collected under the authority of this Act, or for damages on account of any assessment or collection of money under the said authority, if the provisions of this Act have been in substance and effect complied with.

(2) No suit or other legal proceeding shall lie against a Chief Executive Officer or Executive Officer or Secretary or any other officer of the Government or a Panchayat or Zilla Panchayat concerned or any member, officer, servant or agent of such Panchayat, or Zilla Panchayat acting under its direction in respect of anything done or purporting to have been lawfully done and in good faith under this Act or any rule, regulation, bye-law or order made there-

under except with the previous sanction of the Zilla Panchayat or such officers as the Zilla Panchayat may specify.

(3) No suit or other legal proceeding shall lie against the Government in respect of anything done under this Act, or any rule, regulations or bye-laws made thereunder.

[228.] 227. *Alternative programme by suit.* — In lieu of any process of recovery allowed by or under this Act, in case of failure to realise by such process the whole or any part of any amount recoverable under the provision of Chapter [IX] VIII or of any compensation, expenses, charges or damage awarded under this Act, the Panchayat, or Zilla Panchayat concerned may sue in any court of competent jurisdiction the person liable to pay the same, as also any other person who may have in any way caused any injury to any property, rights or privileges of the Panchayat or Zilla Panchayat.

[229.] 228. *Punishment for offences under this Act and powers to compound.* — (1) Whoever, —

(a) rents, alters, adds to or reconstructs a building without the written permission required by section 67 or in contravention of any of the conditions imposed by it;

(b) uses any place without a licence required by sections 69, 70, 71 and 72 or in contravention of any of the conditions or during the suspension of the licence; or

(c) contravenes any other provision of this Act, shall on conviction, be punished with fine which may extend to five hundred rupees, and in the case of a continuing offence with a fine which may extend to five rupees for every day after the first conviction during which the offence continues.

(2) Upon a conviction under clause (b) of sub-section (1) in respect of any place, the Magistrate shall, on the application of the Panchayat, or Zilla Panchayat as the case may be, but not otherwise, order such place to be closed, and thereupon appoint such persons or take such other steps to prevent such place being so used; and every person who so uses or permits the use of a place after it has been ordered to be closed, shall be punished with fine which may extend to five rupees for each day during which he continues to use or permits such use of the place after it has been so ordered to be closed.

(3) A Panchayat or Zilla Panchayat or such officer as the Zilla Panchayat may authorise in this behalf, may, accept by way of composition a sum of money [not exceeding five hundred rupees] as may be prescribed from any person, who, in the opinion of the Panchayat or Zilla Panchayat or the authorised Officer, as the case may be, has committed, —

(i) any of the aforesaid offences referred to in sub-section (1), or

(ii) any other offence under this Act or under any rule, regulation or bye-law made thereunder and on such composition, no proceedings shall be taken against such person in respect of such offence.

[230.] 229. *Annual administration report.* — (1) as soon as may be after the first day of April in every year and not later than such date as may be fixed by the Government, the Secretary of the Panchayat shall place before the Panchayat, a report of the administration of the Panchayat during the preceding financial year in such form and with such details as the Government may direct and shall forward the report with the resolution of the Panchayat thereon to the Zilla Panchayat.

(2) The Zilla Panchayat shall on receipt of the reports under sub-section (1), review the working of the Panchayats and shall submit a consolidated report in this behalf to the Government.

(3) As soon as may be after the first day of April in every year and not later than such date as may be fixed by the Government, the Chief Executive Officer shall prepare a report on the administration of the Zilla Panchayat during the preceding year in such form and with such details as the Government may direct and submit the report to the Zilla Panchayat. After approval by the Zilla Panchayat, the report shall be submitted to the Government.

(4) The report submitted under sub-sections (2) and (3) to the Government shall together with a memorandum by the Government reviewing the working of the Panchayats and Zilla Panchayats, shall be laid before the House of the State Legislature.

[231.] 230. *Adjustment of Government dues, etc.* — If a Panchayat, Zilla Panchayat makes default in the payments of any amounts, loan instalment or interest due to the Government or the salaries, allowances or leave and pensionary contributions of Government servants deputed for service under such Panchayats, the Government may make an order directing the person having the custody of the Fund of the Panchayats concerned to pay the amount due in priority to any other charge against such fund and such person shall so far as the amounts to the credit of such Fund admit, be bound to comply with the order.

[232.] 231. *Power of Government to dissolve and reconstitute Panchayats on the alteration of limits of Panchayat area, and districts.* — (1) When on account of the reason that the limits of a panchayat area or district are, during the term of office of the members of a Panchayat or Zilla Panchayat, altered, the Government may by order published in the Official Gazette, dissolve such Panchayat or Zilla Panchayat from a date specified in the order and direct that a Panchayat or Zilla Panchayat, —

(i) be reconstituted for the panchayat area of which the Panchayat or the district of which the Zilla Panchayat has been dissolved; or

(ii) be established for a panchayat area or district which has been newly constituted.

(2) The members of the Panchayat or Zilla Panchayat which has been dissolved under sub-section (1), shall vacate their office from the date specified in the order of the Government.

(3) The Panchayat or Zilla Panchayat reconstituted or established under the provisions of sub-section (1), shall consist of members nominated by the Government and such members shall as far as may be practicable be persons who are members of the Panchayat or Zilla Panchayat which has been dissolved under sub-section (1).

(4) The [Chairman] Sarpanch and [Vice-Chairman] Dy. Sarpanch of Panchayat or Adhyaksha and Upadhyaksha of Zilla Panchayat shall be elected in the manner provided in this Act.

(5) The term of the Panchayat or Zilla Panchayat so reconstituted or established shall be for such period not exceeding six months as the Government may by order specify.

(6) Before the expiry of the term of the Panchayat or Zilla Panchayat in accordance with the provisions of sub-section (5), a Panchayat or Zilla Panchayat shall be constituted in the manner provided by this Act:

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

(7) A Panchayat or Zilla Panchayat constituted under sub-section (6), shall continue only for the remainder of the period for which the dissolved Panchayat or Zilla Panchayat would have continued had it not been so dissolved.

(8) When a Panchayat or Zilla Panchayat has been dissolved and reconstituted or established under this section, so much of the Panchayat or Zilla Panchayat Fund and other property vesting in the Panchayat or Zilla Panchayat which has been dissolved, shall vest in and such portion of the debts and obligations shall be transferred to the Panchayat or Zilla Panchayat reconstituted or established under this section as the Government may, by order in writing direct.

(9) The rights and liabilities of the Panchayat or Zilla Panchayat which has been dissolved in respect of civil and criminal proceedings, contracts, agreements and other matters or things arising in or relating to any part of the area subject to the authority of the Panchayat or Zilla Panchayat reconstituted or established shall vest in such Panchayat or Zilla Panchayat.

(10) Any appointment, notification, notice, tax, order, Scheme, licence, permission, rule, regulation or form made, issued, imposed or granted by the Panchayat or Zilla Panchayat which has been dissolved in respect of any part of the area subject to the authority of the Panchayat or Zilla Panchayat which has been reconstituted or established, shall be deemed to have been made, issued, imposed or granted by such Panchayat, or Zilla Panchayat unless and until it is superseded by any appointment, notification, notice, form, order, Scheme, licence, permission, rule, regulation or form, made, issued, imposed or granted by such Panchayat or Zilla Panchayat.

(11) If any difficulty arises in giving effect to the provisions of the preceding sub-sections, the Government may by order published in the Official Gazette, as the occasion may require, do anything which appears to it to be necessary to remove the difficulty.

[233.] 232. Transfer of property may be subject to conditions.—The grant, lease, sale or other transfer of movable or immovable property by a Panchayat or Zilla Panchayat may be subject to such conditions as the Panchayat or Zilla Panchayat may specify.

[234.] 233. Saving of acts and proceedings.—No act done or proceedings taken under this Act shall be questioned on the ground merely of any defect or irregularity not affecting the merits of the case.

[235.] 234. Procedure for consultation.—Whenever any action has to be taken under this Act after consultation with any authority or body, such consultation shall be deemed to have been made if the authority or body concerned had been informed of the proposed action and given a reasonable time to furnish its views.

[236.] 235. Method of serving notices, etc.—(1) Save as otherwise provided in this Act, the service of any notice or other document under this Act or order made thereunder on any person to whom it is by name addressed shall be effected, —

(a) by giving or tendering the said notice or document to such person; or

(b) if such person is not found, by leaving such notice or document at his last known place of residence or business, or by giving or tendering the same to some adult member or servant of his family; or

(c) if such person does not reside in the village or town and his address elsewhere is known to the officer directing the issue of such notice or document, by sending the same to him by registered post; or

(d) if none of the means aforesaid be available, by affixing such notice or document on some conspicuous part of the house, if any, in which the person is known to have last resided or carried on business or personally worked for gain.

(2) When any notice or other document has to be served upon an owner or occupier of any building or land, it shall not be necessary to name the owner or occupier therein, and the service thereof in case not otherwise specially provided for in this Act, shall be effected either, —

(a) by giving or tendering the notice or document to the owner or occupier or if there be more owners or occupiers than one, to any one of them; or

(b) if no such owner or occupier be found, then by giving or tendering the notice or document to some adult member or servant of the family or any such owner or occupier as aforesaid; or

(c) if none of the means aforesaid be available, then by causing the notice or document to be

affixed upon some conspicuous part of the building or land to which the same relates.

(3) Every notice which this Act requires or empowers a Panchayat, or Zilla Panchayat to give or to serve either as a public notice, or generally, or by provisions which do not expressly require notice to be given to individuals therein specified, shall be deemed to have been sufficiently given or served if a copy thereof is put up in such conspicuous part of the office of the Panchayat or Zilla Panchayat, as the case may be, during such period, and in such other public buildings and places, or is published in such local papers or in such other manner as the Panchayat or Zilla Panchayat may in this behalf direct.

(4) No notice or bill shall be invalid for defect of form.

(5) Whenever in any notice or other document served under this Act or the rules, regulations, bye-laws or orders made thereunder, a period is fixed within which any tax or other sum is to be paid or any work executed or anything provided, such period shall, in the absence of any provision to the contrary in this Act, or the said rules, regulations, bye-laws or orders thereunder, be calculated from the date of such service.

(6) When any notice under this Act, or any rule, regulation, bye-law or order requires any Act to be done for which no time is fixed, the notice shall fix a reasonable time for doing the same.

(7) In the event of non-compliance with the terms of the notice it shall be lawful for the Panchayat, or Zilla Panchayat or an officer authorised by it to take such action or such steps as may be necessary for the doing of the Act thereby required to be done and all the expenses therein incurred by the Panchayat, or Zilla Panchayat shall be paid by the person or persons upon whom the notice was served and shall be recoverable in the manner provided under Chapter [IX.] VIII.

[237.] 236. *Official display of flag.*—(1) No person shall fly any flag other than the National Flag or flag approved by the Government on the office of the Panchayat or Zilla Panchayat.

(2) Whoever contravenes the provisions of sub-section (1), shall be punished with imprisonment for a term which may extend to three months or with fine which may extend to rupees five thousand or with both and in the case of continuing contravention, with a further fine which may extend to rupees five hundred for each day during which the contravention continues.

[238.] 237. *State Election Commission.*—(1) The superintendence, direction and control of the preparation of election rolls for, and the conduct of, all elections to the Panchayat or Zilla Panchayat shall be vested in the State Election Commission consisting of a State Election Commissioner to be appointed by the Governor.

(2) The conditions of service and tenure of office of the State Election Commissioner shall be such as the Governor may by rules determine:

Provided that the State Election Commissioner shall not be removed from his office except in like

manner and on the like grounds as a Judge of a High Court and the conditions of service of the State Election Commissioner shall not be varied to his disadvantage after his appointment.

(3) The Governor shall when so requested by the State Election Commission, make available to the State Election Commission, such staff as may be necessary for the discharge of the functions conferred on the State Election Commission under sub-section (1).

[239.] 238. *Preparation of development plan.*—(1) Every Panchayat shall prepare every year a development plan and submit it to the Zilla Panchayat before such date and in such form as may be prescribed.

(2) Every Zilla Panchayat shall prepare every year, a development plan of the district after including the development plans of Panchayats and submit it to the District Planning Committee constituted under section [240.] 239.

[240.] 239. *District Planning Committee.*—The Government shall constitute in every district, a District Planning Committee to consolidate the plans prepared by the Zilla Panchayat, Panchayats, and Municipal Councils in the district as a whole.

(2) The District Planning Committee shall consist of,—

(a) members of the House of the People who represent the whole or part of the district;

(b) the members of the Council of States who are registered as electors in the district;

(c) [Chairman] Adhyaksha of the Zilla Panchayat;

(d) the President of the Municipal Council having jurisdiction over the headquarters of the district;

(e) such number of persons, not less than four-fifth of the total number of members of the Committee as may be specified by the Government, elected in the prescribed manner from amongst the members of the Zilla Panchayat and Councilors of the Municipal Councils in the district, in proportion to the ratio between the population of the rural areas and of the urban areas in the district.

(3) All the members of the State Legislative Assembly whose constituencies lie within the district shall be permanent invitees of the Committee.

(4) The Chief Executive Officer shall be the Secretary of the Committee.

(5) [The Chairman of the District Planning Committee shall be chosen in the manner as may be prescribed.] The Adhyaksha of Zilla Panchayat shall be the ex-officio Chairman of the District Planning Committee.

(6) The District Planning Committee shall consolidate the plans prepared by the Zilla Panchayats, Panchayats, Municipal Councils in the

district and prepare a draft development plan for the district as a whole.

(7) Every District Planning Committee shall in preparing the draft development plan, —

(a) have regard to,

(i) the matters of common interest between the Zilla Panchayats, Panchayats and Municipal Councils in the district including special planning, sharing of water and other physical and natural resources, the integrated development of infrastructures and environmental conservation;

(ii) the extent and type of available resources whether financial or otherwise;

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

(8) The Chairpersons of every District Planning Committee shall forward the development plan, as recommended by such committee to the Government.

[241.] 240. *Power of Government to make rules.*—

(1) The Government may subject to previous publication, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(2) In making a rule under this section, the Government may provide that a person guilty of breach thereof shall, on conviction, be punished with fine which may extend to five hundred rupees and where the breach is a continuing one with further fine which may extend to twenty-five rupees for every day on and after the first day on which the breach continues.

[242.] 241. *Amendment of Schedules I, II and III.*—

The Government may, by notification, in the Official Gazette, omit, amend or add any activity, programme or Scheme covered by or mentioned in Schedules I, II and III. On the issue of such notification, the Schedule shall be deemed to have been amended accordingly. Every such notification shall be placed before the State Legislature.

[243.] 242. *Power of Zilla Panchayat to make regulations.*—

(1) A Zilla Panchayat may subject to the provisions of this Act and the rules made under section [241] 240 and with the previous sanction of the Government, by notification, make regulations to carry out the purposes of this Act in so far as it relates to its powers and duties.

(2) The regulations made under sub-section (1), shall be subject to the condition of previous publication.

[244.] 243. *Power of Panchayats to make bye-laws.*—

(1) A Panchayat may, subject to the provisions of this Act and the rules made under section [241] 240 and the regulations made under section [243] 242 and with the previous sanction of the Zilla Panchayat, make bye-laws to carry out the purposes of this Act in so far as it relates to its power and duties.

(2) In particular and without prejudice to the generality of the foregoing power, a Panchayat may make bye-laws, —

(a) for the purification and protection from pollution of all sources of water used for drinking purposes;

(b) for the prohibition of the removal or use for drinking purposes of any water from any stream, tank, well or other source, where such removal or use causes, or is likely to cause disease or injury to health and for the prevention of such removal or use by the filling in or covering over of such tank or well, or by any other method which may be considered advisable;

(c) for the prohibition of the deposit or storage of manure, refuse or other offensive matter in a manner or in places prejudicial to the public health, comfort or convenience;

(d) for the regulation of dangerous or offensive callings or trade;

(e) for the disposal of corpses by burning or burial;

(f) for excavation of earth and filling up of excavations and depressions injurious to health or offensive to the neighbourhood;

(g) for the removal of noxious vegetation;

(h) for the repair and removal of dangerous or ruinous buildings;

(i) for the prevention of the erection of buildings without adequate provisions for ventilation or the laying out and location of streets;

(j) for specifying fees payable under section 73;

(k) for the control of fairs and bazaars and the regulation of markets, slaughter houses and cart stands;

(l) for the inspection and destruction of unfit food and drink exposed for sale;

(m) for general regulation of sanitation and conservancy;

(n) the management and maintenance of cattle pounds; and

(o) performance of other duties assigned by the Government, the Zilla Panchayat or Panchayat.

(3) In making any bye-laws under sub-sections (1) and (2), the Panchayat may provide that a contravention thereof shall be punishable, —

(a) with fine which may extend to twenty-five rupees;

(b) with fine which may extend to twenty-five rupees and in case of continuing contravention, with an additional fine which may extend to two rupees for every day during which such contravention continues after conviction for the first such contravention; or

(c) with fine which may extend to two rupees for every day during which the contravention continues, after receipt of a notice from the Panchayat or any officer duly authorised in this behalf, by the person contravening the bye-laws requiring such person to discontinue such contravention.

(4) Any such bye-law may also provide that a person contravening the same shall be required to remedy so far as it lies in his power, the mischief, if any, caused by such contravention.

(5) All bye-laws made under this section shall be subject to the condition of previous publication and such publication shall be in such manner as may be prescribed.

[245.] 244. Power of Government to make model regulations and bye-laws and adoption of such regulations and bye-laws by the Panchayats.— (1) The Government may, subject to the provisions of this Act and the rules made under section [241] 240, and previous publication of the draft for not less than one month, make model regulations and bye-laws for Panchayats and Zilla Panchayats.

(2) A Panchayat or Zilla Panchayat may by resolution adopt the model bye-laws or regulations, as the case may be, made under sub-section (1), and such bye-laws and regulations shall come into force within the jurisdiction of the Panchayat or Zilla Panchayat from such date as the case may be, it may specify in a notice published in the prescribed manner.

(3) The Government may by order direct any Panchayat, or Zilla Panchayat to adopt the model bye-laws and regulations in respect of any matter within such period not being less than three months from the date of, receipt of the direction by the Panchayat or Zilla Panchayat concerned.

(4) If any Panchayat, or Zilla Panchayat, fails to take any action for adopting the model bye-laws or regulations, as the case may be, the Government may, by notification, declare that the said model bye-laws or regulations, as the case may be, shall come into force within the jurisdiction of the Panchayat or Zilla Panchayat from such date as may be specified in such notification, and such bye-laws or regulations, as the case may be, shall come into force accordingly.

(5) The provisions of this section shall have the effect notwithstanding anything contained in sections [243] 242 and [244] 243.

[246.] 245. Repeal and savings.— The Goa, Daman and Diu Village Panchayats Regulation, 1962 (9 of 1962) is hereby repealed;

Provided that such repeal shall not affect—

(a) the previous operation of the said Regulation or anything duly done or suffered thereunder; or

(b) any right, privilege, obligation or liability acquired, accrued or incurred under the said Regulation; or

(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against the said Regulation; or

(d) any investigation, legal proceeding or remedy in respect of such right, privilege, obligations, liability, forfeiture or punishment as aforesaid and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed as if this Act had not been passed:

Provided further that,—

(a) subject to the preceding provisions, anything done or any action taken (including any appointment or delegation made, tax, fee or cess imposed, notification, order, instrument or direction issued, rules, regulations forms, bye-laws or Schemes framed; certificates obtained, permits or licences granted or registration effected) under the said Regulation shall be deemed to have been done or taken under the corresponding provisions of this Act and shall continue to be in force accordingly unless and until superseded by anything done or any action taken under this Act;

(b) every officer and servant of a Panchayat other than such class of servants as the Government may specify by order, shall until other provisions are made, receive the salary and allowances and be subject to the conditions of service to which they were entitled immediately before the commencement of this section;

(c) it shall be competent to the Panchayat, subject to the previous sanction of the Government, to discontinue the service of any officer or servant who, in its opinion, is not necessary or suitable to the requirements of the Panchayat, after giving such notice as is required to be given by the terms of his employment and every officer or servant whose services are discontinued, shall be entitled to such leave, pension, provident fund and gratuity as he would have been entitled to take or receive on being invalidated out of service as if the Panchayat in the employ of which he was, had not ceased to exist;

(d) any reference in any enactment or in any instrument to any provision of the repealed Regulation shall, unless a different intention appears be construed as a reference to the corresponding provisions of this Act.

[247.] 246. Removal of difficulties.— If any difficulty arises in giving effect to the provisions of this Act, the Government may by order, published in the Official Gazette as the occasion may require, do anything which appears to it to be necessary to remove the difficulty.

SCHEDULE — I

FUNCTIONS AND RESPONSIBILITIES OF VILLAGE PANCHAYAT

I. General Functions:

- (1) Preparation of annual plans for the development of the Panchayat area.
- (2) Preparation of annual budget.
- (3) Providing reliefs in natural calamities.
- (4) Removal of encroachments on public properties.
- (5) Organising voluntary labour and contribution for community works.
- (6) Maintenance of essential statistics of the village.

II. Agriculture, including agricultural extension:

- [(1) Promotion and development of agriculture and horticulture].
- [(2)] (1) Development of waste lands.
- [(3)] (2) Development and maintenance of grazing lands and preventing their unauthorised alienation and use.

III. Animal Husbandary, Dairying and Poultry:

- [(1)] Improvement of breed of cattle, poultry and other livestock.]
- [(2)] (1) Promotion of dairy farming, poultry and piggery.
- [(3)] (2) Grass land development.

IV. Fisheries:

Development of fisheries in the villages.

V. Social and Farm Forestry, minor Forest Produce Fuel and Fodder:

- (1) Planting and preservation of trees on the sides of roads and other public lands under its control.
- (2) Fuel plantation and fodder development.
- (3) Promotion of farm forestry.
- (4) Development of Social forestry.

VI. Khadi, Village and Cottage Industries:

- (1) Promotion of rural and cottage industries.
- (2) Organisation of conferences, seminars and training programmes, agricultural and industrial exhibitions for the benefit of the rural areas.

VII. Rural Housing:

- (1) Distribution of house sites within [Gramathana] Village Panchayat limits.
- (2) Maintenance of records relating to the house, sites and other private and public properties.

VIII. Drinking water:

- (1) Construction, repairs and maintenance of drinking water well, tanks and ponds.
- (2) Prevention and control of water pollution.
- (3) Maintenance of rural water supply schemes.

IX. Roads, buildings, culverts, bridges, ferries, waterways and other means of communication.

- (1) Construction and maintenance of village roads, drains and culverts.
- (2) Maintenance of buildings under its control or transferred to it by the Government or any public authority.
- [(3)] Maintenance of boats, ferries and waterways]

X. Rural electrification:

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

XI. Non-conventional energy source:

- (1) Promotion and development of non-conventional energy schemes.
- (2) Maintenance of community non-conventional energy devices, including bio-gas plants.
- (3) Promotion of approved chulhas and other efficient energy devices.

XII. Poverty alleviation programmes:

- (1) Promotion of public awareness and participation in poverty alleviation programmes for fuller employment and creation of productive assets, etc.
- (2) Selection of beneficiaries under various programmes. [through Gram Sabha.]
- (3) Participation in effective implementation and monitoring.

XIII. Education including Primary Schools:

- (1) Promotion of public awareness and participation in primary education.
- (2) Ensuring full enrolment and attendance in primary schools.

XIV. Adult and non formal education:

Promotion of adult literacy.

XV. Libraries:

Village libraries and reading rooms.

XVI. Cultural activities:

Promotion of social and cultural activities.

XVII. Markets and fairs:

Regulation and fairs (including cattle fairs) and festivals.

XVIII. Rural sanitation:

- (1) Maintenance of general sanitation.
- (2) Cleaning of public roads, drains, tanks, wells and other public places.
- (3) Maintenance and regulation of burning and burial grounds.
- (4) Construction and maintenance of public latrines.
- (5) Disposal of unclaimed corpses and carcasses.
- (6) Management and control of washing and bathing ghats.

XIX. Public Health and Family Welfare:

- (1) Implementation of Family Welfare Programmes.
- (2) Prevention and remedial measures against epidemics.
- (3) Regulation of sale of meat, fish and other perishable food articles.
- (4) Participation in programmes of human and animal vaccination.
- (5) Licensing of eating and entertainment establishments.
- (6) Destruction of stray dogs.
- (7) Regulation of offensive and dangerous trades.
- (8) Regulation of curing, tanning and dyeing of skins and hides.

XX. Women and child development:

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

XXI. Social welfare, including welfare of the handicapped and mentally retarded:

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

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

- (1) Promotion of public awareness with regard to Welfare of Scheduled Castes, Scheduled Tribes and Other Weaker Sections.
- (2) Participation in the implementation of the specific programmes for the welfare of the Weaker Sections.

XXIII. Maintenance of community assets:

- (1) Maintenance of community assets.
- (2) Preservation and maintenance of other community assets.

[XXIV. Construction and maintenance of Dharamshalas, Chatras and similar Institutions.]**[XXV.] XXIV Construction and maintenance of cattle sheds, ponds and cart stands.****[XXVI.] XXV Construction and maintenance of slaughter houses.****[XXVII.] XXVI Maintenance of Public Parks, playgrounds, etc.****[XXVIII.] XXVII Regulation of manure pits in public places.****[XXIX.] XXVIII Establishment and control of Shandies.****[XXX.] XXIX Such other functions as may be entrusted.**

SCHEDULE — II

FUNCTIONS AND RESPONSIBILITIES OF
[DISTRICT BODY] ZILLA PANCHAYAT

I. General functions:

Overall supervision, co-ordination and integration of development schemes at Taluka and District levels and preparing the plan for the development of the District.

II. Agriculture (including Agricultural Extension) and Horticulture:

- (1) Promotion of measures to increase agricultural production and to popularise the use of improved agricultural practices.
- (2) Opening and maintenance of agricultural and horticultural farm and commercial farms.
- (3) Establishment and maintenance of godowns.
- (4) Conducting agricultural fairs and exhibitions.
- (5) Management of agricultural and horticultural extensions and training centres.
- (6) Training of farmers.

III. Land improvement and soil conservation:

Planning and implementation of land improvement and soil conservation programmes entrusted by the Government.

IV. Minor Irrigation, Water Management and Watershed Development:

- (1) Construction, renovation and maintenance of minor irrigation works.
- (2) Providing for the timely and equitable distribution and full use of water under irrigation schemes under the control of the Zilla Panchayat.
- (3) Watershed development programmes.
- (4) Development of ground water resources.

V. Animal Husbandry, Dairying and Poultry:

- (1) Establishment and maintenance of Taluka and village veterinary hospitals, first-aid centres and mobile veterinary dispensaries.
- (2) Improvement of breed of cattle, poultry and other livestock.
- (3) Promotion of dairy farming, poultry and pigery.
- (4) Prevention of epidemics and contagious diseases.

VI. Fisheries:

- (1) Development of fisheries in irrigation works vested in the Zilla Panchayat.
- (2) Promotion of inland, brackish water and marine fish culture.
- (3) Implementation of fishermen's welfare programmes.

VII. Khadi, Village and Cottage Industries:

- (1) Promotion of rural and cottage industries.
- (2) Establishment and management of training-cum-production centre.
- (3) Organisation of marketing facilities for products of cottage and village industries.
- (4) Implementation of schemes of States Boards and All India Boards and Commissions for development of rural and cottage industries.

VIII. Small-Scale industries including Food Processing Industries:

Promotion of small scale industries.

IX. Rural Housing:

Promotion of rural housing programmes.

X. Drinking water:

Promotion of drinking water and rural sanitation.

XI. Minor forest produce and Fuel and Fodder:

- (1) Promotion of social and farm forestry, fuel plantation fodder development.
- (2) Management of minor forest produce of the forests raised community lands.
- (3) Development of waste lands.

XII. Roads, Buildings, Bridges, Ferries, Waterways and other means of communication:

- (1) Construction and maintenance of district roads and culverts causeways and bridges (excluding State Highways and village roads).
- (2) Construction of administrative and other buildings connected with the requirement of the Zilla Panchayat.

XIII. Non-Conventional, Energy sources:

Promotion and development of non-conventional energy sources.

XIV. Poverty Alleviation Programmes:

Planning, supervision and monitoring the implementation of poverty alleviation programmes.

XV. Education including primary schools:

- (1) Promotion of educational activities in the district including the establishment and maintenance of primary schools.
- (2) Establishment and maintenance of Ashram School and orphanages.
- (3) Survey and evaluation of education activities.

XVI. Technical training and vocational Education:

- (1) Establishment and maintenance of rural artisan vocational training centres.
- (2) Encouraging and assisting rural vocational training centre.

XVII. Adult and Non-formal Education:

Planning and implementation of programmes of adult literacy and non-formal education programme.

XVIII. Markets and Fairs:

Regulation of important fairs and festivals in the district.

XIX. Health and Family Welfare:

- (1) Management of hospitals and dispensaries excluding those under the management of Government or any local authority.
- (2) Implementation of maternity and child health programmes.
- (3) Implementation of family Welfare Programmes.
- (4) Implementation of immunisation and vaccination programme.

XX. Woman and Child Development:

- (1) Promotion of programme relating to development of women and children.
- (2) Promotion of school health and nutrition programmes.
- (3) Promotion of participation of voluntary organisations in women and child development programmes.

XXI. Welfare of the weaker sections and in particular of handicapped and mentally retarded:

Promotion of Social Welfare Programmes, including welfare of handicapped, mentally retarded and destitutes.

XXII. Welfare of the weaker sections and in particular of the scheduled castes and scheduled tribes:

- (1) Promotion of educational, economic, social, cultural and other interest of the scheduled castes, scheduled tribes and backward classes.

- (2) Protecting such castes, tribes and classes from social injustice and all forms of exploitation.
- (3) Establishment and management of hostels for such castes, tribes and classes.
- (4) Supervision and management of hostels in the district, distribution of grants, loans and subsidies to individuals and other schemes for the welfare of scheduled castes, scheduled tribes and backward classes.

XXIII. Maintenance of community assets:

- (1) Maintenance of community assets vested in it or transferred to it by the Government or any local authorities or organisation.
- (2) Assisting the Government in the preservation and maintenance of other community assets.

XXIV. Cultural activities:

Promotion of social and cultural activities.

XXV. Rural Electrification.

XXVI. Co-operation:

Promotion of co-operative activities.

XXVII. Libraries:

Promotion of libraries.

XXVIII. Such other functions as may be entrusted.

- (ii) For every additional plot of one square metre or part thereof. Twenty five paise per day, eight rupees per month
- (iii) Per basket or bag of any commodity. [Twenty five paise] One rupee
- (iv) Per cart load bag of any commodity. [Five rupees per month] Twenty rupees per month.

[F.] E. Tax on advertisement and Hoarding

For every square metre or part thereof. Five rupees per month

[G.] F. Fee on Registration of cattle. One rupee

For every head of cattle brought for sale in shandies or fairs.

G. (i) Sand extraction for M3. One rupee

(ii) Laterite stores or other store extracted for M3 One rupee

Statement of Objects and Reasons

The Goa Panchayat Raj Bill, 1993 seeks to replace the Goa, Daman and Diu Village Panchayats Regulation, 1962 consequent upon the changes proposed in the 73rd Amendment to the Constitution of India.

The Bill seeks to establish a two-tier Panchayat Raj System in the State with the elected bodies at the Village and the District Levels for greater participation of the people and more effective implementation of rural development programme in the State. The salient features of the Bill are:—

(1) It seeks to establish two-tier Panchayat Raj System with elected bodies at both the levels.

(2) Provides for reservation of seats in the elected bodies in favour of Scheduled Castes and Scheduled Tribes in proportion to their population and reservation of one-third seats for women at all levels.

(3) It also provides for reservation of seats for Backward Classes of citizens.

(4) It also provides for reservation of office of Chair-person at all levels for women and the Scheduled Castes and the Scheduled Tribes.

(5) It envisages direct election of the Chairman of a Panchayat by all the voters in the Panchayat area.

(6) It also envisages constitution of State Election Commission, Finance Commission and District Planning Committee.

Note on Delegated Legislation

Section 241 empowers the Government to make rules to carry out the purposes of the Act. Similarly, sections 243 and 244 empower the Zilla Panchayat and the Panchayats to frame regulation and bye-laws for the purpose of implementation of the Act.

The proposed delegation of power is of normal character.

Financial Memorandum

The Bill is proposed in view of the seventy-third Amendment of the Constitution of India. According

SCHEDULE - III

TAXES AND THEIR MAXIMUM RATES

A. Tax on property:	Maximum Rate of Tax
1. Tax on buildings	[10 per cent of annual letting value (per annum)] <u>Such percentage of the annual letting value as may be prescribed.</u>

Explanation: "Annual letting value" means "the annual rent for which any building or land, exclusive of furniture or machinery contained or situated therein or thereon, might reasonably be expected to be let from year to year".

2. Tax on lands not subject to agricultural assessment	For every one hundred square metre, one rupee per annum
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B. Tax on Entertainments:	Twenty rupees per entertainment
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[C. Vehicle Tax:	Rupees per year
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- (i) For every four wheeled vehicle with springs constructed to be drawn by two or more horses, bulls or bullocks. 25
- (ii) For every two wheeled vehicle with springs constructed to be drawn by one or more horses, bulls or bullocks. 10
- (iii) For every other vehicle with springs. 10
- (iv) For every cart or other vehicle without springs. 10
- (v) For every bicycle or tricycle. 5]

[D.] C. Fees on bus stands:	Two rupees per bus per day.
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[E.] D. Fee on Markets:

- (i) For every plot measuring not more than one square metre. Fifty paise per day.

to Article 243-I and 243-K thereof, the State Governor has to appoint Finance Commission and the State Election Commission. The recurring and non-recurring expenditure on establishment of these Commissions are estimated at Rs. 16 lakhs and Rs. 9 lakhs respectively.

The Bill proposes two tier system of Panchayat Raj i. e. Panchayat Raj at Village level and the Zilla Panchayat at the District level. Besides a Standing Committee has been proposed at the Block level. There will not be any expenditure on Panchayat Raj at Village level as the existing system will be adequate. On establishment of the Zilla Panchayat at the District level it is proposed to transfer the existing staff working in Development Branches of the Collectorates along with their posts.

Taking into consideration the existing number of Panchayats and the amount of development work to be carried out, the recurring and non-recurring expenditure on the establishment of Zilla Panchayat is estimated as Rs. 29,00,000/- and Rs. 32,00,000/- respectively.

Hence on the implementation of the proposed Bill, the total recurring expenditure is estimated approximately as Rs. 45.00 lakhs and non-recurring expenditure as Rs. 41.00 lakhs.

Panaji, SHANKAR K. SALGAONKAR
27th July, 1993. Minister for Panchayat Raj

Assembly Hall, ASHOK B. ULMAN
Panaji, Secretary to the Legislative
27th July, 1993. Assembly of Goa.

Governor's recommendation Under Article 207 of the Constitution:

In pursuance of Article 207 of the Constitution, the Governor of Goa has recommended to the Legislative Assembly of Goa the introduction and consideration of the Goa Panchayat Raj Bill, 1993.

Minute of dissent

I would like to express my dissent to the Panchayat Legislation which is before the Select Committee for its consideration. I am of the opinion that Goa being a small State, the existing system of Panchayat was sufficient to look after the villages. By making two tier arrangement of establishing Zilla Parishads as well as Panchayats it, will be atop

heavy administration and it is likely to be more expensive without bringing much benefits to the masses.

The election of the Sarpanch which is proposed to be direct and his removal by Gramsabha by majority even though appears to be simple but in practice, the Sarpanch is likely to be a dictator in the village and his removal is impossible because whoever opposes him in the village, the same may be curbed by muscle power.

Secondly, there is no system of secret voting prescribed in the Act for removal which will make the situation still worse.

As regards the distribution and devolution of the various functions of the departments like Health, Education, P. W. D. to the Zilla Parishads and to the Panchayats appears to create more confusion leading to tussle between the Government in power and the Zilla Parishad if they happen to be from different political camps.

Sd/-.

Date: 24/3/94

(Ramu Prabudessai)

M. L. A.

ERRATA

THE FOLLOWING ERRATA MAY BE NOTED IN THE SELECT COMMITTEE REPORT ON THE GOA PANCHAYAT RAJ BILL

- 1) Page No. 16 — In clause-7, the existing Table be shown in bracket for deletion [Table ... 10]
- 2) Page No. 39 — In Clause-55, the words 'Two Months', be shown in bracket for deletion [] and the words 'a month' be added and underlined after the bracket [two months]
- 3) Page No. 42 — In Clause-58(2) delete the word 'Director' at the end and add the word 'Chief Executive Officer' and underline.
- 4) Page No. 49 — In Clause-72, the words 'other than a shop referred to in Section-68 and 69' be shown in bracket for deletion []
- 5) Page No. 71 — In first proviso to Clause-118, delete colon after the word 'Government'.
- 6) Page No. 83 — In Clause-143 (2) delete the word 'Adhyaksha'
- 7) Page 94 — In Clause-165 for the word 'off' read "of"
- 8) Page No. 126, 127 — In Clause-224(2) and 225 the Roman figure VIII be underlined