

Gujarat Panchayats Act, 1961

GUJARAT

India

Gujarat Panchayats Act, 1961

Act 6 of 1962

- Published on 20 February 1962
 - Not commenced
 - [This is the version of this document from 23 December 1976.]
 - [Note: The original publication document is not available and this content could not be verified.]
1. [Amended by Gujarat Panchayats (Amendment) Act, 1962 (Act 26 of 1962) on 13 August 1962]
 2. [Amended by Gujarat Panchayats Laws (Amendment) Act, 1963 (Act 16 of 1963) on 5 April 1963]
 3. [Amended by Gujarat Panchayats (Second Amendment) Act, 1963 (Act 53 of 1963) on 2 December 1963]
 4. [Amended by Gujarat Panchayats (Third Amendment) Act, 1963 (Act 1 of 1964) on 23 January 1964]
 5. [Amended by Gujarat Panchayats (Amendment) Act, 1965 (Act 7 of 1965) on 31 March 1965]
 6. [Amended by Gujarat Panchayats (Second Amendment) Act, 1965 (Act 31 of 1965) on 9 December 1965]
 7. [Amended by Gujarat Panchayats (Amendment) Act, 1966 (Act 7 of 1966) on 17 April 1966]
 8. [Amended by Gujarat Panchayats (Second Amendment) Act, 1973 (Act 26 of 1973) on 27 November 1973]
 9. [Amended by Gujarat Panchayats (Amendment) Act, 1975 (Act 1 of 1975) on 29 March 1975]
 10. [Amended by Gujarat Panchayats (Second Amendment) Act, 1976 (Act 44 of 1976) on 23 December 1976]

For Statements of Objects and Reasons, see Gujarat Government Gazette, Part IV., Extraordinary, dated the 26th August, 1962. This Act was assented to by the Governor on the 26th August, 1962. An Act to consolidate and amend the law relating to panchayats in the State of Gujarat. Whereas by the Constitution (Seventy-Third Amendment) Act, 1992, Part IX relating to the Panchayats has been inserted in the Constitution; And Whereas it is expedient to bring the law relating to Panchayats in the State of Gujarat in conformity with the said Part IX. It is hereby enacted in the Forty-fourth Year of the Republic of India as follows:-

Chapter I

Preliminary

1. Short title, extent and commencement. - (1) This Act may be called the Gujarat Panchayats Act, 1993.

(2) It extends to the whole of the State of Gujarat. (3) This section shall come into force at once; and all or any of the remaining provisions of this Act shall come into force in respect of such class of panchayats, in such district and on such date as the State Government may, by notification in the Official Gazette, appoint: and different dates may be appointed in respect of different classes of panchayats, different districts and different provisions.

2. Definitions. - In this Act unless context otherwise requires--

(1) "building" includes a hut, shed or other enclosure whether used as a human dwelling or for any other purpose whatsoever and also includes walls, verandahs, fixed platforms, plinths, doorsteps and the like; (2) "cattle" means and includes bulls, bullocks, heifers, cows and their young, elephants, camels, buffaloes, horses, mares, geldings, ponies, colts, fillies, mules, asses, swine, sheep, ewes, rams, lambs, goats and kids; (3) "city" means a city defined in the Bombay Provincial Municipal Corporations Act, 1949 (Bombay LIX of 1949); (4) "competent authority" means such Government Officer, panchayat or authority as the State Government may, by notification in the Official Gazette appoint to perform the functions of a competent authority under such provisions of this Act and in respect of such panchayats as may be specified in the said notifications; Explanation. - For the purposes of this clause, a Government Officer includes a Government Officer posted under a panchayat under sections 136, 161 or 232. (5) "district" means a district constituted from time to time under the Land Revenue Code; except the area over which a district panchayat has no authority under section 6. (6) "District Development Officer" means such officer as the State Government may appoint to be a District Development Officer for the purposes of this Act; (7) "district panchayat" means a district panchayat constituted under this Act. (8) "factory, means a factory as defined in the Factories Act, 1948 (LXI of 1948); (9) "Finance Commission" means the Finance Commission constituted under clause (1) or article 243-1 of the Constitution; (10) "general election" means the election held under this Act for the constitution or the reconstitution of a panchayat after the expiry of its term or otherwise; (11) "land" includes land which is built upon, or covered with water; (12) "Land Revenue Code" means the Bombay Land Revenue Code, 1879 (Bombay V of 1879), in force in the State of Gujarat; (13) [***] (14) "panchayat" means a village panchayat, taluka panchajmt or district panchayat; (15) "Panchayat Functions List" means the list of matters enumerated in Schedules I, II and III; (16) "prescribed" means prescribed by rules; (17) "public street" means any street-(a) over which the public have a right of way, or (b) heretofore levelled, paved, metalled, channelled, served or repaired out of a panchayat fund or other public fund, or (c) which under the provisions of this Act is declared by a panchayat to be or which under the provisions of this Act becomes a public street; (18) "revenue district" or "revenue taluka" means a district or, as the case may be, a takula or mahal constituted under the Land Revenue Code; (19) "rules" means rules

made, or deemed to have been made, under this Act;[(19A) "Scheduled Areas" means the Scheduled Areas of the State as referred to in clause (1) of article 244 of the Constitution of India;](20)"Scheduled Castes" means such castes, races or tribes or parts of, or groups within, such castes, races or tribes as are deemed to be Scheduled Castes in relation to the State of Gujarat under article 342 of the Constitution of India;(21)"Scheduled Tribes" means such tribes or tribal communities or parts of, or groups within, such tribes or tribal communities as are deemed to be Scheduled Tribes in relation to the State of Gujarat under article 342 of the Constitution of India;(22)"Secretary" means a secretary of a panchayat appointed or deemed to be appointed under this Act;(23)"State Election Commission" means the State Election Commission referred to in clause (1) of article 243-K of the Constitution.(24)"Street" means any road, footway, square, court, alley or passage accessible whether permanently or temporary to the public, whether a thoroughfare or not;(25)"taluka" means a taluka constituted from time to time under the Land Revenue Code, except the area over which a taluka panchayat has no authority under section 6;(26)"Taluka Development Officer" means such officer as the State Government may appoint to be Taluka Development Officer for the purposes of this Act;(27)"taluka panchayat" means a taluka panchayat constituted under this Act;(28)"tax" means a tax, cess, rate or other imposed leviable under this Act, but does not include a fee;(29)"vehicle" includes a bicycle, tricycle, motor car and every wheeled conveyance which is used or capable of being used on a public street;(30)"village panchayat" means a village panchayat constituted under this Act;(31)"ward" means an area into which a village is divided under section 16;(32)"year" except in the case of the term of panchayat, means the year commencing on the 1st day of April unless another date is specified by the State Government by notification in the Official Gazette;(33)the words "gram sabha" "panchayat area" "population.", and "village shall have the meanings respectively assigned to them in Part IX of the Constitution.

Chapter II

Establishment of Panchayats of Different Tiers(A)Establishment of Panchayats and their Area of Jurisdiction

3. Establishment of Panchayats of different tiers. - For the purposes of this Act, there shall be in each district-

(1)a village panchayat for each village.(2)a taluka panchayat for each taluka and(3)a district panchayat for each district.[4. Gram Sabha. - (1) There shall be a gram sabha for a village for performing such functions as are provided by or under this Act.(2)The gram sabha shall consist of persons whose names are included in the list of voters of electoral divisions of that village.(3)The gram sabha shall perform the following additional functions, namely:-(a)The gram sabha shall endeavour to safeguard and preserve the traditions and customs of the inhabitants of the village, their cultural identity, community resources and the customary mode of dispute resolution.(b)The gram sabha shall-(i)approve the plans, programmes and projects for social and economic development before such plans, programmes and projects are taken up for implementation by the village panchayat;(ii)be responsible for the identification or selection of persons as beneficiaries under poverty alleviation and other programmes in the village.]

5. Incorporation of Panchayats of different classes. - (1) A village panchayat shall be a body Corporate by the name of "The.....Village Panchayat".

(2) A taluka panchayat shall be a body Corporate by the name of "The Taluka Panchayat". (3) A district panchayat shall be a body Corporate by the name of "The District Panchayat". (4) Every panchayat mentioned in sub-section (1), (2) or (3) shall have perpetual succession and a common seal and may sue and be sued in its corporate name, and subject to the provisions of this Act, shall be competent to acquire and hold 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 it, or have been acquired or constructed by it, to raise loans upon the security of its fund in the manner and subject to the limits and other requirements including guarantees prescribed by rules, and to contract and do all other things necessary for the purpose of this Act. Explanation. - Where a panchayat, with the previous sanction of the competent authority, creates a remunerative asset, such creation of an asset shall be deemed to be for the purposes of this Act.

6. Subordination of Panchayats amongst themselves and their powers, functions and duties. - (1) A village panchayat, subject to the authority of the taluka panchayat and the district panchayat, have authority for the purposes of this Act over the area for which it is constituted.

(2) A district panchayat and subject to the authority of the district panchayat, a taluka panchayat, shall have authority for the purposes of this Act over the area for which it is constituted, except, that portion of the area which for the time being is within the limits of a city, municipal borough, small urban area, notified area of cantonment constituted under any law for the time being in force: Provided that a district panchayat or, as the case may be a taluka panchayat shall have also authority over such area outside the area for which it is constituted for such purposes as the State Government may by notification in the Official Gazette specify. (3) Subject to the control of the State Government and the competent authority - (a) a village panchayat shall be subordinate to the taluka panchayat and the district panchayat, and (b) a taluka panchayat shall be subordinate to the district panchayat. (4) Subject to the control of the State Government and the competent authority, a district panchayat, a taluka panchayat, and a village panchayat shall exercise such powers, perform such functions and duties and shall have such responsibilities and authority as are provided by or under this Act or any other law for the time being in force.

7. Recommendation, Specification of village. - (1) After making such inquiries as may be prescribed, the competent authority may recommend any local area comprising a revenue village, or a group of revenue villages, or hamlets forming part of a revenue village, for being specified a village under clause (g) of article 243 of the Constitution, if the population of such local area does not exceed fifteen thousand.

[Provided that while making a recommendation in respect of a local area in the Scheduled Areas it shall be ensured that the local area shall ordinarily consist of a habitation or a group of habitations or a hamlet or a group of hamlets comprising a Community and managing its affairs in accordance with the traditions and customs.](2)After consultation with the taluka panchayats, the district panchayat and village panchayat concerned (if already constituted), the competent authority may at any time recommend inclusion within or exclusion from any village, any local area or otherwise alternation of limits of any village, or recommend cesser of any local area to be a village, to the Governor for exercise of his powers under clause (g) of article 243 of the Constitution.

8. Panchayat Organisation and the exercise of control over panchayats by State Government. - (1) The village panchayats, taluka panchayats, district panchayats and gram sabhas shall constitute the Panchayat Organisation of the State of Gujarat.

(2)The State Government shall exercise its control over the panchayats either directly or through such officer or officers as it may, by general or, special order appoint for the purpose.(B)Constitution of Panchayats and their Duration.

9. Constitution of Village Panchayats. - (1) A village panchayat shall consist of such number of members as provided in sub-section (4);

(2)The members of a village panchayat shall be elected from amongst the qualified voters of the village;(3)(a)A village panchayat shall have a Sarpanch and an Upa-Sarpanch.(b)The Sarpanch shall be elected by ballot by the qualified voters of the village from amongst themselves.(c)The Upa-Sarpanch shall be elected by the members of the village panchayat from amongst themselves.(4)A village panchayat of a village having population not exceeding three thousand shall consist of seven members and in case of a village panchayat where the population of the village exceeds three thousand, then for every one thousand or part thereof in excess of three thousand, the said number of seven shall be increased by two.(5)(a)(i)Seats shall be reserved by the State Government for the Scheduled Castes and the Scheduled Tribes in every village panchayat in the State and the number of seats so reserved shall bear, as nearly as may be the same proportion to the total number of seats in that panchayat as the population of the Scheduled Castes in the village or as the case may be of the Scheduled Tribes in that village bears to the total population of that village and such seats shall be allotted by the State Election Commission by location to different wards in that village in the prescribed manner.[(ia) in the case of a village panchayat, the whole local area of which comprises of any of the Scheduled Areas, the number of seats reserved for the Scheduled Tribes under sub-clause (i) shall be increased to such number as is not less than one-half of the total number of seats in the village panchayat.](ii)where in a village there is in the opinion of the State Government population of socially and educationally backward classes, there shall be reserved by the State Government for the socially and educationally backward classes one tenth of the total number of seats in a village panchayat and such seats shall be allotted by the State Election Commission by rotation to different wards in that village in the prescribed manner.(b)One third of the total number of seats reserved under clause (a) shall, be reserved by the State Government for

women belonging to the Scheduled Castes, the Scheduled Tribes or, as the case may be, the socially and educationally backward classes.(c)One third (including the number of seats reserved for women belonging to the Scheduled Castes, the Scheduled Tribes and the socially and educationally backward classes) of the total number of seats in a village panchayat shall be reserved by the State Government for women and such seats shall be allotted by the State Election Commission by rotation to different wards in the village in the prescribed manner.

10. Constitution of Taluka Panchayats. - (1) A taluka panchayat shall consist of elected members as provided in sub-section (4).

(2)The elected members of a taluka panchayat shall be elected from amongst the qualified voters of the taluka.(3)A taluka panchayat shall have a president and vice president elected by its elected members from amongst themselves.(4)A taluka panchayat of a taluka having population not exceeding one lakh shall consist of fifteen members and in case of a taluka panchayat where the population of the taluka exceeds one lakh, then for every twenty-five thousand or part thereof in excess of one lakh, the said number of fifteen shall be increased by two.(5)(a)(i)Seats shall be reserved by the State Government for the Scheduled Castes and the Scheduled Tribes in every taluka panchayat in the State and the number of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of seats to be filled in by direct election in that panchayat as the population of the scheduled Castes in the taluka or as the case may be, of the Scheduled Tribes in the taluka bears to the total population in the taluka and such seats shall be allotted by the State Election Commission by rotation to different territorial constituencies in that taluka in the prescribed manner.[(ia) in the case of a taluka panchayat, the whole local area of which comprises of any of the Scheduled Areas, the number of seats reserved for the Scheduled Tribes under clause (i) shall be increased to such number as is not less than one-half of the total number of seats in the taluka panchayat.](ii)One tenth of the total number of seats in a taluka panchayat shall be reserved by the State Government for socially and educationally backward classes and such seats shall be allotted by the State Election Commission by rotation to different territorial constituencies in that taluka in the prescribed manner.(b)One third of the total number of seats reserved under clause (a) shall be reserved by the State Government for women belonging to the Scheduled Castes, the Scheduled Tribes or as the case may be, socially and educationally backward classes.(c)One third (including the number of seats reserved for women belonging to the Scheduled Castes, the Scheduled Tribes and socially and educationally backward classes) of the total number of seats to be filled by direct election in a taluka panchayat shall be reserved by the State Government for women and such seats shall be allotted by the State Election Commission by rotation to different territorial constituencies in taluka in the prescribed manner.(6)Members of the Gujarat Legislative Assembly elected from any constituency in the taluka or a part thereof, shall be permanent invitees to such taluka panchayat, but such invitees shall not have the right to vote in the meetings of the taluka panchayat:Provided that when a person ceases to be a member of the Gujarat Legislative Assembly, he shall cease to be a permanent invitees to the Taluka Panchayat.Explanation. - For the removal of doubts, it is hereby clarified that status of a permanent invitee shall not be construed to be that of a member of the Taluka Panchayat referred to in clauses (3) and (4) of article 243C of the Constitution of India.

11. Constitution of District Panchayats. - (1) A district panchayat shall consist of elected members as provided in sub-section (4).

(2) The elected members of a district panchayat shall be elected from among the qualified voters of the district. (3) A district panchayat shall have a president and a vice-president elected by its elected members from amongst themselves. (4) A district panchayat of a district having population not exceeding four lakhs shall consist of seventeen members and in case of a district panchayat where the population of the district exceeds four lakhs, then for every one lakh or part thereof in excess of four lakhs, the said number of seventeen shall be increased by two. (5) (a) (i) Seats shall be reserved by the State Government for the Scheduled Castes and the Scheduled Tribes in every district panchayat in the State and the number of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of seats to be filled in by direct election in that panchayat as the population of the Scheduled Castes in the district or as the case may be Scheduled Tribes in the district bears to the total population in the district, and such seats shall be allotted by the State Election Commission by rotation to different territorial constituencies in that district in the prescribed manner. [(ia) in the case of a district panchayat, the whole local area of which comprises of any of the Scheduled Areas, the number of seats reserved for the Scheduled Tribes under sub-clause (i) shall be increased to such number as is not less than one-half of the total number of seats in the district panchayat.] (ii) One tenth of the total number of seats in a district panchayat shall be reserved by the State Government for socially and educationally backward classes and such seats shall be allotted by the State Election Commission by rotation to different territorial constituencies in that district in the prescribed manner. (b) One third of the total number of seats reserved under clause (a) shall, be reserved by the State Government for women belonging to the Scheduled Castes, the Scheduled Tribes or, as the case may be, the socially and educationally backward classes. (c) One third (including the number of seats reserved for women belonging to the Scheduled Castes, the Scheduled Tribes and socially and educationally backward classes) of the total number of seats to be filled by direct election in a district panchayat all be reserved by the State Government for women and such seats shall be allotted by the State Election Commission by rotation to different territorial constituencies in the district in the prescribed manner. (6) Members of the Gujarat Legislative Assembly elected from any constituency in the District or a part thereof shall be permanent invitees to the District Panchayat, but such invitees shall not have the right to vote in the meeting of the District Panchayat: Provided that when a person ceases to be a Member of the Gujarat Legislative Assembly, he shall cease to be a permanent invitee to the District Panchayat. Explanation. - For the removal of doubts, it is hereby clarified that status of a permanent invitee shall not be construed to be that of a member of the District Panchayat referred to in clauses (3) and (4) of Article 243 C of the Constitution of India. [11A. Nomination of members of Scheduled Tribes. - If for any reason an election does not result in the return of any member of Scheduled Tribes in a taluka panchayat or district panchayat, then the State Government may nominate from amongst members belonging to Scheduled Tribes who are qualified to be elected, such number of members as not to exceed one-tenth of the total members to be elected in that panchayat.]

12. Location of headquarters of a district or taluka panchayat. - (1) The headquarters of a district panchayat and a taluka panchayat shall be located at such place in the district or, as the case may be, taluka as the State Government may by order in writing direct.

(2)Where the headquarters of a district or taluka are located in a city or municipal borough, it shall be lawful for the district panchayat of the district or, as the case may be, the taluka panchayat of the taluka to hold property in such city' or, as the case may be, municipal borough notwithstanding that the area within the limits of such city or municipal borough is not included in the district or, as the case may be, municipal borough.

13. Duration of Panchayats and their reconstitution. - (1) Every panchayat, unless sooner dissolved under this Act shall continue for five years from the date appointed for its first meeting and no longer.

(2)An election to constitute a panchayat shall be completed-(a)before the expiry of its duration specified a sub-section (1);(b)before the expiration of a period of six months from the date of its dissolution;Provided that where the remainder of the period for which the dissolved panchayat would have continued is less than six months, it shall not be necessary to hold any election under this sub-section for constituting the panchayat for such period.(3)A panchayat constituted upon the dissolution of a panchayat before the expiration of its duration shall continue only for the remainder of the period for which the dissolved panchayat would have continued under sub-section (1) had it not been so dissolved.

Chapter III

Election of Members of Panchayat, Election Disputes Etc

14. Definitions. - In the Chapter, unless the context otherwise requires,-

(a)"Assembly" means the Gujarat Legislative Assembly;(b)"Central Act" means the Representation of the People Act, 1950 (43 of 1950).(c)"qualifying date" means the 1st day of January of the year in which the list of voters for the purposes of the general election of members for constituting or reconstituting a panchayat is prepared under section 18 or, as the case may be, is revised under the proviso to section 23.

15. Election. - (1) The election of members to a panchayat shall be held on such date as State Election Commission may appoint in that behalf,

Provided that-(i)in the case of reconstitution of a panchayat on account of the expiry of its duration of five years such date shall not be earlier than two months or later than fifteen days before the expiry of the duration.(ii)in the case of reconstitution of a panchayat on account of dissolution of a

panchayat where the remainder of the period for which the dissolved panchayat would have continued is six months or more than six months such date shall not be later than two months after the date of dissolution of the panchayat.(iii)in the case of reconstitution of a panchayat on account of dissolution of a panchayat where the remainder of the period for which the dissolved panchayat would have continued is less than six months, such date shall not be earlier than two months or later than fifteen days before the expiry of such lesser period, except with the sanction of the State Government which may be given either prospectively or retrospectively.(2)Such election shall be conducted in the prescribed manner.(3)The superintendence, direction and control of the conduct of such election shall be vested in the State Election Commission.(4)The names of the elected members shall be published in the prescribed manner by the State Election Commission.Provisions Relating to Elections

16. Electoral divisions. - (1) For the purposes of elections of members to a village panchayat a village shall be divided by the State Election Commission into as many single members wards as the total number of members specified in respect of the village panchayat of that village in sub-section (4) of section 9, and in such manner that as far as practicable the population of all the wards is the same; and one member shall be elected from each such ward.

(2)For the purposes of elections of members to a taluka panchayat a taluka shall be divided by the State Election Commission into as many single member territorial constituencies as the total number of elected members specified in respect of the taluka panchayat of that taluka in sub-section (4) of section 10 and in such manner that the population of all the territorial constituencies is, as far as practicable, the same and each territorial constituency is so delimited as to include therein as far as practicable whole wards of a village and one member shall be elected from each such constituency.(3)For the purposes of elections of members to a district panchayat, a district shall be divided by the State Election Commission into as many single member territorial constituencies as the total number of elected members specified in respect of the district panchayat of that district in sub-section (4) of section 11 and in such manner that the population of all the territorial constituencies is as far as practicable the same and each territorial constituency is so delimited as to include therein as far as practicable whole territorial constituencies of a taluka; and one member shall be elected from each such constituency.(4)At any time not later than two months before the date of the expiry of the duration of a panchayat under section 13 and in the case of a panchayat which is to be constituted or reconstituted under the provisions of this Act otherwise than on the expiry of its duration under section 13, at any such time before it is to be constituted or, as the case may be reconstituted, it shall be lawful for State Election Commission-(a)to alter, for reasons to be recorded in writing, the limits of any ward of the concerned village, for the purpose of general election in relation to a village panchayat.(b)to alter, for reasons to be recorded in writing, the limits of any territorial constituency of the concerned taluka or district, for the purpose of general election in relation to a taluka or district panchayat.(5)Each ward constituted under sub-section (1) and each territorial constituency constituted under sub-sections (2) and (3) shall subject to alteration, if any, made under sub-section (4) be an electoral division.

17. List of Voters for every electoral divisions. - For every electoral division, there shall be a list of voters which shall be prepared and maintained in accordance with the provisions of sections 18 to 22 under the superintendence, direction and control of the State Election Commission.

18. Preparation of list of Voters. - At any time not later than two months before the expiry of the duration of a panchayat under section 13, and in the case of a panchayat which is to be constituted or reconstituted under the provisions of this Act otherwise than on the expiry of its duration under section 13 at any such time as the State Election Commission may after consulting the State Government determine there shall be prepared for the purpose of the general election of members for constituting or, as the case may be, reconstituting such panchayat, a list of voters for every electoral division in respect of such panchayat as determined under section 16 and in force at the time when such list is prepared.

19. Persons qualified to be registered as voters. - Every person who is entitled to be registered in the relevant part of the electoral roll of the Gujarat Legislative Assembly under the Central Act shall be entitled to be registered as a voter in the list of voters' for the electoral division, to be prepared under section 18.

20. List of voters. - (1) The electoral roll of the Gujarat Legislative Assembly prepared under the provisions of the Central Act, for the time being in force for such part of the constituency of the Assembly as is included in the relevant electoral division, shall, subject to any amendment, deletion or addition made under sub-section (3) or any inclusion of any name under sub-section (5), be the list of voters for that electoral division,

(2) Such officer of the State Government as the State Election Commission may specify in this behalf (hereinafter referred to as "the specified officer") shall, subject to superintendence, direction and control of the commission, maintain a list of voters for each electoral division the list shall be published in the prescribed manner. (3) If on an application made to him in this behalf or on his own motion the specified officer is satisfied that the list of voters is at variance with the relevant part of the electoral roll of the Gujarat Legislative Assembly on account of any mistake in the list, he shall amend the list so as to bring it in conformity with the said electoral roll and for that purpose may amend, delete or add any entry in that list. (4) Any person who has become entitled to be registered in the relevant part of, the electoral roll of the Gujarat Legislative Assembly under the Central Act, after the qualifying date may apply to the specified officer for inclusion of his name in the

list.(5)Where the specified officer after making such inquiry as he may consider necessary, is satisfied that the applicant is entitled to be registered in the relevant part of the electoral roll of the Gujarat Legislative Assembly under the Central Act, he shall direct the name of the applicant to be included in the list of voters:Provided that no such direction shall be given if the applicant is disqualified to vote under this Act or any other law for the time being in force.(6)No amendment, deletion or addition of any entry in the list of voters for an electoral division shall be made under sub-section (3) and no direction for inclusion of a name in that list shall be given under sub-section (5) during the period between such date as the State Election Commission may, by general or special order, notify in this behalf and the date of the completion of any concerned election in the electoral division.Explanation. - In this section the expression "qualifying date" has the same meaning as in clause (b) of section 14 of the Central Act.(7)The list of voters shall after it is finally prepared under this section be published in the prescribed manner and shall come into operation immediately upon its final publication.

21. Name of the person not to be included in the list of voters for more than one electoral division. - No person shall be entitled to have his name included in the list of voters for more than one electoral division of the same panchayat.

22. Name of the person not to be included in the list of voters, more than once. - No person shall be entitled to have his name included in the list of voters for any electoral division more than once.

23. Period for which a list of voters shall remain in Operations. - The list of voters for any electoral division which has been published and has come into operation under sub-section (7) of section 20 shall, subject to any revision made under the proviso to this section, remain in operation until a new list of voters for that electoral division is prepared, published and comes into operation:

Provided that the State Election Commission may, after consulting the State Government for reasons to be recorded in writing, direct that such list for any electoral division may be revised in the prescribed manner by reference to the qualifying date, before any bye-election is held to fill a casual vacancy in a seat allotted to that electoral division.

24. Staff of Panchayat to be made available. - Every panchayat shall make available to the State Election Commission such staff as it may require for the performance of any duties in connection with the preparation and revision of a list of voters for an electoral division and conduct of elections in respect of that panchayat.

25. Jurisdiction of civil courts barred. - No civil court shall have jurisdiction-

(a)to entertain or adjudicate upon any question whether any person is or is not entitled to have his name included in a list of voters; or(b)to question the legality of any action taken or decision given by or under the authority of the State Election Commission in connection with the preparation, maintenance or revision of any such list.

26. Making false declaration. - If any person makes in connection with-

(a)the preparation, revision or correction of a list of voters, or(b)the inclusion or exclusion of any entry in or from a list of voters,a statement or declaration in writing which is false and which he either knows or believes to be false or does not believe to be true, he shall be punishable with imprisonment for a term which may extend to one year or with fine or with both.

27. Breach of official duty in connection with the preparation etc. of list of voters. - (1) If any Government servant, panchayat servant or any other person required by or under this Act to perform any official duty in connection with the preparation, revision or correction of a list of voters or the inclusion of any entry in or from that list, is without reasonable cause, act or omission involving breach of such official duty, he shall be punishable with fine which may extend to five hundred rupees.

(2)No suit or other legal proceeding shall lie against any such officer or other person for damages in respect of any such act or omission as aforesaid.(3)No court shall take cognizance of any offence punishable under sub-section (1) except on a complaint made by order of, or under authority from the State Government or the State Election Commission.

28. Person qualified to note and be elected. - (1) Every person whose name is in the list of voters shall, unless disqualified under this Act or any other law for the time being in force, be qualified to vote at the election of a member for the electoral division to which such list pertains.

(2)(a)Every person who has attained the age of twenty one years and whose name is in the list of voters shall, unless disqualified under this Act or under any other law for the time being in force, be qualified to be elected from any electoral division.(b)No person whose name is not entered in the list of voters for the village, shall be qualified to be elected from any electoral division thereof.(3)Subject to any disqualification incurred by a person, the list of voters shall be conclusive evidence for the purpose of determining under this section whether any person is or is not qualified to vote, or as the case may be, to be elected at any election.

29. Restriction on simultaneous or double membership. - (1) No person shall, save as expressly authorised by this Act, be a member of two or more panchayats.

(2) Where a person while being a member of one panchayat, intends to stand as a candidate for membership of another panchayat, he may stand as a candidate for such membership notwithstanding anything contained in sub-section (1): Provided that if he is chosen for the seat for which he stood as a candidate, the seat already held by him shall become vacant on the date on which he is chosen unless the seat so held is in another panchayat and the term of that panchayat is to expire within a period of four months from the date on which he is so chosen. (3) If any person is simultaneously chosen as a member of two or more panchayats, the person shall, within fifteen days from the date or the later of the dates on which he is so chosen, intimate to the competent authority, one of the panchayats in which he wishes to serve and thereupon his seat in the panchayat other than the one in which he wishes to serve, shall become vacant. (4) Any intimation given under sub-section (3) shall be final and irrevocable. (5) In default of intimation referred to in sub-section (4) within the aforesaid period, the competent authority shall determine the seat which he shall retain and thereupon the remaining seats from which he was chosen, shall become vacant.

30. Disqualification of. - (1) No person shall be a member of a panchayat or continue as such who-

(a) has whether before or after the commencement of this Act, been convicted-(i) of an offence under the Protection of Civil Rights Act, 1955 (XXII of 1955 Bombay) or under the Bombay Prohibition Act, 1949 (XXV of 1949), unless a period of five years, or such lesser period as the State Government may allow in any particular case, has elapsed since his conviction; or (ii) of any other offence and been sentenced to imprisonment for not less than six months, unless a period of five years, or such lesser period as the State Government may allow in any particular case, has elapsed since his release; or (b) has been adjudged by a competent court to be of unsound mind; or (c) has been adjudicated an insolvent and has not obtained his discharge; or (d) has been removed from any office held by him in any panchayat under any provision of this Act or in any panchayat before the commencement of this Act under the Gujarat Panchayats Act, 1961 and a period of five years has not elapsed from the date of such removal, unless he has, by an order of the State Government notified in the Official Gazette been relieved from the disqualification arising on account of such removal from office; or (e) has been disqualified from holding office under any provision of this Act and the period for which he was so disqualified has not elapsed; or (f) holds any salaried office or place of profit in the gift or disposal of any panchayat, other than an office of President or Vice-President of a panchayat or of a Chairman of any Committee of a panchayat, while holding such office or place; or (g) has directly or indirectly, by himself or his partner, any share or interest in any work done, by order of the panchayat, or in any contract with, by or on behalf of, or employment with or under the panchayat; or (h) has directly or indirectly, by himself or, his partner any share or interest in any transaction of loan of money advanced to or borrowed from any officer or servant of any panchayat; or (i) fails to pay any arrears of any kind due by him to the panchayat or any panchayat subordinate thereto or any sum recoverable from him in accordance with Chapter X of this Act, within three

months after a special notice in accordance with the rules made in this behalf has been served upon him; or(j)is a servant of the Government or a servant of any local authority; or(k)has voluntarily acquired the citizenship of a Foreign State or is under any acknowledgement of allegiance or adherence to a Foreign State; or(l)is disqualified under any other provision of this Act, and the period for which he was so disqualified has not elapsed.Explanation 1. - A person shall not be disqualified under clause (g) for membership of a panchayat by reason only of such personal having share in any joint stock company or a share or interest in any society registered under any law for the time being in force which shall contract with or be employed by or on behalf of any panchayat; or(b)having a share or interest in any newspaper in which any advertisement relating to the affairs of any panchayat may be inserted; or(c)holding a debenture or being otherwise concerned in any loan raised by or on behalf of any panchayat; or(d)being professionally engaged on behalf of any panchayat as a legal practitioner; or(e)having any share or interest in any lease of immoveable property in which the amount of rent has been approved by the taluka panchayat in the case of a village panchayat, or by the taluka panchayat or by the district panchayat in its own case or in any sale or purchase of immoveable property or in any agreement for such lease, sale or purchase; or(f)having a share or interest in the occasional sale to the panchayat of any article in which he regularly trades or in the purchase from the panchayat of any article, to a value in either case not exceeding in any year one thousand rupees; or(g)merely being a relative of a person in employment with or under or by or on behalf of the panchayat.Explanation 2. - For the purpose of clause (i)-(i)a person shall not be deemed to be disqualified if he has paid the arrears or, the sum referred to in clause (i) of this sub-section, prior to the day prescribed for the nomination of candidates;(ii)failure to pay the arrears or the sum referred to in clause (i) of this subsection to the panchayat by a member of an undivided Hindu family or by a person belonging to a group or unit, the members of which are by custom joint in estate or residence, shall be deemed to disqualify all members of such undivided Hindu family or as the case may be, all the members of such group or unit.Explanation 3. - For the purpose of clause (j) an officiating revenue or police patel or revenue or police patel who is an official or under the Bombay Hereditary Offices Act, 1874 (Bombay 3 of 1874), or any other corresponding law for the time being in force, shall be deemed to be a servant of the Government.[(m) who has more than two children:Provided that a person having more than two children on the date of commencement of the Gujarat Local Authorities Laws (Amendment) Act, 2005 (hereinafter in this clause referred to as "the date of such commencement"), shall not be disqualified under this clause so long as the number of children he had on the date of such commencement does not increase:Provided further that a child or more than one child born in a single delivery within the period of one year from the date of such commencement shall not be taken into consideration for the purpose of disqualification under this clause.Explanation. - For the purpose of this clause,~(i)where a couple has only one child on or after the date of such commencement, any number of children born out of single, subsequent delivery shall be deemed to be one entity;(ii) `child' does not include an adopted child or children.](2)A person who at any time during the term of his office is disqualified under the Gujarat Provision for Disqualification of Members of Local Authorities for Defection Act, 1986 (Gujarat 23 of 1986), for being a member of a taluka panchayat or, as the case may be a district panchayat shall cease to hold office as such member.

31. Determination validity of election, inquiry by judge and procedure. - (1) If the validity of any election of a member of a panchayat is brought in question by any person contesting the election or by any person qualified to vote at the election to which such question relates, such person may, at any time within fifteen days after the date of the declaration of the results of the election, present an election petition to the Civil Judge (Junior Division), and if there be no Civil Judge (Junior Division) then to the Civil Judge (Senior Division), (hereinafter referred to as "the judge") having ordinary jurisdiction in the area within which the election has been or should have been held, for the determination of such question.

(2) A petitioner shall not join as respondents to his election petition persons except those mentioned in the following clauses, namely-(a) where the petitioner in addition to challenging the validity of the election of all or any of the returned candidates, claims a further relief that he himself or any other candidate has been duly elected, all the contesting candidates other than the petitioner and where no such further relief is claimed, all the returned candidates, and (b) any other candidate against whom allegations of any corrupt practices are made in the election petition. (3) An inquiry shall thereupon be held by the Judge and he may after such inquiry as he deems necessary, pass an order, confirming or amending the declared result, or setting the election aside. For the purposes of the said inquiry, the said Judge may exercise all the powers of a civil court, and his decision shall be conclusive. (4) If the validity of the election is brought in question only on the ground of any error by the officer or officers charged with carrying out the rules made under section 274 or of an irregularity or informality not corruptly caused, the Judge shall not set aside the election. Explanation. - The expression "error" in this sub-section does not include any breach of or any omission to carry out or any non-compliance with the provisions of this Act or the rules made thereunder whereby the result of the election has been materially affected. (5) All election petitions received under sub-section (1)-(a) in which the validity of the election of members to represent the same electoral division is in question, shall be heard by the same Judge, and (b) in which the validity of the election of the same member elected to represent the same electoral division is in question, shall be heard together. (6) Notwithstanding anything contained in the Code of Civil Procedure, 1908 (V of 1908), the Judge shall not permit-(a) any petition to be compromised or withdrawn, or (b) any person to alter or amend any pleading, unless he is satisfied that such application for compromise or withdrawal or the application for such alteration or amendment is bonafide and not collusive. (7) (a) If on the holding of such inquiry the Judge finds that a candidate has for the purpose of the election committed a corrupt practice within the meaning of sub-section (8) he shall declare the candidate disqualified for the purpose of that election and of such fresh election as may be held under section 33 and shall set aside and election of such candidate if he has been elected. (b) If, in any case to which clause (a) does not apply, the validity of an election is in dispute between two or more candidates, the Judge shall after a scrutiny and computation of the votes recorded in favour of each candidate, declare the candidate who is found to have the greatest number of valid votes in his favour to have been duly elected: Provided that for the purpose of such computation, no vote shall be reckoned as valid if the Judge finds that any corrupt practice was committed by any person known

or unknown, in giving or obtaining it: Provided further that after such computation if any equality of votes is found to exist between any candidates and the addition of one vote will entitle any of the candidates to be declared elected, one additional vote shall be added to the total number of valid votes found to have been received in favour of such candidate or candidates, as the case may be, selected by lot drawn in the presence of the Judge in such manner as he may determine. (8) A person shall be deemed to have committed a corrupt practice- (a) who, with a view to inducing any voter to give or to refrain from giving a vote in favour of any candidate, offers or gives any money or valuable consideration, or holds out any promise of individual profit, or holds out any threat of injury to any person, or (b) who, with a view to inducing any person to stand or not to stand or to withdraw or not to withdraw from being a candidate at an election, offers or gives any money or valuable consideration or holds out any promise of individual profit or holds out any threat of injury to any person, or (c) who hires or procures whether on payment or otherwise, any vehicle or vessel for the conveyance of any voter (other than the person himself, the members of his family or his agent) to and from any polling station; Provided that the hiring of a vehicle or vessel by a voter or by several voters at their joint cost, for the purpose of conveying him or them to or from any such polling station shall not be deemed to be a corrupt practice under this clause if the vehicle or vessel so hired is a vehicle or vessel not propelled by mechanical power; Provided further that the use of any public transport vehicle or vessel or any tram car or railway carriage by any voter at his own cost for the purpose of going to or coming from any such polling station shall not be deemed to be a corrupt practice under this clause. Explanation 1. - A corrupt practice shall be deemed to have been committed by a candidate, if it has been committed with his knowledge and consent, or by a person who is acting under the general or special authority of such candidate with reference to the election. Explanation 2. - "A promise of individual profit" does not include a promise to vote for or against any particular measure which may come before a panchayat for consideration, but subject thereto, includes a promise for the benefit of the person himself or any person in whom he is interested. Explanation 3. - The expression "vehicle" means any vehicle used or capable of being used for the purpose of road transport, whether propelled by mechanical power or otherwise, and whether used for drawing other vehicles otherwise.

32. Disability from continuing as members. - (1) If any member of a panchayat,-

(a) who is elected, as such, was subject to any of the disqualifications, mentioned in [sub-section (1) of Section 30] at the time of his election, (b) during the term for which he has been elected, incurs any disqualifications, mentioned in [sub-section (1) of Section 30]. he shall be disabled from constituting to be a member, and his office shall become vacant. (2) In every case, the question whether a vacancy has arisen, shall be decided by the competent authority. The competent authority may give its decision either on an application made to it by any person, or on its own motion, Until the competent authority decides that the vacancy has arisen, the member shall not be disabled under sub-section (1) from continuing to be a member. Any person aggrieved by the decision of the competent authority may, within a period of fifteen days from the date of such decision, appeal to the State Government and the orders passed by the State Government in such appeal shall be final; Provided that no order shall be passed this sub-section by the competent authority against any member without giving him a reasonable opportunity of being heard.

33. Fresh election if election is invalid. - If the election of any member is set aside under section 31 or if his office becomes vacant under section 32 a fresh election for the vacancy so caused shall, as soon as may be, be held in accordance with the provisions of this Act.

34. Power of State Election Commission to require services of for election. - Every panchayat shall make available to the State Election Commission such members of its staff as such Commission may require for the performance of any duties in connection with an election and every such member shall carry out such directions as may be issued to him by such Commission or any competent officer in relation to such election.

Election Offences

35. 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;(b)soliciting the vote of any voter;(c)persuading any voter not to vote at the election;(d)persuading any voter not to vote for any particular candidate;(e)exhibiting any notice or sign (other than an official notice) relating to the election.(2)Any person who contravenes the provision of sub-section (1) shall, on conviction, be punished with fine which may extend to one thousand rupees.(3)An offence punishable under this section shall be cognizable.

36. Penalty for disorderly conduct in or near polling station. - (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 fine which may extend to one thousand rupees.(3)If the presiding officer of a polling station has reason 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.

37. Penalty for misconduct at Polling station. - (1) Any person who during the hour 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 a 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 fine which may extend to one thousand rupees.(4)An offence punishable under sub-section (3) shall be cognizable.

38. Maintenance of secrecy of voting. - (1) Where an election is held by ballot, every office, clerk, agent or other person who performs any duty in connection with the recording or counting of votes at an 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 such secrecy.

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

39. Officers etc. at elections not to act for candidates or influence voting. - (1) No person who is a returning officer, or a presiding or polling officer at an election or an officer or clerk appointed by the returning officer or the presiding officer to perform any duty in connection with an election shall in the conduct of the management of the election do any act (other than the giving of his vote) for the furtherance of the prospects of the elections of a candidate.

(2)No such person as aforesaid, and no member of a police force, shall endeavour-(a)to persuade any person to give his vote at an election, or(b)to dissuade any person from giving his vote at an election, or(c)to influence the voting 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.

40. 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 two thousand rupees.

(2) No suit or other legal proceeding shall lie against any such person for damages in respect of any such act or omission as aforesaid. (3) The persons to whom this section applies are the returning officers, presiding officers, polling officers and any other persons appointed to perform any duty in connection with the maintenance of the list of voters, the receipt of nominations or withdrawal of candidates or the recording or counting of votes at an election; and the expression "official duty" shall for the purposes of this section be construed accordingly, but shall not include duties imposed, otherwise than by or under this Act.

41. Removal of ballot papers from polling station 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 which may extend to two thousand rupees or with both.

(2) If the presiding officer of a polling station has reason to believe that any person is committing or has committed an offence punishable under sub-section (1), such officer may, before such person leaves the polling station, arrest or direct a police officer to arrest such person and may search such person or cause him to be searched by a police officer. Provided that when it is necessary to cause a woman to be searched, the search shall be made by another woman with strict regard to decency. (3) Any ballot paper found upon the person arrested on search shall be 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.

42. Other offences and penalties therefor. - (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 document 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; (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 a presiding officer at 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 purposes of this section, a person shall be deemed to be on official duty if his duty is to take part in the conduct of an election or part of an election including the counting of votes or to be responsible after an election for the used ballot papers and other documents in connection with such election, but the expression "official duty" shall not include any duty imposed otherwise than by or under this Act.(4)An offence punishable under clause (b) of sub-section (2) shall be cognizable.

43. Prosecution in certain offences. - No court shall take cognizance of an offence punishable under section 39 or under section 40 or under clause (a) of sub-section (2) of section 42 except on a complaint made by an order of, or under authority from the State Election Commission.

Requisitioning of Premises for the Purposes of Election

44. Requisitioning of premises vehicles etc., for election purposes. - (1) If it appears to an official authorised by the State Government in this behalf (for conduct of elections under this Act) (hereinafter referred to as "the requisitioning authority") that in connection with an election under this Act-

(a)any premises are needed or are likely to be needed for being used as a polling station or for the storage of ballot boxes after a poll has been taken, or(b)any vehicle, vessel or animal is needed or 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 as the case may be, such vehicle, vessel or animal 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 animal which is being lawfully used by a candidate or his agent for any purpose connected with the election of such candidate shall be requisitioned under this sub-section, until the completion of the poll at such election.(2)The requisition shall be effected by an order in writing addressed to the person deemed by the requisitioning authority to be the owner or person in possession of the property, and such order shall be served in the manner prescribed by rules made by the State Government under this Act, on the person to whom it is addressed.(3)Wherever any property is requisitioned under sub-section (1), the period of such requisition shall not extend beyond the period for which such property is required for any or the purposes mentioned in that sub-section.(4)In this section-(a)"premises" means any land, building or part of a building and includes a hut, shed or other structure or any part thereof;(b)"vehicle" means any vehicle used or capable of being used for the purpose of road transport whether propelled by mechanical power or otherwise.

45. Payment of compensation. - (1) Whenever in pursuance of section 44 the requisitioning authority requisitions any premises, the panchayat 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 or if no rent is so payable for similar premises in the locality; (ii) if in consequence of the requisition of premises, the person interested is compelled to change his residence or place of business the reasonable expenses (if any) incidental to such change: Provided that where any person interested being aggrieved by the amount of compensation so determined makes an application to the requisitioning authority within the time prescribed by rules made by the State Government for referring the matter to an arbitrator, the amount of compensation to be paid shall be such as the arbitrator appointed in this behalf by the requisitioning authority may determine: Provided further that, where there is any dispute as to the title to receive the compensation or as to the apportionment of the amount of compensation, it shall be referred by the requisitioning authority to an arbitrator appointed in this behalf by the requisitioning authority for determination, and shall be determined in accordance with the decision of such arbitrator. Explanation. - In this sub-section, the expression "person interested" means a person who was in actual possession of the premises requisitioned under section 44 immediately before the requisition, or where no person was in such actual possession, the owner of such premises. (2) Whenever in pursuance of section 44, the requisitioning authority requisitions any vehicle, vessel or animal, the panchayat shall pay to the owner thereof compensation the amount of which shall be determined by the requisitioning authority on the basis of fares or rates prevailing in the locality for the hire of such vehicle, vessel or animal; Provided that, where the owner of such vehicle, vessel or animal being aggrieved by the amount of compensation so determined makes an application within the time prescribed by rules made by the State Government to the requisitioning authority for referring the matter to an arbitrator, the amount of compensation to be paid shall be such as the arbitrator appointed in this behalf by the requisitioning authority 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 payable in respect of the requisition 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.

46. Power to obtain information. - The requisitioning authority may, with a view to requisitioning any property under section 44 or determining the compensation payable under section 45 by order, require any person to furnish to such authority as may be specified in the order such information in his possession relating to such property as may be so specified.

47. 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, vessel or animal therein for the purpose of determining whether, and if so, in what manner an order under section 44 should be made in relation to such premises, vehicles, vessel or animal, or with a view to securing compliance with any order made under that section.

(2) In this section, the expression "premises" and "vehicles" have the same meaning as in section 44.

48. Eviction from requisitioned premises. - (1) Any person remaining in possession of any requisitioned premises in contravention of an order made under section 44 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.

49. Release of premises from requisition. - (1) When any premises requisitioned under section 44 are to be released from requisition, the possession thereof shall be delivered to the person from whom possession was taken at the time when the premises were requisitioned or if there were 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 right 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 44 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 requisition to be affixed on some conspicuous part of such premises and publish the notice in the Official Gazette (3) When a notice referred to in sub-section (2) is published in the Official Gazette the premises specified in such notice shall cease to be subject to requisition on and from the date of such publication and be deemed to have been delivered to the person entitled to possession thereof; and the requisitioning authority or the panchayat shall not be liable for any compensation or other claim in respect of such premises for any period after the said date.

50. Penalty for contravention of any order regarding requisition. - If any person contravenes any order made under section 44 or section 46, he shall on conviction, be punished with imprisonment for a term which may extend to one year or with fine, or with both.

Chapter-IV Provisions Relating to Presiding Officers of Panchayats and Members of Panchayats
Part-IV Village Panchayats

51. First meeting of panchayat and election of Sarpanch and Upa-Sarpanch. -

(1) On the constitution of village panchayat or on its reconstitution under section 13 or under any other provision of this Act, there shall be called the first meeting, thereof for the election of Upa-Sarpanch from amongst the members of the panchayat.

(2)[(a) All offices of sarpanch of village panchayats in the State shall be reserved by the State Government for the Scheduled Tribes. Explanation. - For the purposes of this clause, "village panchayat" means the village panchayat, the whole local area of which comprises of the Scheduled Areas.](b)(i) One third of the total number of offices of Sarpanch of village panchayats in the State reserved under clause (a) [***][***] shall be reserved by the State Government for women. (3) The number of offices reserved under sub-section (2) shall be allotted by the State Government by rotation to different village panchayats in the State in the prescribed manner. (4) The meeting shall be held on such day within four weeks from the date on which the names of members elected at the general election are published under section 15 as may be fixed by the competent authority: Provided that where no day is fixed within the aforesaid period of four weeks, the competent authority shall report the fact to the State Government or an officer or authority authorised by the State Government and the meeting shall be held on such day as the State Government or the said officer or authority as the case may be, may specify. (5) In the case of village panchayat, where there has been a failure to elect a Sarpanch or where the elected Sarpanch is not willing to take office, the first meeting of such village panchayat shall be presided over by such officer as the competent authority may by order appoint in that behalf. Such officer shall have such powers and follow such procedure as may be prescribed but shall not have the right to vote. (6) At the first meeting of the village panchayat no business other than the election of the Upa-Sarpanch shall be transacted. (7) If at the election under this section there is an equality of votes, the result of the election shall be decided by lots drawn in the presence of the presiding officer in such manner as he may determine. (8) In the event of a dispute arising as to the validity of an election under the foregoing provisions of this section, the dispute shall be referred within a period of thirty days from the date of the declaration of the result of the election to the competent authority for decision. The decision of the competent authority shall be final and no suit or other proceeding shall lie against it in any court.

52. Duty of retiring Sarpanch, etc. to hand over charge of office. - (1) On the election of a new Sarpanch or Upa-Sarpanch it shall be the duty of the retiring Sarpanch or, as the case may be, Upa-Sarpanch, to hand over to him charge of his office and deliver to him the record and property belonging to the panchayat and in his custody.

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

53. Term of office of members of village panchayats, and of Sarpanch etc. thereof. - Save as otherwise provided in this Act, the term of office of-

(a)the member of a village panchayat, and(b)the Sarpanch and Upa-Sarpanch of a village panchayat.shall be co-extensive with the duration of the panchayat.

54. Resignation of members, Sarpanch of Upa-Sarpanch. - (1)(a) The Sarpanch may resign from his office by tendering his resignation in writing to the Panchayat but the resignation shall not take effect until it is accepted by the competent authority.

(b)The Upa-Sarpanch may resign from his office by tendering his resignation in writing to the panchayat but the resignation shall not take effect until it is accepted by the panchayat. 4(2)Any other member of the panchayat may resign from his office by tendering his resignation to the Sarpanch and the resignation shall take effect on the date on which it is accepted by the Sarpanch.(3)If any dispute regarding any resignation arises, it shall be referred for decision to such officer, as the State Government may, by general or special order, appoint in that behalf and the decision of such officer shall be final:Provided that no such dispute shall be entertained after the expiry of a period of thirty days from the date on which the resignation takes effect.

55. Executive functions of Sarpanch, or Upa-Sarpanch. - (1) Save as otherwise expressly provided by or under this Act, the executive power, for the purpose of carrying out the provisions of this Act and the resolutions passed by a village panchayat shall vest in the Sarpanch thereof who shall be directly responsible for the due fulfilment of the duties imposed upon the panchayat by or under this Act. In the absence of the Sarpanch his power and duties shall, save as may be otherwise prescribed by rules, be exercised and performed by the Upa-Sarpanch.

(2)Without prejudice to the generality of the foregoing provision:-(a)the Sarpanch shall-(i)preside over and regulate the meeting of the panchayat;(ii)exercise supervision and control over the acts

done and actions taken by all officers and servants of the panchayat;(iii)incur contingent expenditure upto fifty rupees at any one occasion;(iv)operate on the fund of the panchayat including authorisation of payment, issue of cheques and refunds;(v)be responsible for the safe custody of the fund of the panchayat,(vi)cause to prepare all statements and reports required by or under this Act;(vii)exercise such other powers and discharge such other functions as may be conferred or imposed upon him by this Act or rules made thereunder.(b)the Upa-Sarpanch shall(i)in the absence of the sarpanch preside over and regulate the meetings of the panchayat;(ii)exercise such of the powers and perform such of the duties of the Sarpanch as the Sarpanch may, from time to time delegate to him;(iii)in case the Sarpanch has been continuously absent from the village for more than fifteen days or is incapacitated to exercise the powers and perform the duties of the Sarpanch.(3)In the absence of both the Sarpanch and the Upa-Sarpanch, every meeting of the panchayat shall be presided over by such one of the members present as may be chosen by the meeting to be Chairman for the occasions.(4)Notwithstanding anything contained in clause (iv) of sub-section (2), no money shall be withdrawn from the fund of the panchayat except with the signature of the [Sarpanch and the Secretary.]

56. Motion of no-confidence. - (1) Any member who intends to move a motion of no confidence against the Sarpanch or the Upa-Sarpanch may give notice thereof in the prescribed form to the panchayat concerned. If the notice is supported by one half of the total number of members of the panchayat concerned, the motion may be moved.

(2)Where in the case of the Sarpanch or, as the case may be, the Upa-Sarpanch, the motion is carried by a majority of not less than two-thirds of the total number of the members of the panchayat, the Sarpanch or, as the case may be, the Upa-Sarpanch, shall cease to hold office after a period of three days from the date on which the motion is carried unless he has resigned and the resignation has become effective earlier; and thereupon the office held by him shall be deemed to have become vacant.(3)Notwithstanding anything contained in this Act or the rules made thereunder a Sarpanch or, as the case may be, an Upa-Sarpanch, shall not preside over a meeting in which a motion of no confidence is discussed against him, but he shall have a right to speak or otherwise to take part in the proceedings of such a meeting (including the right to vote.)(4)When the offices of both the Sarpanch and Upa-Sarpanch become vacant simultaneously, such Officer as the Taluka Development Officer may authorise in this behalf shall, pending the election of the Sarpanch, exercise all the powers and perform all the functions and duties of Sarpanch but he shall not have the right to vote in any meetings of the panchayat.(5)(a)Notwithstanding anything contained in section 91 or 95 a meeting of the panchayat for dealing with a motion of no confidence under this section shall be called within a period of fifteen days from the date on which the notice of such motion is received by the panchayat;(b)If the Sarpanch fails to call such meeting, the Secretary of the panchayat shall forthwith make a report thereof to the competent authority and thereupon the competent authority shall call a meeting of the panchayat within a period of fifteen days from the date of the receipt of the report.

57. Removal from office. - (1) The competent authority may remove from office any member of the panchayat, the Sarpanch or, as the case may be, the Upa-Sarpanch thereof, after giving him an opportunity of being heard and giving due notice in that behalf to the panchayat and after such inquiry as it deems necessary, if such member, Sarpanch or, as the case may be, Upa-Sarpanch has been guilty of misconduct in the discharge of his duties or of any disgraceful conduct or abuses his powers or makes persistent default in the performance of his duties and functions under this Act or has become incapable of performing his duties and functions under this Act. The Sarpanch or, as the case may be, the Upa-Sarpanch, so removed may at the discretion of the competent authority also be removed from the membership of the panchayat.

(2)The competent authority may, after following the procedure laid down in subsection (1) disqualify for a period not exceeding five years any person who has resigned his office as a member, Sarpanch or Upa-Sarpanch, or otherwise ceased to hold any such office and has been guilty of misconduct specified in sub-section (1) or has been incapable of performing his duties and functions:Provided that an action under this sub-section shall be taken within six months from the date on which the person resigns or ceases to hold any such office.(3)Any person aggrieved by an order of the competent authority under sub-section (1) or (2) may, within a period of thirty days from the date of the communication of such order, appeal to the State Government.

58. Leave of absence. - (1) Any member of a village panchayat who during his term of office-

(a)is absent for more than three consecutive months from the village unless leave not exceeding four months so to absent himself has been granted by the panchayat; or(b)absent himself for four consecutive months from the meetings of the panchayat without the leave of the said panchayat;shall cease to be a member and his office shall be vacant and thereupon the panchayat shall as soon as may be inform him that the vacancy has occurred.(2)Any dispute as to whether a vacancy has or has not occurred under this section shall be referred for decision to the competent authority, whose decision shall be final;Provided that such reference, shall not be entertained if it is made after the expiry of fifteen days from the date on which the panchayat informs under sub-section (1) the member as to the vacancy.(3)Whenever leave is granted under sub-section (1) to a member who is an Upa-Sarpanch, another member shall, subject to the conditions to which the election of the Upa-Sarpanch so absenting himself was subject, be elected to perform all the duties and exercise all the powers of an Upa-Sarpanch during the period for which such leave is granted

59. Suspension of Sarpanch or Upa-Sarpanch. - (1) The District Development Officer may suspend from office the Sarpanch or the Upa-Sarpanch of a village panchayat against whom any criminal proceedings in respect of an offence involving moral turpitude have been instituted or who has been detained in a prison during trial for any offence or who is undergoing such sentence of imprisonment as would not disqualify him from continuing as a member of the panchayat under section 30 or who has been detained under any law relating to preventive detention for the time being in force.

(2) Where any Sarpanch or Upa-Sarpanch, has been suspended under sub-section (1) another member of the village panchayat shall, subject to the conditions to which the election of the Sarpanch or Upa-sarpanch, so suspended was subject, be elected to perform all the duties and exercise all the powers of a Sarpanch or Upa-Sarpanch, during the period for which such suspension continues. (3) An appeal shall lie against an order passed under sub-section (1) to the State Government, Such appeal shall be made within a period of thirty days from the date of the order.

60. Eligibility of certain member for re-election. - A member of a village panchayat whose office has become vacant under section 32 or under section 58 shall, if his disqualification or disability has ceased, be eligible for re-election.

61. Filling up of vacancies. - (1) Any vacancy in the office of a Sarpanch, or Upa-Sarpanch, or member of a panchayat of which notice has been given to the competent authority in the prescribed manner shall be filled by the election of a Sarpanch, Upa-sarpanch or as the case may be, member, who shall hold office so long only as the Sarpanch, Upa-Sarpanch or member, in whose place he has been elected, would have held office if the vacancy had not occurred:

Provided that if vacancy of a member occurs within four months preceding the date on which the duration of the panchayat expires under section 13, it shall not be filled. (2) The meeting for the election of the Sarpanch or Upa-Sarpanch of a village panchayat under sub-section (1) shall be convened by the competent authority on such date as it may fix and the election shall be held in the same manner in which the election of a Sarpanch or Upa-Sarpanch is held under section 51 and the provisions of that section shall, so far as may be, apply in respect of such election.

62. Acts and proceedings of panchayat and Committee not vitiated by disqualification, etc. of members thereof. - (1) No disqualification of or defect in the election of any person acting as a member, Sarpanch, or Upa-Sarpanch or Chairman or member of a committee constituted under this

Act or defect in the appointment of a presiding authority of the first general meeting shall be deemed to vitiate any act or proceeding of the panchayat or of any such committee, as the case may be, in which the person has taken part wherever the majority of persons, parties to such act or proceeding were entitled to act.

(2) No resolution of a panchayat or of any committee 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 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 the matters referred to in the minute. (4) During any vacancy in a panchayat or committee thereof the continuing members may act as if no vacancy had occurred. ,

Part II

Taluka Panchayats

63. First meeting of panchayat and election of President and Vice-President. -

(1) On the constitution of a taluka panchayat or on its reconstitution under section 13 or under any other provisions of this Act there shall be called the first meeting thereof for the election of its President and Vice-President from amongst its elected members.

(2) [(a) All offices of the President of the taluka panchayats in the State shall be reserved by the State Government for the Scheduled Tribes. Explanation. - For the purposes of this clause, "taluka panchayat" means the taluka panchayat, the whole local area of which comprises of the Scheduled Areas.] (b) (i) On third of the total number of offices of President of Taluka Panchayats in the State reserved under clause (a) [* * * *] [* * *] shall be reserved by the State Government for women. (3) The number of offices reserved under sub-section (2) shall be allotted by the State Government by rotation to different Taluka Panchayats in the State in the prescribed manner. (4) The meeting shall be held on such day within four weeks from the date on which the names of members elected at the general election are published under section 15 as may be fixed by the competent authority: Provided that where no day is fixed within the aforesaid period of four weeks, the competent authority shall report the fact to the State Government or an officer or authority authorised by the State Government and the meeting shall be held on such day as the State Government or the said officer or authority, as the case may be, may specify. (5) The first meeting shall be presided over by such officer as the competent authority may by order appoint in that behalf. Such officer shall, have such powers and follow such procedure as may be prescribed but shall not have the right to vote. (6) No

business other than the election of the President and Vice-President shall be transacted at the meeting.(7)If at the election under the section, there is an equality of votes, the result of the election shall be decided by lot drawn in the presence of the presiding officer as he may determine.(8)In the event of a dispute arising as to the validity of an election under the forgoing provisions of this section, the dispute shall be referred within a period of thirty days from the date of the declaration of the result of the election to the competent authority for decision. The decision of the competent authority shall be final and no suit or other proceeding shall lie against it in any court.

64. Duty of retiring president etc., to handover charge of office. - (1) On the election of a new President or Vice-President, it shall be the duty of the retiring President or, as the case may be Vice-President to hand over to him charge of his office and deliver to him the record and property belonging to the panchayat and in his custody,

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

65. Honorarium allowances etc. to President and Vice-President and travelling allowances to members. - (1) Subject to the provisions of this Act, the taluka panchayat shall pay to its President an honorarium at such rate as may be prescribed.

(2)(a)The President shall be entitled without payment of rent, to the use of a residence, in the headquarters of the panchayat or with the previous sanction of the State Government at any other place in the taluka throughout his term of office and for a period of fifteen days immediately thereafter, or in lieu of such residence, a house allowance at such rate as the State Government may determine by a general or special order.(b)No charge shall fall on the President personally in respect of the maintenance of any residence provided under this sub-section.(3)During the leave or absence of the President, the Vice-President shall be paid such honorarium and allowances as may be prescribed.(4)The President, Vice-President and a member of the panchayat shall be entitled to travelling allowances while touring on public business at such rates and upon such conditions as may be determined by rules made either prospectively or retrospectively.

66. Payment of honorarium to President during leave or absence. - (1) Subject to the provisions of sub-section (2), where the President of a taluka panchayat remains absent or is on leave for a continuous period exceeding fifteen days, he shall not be entitled to any honorarium under sub-section (1) of section 65 for such period.

(2)Where the president remains absent on ground of illness duly certified by such medical authority as the State Government may by general or special order specify, the president shall be entitled to an

honorarium under sub-section (1) of section 65 during the period of such absence in so far as such period does not exceed ninety days during any year.(3)Nothing in sub-section shall apply to the absence of the President on account of his touring on public business.

67. Term of office, of members, President and Vice-President. - Save as otherwise provided in this Act, the term of office of members President and Vice-President of a taluka panchayat shall be co-extensive with the duration of the panchayat.

68. Resignation. - (1) The President may resign from his office by tendering his resignation in writing to the competent authority but the resignation shall not take effect until it is accepted by the competent authority.

(2)The Vice-President may resign from his office by tendering his resignation in writing to the panchayat but the resignation shall not take effect until it is accepted by the panchayat.(3)Any other member of the panchayat may resign by tendering his resignation to the president and the resignation shall take effect on the date on which it is received by the President.(4)If any dispute regarding any resignation arises it shall be referred for decision to such officer as the State Government may by general or special order appoint in that behalf and the decision of such officer shall be final;Provided that no such dispute shall be entertained after the expiry of a period of thirty days from the date on which the resignation takes effect.

69. Powers and functions of President and Vice-President. - (1)(a) The President shall-

(i)convene, preside at, and conduct meetings of the taluka panchayat;(ii)have access to the records of the panchayat;(iii)discharge all the duties imposed, and exercise all the powers conferred on him by or under this Act,(iv)watch over the financial and executive administration of the panchayat and submit to the panchayat all questions connected therewith which shall appear to him to require its orders; and(v)exercise administrative supervision over the Taluka Development Officer for securing implementation of resolutions or decisions of the panchayat or of any committee thereof.(b)The President may in cases of emergency direct the execution or suspension or stoppage of any work or the doing of any act which requires the sanction of the panchayat or any authority thereof, and immediate execution or doing of which is, in his opinion, necessary for the service or safety of the public and may direct that the expenses of executing such work or doing such act shall be paid from the Taluka Fund.Provided that, he shall report forthwith the action taken under this sub-section, and the reasons therefor, to the Executive Committee or any appropriate Standing Committee at its next meeting.(2)The Vice-President shall-(a)in the absence of the President, preside at the meetings of the panchayat;(b)exercise such of the powers and perform such of the duties of the president as the President from time to time may, subject to the rules made by the State Government in this behalf, delegate to him by an order in writing; and(c)pending the election of President, or during the absence of the President, exercise the powers and perform the duties of the President.

70. Motion of no confidence. - (1) Any member who intends to move a motion of no confidence against the President or Vice-President may give a notice thereof in the prescribed form to the panchayat. If the notice is supported by such number of members as may be prescribed, the motion may be moved.

(2) If the motion is carried by a majority of not less than two-thirds of the total number of the then members of the panchayat, the President or the Vice-President, as the case may be, shall cease to hold office after a period of three days from the date on which the motion is carried, unless he has resigned earlier; and thereupon the office held by such President or Vice-President shall be deemed to be vacant. (3) Notwithstanding anything contained in this Act or the rules made thereunder a President or Vice-President shall not preside over a meeting in which a motion of no confidence is discussed against him but he shall have a right to speak or otherwise to take part in the proceedings of such a meeting (including the right to vote). (4) (a) Notwithstanding anything contained in section 122, a meeting of the panchayat for dealing with a motion of no confidence under this section shall be called within a period of fifteen days from the date on which a notice of such motion is received by the panchayat. (b) If the President of the panchayat fails to call such meeting, the Secretary of the panchayat shall make a report thereof to the competent authority and thereupon the competent authority shall call a meeting of the panchayat within a period of fifteen days from the date of the receipt of the report.

71. Removal from office. - (1) The competent authority' may remove from office any member of a panchayat or any President or Vice-President thereof after giving him an opportunity of being heard and giving due notice in that behalf to the panchayat and after such inquiry as it deems necessary, if such member, President or Vice-President has been guilty of misconduct in the discharge of his duties or of any disgraceful conduct or abuse of powers or makes persistent default in the performance of his duties and functions under this Act or has become incapable of performing his duties under this Act. The President or as the case may be, the Vice-President so removed may at the discretion of the competent authority also be removed from the membership of the panchayat.

(2) The competent authority may, after following the procedure laid down in subsection (1), disqualify for a period not exceeding five years, any person who has resigned his office as a member, President or Vice-President or otherwise ceased to hold any such office and has been guilty of misconduct specified in sub-section (1) or has been incapable of performing his duties. Provided that an action shall be taken within six months from the date on which the person resigns, or ceases to hold, any such office. (3) Any person aggrieved by an order of the competent authority under sub-section (1) or (2) may within a period of thirty days from the date of the communication of such order appeal to the prescribed authority.

72. Leave of absence. - (1) any member other than an associate member of a panchayat who during his term of office:-

(a) is absent for more than three consecutive months from the taluka unless leave not exceeding four months so to absent himself has been granted by the panchayat, or (b) absents himself from four consecutive meetings of the panchayat without the leave of the said panchayat, shall cease to be member and his office shall be vacant and thereupon the panchayat shall, as soon as may be, inform him that the vacancy has occurred. (2) Any dispute as to whether a vacancy has or has not occurred under this section shall be referred for decision to the competent authority, whose decision shall be final: Provided that such reference shall not be entertained if it is made after the expiry of fifteen days from the date on which the panchayat informs under sub-section (1) the member as to the vacancy. (3) Whether leave is granted under sub-section (1) to a member who is Vice-President another member shall subject to the condition to which the election of the Vice-President so absents himself was subject, be elected to perform all the duties and exercise all the powers of a Vice-President during the period for which such leave is granted.

73. Suspension of President or Vice-President. - (1) The competent authority may suspend from office any President or Vice-President against whom any criminal proceedings in respect of an offence involving moral turpitude have been instituted, or who has been detained in a prison during trial for any offence or who is undergoing such sentence of imprisonment as would not disqualify him from continuing as a member of the panchayat under section 30 or who has been detained under any law relating to preventive detention for the time being in force.

(2) Where any President or Vice-President has been suspended under sub-section (1) another member shall, subject to the conditions to which the election of the President or, as the case may be, Vice-President so suspended was subject, be elected to perform all the duties and exercise all the powers of a President or a Vice-President during the period for which such suspension continues. (3) An appeal shall lie against an order passed under sub-section (1) to the State Government, such appeal shall be made within a period of thirty days from the date of the order.

74. Eligibility of certain members for re-election. - A member of a panchayat whose office has become vacant under section 32 under section 72, shall, if his disqualification or disability has ceased, be eligible for re-election.

75. Filling up vacancies. - (1) Any vacancy in the office of a President, Vice-President or a member of a panchayat of which notice has been given to the competent authority in the prescribed manner shall be filled, by the election of a President or Vice-President or a member who shall hold office so long only as the President, Vice-President or member in whose place he

has been elected would have held office if the vacancy had not occurred;

Provided that if the vacancy of a member occurs within four months preceding the date on which the duration of the panchayat expires under section 13, it shall not be filled.(2)The meeting for the election of a President or Vice-President under sub-section (1) shall be convened by the competent authority on such date as it may fix and the election shall be held in the same manner in which the election of a President or Vice-President is held under section 62 and the provisions of that section shall, so far as may be, apply in respect of such election.

76. Acts and proceedings of panchayat and committee not vitiated by disqualification etc. of members thereof. - (1) No disqualification of or defect in the election of any person acting as a member, President, or Vice-President or Chairman or member of a committee constituted under this Act or defect in appointment of presiding authority to the first general meeting shall be deemed to vitiate any act or proceeding of the panchayat or of any such committee, as the case may be, in which the person has taken part, wherever the majority or persons, parties to such act or proceeding, were entitled to act.

(2)No resolution of a panchayat or of any committee 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 of a committee 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 the matters referred to in the minute.(4)During any vacancy in a Panchayat or committee thereof the continuing members may act as if no vacancy had occurred.

Part III

District Panchayats

77. First meeting of district panchayat and election of President and Vice-President. - (1) On the constitution of a district panchayat or on its reconstitution under section 13 or under and other provisions of this Act there shall be called the first meeting thereof for the election of its President and the Vice-President from amongst its elected members.

(2)[(a) All offices of the President of the district panchayats in the State shall be reserved by the State Government for the Scheduled Tribes. Explanation. - For the purposes of this clause, "district panchayat" means the district panchayat, the whole local area of which comprises of the Scheduled Areas.](b)(i) one third of the total number of offices of President of District Panchayats in the State reserved under clause (a) [***][* * *] shall be reserved by the State Government for women.(3) The number of offices reserved under sub-section (2) shall be allotted by the State Government by rotation to different District Panchayats in the State in the prescribed manner.(4) The meeting shall be held on such day within four weeks from the date which the names of members elected at the general election are published under section 15, as may be fixed by the competent authority: Provided that where no day is fixed within the aforesaid period of four weeks the competent authority shall report the fact to the State Government or officer or authority authorised by the State Government and the meeting shall be held on such day as the State Government or the said officer or authority, as the case may be, may specify.(5) The first meeting shall be presided over by such officer as the competent authority may by order appoint in that behalf, such officer shall, have such powers and follow such procedure as may be prescribed but shall not have the right to vote.(6) No business other than the election of the President and the Vice-President shall be transacted at the meeting.(7) If at the election under this section, there is an equality of votes, the result of the election shall be decided by lot drawn in the presence of the presiding officer in such manner as he may determine.(8) In the event of a dispute arising as to the validity of an election under the foregoing provisions of this section, the dispute shall be referred within a period of thirty days from the date of the declaration of the result of the election to the competent authority for decision. The decision of the competent authority shall be final and no suit or other proceeding shall lie against it in any court.

78. Duty of retiring President etc, to handover charge. - (1) On the election of a new President or Vice-President it shall be the duty of the retiring President or, as the case may be, Vice-President to hand over to him charge of his office and to deliver to him the record and property belonging to the panchayat and in his custody.

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

79. Honorarium and allowance etc. to President and Vice-President and travelling allowances to members. - (1) Subject to the provisions of this Act, the district panchayat shall pay to its President an honorarium at such rate as may be prescribed.

(2)(a) The President shall be entitled, without payment or rent, to the use of residence, in the headquarters of the panchayat or with the previous sanction of the State Government at any other place in the district throughout his term of office and for a period of fifteen days immediately thereafter, or in lieu of such residence house allowance at such rate as the State Government may

determine by a general or special order.(b)No charge shall fall on the President personally in respect of the maintenance of any residence provided under this sub-section.(3)During the leave or absence of the President, the Vice-President shall be paid such honorarium and allowances as may be prescribed.(4)The President of the panchayat shall be paid a conveyance allowance or permanent travelling allowance or both at such rates and upon such conditions as the State Government may by order determine from time to time.(5)The Vice- President, and members of the panchayat shall be entitled to travelling allowance while touring on public business at such rates and upon such conditions, as may be determined by rules made either prospectively or retrospectively.

80. Payment of honorarium to president during leave or absence. - (1)

Subject to the provisions of sub-section (2), where the President of a district panchayat remains absent or is on leave for a continuous period exceeding fifteen days, he shall not be entitled to any honorarium under sub-section (1) of section 79 of for such period.

(2)Where the president remains absent on ground of illness duly certified by such medical authority as the State Government may by general or special order specify, the President shall be entitled to an honorarium under sub-section (1) of section 79 during the period of such absence in so far as such period does not exceed ninety days during any year.(3)Nothing, in sub-section (1) shall apply to the absence of the President on account of his touring on public business.

81. Term of office of members of district panchayat and of President and Vice-President. - Save as otherwise provided in this Act, the term of office of members, President and Vice-President of a district panchayat shall be co-extensive with the duration of the Panchayat.

82. Resignation. - (1) The President may resign from his office by tendering his resignation in writing to the competent authority but the resignation shall not take effect until it is accepted by the competent authority.

(2)The Vice-President may resign from his office by tendering his resignation in writing to the panchayat but the resignation shall not take effect until it is accepted by the panchayat.(3)Any other member of the panchayat may resign by tendering his resignation to the President and the resignation shall take effect on the date on which it is accepted by the President.(4)If any dispute regarding any resignation arises it shall be referred for decision to such officer as the State Government may by general or special order appoint in that behalf and the decision of such officer shall be final;Provided that no such dispute shall be entertained after the expiry of a period of thirty days from the date on which the resignation takes effect.

83. Powers and functions of President and Vice-President. - (1)(a) The President shall-

(i)convene, preside at and conduct meetings of the district panchayat;(ii)have access to the records of the panchayat;(iii)discharge all duties imposed, and exercise all the powers conferred on him by' or under this Act;(iv)watch over the financial and executive administration of the panchayat and submit to the panchayat all questions connected therewith which shall appear to him to require its orders; and(v)exercise administrative supervision over the District Development Officer for securing implementation of resolution or decisions of the panchayat or of any Committee thereof.(b)The President may in cases of emergency direct the execution or suspension or stoppage of any work or the doing of any act which requires the sanction of the panchayat or any authority thereof, and immediate execution or doing of which is, in his opinion, necessary for the service or safety of the public, and may direct that the expenses of executing such act shall be paid from the District Fund.Provided that, he shall report forthwith the action taken under this sub-section, and the reasons therefor to the Executive Committee or any appropriate Standing Committee at its next meetings.(2)The Vice-President shall-(a)in the absence of the President, preside at the meetings of the panchayat;(b)exercise such of the powers and perform such of the duties of the President, as the President from time to time may, subject to the rules made by the State Government in this behalf, delegate to him by an order in writing; and(c)pending the election of President, or during the absence of the President, exercise the powers and perform the duties of the President.

84. Motion of no confidence. - (1) Any member who intends to move a motion of no confidence against the President or Vice-President may give notice thereof in the prescribed form to the panchayat. If the notice is supported by such number or members as may be prescribed, the motion may be moved.

(2)If the motion is carried by a majority of not less than two-thirds of the total number of the then members of the panchayat, the President or Vice-President, as the case may be, shall cease to hold office, after a period of three days from the date on which the motion was carried unless he has resigned earlier; and thereupon the office held by such President or Vice- President shall be deemed to be vacant.(3)Notwithstanding anything contained in this Act or the rules made thereunder, a President or Vice-President shall not preside over a meeting in which a motion of no confidence is discussed against him; but he shall have a right to speak or otherwise to take part in the proceedings of such a meeting (including the right to vote).(4)(a)Notwithstanding anything contained in section 144, a meeting of the panchayat for dealing with a motion of no confidence under this section shall be called within a period of fifteen days from the date on which a notice of such motion is received by the panchayat.(b)If the President of the panchayat fails to call such meeting, the Secretary of the panchayat shall make a report thereof to the competent authority and thereupon the competent authority shall call a meeting of the panchayat within a period of fifteen days from the date of the receipt of the report.

85. Removal from office. - (1) The competent authority may remove from office any member of a panchayat or a President or Vice-President thereof after giving him an opportunity of being heard and giving due notice in that behalf to the panchayat and after such enquiry as it deems necessary, if such member, President or Vice-President has been guilty of misconduct in the discharge of his duties or of any disgraceful conduct or abuses of his powers or makes persistent default in the performance of his duties and functions under this Act or has become incapable of performing his duties under this Act. The President or as, the case may be, the Vice-President so removed may, at the discretion of the competent authority, also be removed from the membership of the panchayat.

(2)The competent authority may, after following the procedure laid down in subsection (1) disqualify for a period not exceeding five years, any person who has resigned from his office of member, President or Vice-President or otherwise ceases to hold any such office and has been guilty of misconduct as specified in sub-section (1), or has been incapable of performing his duties:Provided that such action shall be taken within six months from the date on which the person resigns or ceases to hold any such office.(3)Any person aggrieved by an order of the competent authority under sub-section (1) or (2) may, within a period of thirty days from the date of communication of such order, appeal to the prescribed authority.

86. Leave of absence. - (1) Any member of a panchayat who, during his term of office-

(a)is absent for more than three consecutive months from the district, unless leave not exceeding four months so to absent himself has been granted by the panchayat, or(b)absent himself from four consecutive meetings of the panchayat without the leave of the said panchayat, shall cease to be a member and his office shall be vacant and thereupon the panchayat shall, as soon as may be, inform him that the vacancy has occurred.(2)Any dispute as to whether a vacancy has or has not occurred under this section, shall be referred for decision to the competent authority, whose decision shall be final;Provided that such reference shall not be entertained if it is made after the expiry of fifteen days from the date on which the panchayat informs under sub-section (1) to the member as to the vacancy.(3)Whenever leave is granted under sub-section (1) to a member who is Vice-President, another member shall, subject to the conditions to which the election of the Vice-President, so absents himself was subject, be elected to perform all the duties and exercise all the powers of a Vice-President during the period for which such leave is granted.

87. Suspension of President or Vice-President or Chairman of Education Committee. - (1) The competent authority may suspend from office any President or Vice-President or Chairman of Committee against whom any criminal proceedings in respect of an offence involving moral turpitude have

been instituted or who has been detained in a prison during trial for any offence or who is undergoing such sentence of imprisonment as would not disqualify him from continuing as a member of the panchayat under section 30, or who has been detained under any law relating to prevention detention for the time being in force.

(2)Where any President or Vice-President or Chairman has been suspended under sub-section (1), another member shall, subject to the condition to which the election of the President, Vice-President or, as the case may be Chairman suspended, was subject be elected to perform all the duties exercise all the powers of a President or a Vice-President or a Chairman, as the case may be, during the period for which such suspension continues.(3)An appeal shall lie against an order passed under sub-section (1) to the State Government. Such appeal shall be made within a period of thirty days from the date of the order.

88. Eligibility of certain members for re-election. - A member of a panchayat whose office has become vacant under section 32 or under section 86 shall, if his disqualification or disability has ceased, be eligible for re-election.

89. Filling of vacancies. - (1) Any vacancy in the Office of a President, Vice-President or member of a panchayat of which notice has been given to the competent authority in the prescribed manner shall be filled by the election of a President or Vice-President or member who shall hold office so long only as the President, Vice-President or member, in whose place he has been elected would have held office if the vacancy had not occurred.

Provided that if the vacancy of a member occurs within four months preceding the date on which the duration of the panchayat expires under section 13, it shall not be filled.(2)The meeting for the election of a President or vice-President under sub-section (1), shall be convened by the competent authority on such date as it may fix and the election shall be held in the same manner in which the election of a President or Vice-President is held under section 77 and the provisions of that section shall, so far as may be apply in respect of such election.

90. Acts and proceedings of panchayat and Committee not vitiated by disqualification etc. of members thereof. - (1) No disqualification of or defeat in the election of any person acting as a member, President or Vice-President or Chairman or member of a committee constituted under this Act, or in the appointment of a presiding authority of the first general meeting, shall be deemed to vitiate any act or proceeding of the panchayat or of any such committee, as the case may be, in which the person has taken part, wherever the majority of person, party to such act or proceedings were entitled to act.

(2) No resolution of a panchayat or of any committee constituted under this Act, shall be deemed invalid on account of any irregularity in the service of notice upon any members, 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 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 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 the power to deal with the matters referred in the minute. (4) During any vacancy in a panchayat or committee thereof the continuing members may act as if no vacancy had occurred.

Chapter V

Conduct of Business, Administrative Powers and Duties, Property and fund and Accounts Etc. Of Panchayats Part - I Provisions relating to village panchayats. (A) Conduct of Business

91. Meeting of Panchayats. - The meeting of a village panchayat shall be held at such intervals as may be prescribed.

Provided that the Sarpanch for any specified reason may, and upon the written request of not less than one third of the members shall call a meeting of the panchayat at any other time.

92. Village Panchayat Committees, their constitution, Powers functions and duties. - (1) A village panchayat may constitute an Executive Committee for performing such of its functions and duties (not being those pertaining to its Social Justice Committee, as the panchayat may assign to it.

(2) The Executive Committee shall consist of five members to be elected by the panchayat from amongst its members, out of whom one shall belong to a Scheduled Caste or a Scheduled Tribe and one shall be a woman. (3) A village panchayat shall constitute a committee called the Social Justice Committee for performing such functions as are essential for securing social justice to the weaker sections of the society including persons belonging to the Scheduled Castes and the Scheduled Tribes, as may be prescribed, and the constitution of such committee shall be such as may be prescribed. (4) In addition to the aforesaid committees, a village panchayat may within the previous approval of the State Government constitute one or more committee consisting of such members of the panchayat and other residents of the village as the panchayat may determine, or appoint any of its members to execute any work or scheme decided upon by the panchayat or to inquire into and report to the panchayat on matters which the panchayat may refer to such committee or member. The panchayat may make regulations for the procedure to be followed by any such committee. (5) Where any committee is constituted under this section the members of the committee shall elect from amongst themselves the Chairman of the committee. Provided that - (a) where the Sarpanch and Upa-Sarpanch both are members of any such committee, the Sarpanch shall be the ex-officio Chairman of such committee and if he declines to hold the office the Upa-Sarpanch shall

be the ex-officio Chairman of the committee, unless he also declines to hold the office, and (b) where only one of them is a member thereof he shall be the ex-officio Chairman of the committee, unless he declines to hold the office. (6) (a) The term of each of the committee other than the Executive Committee and the Social Justice committee shall be such as may be determined by the panchayat. (b) The term of the Executive Committee shall be two years and on the expiry of its term the committee may be reconstituted; and the term of the Social Justice Committee shall be co-extensive with the duration of the panchayat; Provided that where the unexpired part of the duration of the panchayat during which the Executive Committee is constituted or reconstituted is less than two years, the term of the Executive Committee shall be co-extensive with the unexpired part of the duration of the panchayat. (7) A member once elected to a committee shall be eligible for re-election. (8) A member or Chairman may resign from membership or Chairmanship of a committee by tendering his resignation to the panchayat. (9) Any vacancy occurring in a committee shall be filled in as soon as possible. (10) The committee constituted under this section shall in the performance of their functions exercise such powers and discharge such duties of a village panchayat as may be assigned to them by the panchayat. (11) Such of the powers, functions and duties of the panchayat as are not assigned to any committee shall be exercised and performed by the panchayat. (12) The panchayat may at any time withdraw from any committee other than the Social Justice Committee any of the powers, functions and duties assigned to it and may assign the same to any other committee other than the Social Justice committee. (13) A committee shall conform to any instructions that may from time to time be given to it by the panchayat; the panchayat may at any time call for any extract from any proceedings of any committee and for any return, statement, account or report in connection with any matter with which any committee has been authorised or directed to deal, every such requisition, shall without unreasonable delay, be complied with by the committee so called upon. (14) Notwithstanding the assignment of any powers, functions and duties of a panchayat to a committee thereof, - (a) any person aggrieved by a decision of a committee other than the Social Justice Committee in such classes of cases as may be prescribed may prefer an appeal to the panchayat, and (b) any person aggrieved by the decision of the Social Justice Committee may prefer an appeal to the Social Justice committee of the taluka panchayat within a period of sixty days from the date of such decision and the panchayat or, as the case may be, the Social Justice Committee of the taluka panchayat may after giving an opportunity to the appellant to be heard confirm, modify or reverse the decision appealed against and pass such order as it may think proper.

93. Meeting of Gram Sabha. - (1) There shall be held at least two ordinary meetings of the gram sabha every year on such date, at such time and place, as may be prescribed but in no case the intervening period between two ordinary meetings shall be less than three months.

Provided that the Sarpanch may, at any time on his own motion, and shall, if required by the taluka panchayat or district panchayat call an extra ordinary meeting of the gram sabha. (2) Any officer authorised in this behalf by the taluka panchayat or district panchayat by general or special order shall have the right to speak in, and otherwise to take part in, the proceedings of a meeting of a gram sabha, but shall not be entitled to vote. (3) Unless otherwise provided in this Act, the Sarpanch, and

in the absence of the Sarpanch, the Upa-Sarpanch shall preside over every meeting of the gram sabha. In the absence of the Sarpanch and Upa-Sarpanch, the members of the gram sabha shall elect one of the members of the panchayat present to preside.(4)If any dispute arises as to whether a person is entitled to attend a meeting of a gram sabha, such dispute shall be decided by the person presiding, regard being had to the entry in the list of voters for the whole of the village or ward thereof, as the case may be, and his decision shall be final.

94. Panchayat to place before gram sabha statement of accounts, etc. and duties of gram sabha. - (1) The first meeting of the gram sabha in every year shall be held within two months from the commencement of that year, and the village panchayat shall place before such meeting.

(i)the annual statement of accounts;(ii)the report on the administration in the preceding financial year;(iii)the development and other programme of work proposed for the current financial year;(iv)the last audit note and replies (if any) made thereto;(v)any other matter which the taluka panchayat and district panchayat requires to be placed before such meeting.(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 suggestions, if any, made by the gram sabha.(3)A gram sabha shall carry out any other functions as may be prescribed.

95. Procedure in respect of meetings. - Save as provided in this Act, the time and place of a meeting of a panchayat or a committee thereof, the quorum for such meeting, the procedure for calling such meeting and the procedure at such meeting, shall be such as may be prescribed.

96. Questions to be decided by majority of votes. - All questions before a meeting of a panchayat or committee thereof or of a gram sabha shall be decided by a majority of votes of the members present and unless otherwise provided in this Act, the presiding officer of the meeting shall have a second or casting vote in all cases of equality of votes:

Provided that in such circumstances and subject to such conditions as may be prescribed, as decision on any question before a panchayat or committee thereof may be taken by circulating the propositions therefor for the vote of members.

97. Modification or cancellation of resolutions. - No resolution of a panchayat shall be modified amended, varied or cancelled by a panchayat within a period of three months from the date of the passing thereof, except by a resolution supported by two-thirds of the whole number of members of such panchayat.

98. Invitees of meetings of panchayat. - (1) Notwithstanding anything contained in this Act, it shall be lawful for a village panchayat to invite at its meetings more than two persons.

(2)An invitee at a meeting of the panchayat shall have the right to speak or otherwise take part in the proceeding of the meeting of the meeting but shall not be entitled to vote.(B)Administrative powers and duties.

99. Administrative powers of panchayats. - Subject to the provisions of this Act it shall be the duty of each panchayat to make in the area within its jurisdiction, and so far as the fund at its disposal will allow, reasonable provisions, in regard to all or any of the matters specified in Schedule I.

100. Other functions of Panchayats. - (1) A panchayat may with the previous sanction of the district panchayat, incur expenditure on education or medical relief outside its jurisdiction if its finances permit.

(2)A panchayat may also make provision for carrying out in the areas, within the limits of its jurisdiction any other work or measure which is likely to promote,-(a)the health, safety, comfort or convenience,(b)social, economic or cultural well being and(c)education including secondary education of the inhabitants of the areas.(3)A panchayat may, by resolution passed at its meeting and supported by two thirds of the whole number of members make provision for any public reception, ceremony or entertainment in the area within its jurisdiction or may make contribution towards an annual gathering or such other gathering of panchayats in the district or the State or towards the fund of any institution which is established with the object of promoting the spirit of community, self-help and mutual aid among village folk and suggesting ways and means for the efficient administration of panchayats and which is recognised by the State Government:Provided that except with the previous sanction of the panchayat to which it is subordinate under section 6, the panchayat shall not incur expenditure exceeding one hundred rupees on any such reception, ceremony, entertainment or gathering.(4)If in respect of any land it comes to the notice of a panchayat that on account of the neglect of the occupant or superior holder thereof or dispute between him and his tenant, the cultivation of the land has seriously suffered the panchayat may bring such fact to the notice of the competent authority.(5)A panchayat, shall, in regard to the measures for the amelioration of the condition of Scheduled Castes and Scheduled Tribes and other back-ward classes, and in particular, in the removal of untouchability, carry out the directions or orders given or issued in this regard from time to time by the State Government or the competent authority and in case the panchayat fails to carry out any direction or order so given or issued, it shall be lawful for the State Government to withhold the payment to the panchayat of all or any of the grants payable under Chapter XI after the panchayat has been given a reasonable opportunity of being heard.(6)A panchayat shall perform such other duties and functions as are entrusted to it by or under any other law for the time being in force.(7)It shall be lawful for a panchayat to render financial or other assistance to any person for carrying on in the village panchayat any activity which

is related to any of the matters specified in Schedule I.

101. Owner to compromise. - (1) A village panchayat may compromise in respect of any suit instituted by or against it, or in respect of any claim or demand arising out of any contract entered into by it under this Act, for such sum of money or other compensation as it shall deem sufficient:

Provided that if any sanction in the making of any contract is required by this Act, the like previous sanction shall be obtained for compromising any claim or demand arising out of such contract.(2)The panchayat may give compensation out of its fund to any person sustaining any change by reason of the exercise of any of the powers vested in it and its officers and servants under this Act.

102. Local inquiry and reports by village panchayat. - It shall be the duty of every village panchayat to enquire and report many of the following cases, namely:-

(a)any case where a magistrate has directed that a previous local investigation be made by a village panchayat under section 202 of the Code of Criminal Procedure, 1973 (II of 1974), and the words "such other person" in sub-section (1) of the said section shall be deemed to include a village panchayat;(b)any case in which a magistrate making an inquiry under section 125 of the Code of Criminal Procedure, 1973, may require from the village panchayat in whose jurisdiction either the wife or child for whose maintenance the application is made or the husband or parents respectively of such wife or child resides, reports as to the amount of maintenance which, having regard to the circumstances of the parties, should be payable and such report shall be evidence in such inquiry;Provided that no member of the village panchayat shall be required to attend as a witness touching any matter on which the report is itself evidence but the magistrate may, in his discretion, call for a further report.

103. Powers of panchayat to manage institutions or execute work transferred to it by taluka or district panchayat. - In the case of any institution managed by a taluka panchayat or district panchayat, or of any work to be done out of the fund of a taluka panchayat or district panchayat, the taluka panchayat or, as the case may be, the district panchayat may, if the village panchayat so agrees entrust to the village panchayat the management of such institutions or the execution of such work;

Provided that in every such case, the fund necessary for such management or execution shall be placed at the disposal of the panchayat by the taluka panchayat, or district panchayat.

104. Control on erection of buildings. - (1) No person shall erect or re-erect or commence to erect or re-erect within the limits of the village, any building without the previous permission of the panchayat.

(2) Permission shall be presumed to have been granted if the panchayat fails to communicate its sanction or refusal in respect thereof within one month from the date of receipt of the application for the permission. In case of refusal, the panchayat shall communicate to the applicant the reasons thereof, and an appeal shall lie against any such order of refusal to the taluka panchayat. Provided that no such appeal shall be entertained if it is made after the expiry of thirty days from the date on which the refusal is communicated to the applicant. (3) No person, who becomes entitled under sub-section (1) or (2) to proceed with any intended work of erection or re-erection shall commence such work after the expiry of one year from the date on which he became entitled to proceed therewith unless he shall have again become so entitled by a fresh compliance with the provisions of sub-section (1) or (2) as the case may be. (4) Whoever erects or re-erects or commences to erect or re-erect any building without such permission or in any manner contrary to the provisions of sub-section (1) or any bye-law in force, or any conditions imposed by the panchayat shall, on conviction be punished with fine, which may extend to two hundred rupees and in the case of a continuing contravention, he shall be liable to an additional fine which may extend to twenty rupees for each day during which such contravention continues after conviction for the first such contravention. (5) Without prejudice to the penalty prescribed in sub-section (4) the panchayat may-(a) direct that the erection or re-erection be stopped, (b) by written notice require such erection or re-erection to be altered or demolished, as it may deem necessary, and if the requirement under clause (b) is not complied with within the time fixed in the notice, the panchayat may cause the alteration or demolition to be carried out by its officers and all the expenses incurred by the panchayat therefor, shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter X. Provided that when a notice for bringing any action against any direction for the alteration or demolition of any erection or re-erection issued under this sub-section has been given under sub-section (2) of section 270, alteration or demolition shall not be caused to be carried out until the expiry of the period of such notice and a further period of seven days. (6) Nothing contained in this section shall apply to any building which is used or required for public service or for any public purpose, and if the property of the State or Central Government or any local authority, or is to be erected or re erected by the State or Central Government or the local authority but reasonable notice of the proposed construction shall be caused to be given to the panchayat, and the objections or suggestions of the panchayat, if any, shall be considered. Explanation. - The expression "erect" or "re-erect" with reference to a building in this section includes-(a) any material alteration, or enlargement of or in any building; (b) the conversion by structural alteration into a place for human habitation of any building not originally constructed for human habitation; (c) such alteration of a building as would effect a change in the drainage or sanitary arrangement or materially affect its security; (d) the addition of any rooms, buildings, outhouses, or other structures to any building; (e) the conversion by any structural alteration into a place of religious worship or into a sacred building of any place or building, not originally meant or constructed for such purpose; (f) roofing or covering an open space between walls and building's as regards the structure which is formed by roofing or covering such space; (g) conversion into a stall, shop, warehouse, or godown of any building not originally constructed for use as such or vice

versa;(h)construction in a wall adjoining any street or land not vested in the owner of the wall, of a door opening on such street or land.

105. Obstruction and encroachment upon public streets and open sites. - (1) Whoever, within the limits of a village-

(a)builds or sets up any wall, or any fence, rail, post, stall verandah, platform, plinth, step or structure or thing or any other encroachment, or obstruction, or-(b)deposits, or causes to be placed or deposited, any box, bale, package or merchandise, or any other thing, or(c)without written permission given to the owner or occupier of a building by a panchayat puts up, so as to project from an upper storey thereof any verandah, balcony, room or other structure or thing. In or over any public street or place, or in or upon any open drain, gutter, sewer or aqueduct in such street or place, or contravenes any conditions subject to which any permission as aforesaid is given or the provisions of any bye-law made in relation to any such projections or cultivates or makes any unauthorised use of any grazing land, not being private property, shall on conviction, be punished with fine, and with further fine which may extend to twenty five rupees for each day on which such obstruction, deposit, projection, cultivation or unauthorised use continues after the date of first conviction for such offence.(2)The panchayat may remove any such obstruction or encroachment and remove any crop unauthorisedly cultivated, on grazing land or any other land not being private property, and may 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;Provided that if the site be vested in the State Government, the permission of the Collector or any officer authorised by him in this behalf, shall have first been obtained the expenses of such removal shall be paid by the person who has caused the said obstruction or encroachment and shall be recoverable under Chapter X:Provided further that when before the removal of any such encroachment or projection a notice for bringing action in that behalf has been given under sub-section (2) of section 270, no action for the removal of the encroachment or projection shall be taken until the expiry of the period of such notice and further period of seven days.(3)Nothing in sub-section (2) shall prevent the panchayat from permitting any construction referred to in clause (a) or clause (c) of sub-section (1) to stand on such terms and conditions as may be prescribed.(4)The power under sub-section (2) may be exercised in respect of any obstruction, encroachment, or projection referred to therein whether or not such obstruction, encroachment, or projection has been made before or after the village is specified as such under clause (g) of article 243 of the Constitution of before or after the property is vested in the panchayat,(5)Whoever not being duly authorised in that behalf removes earth, sand or other material from, or makes any encroachment in or upon any open site which is not private property, shall, on conviction, be punished with fine and, in the case of an encroachment, with further fine which may extend to twenty five rupees for every day on which the encroachment continues after the date of first conviction.(6)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, of the piling of fuel in by-lanes and sites for not more than seven days, and in such manner as not to inconvenience the public or any individual or from allowing any temporary erection on or putting projection over, or temporary occupation of, any such public street or place, or any other purpose in accordance with the bye-laws made under this Act.(7)Where the panchayat finds it difficult to remove any obstruction or encroachment or any crop

unauthorisedly cultivated on grazing lands as referred to in sub-section (2), it shall inform the Taluka Development Officer accordingly and the Taluka Development Officer shall on receipt of such information exercise the powers of the panchayat under sub-section (2) and take action to remove the obstruction, encroachment or, as the case may be, the crop.(8)The Taluka Development Officer may, take action referred to in sub-section (7) suo-motu or whenever it is reported to him that though the panchayat was moved to take action under sub-section (2) it has not taken any action for three months; Provided that before taking action suo motu he shall direct the village panchayat to take action and if the panchayat fails to do so within a specified time, the Taluka Development Officer may thereafter take action.

106.

(1)The panchayat may, from time to time by written notice, require the owner of any premises or part thereof, either to put up, by means of a metal plate a number or sub number on such premises, or part thereof in such position and manner as may be specified in such notice, or to signify in writing his desire that such work shall be executed under the orders of the panchayat.(2)Any person who destroys, pulls down or defaces any such number or sub-number or puts any number or sub-number different from that put up by order of the panchayat and any owner of any premises or part thereof, who does not at his own expense keep such number or sub-number in good order after it has been put up thereon, shall on conviction, be punished with fine which may extend to one hundred rupees.(3)Where a number or sub-number is put upon any premises or part thereof, under the orders of the panchayat in accordance with sub-section (1), the expenses of such work shall be payable by the owner of such premises or part thereof, as the case may be.(4)In this section "premsies" means a house, outhouse, stable, shed, hut or other structure whether of masonry, bricks, wood, mud, metal or any other Material whatsoever whether used as a human dwelling or otherwise.

107. Powers of Taluka Development Officer to require owner to provide water closet or privy accommodation. - (1) Where any premises in any village are, in the opinion of the Taluka Development Officer, without adequate and suitable water closet or privy accommodation in accordance with the rules or bye-laws made under this Act in that behalf, the Taluka Development Officer, may, by written notice, require the owner of such premises to provide such water or privy accommodation in accordance with the rules or bye-laws made under this Act in that behalf, within such time as may be specified in such notice and if the owner fails to comply with such requirement, within the time so specified or within such time as may, on the application of the owner, be extended by the Taluka Development Officer for any reasonable cause, it shall be lawful for the Taluka Development Officer to make such provision from the taluka fund and where such fund is inadequate, with the permission of the district panchayat, from the District Development Fund.

The expenses incurred by the Taluka Development Officer, in making such provision should on demand by the Taluka Development Officer, be payable by the owner and if not paid by him on demand such expenses shall be recoverable by the Taluka Development Officer in accordance with provisions of section 215.

(2) Notwithstanding anything contained in sub-section (1), where the owner of any premises fails to comply with such requirement within the period specified under subsection (1), the Taluka Development Officer may, in a case where the owner is not himself the occupier of such premises, permit the occupier of such premises to make provision for such water-closet or privy accommodation at the cost of the owner if the occupier is willing to do so instead of the Taluka Development Officer himself making such provision. Any such occupier who makes such provision shall, after obtaining the necessary certificate from the Taluka Development Officer about such provision having been made by him in making such provision and the reasonableness of such expenses, be entitled to deduct, such amount of expenses as is certified by the Taluka Development Officer to be reasonable from the rent or any other sum payable by him to the owner or to recover, such amount from the owner in any other lawful manner. (3) For the purpose of making the provision specified in sub-section (1), the Taluka Development Officer shall have power to do all acts necessary for that purpose and the panchayat or the Taluka Development Officer shall not be liable to pay any compensation to the owner of the premises for any reasonable damage done to the premises in making such provision. (4) Where any water-closet or privy accommodation is provided or set up by the Taluka Development Officer under sub-section (1) and the expenses incurred by the Taluka Development Officer in doing so are paid by, or recovered from the owner in full, such water-closet or privy accommodation shall belong to the owner of the premises and the owner shall be responsible for the expenses of maintaining it in good repairs and efficient condition. (5) The provision as aforesaid made under sub-section (1) or sub-section (2) shall not be deemed to be a permanent structure for the purpose of clause (b) of sub-section (1) of section 13 of the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947. (Bombay LV11 of 1947). Explanation. - For the purposes of this section, "water closet" means a closet used as a privy in which discharges are pushed in or carried off by water, and includes an acqua privy, gas plant, latrine attached with gas plant, a closet of type known as P.R.A.I. (Planning Research Action Institute) type, septic tank type, band flush type, bore hole type, clap trap type or any other type which the State Government may, by notification in the Official Gazette, specify. C. Property and Funds

108. Government may vest certain and in panchayat. - (1) For the purpose of this Act, the State Government may subject to such a conditions and restrictions as it may think fit to impose, vest in a panchayat open sites, waste, vacant or grazing lands or public roads, streets, bridges, ditches, dikes and fences, wells, river-beds, tanks, streams, lakes nallas, canals, water-courses, trees or any other property in the village vesting in the Government.

(2) Subject to any conditions and restrictions imposed by the State Government under sub-section (1) and with the previous sanction of the Collector, a panchayat may discontinue or stop up any such public road or street vested in it by the State Government, but which is no longer required as public road or street and may lease or sell any such land theretofore used for the purposes of such public road or street: Provided that one month before it is decided to stop up or discontinue such public road or street, the Sarpanch shall, by notice signed by him and affixed in the part of the public road or street which is proposed to be discontinued or stopped up, and published in such other manner as is prescribed, inform the residents of the village of the said proposal and consider any objections in writing made thereto. The notice shall indicate the alternative route, if any which it is proposed to provide or which may already be in existence. (3) Whenever any public road or street or any part thereof has, been so discontinued or stopped up, reasonable compensation shall be paid to, every person who was entitled to use such road or street or part thereof otherwise than as a mere member of the public, as a means of access to or from his property and has suffered damage from such discontinuance or stopping up, and the provisions in the Bombay Highways Act, 1955 (Bombay LV of 1955), in relation to the assessment, apportionment, and payment of compensation shall, mutatis mutandis, apply thereto as they apply in relation to the closure of a highway under section 52 of that Act. (4) Where any open site or waste, vacant or grazing land vesting in Government, has been vested by Government in a panchayat whether before or after the commencement of this Act, then it shall be lawful for the State Government to resume at any time such site or land, if it is required by it for any public purpose: Provided that in case of any improvement of such site or land made by the panchayat or any other person, the panchayat or person, as the case may be, shall be entitled to compensation equal to the value of such improvement and such value shall be determined in accordance with the provisions of the Land Acquisition Act, 1894 (of 1894). [(5) (a) For the purposes of this Act, there shall be vested in the village panchayat minor forest produce found (except found in the areas of National Parks or Sanctuaries) in such area of a forest as is situate in the jurisdiction of that village. (b) The sale proceeds of the minor forest produce shall be paid into and form part of the village fund. (c) Nothing in clause (a) shall be construed as vesting in the village panchayat the land in the area of forest referred to in clause (a) and trees and plantations thereon. Explanation. - For the purposes of this sub-section the expression "minor forest produce" shall have the same meaning as assigned to it in clause (9) of section 2 of the Gujarat Minor Forest Produce Trade Nationalisation Act, 1979 (Gujarat 7 of 1979).]

109. Other property of village panchayat. - (1) A taluka panchayat or the district panchayat may from time to time direct that any property vesting in it shall vest in a village panchayat and thereupon notwithstanding anything contained in the Transfer of Property Act, 1882 (IV of 1882), or the Indian Registration Act, 1908 (XVI of 1903), such property shall vest in the village panchayat.

(2) Every work constructed by a panchayat out of its fund, or with Government assistance or people's participation shall vest in the panchayat.

110. Limitation on power of panchayat to transfer immoveable property. - (1) Subject to the provisions of sub-section (2) no lease, sale or other transfer of any immoveable property vesting in, or acquired by a panchayat shall be valid unless such lease, sale or other transfer has been made with the previous sanction of the competent authority.

(2) In the case of a lease of immoveable property other than the property vesting in the panchayat under section 108, no such previous sanction shall be necessary, if the period of lease does not exceed three years.

111. Village Fund. - (1) There shall be in each village a fund to be called the village fund.

(2) The following shall be paid into and form part of the fund, namely, (a) the proceeds of any tax or fee imposed by or assigned to the panchayat under this Act; (b) all sums ordered by a court to be paid as compensation; (c) all other sums ordered by a court to be placed at the credit of the village fund; (d) the sale proceeds of all dust, dirt, dung, refuse, or carcasses of animals, except in so far as any person is entitled to the whole or a portion thereof; (e) sums contributed to the fund by the State Government or the taluka panchayat or the district panchayat; (f) all sums received by way of loans from the State Government or the taluka panchayat or the district panchayat or out of the District Development Fund or otherwise; (g) all sums received by the panchayat by way of gift or contribution; (h) the income or proceeds of any property vesting in the panchayat; (i) the net proceeds (after deducting the expenses of assessment and collection) of the cess authorised by section 203; (j) all sums realised by way of rent or penalty otherwise than as the amount of any fine in a criminal case; (k) all sums realised as pound fees after deducting the expenses.

112. Application of fund. - (1) All property vested in a panchayat under this Act, and all funds received by it in accordance, with the provisions of this Act, and all sums accruing to it under the provisions of any law for the time being in force, shall be applied subject to the provisions and for the purposes of this Act and all such funds and sums shall be kept in such custody as may be prescribed.

[1A] The village panchayat shall obtain from the gram sabha a certificate of utilization of funds by that panchayat for the plans, programmes and projects referred to in sub-clause (i) of clause (b) of sub-section (3) of section 4. (2) Any surplus funds in the hands of a panchayat which may not be required for current charges, may be invested in such manner as may be prescribed. (3) In the case of any loan taken by a panchayat, the payment of the principal or instalment thereof and the payment of interest thereon shall be a first charge on its fund.

113. Decision on claims to property by or against village panchayat. - (1) In any revenue village where any property or any right in or over any property is claimed by or on behalf of the panchayat or by any person against the panchayat, it shall be lawful for the Collector, after formal enquiry of which due notice has been given, to pass an order deciding the claim.

(2) Any suit instituted in any Civil Court after the expiration of one year from the date of the communication of any order passed by the Collector under sub-section (1), or if one or more appeals have been made against such order within the period of limitation then, from the date of communication of any order passed by the final appellate authority as determined according to section 204 of the Bombay Land Revenue Code (V of 1879), shall be dismissed (although limitation has not been set up as a defence) if the suit is brought to set aside, such order or if the relief claimed is inconsistent with such order, provided that the plaintiff has received due notice of such order. (3) (a) The powers conferred by this section on the Collector may be exercised also by an Assistant or Deputy Collector or by a Survey Officer or such other officer appointed under the said Code. (b) The formal inquiry referred to in this section shall be conducted in accordance with the provisions relating to such enquiry under the said Code. (c) A person shall be deemed to have had due notice of any inquiry or order under this section if notice thereof has been given in the prescribed manner. D. Officers and Servants of Panchayats

114. Secretary and servants of panchayats. - (1) Subject to the provisions of this act and the rules thereunder-

(a) there shall be a Secretary for every village panchayat who shall be appointed in accordance with the rules; (b) a village panchayat shall have such other servants as may be determined under section 227, Such servant shall be appointed by such authority and their conditions of service shall be such as may be prescribed; Provided that the State Government having regard to the population of a village and income of the panchayat thereof may direct in respect of a group of village panchayats that such group shall have one Secretary and there upon there shall be one Secretary for that group. (2) A Secretary of a village panchayat shall subject to the control of the Sarpanch- (a) keep in his custody the records and registers of the panchayat. (b) issue receipts under his signature for sums of money received by him on behalf of the panchayat. (c) prepare all statements and reports required under this Act, and (d) perform such other functions and duties under this Act as may be prescribed. (3) The other servants of the panchayat shall perform such functions and duties and exercise such powers under this Act as may be imposed or conferred on them by the panchayat, subject to rules, if any, made in this behalf. E. Contribution to District Development Fund

115. Contribution to District Development Fund. - Every village panchayat shall contribute every year to the District Development Fund constituted under section 223 a sum equal to such percentage not exceeding ten per cent of its income from such sources as may be prescribed;

Provided that where any village panchayat fails in any year to make a contribution under this section it shall be lawful for the State Government to deduct such amount from the grant payable to the panchayat under section 219 in the next deceeding year as may be sufficient to make the contribution and credit the same to the District Development Fund on behalf of the village panchayat.

F. Budget Estimates

116. Annual Budget Estimates. - (1) Every village panchayat shall have prepared annually on or before the 15th December of the current year of such date not later than 31st December of the current year as may be approved by the taluka panchayat in such form and manner as may be prescribed in this behalf a budget estimate of its income an expenditure for the next year and forward the budget estimate to the taluka panchayat on or before-

(a)the 31st December of the current year where the budget estimate is prepared on or before the 15th December of the current year, or(b)the 15th January of the current year where the budget estimate is prepared on or before the approved date;Provided that the budget estimate shall be so prepared that at the end of the year the panchayat shall have at its credit a balance of not less than such minimum amount as may be prescribed in that behalf.(2)The taluka panchayat shall scrutinize the budget estimates and return to the panchayat within two months of its receipt with such observations and recommendations as it may make in respect of the budget estimate.(3)The panchayat shall thereupon approve the budget estimate on or before the 31st March of the current year with such modifications as it may think fit having regard to the observations and recommendations made by the taluka panchayat under sub-section (2).(4)Where any village panchayat has failed to comply with the provisions of subsection (3), it shall be lawful for the State Government to form an opinion that the panchayat is incompetent to perform the duties imposed on it or functions entrusted to it under the provisions of this Act.Explanation. - A village panchayat shall not be deemed to have failed to comply with the provisions of sub-section (3), if such failure has resulted on account of non-compliance by the taluka panchayat of provisions of sub-section (2).

117. Revised or supplementary budget or re-appropriation of funds. - (1) A taluka panchayat may at any time during the year for which any budget estimate has been approved cause a revised or supplementary budget estimate to be prepared. Every such revised or supplementary budget shall be considered and approved by the panchayat in the same manner as if it were an original annual budget estimate:

Provided that the taluka panchayat shall scrutinise the budget and return to the panchayat within one month of its receipt.(2)Re-appropriation of fund in a budget estimate may be made from time to time subject to the same approval as is required for the budget estimates.

118. Except in emergency no sum to be expended unless it has been included in budget estimates. - (1) Save in the case of a pressing emergency, no sum shall be expended by or on behalf of a village panchayat unless such sum is included in some budget estimate approved under section 116 or 117 and in force at the time of incurring the expenditure.

(2) If on a pressing emergency, any sum is expended otherwise than in accordance with sub-section (1), the circumstances shall be forthwith communicated in writing to the taluka panchayat, with an explanation of the way in which it is proposed by the panchayat to cover such extra expenditure.

119. Accounts of income and Expenditure. - Accounts of the income and expenditure of every panchayat shall be kept in such form and manner as may be prescribed and shall be balanced annually on the 1st day of every year.

120. Annual administration report. - (1) The Secretary of every panchayat shall prepare the annual report of the administration of the panchayat and shall place the accounts and report for approval before the panchayat.

(2) The annual statement of the accounts together with the annual report, shall be sent to the district panchayat through the taluka panchayat on or before such date and in such form as may be prescribed. G. Audit of the Accounts of Village Panchayats

121. Audit of Accounts of Panchayat. - (1) The audit of the accounts of a panchayat shall, be carried out under the provisions of the Gujarat Local Fund Audit Act, 1963 and a copy of the audit note shall be forwarded to the panchayat and to the taluka panchayat within one month of the completion of audit.

(2) On receipt of the audit note referred to in sub-section (1), the panchayat shall, either remedy any defects or irregularities which may have been pointed out in the audit note and send to the taluka panchayat within three months an intimation of its having done so, or shall, within the said period supply any further explanation in regard to such defects or irregularities as it may wish to give. (3) On receipt of such intimation or explanation, the taluka panchayat may, in respect of all or any of the matters discussed in the audit note, - (a) accept the intimation or explanation given by the panchayat and recommend to the Collector to withdraw the objection, (b) direct that the matter be investigated at the next audit or at any earlier date, or (c) hold that the defects or irregularities pointed out in the audit note or any of them have not been removed or remedied. (4) The taluka panchayat shall send a report of its decision to the Collector within one month of the date of receipt by it of the intimation or explanation referred to in subsection (2), or in the event of the panchayat failing to give such intimation or explanation on the expiry of the period of three months referred to in the said

sub-section (2), and shall forward a copy of such report to the panchayat. If the taluka panchayat holds that any defects or irregularities have not been removed or remedied, it shall state in the report whether in its opinion the defects or irregularities can be regularised and if so, by what method and if they do not admit of being regularised, whether they can be condoned, and if so, by what authority. The taluka panchayat shall also state whether the amounts to which the defects or irregularities relate should in its opinion be surcharged as hereinafter provided.(5)The Collector may, after considering the report of the taluka panchayat and after making such further enquiry as he considers necessary disallow any item which appears to him contrary to law and surcharge the same on the person making or authorising the making of the illegal payment, and(a)if the person on whom the surcharge is made by a member, proceed against him in the manner described in sub-sections (2) and (3) of section 267;and(b)If the person on whom the surcharge is made is not a member, then after taking his explanation direct by order in writing that such person shall pay to the panchayat the amount surcharged, and if the amount be not so paid within one month, the Collector shall recover it as an arrears of land revenue and credit it to the village fund.(6)Any person aggrieved by any order of surcharge made by the Collector under this section may, within one month from the receipt by him of the decision of the Collector, apply to the District Court to modify or set aside such order and that court after taking such evidence as it thinks necessary, may confirm, modify or remit such surcharge and make such order as to costs as it thinks proper in the circumstances.(7)The taluka panchayat may by order in writing direct that all or any of its functions under sub-sections (3) and (4) may also be performed by one of its committees.

Part II

Provisions Relating to Taluka Panchayats(A)Conduct of Business

122. Meeting of Taluka Panchayat. - The meeting of a taluka panchayat shall be held normally every three months;

Provided that the President for any specified reason may, and upon the written request of not less than one-third of the members shall, call the meeting of the taluka panchayat at any other time.

123. Taluka Panchayat committees, their constitution, Powers Functions and duties. - (1) A taluka panchayat shall constitute the following committees, namely:-

(i)An Executive Committee, for exercising such powers and performing such functions and duties of the taluka panchayat (not being function pertaining to its Social Justice Committee, as the taluka panchayat may assign to it:Provided that it shall be lawful for the Executive Committee to appoint not more than two sub-committees from amongst its members but the sub-committee so appointed shall not be competent to take any final decision on any matter.(ii)A Social Justice Committee for performing such functions as are considered essential for securing social justice to the weaker sections of the society including persons belonging to the Scheduled Castes and the Scheduled Tribes as may be prescribed.(2)In addition to the committees referred to in sub-section (1), a taluka

panchayat may, with the previous approval of the State Government constitute a committee or committees consisting of such number of members of the panchayat as the panchayat may determine, to execute any work or scheme decided upon by the taluka panchayat or to inquire into the report to the taluka panchayat on matters which the panchayat may refer to such co-taluka panchayat on matters which the panchayat may refer to such committee or committees. The taluka panchayat may make regulations for the procedure to be followed by any such committee.(3)No committee other than the Executive Committee shall consist of more than five members and the Executive Committee shall consist of not more than nine members.(4)The constitution of the Social Justice Committee shall, subject to sub-section (3), be such as may be prescribed.(5)The members of a Committee constituted under this section shall be elected by the panchayat from amongst its members:Provided that the taluka panchayat may appoint, in accordance with any rules made in this behalf, any of the qualified voters of the taluka on a committee mentioned in subsection (2) or sub-section (4) and the qualified voters so appointed shall have the right to speak or otherwise to take part in the proceedings of a meeting of the committee but shall not, except in the case of a committee mentioned in sub-section (4), be entitled to vote.(6)Where any committee is constituted under this section the members of the committee shall elect from amongst themselves the Chairman of the committee:Provided that-(a)Where the President and Vice-President both are members of any such committee, the President shall be the ex-officio chairman of such committee and if he declines to hold the office, the Vice-President shall be the ex-officio Chairman of the Committee, unless he also declines to hold the office,(b)where only one of them is a member thereof he shall be the ex-officio Chairman of the committee, unless he declines to hold the office and(c)a person who is not a member of the panchayat shall not be eligible to be the Chairman of any committee.(7)(a)No member of the panchayat shall be a member of more than two committees constituted under this section,(b)If any member is simultaneously or otherwise elected as a member of more than two committees, the member shall, within ten days from the date or the later of the dates on which he is so elected, intimate to the President two of the committees in which he wishes to serve and thereupon his seat in the committee or committees other than the aforesaid two committees shall become vacant,(c)Any intimation given under clause (b) shall be final and irrevocable,(d)Where a member commits default in giving intimation under clause (b), within the period prescribed therein, the panchayat shall determine the two committees in which such member shall retain his seat and thereupon his seat in the committee or committees other than the committees so determined, shall become vacant.(8)A member once elected to a committee, shall be eligible for re-election.(9)(a)The term of each of the committees other than the Executive Committee and the Social Justice Committees shall be for such period not exceeding one year as may be determined by the panchayat.(b)The term of the Executive Committee shall be two years and on the expiry of its term, the committee shall be reconstituted and the term of the Social Justice Committee shall be co-extensive with the duration of the panchayat:Provided that where the unexpired part of the duration of the panchayat, during which the Executive Committee is constituted, or re-constituted is less than two years, the term of the Executive Committee shall be co-extensive with the unexpired part of the duration of the panchayat.(10)A member or Chairman may resign from membership or Chairmanship of a Committee by tendering his resignation to the taluka panchayat.(11)Any vacancy occurring in a committee shall be filled in as soon as possible.(12)The Committee constituted under this section shall, in the performance of their functions, exercise such powers and discharge such duties of the taluka panchayat as may be assigned to them by the panchayat.(13)A taluka panchayat

may, at any time withdraw from any committee other than the Social Justice Committee, any of the powers, functions and duties assigned to it and assign the same to any other committee other than the Social Justice Committee.(14)Such of the powers, functions and duties of the panchayat as are; not assigned to any committee shall be exercised and performed by the taluka panchayat.(15)A committee shall conform to any instructions that may, from time to time, be given to it by the panchayat.The panchayat may at any time call for any extract from any proceedings of any committee and for any return, statement, account or report in connection has been authorised or directed to deal.Every such requisition, shall without unreasonable delay, be complied with by the committee so called upon.(16)Notwithstanding the assignment of an}' powers, functions and duties of panchayat to a committee thereof-(a)any person aggrieved by the decision of a committee other than the Social Justice Committee in such classes of cases as may be prescribed may prefer an appeal to the panchayat, and(b)any person aggrieved by the decision of the Social Justice Committee (not being a decision in appeal) may prefer an appeal to the Social Justice Committee of the district panchayat, within a period of sixty days from the date of such decision and the panchayat, or, as the case may be, the Social Justice Committee, may, after giving an opportunity to the appellant to be heard, confirm, modify or reverse the decision appealed against and pass such order as it may think proper.

124. Honorarium to Chairman of Social justice Committee. - The Chairman of the Social Justice Committee of a taluka panchayat shall be entitled to an honorarium at such rate as may be prescribed.

125. Travelling allowance to members of committee who are not members of a taluka panchayat. - The members of any committee of a taluka panchayat constituted under section 123 who are not the members of such panchayat, shall be entitled to travelling allowance while touring for the purpose of attending a meeting of the committee or any business relating to the committee at such rates and subject to such conditions as may be determined by rules made either prospectively or retrospectively.

126. Procedure in respect of meetings. - Save as provided in this Act, the time and place of a meeting of a taluka panchayat or committee thereof, the quorum for such meeting, the procedure for calling such meeting and the procedure at such meeting, shall be such as may be prescribed.

127. Questions to be decided by majority of votes. - All questions before a meeting of a taluka panchayat or committee thereof, shall be decided by a majority of votes of the members present and unless otherwise provided in this Act, the presiding officer of the meeting shall have a second or casting vote in all cases of equality of votes:

Provided that in such circumstances and subject to such conditions as may be prescribed, a decision on any question before a committee may be taken by circulating the propositions therefor for the votes of members.

128. Modification or cancellation of resolutions. - No resolution of a taluka panchayat shall be modified, amended, varied or cancelled by a panchayat within a period of three months from the date of the passing thereof, except by a resolution supported by two-thirds of the total number of members of such panchayat.

129. Invitees at meetings of taluka panchayat and its committees. - (1) Notwithstanding anything contained in this Act, it shall be lawful for a taluka panchayat or any of its committees, to invite at its meeting, not more than four experts or specialists in the subject matter under consideration at the meeting out of persons, who, in the opinion of such panchayat or, as the case may be, committee-

(a) have a degree in engineering, medicine, commerce, or such other subject of any University established by law in India and experience of not less than five years in the field of activity pertaining to the subject, and (b) are not disqualified to be members of the panchayat under any of the clauses (f), (g) and (h) of Section 30. (2) An invitee at a meeting of the panchayat or its committee, shall have the right to speak or otherwise take part in the proceedings of the meeting but shall not be entitled to vote. (B) Administrative Powers And Duties

130. Administrative powers of panchayats. - Subject to the provisions of this Act it shall be the duty of each taluka panchayat to make in the area within its jurisdiction, and so far as the fund at its disposal will allow, reasonable provisions in regard to all or any of the matters specified in Schedule II.

131. Other functions of Panchayats. - (1) A taluka panchayat may, with the previous sanction of the district panchayat, incur expenditure on education or medical relief outside its jurisdiction if its finances permit.

(2) A taluka panchayat may, subject to rules, grant loans to panchayats subordinate to it for the purposes of this act. (3) A taluka panchayat may, also make provision for carrying out in the taluka any other work, measure, scheme or project which is likely to promote, - (a) the health, safety, comfort or convenience, (b) social, economic or cultural well being and (c) education including secondary education of the inhabitants of the taluka or part thereof. (4) A taluka panchayat may, by resolution passed at its meeting and supported by two thirds of the whole number of members make provisions for any public reception, ceremony or entertainment within the taluka or may make contribution towards an annual gathering or such other gathering of panchayats in the district or

the State or towards the fund of any institution which is established with the object of promoting the spirit of community, self-help and mutual aid among village, folk and suggesting ways and means for the efficient administration of panchayats and which is recognised by the State Government: Provided that except with the previous sanction of the district panchayat, the panchayat shall not incur expenditure exceeding two hundred rupees on any such reception, ceremony, entertainment or gathering. (5) If in respect of any land it comes to the notice of a taluka panchayat, that, on account of the neglect of the occupant or superior holder thereof or dispute between him and his tenant, the cultivation of the land has seriously suffered, the panchayat may bring such fact to the notice of the competent authority. (6) A taluka panchayat shall, in regard to the measures for the amelioration of the condition of Scheduled Castes and Scheduled Tribes and other backward classes, and in particular, in the removal of untouchability, carry out the directions or orders given or issued in this regard from time to time by the State Government or the competent authority. (7) A taluka panchayat shall perform such other duties and functions as are entrusted to it by or under any other law for the time being in force. (8) It shall be lawful for a panchayat to render financial or other assistance to any person for carrying on in the taluka any activity which is related to any of the matters specified in Schedule I. (9) (a) A taluka panchayat may compromise in respect of any suit instituted by or against it or in respect of any claim or demand arising out of any contract entered into by it under this Act, for such sum of money or other compensation as it shall deem sufficient: Provided that, if any sanction in the making of any contract is required by this Act, the like previous sanction shall be obtained for compromising any claim or demand arising out of such contract. (b) The panchayat may make compensation out of its funds to any person sustaining damage by reason of the exercise of any of the power vested in it and its officers and servants under this Act.

132. Entrustment of work etc. to taluka panchayat by district panchayat. - In the case of any institution managed by a district panchayat or any work to be done out of the fund of a district panchayat, the district panchayat may, if the taluka panchayat so agrees, entrust to the taluka panchayat the management of such institution or the execution of such work.

[132A. Taluka Panchayat to be consulted before acquisition of land and rehabilitation of persons affected. - The taluka panchayat shall be consulted, - (a) before acquiring under the Land Acquisition Act, 1894 (I of 1894) any land situate in the taluka for any development project; (b) before resettling or rehabilitating persons affected by such project.] (C) Property and Fund

133. Property of taluka panchayat. - (1) In addition to the movable or immoveable property acquired by a taluka panchayat, the following shall vest in the taluka panchayat, namely:-

(a) every road, building or other work constructed by a taluka panchayat out of the taluka fund with or without the Government assistance or people's participation; (b) any land or property vesting in the State Government when transferred to a taluka panchayat by the State Government for local public purposes; (c) any land or property which vesting in any other panchayat when vested in the

taluka panchayat by that panchayat for the purpose of this Act: Provided that any land or property transferred to a taluka panchayat under clause (b) shall not, unless otherwise expressly provided in the instrument of transfer, belong by right of ownership to the panchayat but shall vest in it, subject to the terms and conditions of the transfer and in the circumstances specified in such terms or conditions, the land or property with all things, If any, attached thereto including all fixtures and structures thereon shall revert in the State Government and it shall be lawful for the State Government to resume possession thereof. (2) Notwithstanding that any immoveable property vest in taluka panchayat, no lease, sale or other transfer thereof shall be valid unless it has been made with the previous sanction of the competent authority: Provided that in the case of a lease of immoveable property other than the property referred to in clause (b) of sub-section (1), on such previous sanction shall be necessary if the period of lease does not exceed three years.

134. Taluka fund. - (1) There shall be in each taluka fund which shall be called a taluka fund.

(2) The following shall be paid into form part of the taluka fund namely: (a) the proceeds of any tax or fee imposed by or assigned to the panchayat under this Act; (b) the sale proceeds of all dust, dirt, dung, refuse, or carcasses of animals, except in so far as any person is entitled to the whole or a portion thereof; (c) sums contributed to the taluka fund by the State Government or the district panchayat; (d) all sums received by way of loans from the State Government or the district panchayat or otherwise; (e) all sums received by way of gift or contributions by the taluka panchayat; (f) the income or proceeds of any property vesting in the taluka panchayat; (g) the net proceeds (after deducting the expenses of assessment and collection) of the stamp duty authorised by section 207; (h) all sums realised by way of rent or penalty otherwise than as the amount of any fine in a criminal case;

135. Application of taluka fund. - (1) All property vested in taluka panchayat under this Act, and all funds received by it in accordance, with the provisions of this Act, and sums accruing to it under the provisions of any law for the time being in force shall be applied subject to the provisions and for the purposes of this Act and all such sums and funds shall be kept in such custody as may be prescribed.

(2) Any surplus funds in the hands of a panchayat which may not be required for current charges, may be invested in such manner as may be prescribed. (3) In the case of any loan taken by a panchayat, the payment of the principal or instalment thereof and the payment of interest thereon shall be a first charge on its fund. (D) Officers and Servants

136. Secretary Officers and servants of taluka panchayats. - (1) Subject to the provisions of this Act and the rules thereunder-

(a)there shall be a Secretary for every taluka panchayat,(b)the Taluka Development Officer who shall be an officer belonging to the State Service and posted under the panchayat, shall be the ex-officio Secretary of the panchayat,(c)a taluka panchayat shall have such other officers and servants as may be determined under Section 227.(2)The officers and servants referred to in clause (c) of subsection (1); shall be appointed by such authority and their conditions of service shall be such as may be prescribed.(3)The officers and servants appointed under sub-section (2); shall, in the discharge of their functions, and duties, exercise such powers as may be conferred on them by the panchayat, subject to rules, if any, made in this behalf.

137. Powers and functions of Taluka Development Officer. - (1) Save as otherwise expressly provided by or under this Act, the executive power of a taluka panchayat for the purpose of carrying out the provisions of this Act, shall vest in the Taluka Development Officer who shall subject to the orders, if any, of the President or of the taluka panchayat, as the case may be:

(a)perform all the functions and exercise all the powers specifically imposed or conferred upon him by or under this Act, or under any law for the time being in force; and(b)lay down the duties of all officers and servants of the taluka panchayat,(2)Subject to the provisions of this Act and the rules made thereunder the Taluka Development Officer shall-(a)be entitled to-(i)attend the meetings of the taluka panchayat, or any of its committees;(ii)call for any information, return, statement of accounts or report from any officer or servant of or holding office under the taluka panchayat;(iii)grant leave of absence for a period not exceeding two months to such class of officers as may be prescribed by rules;(iv)call for an explanation from any officer or servant of or holding office under the taluka panchayat,(b)subject to the control of the taluka panchayat, discharge duties and perform functions, in respect of matters which by or under this Act, are not expressly imposed or conferred on any committee, presiding officer or any officer of the taluka panchayat;(c)appoint such class of officers and servants as may be prescribed;(d)supervise and control the execution of all activities of the taluka panchayat;(e)take necessary measures for the speedy execution of all works and development schemes of the taluka panchayat;(f)have custody of all papers and documents connected with the proceedings of meetings of the taluka panchayat and of its committees;(g)assess and give his opinion confidentially every year on the work of the officers holding office under the taluka panchayat; forward them to such authorities as may be prescribed by the State Government and lay down the procedure for writing such reports about the work of officers and servants under the taluka panchayat;(h)draw and disburse money out of the fund:(i)exercise supervision and control over the acts of officers and servants holding office under the taluka panchayat in matters of executive administration and those relating to accounts and records of the taluka panchayat; and(j)exercise such other powers and perform such other functions as may be prescribed by the State Government.(3)Subject to the other provisions of this Act, the Taluka Development Officer shall be under the general control of the taluka panchayat.(E)Budget Estimates

138. Annual budget estimates. - (1) Every taluka panchayat shall have prepared annually on or before the 15th December of the current year or such date not later than 31st December of the current year as may be approved by the District Panchayat, in such form and manner as may be prescribed in this behalf a budget estimate of its income and expenditure for the next year and forward it to the district panchayat on or before-

(a) the 31st December of the current year where the budget estimate is prepared on or before the 15th December of the current year, or (b) the 15th January of the current year the budget estimate is prepared after the 15th December of the current year but on or before the said approved date: Provided that the budget estimate shall be so prepared that at the end of the year the panchayat shall have at its credit a balance of not less than such minimum amount as may be prescribed in that behalf. (2) The district panchayat shall scrutinise the budget estimate and return it to the panchayat within two months of its receipt with such observations and recommendations as it may make in respect of the budget estimate. (3) The taluka panchayat shall thereupon approve the budget estimate on or before the 31st March of the current year with such modifications as it may think fit having regard to the observations and recommendations made by the panchayat under subsection (2). (4) Where any taluka panchayat has failed to comply with the provisions of subsection (3), it shall be lawful for the State Government to form an opinion that the panchayat is incompetent to perform the duties imposed on it or functions entrusted to it under the provisions of this Act. Explanation. - A taluka panchayat shall not be deemed to have failed to comply with the provisions of sub-section (3), if such failure has resulted on account of non-compliance by the district panchayat of provisions of sub-section (2).

139. Revised or supplementary budget or re-appropriation of funds. - (1) A taluka panchayat may, at any time during the year for which any budget estimate has been approved cause a revised or supplementary budget estimate to be prepared. Every such revised or supplementary budget shall be considered and approved by the panchayat in the same manner as if it were an original annual budget estimate:

Provided that the district panchayat shall scrutinise the budget and return to the panchayat within one month of its receipt. (2) Re-appropriation of fund in a budget estimate may be made from time to time subject to the same approval as is required for the budget estimate.

140. Except in emergency no sum to be expended unless it has been included in budget. - (1) Save in the case of a pressing emergency no sum shall be expended by or on behalf of a taluka panchayat unless such sum is included in some budget estimate approved under section 138 or 139 and in force at the time of incurring the expenditure.

(2) If on a pressing emergency any sum is expended otherwise than in accordance with sub-section (1), the circumstances shall be forthwith communicated in writing by the President of the Panchayat to the competent authority with an explanation of the way in which it is proposed by the panchayat to cover such extra expenditure.

141. Accounts of income and expenditure. - Accounts of the income and expenditure of every panchayat shall be kept in such form and manner as may be prescribed and shall be balanced annually on the 1st day of every year.

142. Annual Administration Report. - (1) The Secretary of every panchayat shall prepare the annual report of the administration of the panchayat and shall place the accounts and report for approval before the panchayat.

(2) The annual statement of the accounts together with the annual report shall be sent to the competent authority through the district panchayat on or before such date and in such form as may be prescribed. (F) Audit of the Accounts of Panchayats

143. Audit of accounts. - The Gujarat Local Fund Audit Act, 1963 shall apply to the auditing of the accounts of taluka panchayats.

Part III

Provisions Relating to District Panchayats (A) Conduct of Business

144. Meeting of district panchayat. - The meeting of a district panchayats shall be held normally every three months:

Provided that the President of any panchayat, may for any specified reason and shall, upon the written request of not less than one-third of the members, call the meeting of the district panchayat at any other time.

145. District Panchayat Committees, their constitution, powers functions and duties. - (1) A district panchayat shall constitute the following committees, namely:-

(i) An Executive Committee for performing such functions pertaining to finance, home guards and village defence and such other functions and duties of the panchayat as are not assigned to any other committee. Provided that it shall be lawful for the Executive Committee to appoint not more than two sub-committees from amongst its members but the sub-committee so appointed shall not be competent to take any final decision in any matter. (ii) A Social Justice Committee for performing

such functions as are considered essential for securing social justice to the weaker sections of the society including persons belonging to the Scheduled Castes and the Scheduled Tribes as may be prescribed: Provided that it shall be lawful for the Social Justice Committee to appoint one or more sub-committees from amongst its members to inquire into cases of any discrimination against members of backward class including Scheduled Castes and Scheduled Tribes, in the matter of use of wells, tanks, bathing ghats, roads and places of public resort, maintained wholly or partly out of the State or panchayat funds or dedicated to the use of the general public. (iii) An Education Committee for performing the functions and duties pertaining to education and such other literary and cultural activities as the panchayat may assign to it. (iv) A Public Health Committee for performing functions pertaining to public health, hospitals, health centres, sanitation, water supply, vaccination and family planning. (v) A Public Works Committee for performing functions pertaining to public works, communications, buildings, rural housing and relief against natural calamities. (vi) An Appeal Committee under Section 241. [(vii) A Committee for production, co-operation and irrigation. (viii) A Committee for woman and child development and youth activities.] (2) In addition to the committees referred to in sub-section (1), a district panchayat may with the prior approval of the State Government constitute a committee or committees to execute any work or scheme decided upon by the district panchayat or to inquire into and report to the district panchayat on matters which the panchayat may refer to such committee or committees. The district panchayat may make regulations for the procedure to be followed by any such committee. (3) No committee other than the Executive Committee and the Education Committee shall consist of more than five members and the Executive Committee and the Education Committee shall consist of not more than nine members. (4) The constitution of the Education Committee and the Social Justice Committee shall, subject to sub-section (3), be such as may be prescribed. (5) The members of a committee constituted under this section shall be elected by the panchayat from amongst its members: Provided that the panchayat may appoint in accordance with rules made in his behalf any of the qualified voters of the district on a committee mentioned in clauses (ii) and (iii) of sub-section (1) and the qualified voters so appointed shall have the right to speak or otherwise take part in the proceedings of a meeting of the committee but shall not be entitled to vote. (6) The members of each committee shall elect from amongst themselves the Chairman of the committee: Provided that - (a) where the President and Vice-President both are members of any such committee, the President, shall be the ex-officio Chairman of such committee and if he declines to hold the office, the Vice-President shall be the ex-officio Chairman of the committee, unless he also declines to hold the office, and (b) where only one of them is a member thereof he shall be the ex-officio Chairman of the committee, unless he declines to hold the office. (c) a person who is not a member of the panchayat shall not be eligible to be Chairman of any committee. Provided further that where the person so elected as Chairman of the Education Committee is also the President of the panchayat or at any time after his election as Chairman is elected as such President, he shall not be eligible to continue as the Chairman of the committee, unless he chooses to vacate the office of such President and accordingly vacates that office. (7) (a) No member of the panchayat shall be a member of more than two committees constituted under this section. (b) If any member is simultaneously or otherwise elected as a member of more than two committees, the member shall within ten days from the date or the later of the dates on which he is so elected intimate to the President, two of the committees in which he wishes to serve and thereupon his seat in the committee or committees other than the aforesaid two committees shall become vacant. (c) Any

intimation given under clause (b) shall be final and irrevocable(d)Where a member commits default in giving intimation under clause (b) within the period prescribed therein, the panchayat shall determine the two committees in which such member shall retain his seat and thereupon the seat in the committees other than the committees so determined shall become vacant.(8)A member once elected to a committee shall be eligible for re-election.(9)(a)The term of the Social Justice Committee and that of the Education Committees shall be co-extensive with the duration of the district panchayat.(b)(i)The term of the other committees constituted under sub-section (1), shall be two years and on the expiry of the term it shall be reconstituted:Provided that where the unexpired part of the duration of the panchayat, during which the committee is reconstituted is less than two years, the term of the committee shall be co-extensive with the unexpired part of the duration of the panchayat.(ii)The term of the committee constituted under sub-section (2) shall not exceed one year.(10)A member or Chairman may resign from membership or chairmanship of a committee by tendering his resignation to the panchayat.(11)Any vacancy of an elected member occurring in the constitution of a committee shall be filled in by election.(12)The Education Committee shall, in the discharge of its functions exercise all the powers and discharge all the duties of the panchayat:Provided that where the Education Committee, exercises the powers and discharges the duties and functions of the District School Board vested in the District Panchayat under the Bombay Primary Education Act, 1947 (6 of 1947), the Committee shall notwithstanding anything contained in the said Act, exercise those powers and discharge those duties subject to the control of the District Panchayat.(13)The committee, other than the Education Committee constituted under this section shall, in the performance of their functions, exercise such powers and discharge such duties of the district panchayat as may be assigned to them by the Panchayat.(14)a district panchayat may at any time, withdraw from(a)any committee other than the Social Committee and the Education Committee, any of the powers, functions and duties assigned to it(b)the Education Committee, any of the powers, functions and duties, not falling in Part-II of Schedules-III, and assign the same to any other committee other than the Social Justice Committee.(15)Such of the powers, functions and duties of the panchayat as are not assigned to any committee, shall be exercised and performed by the district panchayat.(16)a Committee shall conform to any instructions that may from time to time, be given to it by the panchayat, the panchayat may at any time call for any extract from any processing of any committee and for any return, statement, account or report in connection with any matter with which any committee has been authorised or directed to deal. Every such requisition, shall without unreasonable delay, be complied with by the committee so called upon.(17)Notwithstanding the assignment of any powers, functions and duties of a panchayat to a committee thereof-(a)Any person aggrieved by the decision of a committee other than the Social Justice Committee in such classes of cases as may be prescribed, may prefer an appeal to the panchayat and,(b)any person aggrieved by the decision of the Social Justice Committee (not being a decision in appeal), may prefer an appeal to the State Government.within a period of sixty days from the date of such decision and the panchayat or, as the case may be, the State Government, may, after giving an opportunity to the appellant to be heard, confirm, modify, or reverse the decision appealed against and pass such order as it may think proper.

146. Removal of Chairman of Education Committee. - (1) Any member of the Education Committee who intends to move a motion of no confidence against the Chairman of Education Committee, may give a notice thereof in the prescribed form to the Committee.

(2) If the motion is carried by a majority of not less than two third of the total number of the members of the committee, the Chairman shall cease to hold office, after a period of three days from the date on which the motion is carried unless he has resigned earlier and thereupon the office held by such Chairman shall be deemed to be vacant. (3) Notwithstanding anything contained in this Act or the rules made thereunder, a Chairman shall not preside over a meeting in which a motion of no confidence is discussed against him but he shall have a right to speak or otherwise to take part in the proceedings of such a meeting (including the right to vote.) (4) (a) A meeting of the Committee for dealing with a motion of no confidence under this section shall be called within a period of seven days from the date on which a notice of such motion is received by the committee. (b) If the Chairman of the committee fails to call a meeting, the Secretary of the committee shall make a report thereof to the competent authority and thereupon the competent authority shall call a meeting of the committee within a period of seven days from the date of the receipt of the report.

147. Honorarium etc. to Chairman, Education Committee. - (1) The Chairman of the Education Committee of a District Panchayat shall be entitled-

(a) to an honorarium at such rate as may be prescribed, (b) without payment of rent, to use of a residence in the headquarters of the panchayat or with the sanction of the State Government, at any other place in the district throughout his term of office and for a period of fifteen days thereafter or in lieu of such residence a house allowance at such rate as the State Government may, by general or special order determine. (2) No charge shall fall on the Chairman personally in respect of the maintenance of any residence provided under sub-clause (b) of sub-section (1). (3) During the leave or absence of the Chairman, the functions of the Chairman shall be performed by such member of the Education Committee as may be elected by that Committee. The member so elected for performing the functions, shall be paid honorarium and allowances at such rate as may be prescribed.

148. Honorarium, etc. to Chairman, Social justice Committee. - (1) The Chairman of the Social Justice Committee of a district Panchayat shall be entitled-

(a) to an honorarium at such rate as may be prescribed, (b) without payment of rent, to use of a residence in the headquarters of the panchayat or with the sanction of the State Government, at any other place in the district, throughout his term of office and for a period of fifteen days thereafter or in lieu of such residence, a house allowance at such rate as the State Government may by general or special order, determine. (2) No charge shall fall on the Chairman personally in respect of the maintenance of any residence provided under sub-clause (b) of sub-section (1). (3) During the leave

or absence of the Chairman, the functions of the Chairman shall be performed by such member of the Committee as may be elected by that Committee. The member so elected for performing such functions shall be paid honorarium and allowance at such rate as may be prescribed.

149. Travelling allowance to members of a committee who are not members of district panchayat. - The member of any committee of a district panchayat constituted under section 145, who are not members of such panchayats, shall be entitled to travelling allowance while touring for the purpose of attending a meeting of the committee or any business relating to the committee at such rates and subject to such conditions as may be determined by rules made either prospectively or retrospectively.

150. Procedure in respect of meetings. - Save as provided in this Act, the time and place of a meeting of a district panchayat or committee thereof, the quorum for such meeting, the procedure for calling meeting and the procedure at such meeting, shall be such as may be prescribed.

151. Questions to be decided by majority of votes. - All questions before a meeting of a district panchayat or committee thereof shall be decided by a majority of votes of the members present and unless otherwise provided in this Act, the Presiding Officer of the meeting shall have a second or casting vote in all cases of equality of votes.

Provided that in such circumstances and subject to such conditions as may be prescribed, a decision on any question before a committee may be taken by circulating the propositions thereof for the vote of member.

152. Modification or cancellation of resolution. - No resolution of a district panchayat shall be modified, amended, varied or cancelled by a panchayat within a period of three months from the date of the passing thereof, except by a resolution supported by two-thirds of the total number of members of such panchayat.

153. Invitees meetings of district panchayats and committees. - (1)
Notwithstanding anything contained in this Act, it shall be lawful for a district panchayat or any of its committees to invite at its meeting not more than five experts or specialists in the subject matter under consideration at the meeting, out of persons who, in the opinion of such panchayat or, as the case may be, committee-

(a) have a degree in engineering, medicine, commerce or such other subject of any University established by law in India and experience of not less than five years in the field of activity pertaining to the subject, and (b) are not disqualified to be members of the panchayat under any of the clauses (f), (g) and (h) of section 30. (2) An invitee at any such meeting of the panchayat or its committee shall have the right to speak or otherwise take part in the proceedings of the meeting but shall not be entitled to vote. (B) Administrative Powers and Duties

154. Administrative Powers of Panchayats. - Subject to the provisions of this Act, it shall be the duty of each district panchayat to make in the area within its jurisdiction and so far as the fund at its disposal will allow, reasonable provisions, in regard to all or any of the matters specified in Schedule III.

155. Other functions of Panchayats. - (1) A district panchayat may, with the previous sanction of the State Government incur expenditure on education or medical relief outside its jurisdiction, if its finances permit.

(2) A district panchayat may also make provision for carrying out in the area within the limits of its jurisdiction, any other work or measure which is likely to promote, - (a) the health, safety, comfort or convenience and (b) social, economic or cultural well being of the inhabitants of the areas. (3) A district panchayat may, by resolution passed at its meeting and supported by two thirds of the whole number of members, make provision for any public reception, ceremony or entertainment within the district or may make contribution towards an annual gathering or such other gathering of panchayats in the district or the State or towards the fund of any Institution which is established with the object of promoting the spirit of community, self-help and mutual aid among village folk and suggesting ways and means for the efficient administration of panchayats and which is recognised by the State Government: (4) A district panchayat may, subject to rules, grant a loan out of its fund to a panchayat subordinate to it, for the purposes of this Act. (5) A district panchayat, shall in regard to the measures for the amelioration of the condition of Scheduled Castes and Scheduled Tribes and other backward classes, and in particular, in the removal of untouchability, carry out the directions or orders given or issued in this regard from time to time by the State Government or the competent authority. (6) A district panchayat shall perform such other duties and functions as are entrusted to it by or under any other law for the time being in force. (7) It shall be lawful for the district panchayat to render financial or other assistance to any person for carrying on in the district any activity which is related to any of the matters specified in Schedule III. (8) (a) A district panchayat may compromise in respect of any suit instituted by or against it or in respect of any claim or demand arising out of any contract entered into by it under this Act, for such sum of money or other compensation as it shall deem sufficient; Provided that, if any sanction in the making of any contract is required by this Act, the like previous sanction shall be obtained for compromising any claim or demand arising out of such contract. (b) The panchayat may make compensation out of its fund to any person sustaining damage by reason of the exercise of any of the powers vested in it and its officers and servants under this Act.

156. Powers of District Panchayat to undertake works etc. on behalf of Government to give technical advice. - (1) It shall be lawful for a district panchayat to undertake upon such terms and conditions as may be agreed upon, the construction, maintenance or repair of any work or the management of any institution on behalf of Government, any local authority, any Corporation incorporated under any law for the time being in force and owned or controlled by the Government or the Court of Wards.

(2) It shall be lawful for a district panchayat to give, on such terms and conditions as may be agreed upon, technical advice and guidance to a local authority in respect of the construction of any work undertaken by such local authority. (C) Property and Fund

157. Property of District Panchayat. - (1) In addition to the movable or immoveable property acquired by a district panchayat, the following shall vest in the district panchayat, namely:-

(a) every road, building or other work constructed by a district panchayat out of the district fund with or without the Government assistance or people's participation; (b) any land or property vesting in the State Government when transferred to a district panchayat by the State Government for local public purpose; (c) any land or property which vesting in any other panchayat when vested in the district panchayat by that panchayat for the purposes of this Act: Provided that any land or property transferred to a district panchayat under clause (b) shall not, unless otherwise expressly provided in the instrument of transfer, belong by right of ownership to the panchayat but shall vest in it subject to the terms and conditions of the transfer and in the circumstances specified in such terms and conditions, the land or property with all things, if any, attached thereto including all fixtures and structures thereon shall revest in the State Government and it shall be lawful for the State Government to resume possession thereof. (2) Notwithstanding that any immoveable property vest in a district panchayat, on lease, sale or other transfer thereof shall be valid unless it has been made with the previous sanction of the competent authority: Provided that in the case of a lease of immoveable property other than the property referred to in clause (b) of sub-section (1), on such previous sanction shall be necessary, if the period of lease does not exceed three years.

158. District Fund. - (1) There shall be in each district a fund which shall be called a district fund.

(2) The following shall be paid into and form part of the district fund, namely:- (a) the proceeds of any tax or fee imposed under this Act; (b) the sale proceeds of all dust, dirt, dung, refuse, or carcasses of animals, except in so far as any person is entitled to the whole or a portion thereof; (c) sums contributed to the district fund by the State Government; (d) all sums received by way of loans from the State Government or otherwise; (e) all sums received by way of gift or contributions by the district panchayat; (f) the income or proceeds of any property vesting in the district panchayat; (g) the net proceeds (after deducting the expenses of assessment and collection) of the cess authorised by

section 191;(h)all sums realised by way of rent or penalty otherwise than as the amount of any fine in a criminal case;

159. Application of District Fund. - (1) All property vested in a district panchayat under this Act, and all funds received by it in accordance with the provisions of this Act, and sums accruing to it under the provisions of any law for the time being in force, shall be applied subject to the provisions and for the purposes of this Act and all such sums and funds shall be kept in such custody as may be prescribed;

Provided that out of the net proceeds of the cess referred to in clause (g) of sub-section (2) of section 158, a portion calculated at the rate of eight paise on every rupee of every sum on which the cess is levied under section 191, shall be applied by a district panchayat for the purpose of primary education in the district.(2)Any surplus funds in the hands of a panchayat which may not be required for current charges may be invested in such manner as may be prescribed.(3)In the case of any loan taken by a panchayat, the payment of the principal or instalment thereof and the payment of interest thereon shall be a first charge on its fund.

160. District Family Welfare Fund. - (1) Notwithstanding anything contained in sections 158 and 159, in each district, there shall be established by the district panchayat a fund to be called the District Welfare Fund which shall consist of-

(a)all the sums received by way of gifts or contribution from the State Government or the Central Government or any person for the purpose of family welfare programme.(b)the proceeds of entertainment programme arranged by the panchayat;(c)the same proceeds of family welfare seals.(2)The Fund shall be applied by the panchayat for the purpose of family welfare programme in the District.(3)Any sum in the fund which may not be required for the current expenditure, may be invested in such manner as may be prescribed.(D)Officers and Servants

161. Secretary and Officers and Servants of District Panchayat. - (1) Subject to the provisions of this Act and the rules thereunder-

(a)there shall be a secretary for every district panchayat,(b)a District Development Officer posted under the panchayat, shall be Ex-Officio Secretary of the Panchayat,(c)a district panchayat shall have such other officers and servants as may be determined under section 227.(2)The officers and servants referred to in clause (c) of sub-section (1) shall be appointed by such authority and their conditions of service shall be such as may be prescribed.(3)The officers and servants appointed under sub-section (2) shall in the discharge of their functions and duties, exercise such powers as may be conferred on them by the panchayat subject to rules if any, made in this behalf.

162. Powers and functions of District Development Officer. - (1) Save as otherwise expressly provided by or under this Act, the executive power of a district panchayat for the purpose of carrying out the provisions of this Act, shall vest in the District Development Officer was shall subject to the orders, if any, of the President or of the district panchayat, as the case may be-

(a)perform all the functions and exercise all the powers specifically imposed or conferred upon him by or under this Act, or under any law for the time being in force; and(b)lay down the duties of all officers and servants of the district panchayat,(2)Subject to the provisions of this Act and the rules made thereunder the District Development Officer shall-(a)be entitled to-(i)attend the meetings of the district panchayat, or any of its committee;(ii)call for any information, return, statement account or report from any officer or servant of or holding office under, the district panchayat:(iii)grant leave of absence to such class of officers as may be prescribed by rules;(iv)call for an explanation from any officer or servant of or holding office under the district panchayat,(b)subject to the control, of the district panchayat, discharge duties and perform functions, in respect of matters which by or under this Act are not expressly imposed conferred on any committee, presiding officer or any officer of the district panchayat;(c)appoint such class of officers and servants as may be prescribed;(d)supervise and control the execution of all activities of the district panchayat;(e)take necessary measures for the speedy execution of all works and development schemes of the district panchayat;(f)have custody of all papers and documents connected with the proceedings of meetings of the district panchayat and of its committees;(g)assess and give his opinion confidentially every year on the work of the officers holding office under the district panchayat; forward them to such authorities as may be prescribed by the State Government and lay down the procedure for writing such reports about the work of officers and servants under the district panchayat;(h)draw and disburse money out of the fund:(i)exercise supervision and control over the acts of officers and servants holding office under the district panchayat in matters of executive administration and those relating to accounts and records of the district panchayat; and(j)exercise such other powers and perform such other functions as may be prescribed by the State Government.(3)(a)Save as provided in clause (b), the District Development Officer may subject to such conditions as he may think fit to impose, delegate any of his power and functions to any officer or servant holding office under the district panchayat, provided such officer or servant is not below such rank as may be prescribed.(b)Notwithstanding anything contained in sub-section (2), the power to draw and disburse money out of the fund referred to in clause (h) of the said sub-section shall, in so far as such drawing and disbursement of money is in respect of any matter specified in Part II of Schedule III or, dealt with under the Bombay Primary Education Act, 1947 (Bombay LX1 of 1947) be deemed to be delegated to and be exercised by the Administrative Officer appointed for the District Panchayat under section 21 of the Bombay Primary education Act, 1947.(4)Subject to the other provisions of this Act, the District Development Officer shall be under the general control of the district panchayat.(E)Budget Estimates

163. Budget Estimates of District Panchayat and Re-appropriation of Fund. -

(1) Every district panchayat shall have prepared annually on or before the 15th February of the current year or such date not later than the month of February of the current year as may be approved by the competent authority, in such form and manner as may be prescribed in this behalf, a budget estimate of its income and expenditure for the next year:

Provided that the budget estimate shall be so prepared that the end of the year the panchayat shall have at its credit a balance of not less than such minimum amount as may be prescribed in that behalf.(2)The district panchayat shall, as soon as may, be after the said date consider the budget estimate so prepared and approve the same on or before the 31st March of the current year with or without modifications as it shall think fit.(3)Where any district panchayat has failed to comply with the provisions of subsection (2), it shall be lawful for the State Government to form an opinion that the panchayat is incompetent to perform the duties imposed on it or functions entrusted to it under the provisions of this Act.(4)The district panchayat may, if necessary, at any time during the year for which a budget estimate has been approved, cause a revised or supplementary budget estimate to be prepared and shall consider and approve the same in the manner as if it were an original annual budget estimate.(5)Re-appropriation of funds in a budget estimate may be made from time to time subject to the same approval as is required for the budget estimate.

164. Copy of budget estimate to be forwarded to competent authority. - A copy of every budget estimate and a statement of every re-appropriation as finally approved under section 163 shall be forwarded by the President of the district panchayat without delay to the competent authority; a copy of the annual budget estimate shall be forwarded not later than the 31st March.

165. Except on pressing, emergency no sum to be expended unless it has been included in budget estimate. - (1) Save in the case of pressing emergency, no sum shall be expended by, or on behalf of any district panchayat unless such sum is included in some budget estimate approved under section 163 and is in force at the time of incurring the expenditure.

(2)If on a pressing emergency any sum is expended otherwise than in accordance with sub-section (1) the circumstances shall forthwith be communicated in writing by the President of the district panchayat to the competent authority with an explanation of the way in which it is proposed by the district panchayat to cover such extra expenditure.

166. Accounts and Audit. - (1) Accounts of the income and expenditure of every district panchayat shall be kept in such form and manner as may be prescribed and shall be balanced annually on the 1st day of every year.

(2)The Gujarat Local Fund Audit Act, 1963 shall apply to the auditing of the accounts of the district panchayat.

167. Annual reports. - (1) The Secretary of the district panchayat shall prepare the annual report of administration of the panchayat and shall place the accounts and the report for approval before the panchayat.

(2)The annual statement of the accounts together with the annual report shall be sent to the competent authority before such date and in such form as may be prescribed.

Chapter VI

Provision as to Transfer of Certain Functions under any Enactment to Panchayat(A)Transfer of functions relating to recovery of land revenue and cesses under the Land Revenue Code (V of 1879), and the law relating to collection of cesses.

168. Recovery of Land Revenue by panchayats. - The State Government shall, notwithstanding anything contained in the Bombay Land Revenue Code, 1879 or any law relating to the collection of any cess, for the time being in force in the State, by notification in the Official Gazette, entrust to every village panchayat, any or all of the functions and duties of a village accountant or Patel or other similar functions of any other person, by whatever name called, in relation to the collection of land revenue (including cesses) and dues recoverable as arrears of land revenue which is levied and assessed by or under the Land Revenue Code, or law relating to the collection of any cess for the time being in force in the State and all other functions and duties of a village accountant under the Code.

169. Responsibility of the panchayats. - The panchayat so entrusted under section 168 shall be responsible for the recovery and collection of the land revenue (including cesses) and other dues of the village in accordance with the provisions of the Land Revenue Code and the rules, instructions and orders made or issued thereunder and the law relating to the collection of such cesses.

170. Conferment of powers and duties for collection of land revenue and panchayats. - Where a panchayat has been entrusted with the functions and duties relating to the collection of land revenue (including cesses) and other under section 168, the State Government shall by notification in the Official

Gazette, confer on such panchayat, subject to such conditions as may be specified in the notification all or any of the powers of the Collector, for the realisation of land revenue and other due recoverable as arrears of land revenue under the Land Revenue Code and for the collection of cesses under the law relating thereto, and it shall be competent for the panchayat so empowered to exercise all or any of the powers so conferred in this behalf.

171. Certain class of officers posted under panchayat to be revenue officers and either powers. - (1) Notwithstanding anything contained in this Act and the Land Revenue Code, A District Development Officer, a Taluka Development Officer and such revenue officers not below the rank of a Deputy Collector as may be posted under a district panchayat and designated by the State Government in this behalf shall be deemed for the purposes of this Chapter to be revenue officers within the meaning of the Land Revenue

Code and for the purposes of this Chapter it shall be lawful for the State Government to define the area within which any such officer shall exercise jurisdiction and to confer on such officer all or any of the powers exercisable by the Collector or any other revenue officer under the Land Revenue Code.(2)Where in the case of any such officer the area of his jurisdiction has been defined and the powers are so conferred, such officer shall have and exercise the like authority over a village panchayat functioning in such area and exercising the powers conferred on it and discharging the functions entrusted to it under this Chapter as the corresponding revenue officer appointed under the Land Revenue Code has over the village accountant or patel or other similar functionary under the Land Revenue Code.

172. Right of State Government to collect land revenue unaffected. - Notwithstanding anything contained in the provisions hereinbefore the right of the State Government to collect land revenue and any cess, shall remain unaffected, and if in the opinion of the State Government a panchayat exceeds or abuses its powers under this chapter or fails to exercise the same or is incompetent, to perform or makes persistent default in the performance of the duties imposed or persistently disobeys any of the orders of the Collector with regard to the exercise of any of the said powers, the State Government may, after consultation with the district panchayat and after giving the panchayat and opportunity to render an explanation, by order in the Official Gazette withdraw all the powers conferred on the panchayat under this Chapter and direct its revenue officers to recover the land revenue or, as the case may be, the cesses.

173. Collector to appoint officer on suspension of powers of panchayat. - On the withdrawal under section 172 of the powers conferred on a panchayat, the Collector, shall appoint an officer to take charge of the accounts, records and other papers and articles in connection with the recovery of land revenue or collection of cesses, in the village.

(B) Delegation of the functions under the Gujarat Co-operative Societies Act, 1961 (X of 1962)

174. Delegation of powers of Registrar Cooperatives Societies to panchayats. - (1) Notwithstanding anything contained in the Gujarat Co-operative Societies Act, 1961 (X of 1962) the State Government, having regard to the Panchayat Functions List may subject to such conditions as it may think fit to impose, by an order published in the Official Gazette, delegate to a district panchayat and the taluka panchayats subordinate to it, such powers, functions and duties of the Registrar or any other authority under the said Act may be specified in the order.

(2) In particular, such order may provide for the delegation of powers relating to-(a) the registration of co-operative societies; (b) the approval of amendment to the byelaws of co-operative societies; (c) appeals arising out of non-admission of members in a co-operative society; (d) maintenance of register of co-operative societies; (e) change in the name or classification of a co-operative society; (f) permission to co-operative societies to enter into partnership; (g) the calling of, or extending the period for the calling of annual general body meetings of co-operative societies; (h) the calling of a special general meeting of a co-operative society; (i) the disposal of surplus assets of co-operative societies in the event of their winding up; (j) direction for giving possession of books and papers of the co-operative societies to the successor chairman thereof; (k) Transfer of functions of State Government to panchayats.

175. Transfer of functions of State Government to Panchayat. - (1) Notwithstanding anything contained in any law for the time being in force, the State Government may, subject to such conditions as it may think fit to impose, transfer by an order published in the Official Gazette to a district panchayat any such powers, functions and duties relating to any matter as are exercised or performed by the State Government or an officer of Government under any enactment which the State Legislature is competent to enact, or otherwise in the executive power of the State, and appear to relate to matters arising within a district and to be of an administrative character and shall on such transfer, allot to the district panchayat such fund and personnel as may be necessary to enable the district panchayat to

exercise the powers and discharge the functions and duties so transferred.

(2) Without prejudice to the generality of the provisions of sub-section (1) the State Government may transfer to the district panchayats such powers, functions and duties as are exercised or performed by the following departments of the State namely:-(1)Agriculture;(2)Animal husbandry;(3)Public Health Ik Medical relief;(4)Public Works Department activities in the district;(5)Social Welfare;(6)Land Department;(7)Prohibition Department so far as prohibition propaganda is concerned;(8)Co-operative Department;(9)Cottage Industries and Small Scale Industries;(10)District Statistical Officer.(3)On the transfer of any powers, functions and duties under sub-section (1) and (2) the district panchayat shall, if the State Government so directs and with the previous approval of the State Government, may delegate to any panchayat subordinate to it any of the functions, powers and duties so transferred and allot to such panchayat such fund and staff as may be necessary to enable the panchayat to exercise the powers and discharge the functions and duties so delegated.(4)Where any powers, functions and duties conferred by or under any enactment are so transferred or delegated, that enactment shall have effect as if this section had been incorporated in that enactment.(5)The matters in respect of which the functions and duties are transferred or delegated under this section shall be deemed to be included in the Panchayat Functions List.

176. Transfer of rights and liabilities in respect of property transferred to panchayat. - In transferring to a district panchayat any powers, functions and duties, relating to any matter, exercised by the State Government or any of its officers, it shall be lawful for the State Government to transfer to the district panchayat any property belonging to the State Government and connected with such matter together with the rights and liabilities (including rights and liabilities arising out of any contract) of the State Government in respect of the property and thereupon the rights and liabilities which accrued before such transfer or which may accrue thereafter shall be the rights and liabilities of the district panchayat.

177. Obligation of liability of servants transferred under section 175 not affected. - The transfer or allotment of any servant to panchayat under section 175 shall not affect.

(a)any obligation or liability incurred or default committed before such transfer or allotment by such servant while acting or purporting to act in the discharge of his duties as such servant and(b)any investigation, disciplinary action or remedy in respect of such obligation, liability or default and any such investigation, disciplinary action or remedy may be instituted, continued or enforced in accordance with the law applicable, thereto before such transfer or allotment by such authority as the State Government may by general or special order specify in this behalf.

178. Withdrawal of powers, functions etc. from district panchayat. - Notwithstanding the transfer of any powers, functions and duties in respect of any matter to a district panchayat under section 175 or under section 157 or 158 of the Gujarat Panchayats Act, 1961 (Gujarat VI of 1961), the State Government on a proposal from the district panchayat in that behalf or where it is satisfied that by reason of a change in the nature of the matter, the matter has ceased to be a matter in the Panchayat Functions List and that it is necessary to withdraw from the district panchayat the powers, function or duties in respect of such matter, may, after consultation with the State council for panchayats, by notification in the Official Gazette, withdraw such powers, functions and duties with effect from the date specified in the notification and make such incidental and consequential orders as may be necessary to provide for matters including the taking over of the property rights and liabilities, if any, vesting in the panchayat under section 176 and of the staff, if any which may have been transferred to the panchayat under section 175.

Chapter VII

Provision as Devolution of Powers and Responsibilities upon Panchayat with respect to Development Plans and Implementation of Certain Schemes-

179. Preparation of development plans by panchayat. - (1) Every village panchayat shall prepare every year in such form as may be prescribed a development plan for the village for the next year and submit the same before such date as may be prescribed, to the taluka panchayat to which the village panchayat is subordinate.

(2) Every taluka panchayat shall prepare every such form as may be prescribed a development plan for the taluka for the next year having regard to the development plans submitted to it by the village panchayats in the taluka and submit the same before such date as may be prescribed, to the district panchayat to which the taluka panchayat is subordinate. (3) Every district panchayat shall prepare in every year such form as may be prescribed a development plan for the district for the next year having regard to the development plans submitted to it by the taluka panchayats in the district, and submit the same before such date as may be prescribed, to such authority as the State Government may, by order in writing specify: Explanation. - For the purposes of this section a development plan means a development plan for economic development and social justice in relation to matters with respect to which the executive power vests in the State Government.

180. Entrustment of schemes to panchayats for implementation. - (1) (a) Notwithstanding anything contained in any law for the time being in force, the State Government may subject to such conditions as it may think fit to impose entrust by an order published in the Official Gazette to a district panchayat implementation of such schemes of economic development and social justice as it thinks fit:

Provided that no scheme shall be so entrusted unless-(i)it is competent to the State Government to implement the scheme in exercise of its executive power, and(ii)the scheme appears to the State Government to be pertaining to the district.(b)Where the State Government entrusts a scheme under clause (a) to a district panchayat, it shall allot to the district panchayat such fund and personnel as may be necessary to enable the district panchayat to implement the scheme.(2)Without prejudice the generality of the provisions of sub-section (1) the State Government may entrust to a district panchayat scheme for economic development and social justice in relation to the following matters, namely:-(1)Agriculture, including agricultural extension.(2)Land Improvement, implementation of land reforms, land consolidation and soil conservation.(3)Minor irrigation, water management and watershed development.(4)Animal husbandry dairying and poultry.(5)Fisheries.(6)Social forestry and farm forestry.(7)Minor forest produce.(8)Small scale industries, including food processing industries.(9)Khadi, village and cottage industries.(10)Rural housing.(11)Drinking water.(12)Fuel and fodder.(13)Roads, culverts, bridges, ferries, waterways and other means of communication.(14)Rural electrification, including distribution of electricity.(15)Non-conventional energy sources.(16)Poverty alleviation programme.(17)Education including primary and secondary schools.(18)Technical training and vocational education.(19)Adult and non-formal education.(20)Libraries.(21)Cultural activities.(22)Markets and fairs.(23)Health and sanitation, including hospitals, primary health centres and dispensaries.(24)Family' welfare.(25)Women and child development.(26)Social welfare, including welfare of the handicapped and mentally retarded.(27)Welfare of the weaker sections, and in particular of the Scheduled Castes and the Scheduled Tribes.(28)Public distribution system.(29)Maintenance of community assets.(3)The district panchayat shall if the State Government so directs, and may with the previous approval of the State Government, entrust to a taluka panchayat subordinate to it any scheme entrusted to it under sub-section (1) and (2) and allot to such panchayat such fund and personnel as may be necessary to enable the panchayat to implement the scheme so entrusted.(4)The matters in respect of which the scheme is entrusted to the district panchayat under sub-section (1) for (2) or to a taluka panchayat under sub-section (3) shall be deemed to be included in the relevant Panchayat Functions List.

Chapter VIII

Cattle Pounds

181. Cattle Trespass Act to cease to apply. - In any local area which is declared to be a village, the provisions of the Cattle Trespass Act, 1871 (1 of 1871), or any law corresponding to that Act in force in any part of the State shall cease to apply in relation to such local area;

Provided that-(a)nothing in this section shall affect the liability of any person to any penalty under any law so ceasing to be in force;(b)any appointment, notification order, rule made or issued under any such law in respect of any cattle pounds within the limits of such village shall, so far as it is not inconsistent with the provisions of this Act, be deemed to have been made or issued under this Act and continue in force until superseded by any notification, order or rule made after this Act;(c)any cattle pound in the local area established under any law so ceasing to be in force shall be deemed to be vested in the village panchayat within whose limits it is situate and shall be maintained and managed by the panchayat in accordance with the provisions of this act.

182. Power to establish cattle pounds and appoint pound keepers. - (1) Notwithstanding anything contained in any' law for the time being in force, every' village panchayat, within the limits of its jurisdiction shall from time to time, appoint such places as it thinks fit to be public pounds, and may appoint to be keepers of such pounds such persons as may be approved by the Taluka Development Officer. The duties of pound keepers shall be such as may be prescribed.

(2)Every pound keeper so appointed shall, in the performance of his duties, be subject to the direction and control of the panchayat by which he is appointed.

183. Penalty for allowing cattle to stray in street or to trespass upon private or public property. - (1) Whoever, within the limits of a village, allows any cattle which are his property' or in his charge to stray in any street or to trespass upon any private or public property shall, on conviction, be punished-

(i)for the first offence, with imprisonment for a term which may extend to one month or with fine which may extend to three hundred rupees, or with both;(ii)for a second or subsequent offence, with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees, or with both:Provided that in absence of adequate and special reasons to the contrary to be mentioned in the judgement of the Court,-(i)for a first offence, such fine shall not be less than one hundred rupees, and(ii)for a second or subsequent offence, such fine shall not be less than two hundred and fifty rupees.(2)The Magistrate trying the offence under sub-section (1), may order,-(a)that the accused shall pay such compensation not exceeding two hundred fifty rupees as the Magistrate considers reasonable, to any person for any damage proved to have been caused to his property or to the produce of land, by' the cattle under the control of the accused, trespassing on

his land; and also, (b) that the cattle in respect of which the accused is convicted shall be forfeited to the State Government. (3) Any compensation awarded under sub-section (2) may be recovered as if it were a fine imposed under this section. (4) An offence under this section shall be cognizable. (5) Nothing contained in sub-section (1) shall render any person liable to any punishment provided in that sub-section, if in the opinion of the Court, the offence was committed without his knowledge of that he exercised all due diligence to prevent the commission of such offence.

184. Impounding cattle. - (1) It shall be the duty of every Police Officer and a Watch and ward appointed by the panchayat, and it shall be lawful for any other person, to seize and take to any such public pound for confinement therein, any cattle found straying in any street or trespassing upon any private or public property within the limits of the village.

(2) Whoever forcibly opposes the seizure of cattle liable to be seized under this Act, and whoever removes the same after seizure, either from a pound or from any person taking or about to take them to a pound, shall on conviction, be punished with imprisonment for a term not exceeding six months or with fine not exceeding five hundred rupees or with both.

185. Delivery of cattle claimed and consequences of failure to pay pound fees and expenses etc. - (1) If the owner of cattle which are impounded under section 184 or his agent appears and claims the cattle, the pound keeper shall deliver them to him on payment of the pound fees and expenses chargeable in respect of such cattle under section 187 and on depositing the amount of security, if any, prescribed under section 189.

(2) If the owner or his agent appears but refuses to pay the fees and expenses as required under sub-section (1) on the ground that the seizure was illegal and that the owner is about to make a complaint under section 188, then upon the deposit of the fees and expenses incurred in respect of the cattle, the cattle shall be delivered to him. (3) If on any complaint referred to in sub-section (2), the seizure is declared to be lawful or if the owner or his agent fails to make such complaint within a period of four weeks from the date of delivery of the cattle to him and the provisions of section 189 are applicable, the pound-keeper shall require the owner or his agent to make a declaration and to deposit the amount of security as required by that section. If the owner or his agent fails to make such declaration or to deposit such amount the cattle delivered to him under sub-section (2) shall be seized again for the purposes of sub-section (4). (4) If the owner or his agent appears and refuses or omits to pay the pound-fees and expenses under sub-section (1) or to deposit the pound-fees and expenses under subsection (2) or to deposit the amount of security and to make a declaration as required by sub-section (3), the cattle or as many of them as may be necessary shall be sold by public auction by such officer at such place and time and subject to such conditions as are referred to in section 186. The amount of pound-fees leviable and the expenses of feeding and watering together with the expenses of sale, if any, and the amount of security, if any, as prescribed under section 189 shall be deducted from the proceeds of the sale.

186. Sale of cattle not claimed. - (1) If within seven days after any cattle have been impounded, no person appearing to be the owner, such cattle offers to pay the pound fee and expenses chargeable under section 187 such cattle shall be forthwith sold by auction in the prescribed manner and the surplus remaining, after deducting the fee and expenses aforesaid from the proceeds of the sale, shall be paid to any person who, within fifteen days after the sale, proves to the satisfaction of such offices as the panchayat authorises in this behalf that- he was the owner of such cattle and shall in any other case, from part of the village fund.

(2) No Police Officer, or officer, member or servant of the panchayat including the pound-keeper shall directly or indirectly, purchase any cattle at a sale under sub-section

187. Pound fees and expenses chargeable to be fixed. - (1) The pound-fees chargeable shall be such as the State Government may from time to time by notification in the Official Gazette specify for each kind of cattle.

(2) The expenses chargeable shall be at such rates for each day during any part of which any cattle is impounded, as shall from time to time be fixed by the panchayat with previous approval of the District Panchayat.

188. Complaints of illegal seizure or detention. - (1) Any person whose cattle have been seized under this Act or having been so seized, have been detained in contravention of this Act, may, at any time within ten days from the date of the seizure make a complaint to the Magistrate of the first class.

(2) The complaint shall be made by the complainant in person, or by an agent personally acquainted with the circumstances. If the Magistrate on examining the complainant or his agent sees reasons to believe the complaint to be well founded, he shall summon the person complained against, and make an inquiry into the case. (3) If the seizure or detention be adjudged illegal, the Magistrate shall award to the complainant for the loss caused by the seizure or detention reasonable compensation not exceeding one hundred rupees to be paid by the person who made the seizure or detained the cattle, together with all fees paid and expenses incurred by the complainant in procuring the release of the cattle, and, if the cattle have not been released the Magistrate shall besides awarding such compensation order their release, and direct that the fees and expenses leviable under this Act shall be paid by the person who made the seizure of the detained cattle. (4) The compensation fees and expenses mentioned in this section may be recovered as if they were fines imposed by the Magistrate.

189. Security in respect of impounded cattle. - (1) In any village to which the State Government may, by notification in the Official Gazette apply this section every pound-keeper shall before releasing any impounded cattle, require the owner of the impounded cattle or his agent to make, in the prescribed form a declaration regarding the ownership of such cattle and to deposit by way of security such sum as may be prescribed. Progressively increasing scales may be prescribed in respect of cattle belonging to or kept by the same person according to the number of cattle impounded at a time and the number of times the cattle are impounded and different scales may be prescribed for different villages.

(2) If any cattle belonging to such owner are impounded within a period of six months from the date on which the security is deposited, and if the seizure is not adjudged illegal, the amount of deposit or a part thereof, as may be directed by the State Government by rules made in this behalf, shall stand forfeited to the State Government. If cattle are not impounded as aforesaid, the amount of security deposit shall on an application made by or on behalf of the depositor be refunded to him on the expiry of that period.

190. Removal of cattle to specified places. - (1) If in any local area to which the State Government may, by notification in the Official Gazette, apply this section, a Mamlatdar or Mahalkari is satisfied-

(i) that the grazing land set apart for the use of cattle of one or more villages in the taluka, or mahal under this jurisdiction is insufficient for the cattle belonging to the permanent residents of such village or villages: (ii) that the crops or grass standing on any agricultural land or grazing land so set apart are likely to be damaged by cattle belonging to persons who are not residents of such village or villages and who own more than twenty head of cattle, he may- (a) in any case referred to in clause (i) direct any such resident owner, by special or general order, to remove or cause to be removed all or any dry or useless cattle belonging to him to such place or places within the State and within such period as may be specified in the order, and (b) in any case referred to in clause (ii) direct any such non-resident owner, by special or general order, to remove or cause to be removed all or any of this cattle to such place or places within the State and within such period as may be specified in the order. (2) If the owner of the cattle fails to remove the cattle as directed under sub-section (1), the Mamlatdar or Mahalkari, as the case may be, may direct a Police Officer not below the rank of Head-Constable to remove or cause to be removed such cattle to the place or places specified in the order. (3) If the Mamlatdar or Mahalkari is satisfied that the order issued by him under sub-section (1) is contravened by any owner or keeper of cattle, he may impose a fine not exceeding five thousand rupees. Any fine so imposed may on failure of such owner or keeper to pay the same within the specified time, be recovered by sale of all or any of the cattle ordered to be removed under sub-section (1).

Chapter IX

Taxation Taxation by the State Government

191. Levy of fifty paise cess on every rupee of land revenue. - (1) The State Government shall levy, on the conditions and in the manner hereinafter described, a cess at the rate of fifty paise on every rupee of-

(a) every sum payable to the State Government as ordinary land revenue except sums payable on account of any of the charges mentioned in subsection (2) and except sums payable on account of any charge which may be notified by the State Government in this behalf; (b) every sum which would have been payable as land revenue by a small holder as defined in the Explanation to section 45 of the Bombay Land Revenue Code, 1879, (Bombay V of 1879), in respect of the land held by him for the time being for the purpose of agriculture, had land revenue been payable in respect of such land under the said section by such small holder; and (c) every sum which would have been assessable on any land as land revenue had there been no alienation of the land revenue: Provided that no cess shall be levied under this section on sums less than twenty five paise: Provided further that the amount of cess shall, if not a multiple of five paise be increased to the next highest multiple of five paise. (d) every sum which would have been payable as land revenue in respect of any land leased by the Government as if land revenue is leviable on such land, notwithstanding that no land revenue is leviable on such land under the terms of such lease. (2) The following sums shall not be taken into account for the purposes of subsection (1), namely:-(i) penalties and fines, including any charge imposed under section 148 of the Land Revenue Code (Bombay V of 1897), as penalty or interest in case of default, but not including any fine levied under section 65 of the said Code on grant of permission to use land for a purpose unconnected with agriculture; (ii) occasional fixed payments, in communication of all claims of the State Government in respect of succession to or transfer of inams, payable on each succession or transfer of inams; (iii) land revenue on service inams land, recovered from inferior village servants for periods of unauthorised absence from service, and all other such charges of assessment on inams and watans for broken period and past years; (iv) fees for grazing when charged per head of cattle. (3) (a) If it appears to a district panchayat that for the purposes of its functions under Schedule III an additional provision of funds is necessary, it may by a resolution passed at its meeting apply to the State Government to increase in relation to its district, the rate of cess levied under sub-section (1) to such extent and for such period as may be specified in the resolution: Provided that by such increase the rate of cess shall not exceed three hundred paise on every rupee on which such cess is leviable under sub-section (1). (b) On receipt of an application under clause (a) State Government may, by notification in the Official Gazette increase the rate of the cess as proposed by the district panchayat and thereupon sub-section (1) shall have effect as if for the rate specified therein the rate as so increased has been substituted.

192. Rules for Assessment. - In the assessment of the said cess on villages alienated as defined in the Bombay Land Revenue Code, 1879 (V of 1879):-

(a)if the village has been surveyed and assessed in the manner laid down in the said Code and the rules made thereunder, the cess shall be fixed on the total amount of assessment of the village as fixed under the said Code or the rules made thereunder:(b)if the village has come under summary settlement under the exemptions from Land Revenue (No.-1) Act, 1863 (Bombay II of 1863) or the Exemptions from Land Revenue (No-2) Act, 1863 (Bombay VII of 1863), and clause (a) of this section does not apply, the cess shall be fixed on the total annual assessment as settled for the purpose of summary settlement: and(c)in villages to which neither of clause (a) or (b) of this section applies, the cess shall be fixed on the old or kammal rate recorded in the books of the Collector, and if no such rate is recorded or if the rate so recorded is objected to by the holder or proprietor of the alienated village, the cess may be fixed as agreed upon by the Collector in agreement with the district panchayat which shall pass a special resolution to that effect and such holder or proprietor, or, failing agreement, by a rough survey and assessment to be made by the State Government the expense of such rough survey being borne half by the district panchayat and half by the holder or proprietor of such village.

193. Levy of cess on water rate. - The State Government may levy a cess not exceeding twenty paise on every rupees of water rate leviable under the provisions of the Bombay Irrigation Act, 1879 (Bombay VII of 1879).

194. Manner of levying cess described in Section 191. - The cess described in section 191 shall be levied, so far as may be, in the same manner, and under the same provisions of law as the land revenue:

Provided that, in the case of any land in the possession of a tenant if such tenant is liable to pay the land revenue in respect of such land under the provisions of the Bombay Tenancy and Agricultural Lands Act, 1948 (Bombay LXVII of 1948), or the Bombay Tenancy and Agricultural Lands (Vidarbha Region and Kutch Area) Act, 1958 (Bombay XCIX of 1959), such tenant shall be primarily liable for the payment of cess in respect of such land.

195. Manner of levying cess described in Section 193, Bombay. - The cess described in section 193 shall be levied so far as may be, in the same manner, and under the same provision of law, as water rates payable to the State Government under the Bombay Irrigation Act, 1879 (VII of 1879).

196. Assistance to superior holders. - The provision of law relating to the assistance to be given to superior holders and owners of watercourses for the recovery of their dues from their tenants and occupants under them, or from persons authorised to use their water-courses shall be applicable to all superior holders, whether of alienated or unalienated land, and to all owners of water-courses in respect of the recovery of the said cesses from their tenants, occupants or person authorised to use their water-courses, shall be

applicable also to occupants of land under the Land Revenue Code for the recovery of the said cesses from their tenants or joint occupants.

197. Collection and credit of local cess on water rates. - The local cess leviable on water rate under section 193 in respect of lands shall be paid by the State Government to the taluka panchayat within the jurisdiction of which the lands are situated, after deducting such portion thereof as cost of collection, as the State Government may prescribe by rules.

198. Collection and credit of local cess of land revenue. - The local cess leviable on lands under section 191 shall be paid by' the State Government to the district panchayat within the jurisdiction of which lands are situated, after deducting such portion thereof as cost of collection, as the State Government may prescribe by rules.

199. Suspension and remission of local cess. - The State Government may, on the application of the district panchayat to which the cess is payable, suspend or remit the collection of cess or any' portion thereof in any y'ear in any area, subject to the jurisdiction of such district panchayat.

Part II

Taxation by Village Panchayats

200. Levy of taxes and fees by village panchayats. - (1) Subject to any general or special order (including an order fixing the minimum and maximum rates of a tax or fee) which the State Government may make in this behalf, it shall be competent to a village panchayat to levy all or any of the following taxes and fee at such rates as may be decided by it and in such manner and subject to such exemptions as may be prescribed, namely:-

(i)a tax on buildings (whether subject to payment of agricultural assessment or not) and lands (which are not subject to payment of agricultural assessment) within the limits of the village;(ii)octroi on animals or goods or both brought within the village for consumption, use or sale therein;(iii)a pilgrim tax;(iv)a tax on fairs, festivals and other entertainments not being a tax on payments for admission to any entertainments;(v)a tax on vehicles, boats or animals used for riding, draught or burden, kept for use within the village, whether they are actually kept within or outside the village;(vi)a toll on vehicles and animals used as aforesaid entering the village but not liable to taxation under clause (v) of this sub-section;(vii)a tax on dogs kept within the village;(viii)a general

sanitary cess for the construction or maintenance of public latrines and for the removal and disposal of refuse;(ix)a general water rate which may be imposed in the form of a rate assessed on buildings and lands or in any other form as may be best adapted to the circumstances of any class of cases;[ix]a Subject to and in accordance with the provisions of the Gujarat State Tax on Professions, Trades, Callings and Employments Act, 1976 (President's Act No. 11 of 1976) and the rules made thereunder, a tax on professions, trades, callings and employments;](x)any other prescribed tax (not being a toll on motor vehicles or trailers, save as provided by section 20 of the Bombay Motor Vehicles Tax Act, 1958 (Bombay LVX of 1958), [***] or a tax on payments for admission to any entertainment) which the State Legislature has under the Constitution, powers to impose in the State;(xi)a fee on markets and weekly bazaars;(xii)a fee on cart-stands and tonga-stands;(xiii)a special water rate for water supplied by the panchayat through pipes, which may be imposed in any form including that of charges for such water supplied fixed in such mode or modes as shall be best adapted in the circumstances of any class of cases;(xiv)a fee for the supply of water from wells and tanks vesting in it, for purposes other than domestic use and for cattle;(xv)a fee for temporary erection, on, or putting up projections over, or temporary occupation of, any public street or place;(xvi)a special sanitary cess upon private latrines, premises or compounds cleaned by the panchayat agency;(xvii)a drainage tax;(xviii)a lighting tax;(xix)a fee for cleansing a cess pool constructed on land whether belonging to a panchayat or not;(xx)a fee for grazing cattle on grazing lands vesting in a panchayat;(xxi)in lieu of any two or more separate taxes specified in clauses (i), (viii), (ix) and (xviii), a consolidated tax on buildings or lands or both situated within the limits of the village.(2)The duties and obligation of persons liable to any tax or fee under sub-section (1) shall be such as may be prescribed,(3)Rules made under sub-section (1) may, inter alia provide,-(a)for the assignment and payment of a part of the proceeds of pilgrim tax levied by village panchayat to a district panchayat or taluka panchayat to such extent and in such circumstances and on such conditions as may be prescribed;(b)for lump sum payment of tax on vehicles or animals by persons liable to pay such tax.(4)The tax on buildings or lands referred to in clauses (i) and (xxi) of sub-section (1) shall be leviable from the owners or occupiers thereof.Provided that when an owner of a building or land has left the village or cannot otherwise be found, any person to whom such building or land has been transferred shall be laible for the tax leviable from the owner.(5)The State Government may, by notification in the Official Gazette, direct that the tax upon buildings or lands referred to in clause (i) of sub-section (1) shall not be believed, or shall be levied on such reduced sale on all buildings and lands or on any class of buildings or lands situated in an area predominantly populated by members of Scheduled Castes or Scheduled Tribes.[(5-A) Notwithstanding anything contained in sub-section (1), where a tax on professions, trades, callings and employments has been imposed by any panchayat under the provisions of this Act in the area within the limits of a village panchayat, it shall not be lawful for any other panchayat, so long as the tax is being so imposed, to levy such tax within such limits.](6)Any person aggrieved by the assessment, levy or imposition of any tax or fee may appeal to the district panchayat within the prescribed period.(7)No such appeal shall be entertained unless the amount claimed from the appellant has been deposited by the appellant with the panchayat.(8)The State Government may suspend the levy or imposition of any tax or fee and may at any time rescind such suspension.

201. Lump-sum contribution by factories in lieu of taxes levied by panchayat.
- (1) Subject to any rules that may be made under this Act, and regard being had to the fact that a factory itself provides in the factory area all or any of the amenities which such panchayat provides, village any factor}' with the sanction of the State Government to receive a lump-sum contribution in lieu of all or any of the taxes levied by the panchayat.

(2) Where no such agreement as is referred to in sub-section (1) can be reached, the matter may be referred to the State Government in the manner prescribed and the State Government, may after giving to the panchayat and the factory concerned an opportunity of being heard decide the amount of such contribution, The decision of the State Government shall be binding on the panchayat and the factory concerned. (3) In the case of any matter referred to the State Government under sub-section (2), the State Government may, subject to such condition as it may think fit to impose having regard to the circumstances of the case, by order in writing direct the panchayat to stay the collection or recovery from the factory of all or any of the taxes until the State Government decides the matter under sub-section (2).

202. Framing of fees on markets etc. - (1) It shall be lawful for a village panchayat to lease by public auction or private contract the collecting of any fees levied by it on markets and weekly bazaars [*]:**

Provided that the lessee shall give security for the due fulfilment of the conditions of the lease. (2) All sum payable under the terms and conditions of the lease, if not paid, shall be recoverable as arrears of land revenue. (3) The lessee and every person employed by the lessee to assist him in the collection of the fees [***] shall be deemed to be appointed by the panchayat to collect the same under this Act and shall exercise all the powers and be subject to all the responsibilities attaching to persons appointed to collect such fees or octroi, as the case may be, under this Act. (4) Any rules or orders for the levy, collection and recovery of any such fees [* * *] shall have effect subject to the provisions of this section.

203. Levy and Collection upto twenty five paise as cess on every rupee of land revenue. - (1) A village panchayat may by resolution passed by its meeting, apply to levy a cess at the rate not exceeding twenty-five paise, according to its needs and capacity, on every rupee of every sum payable to the State Government as land revenue, and on which a cess is leviable under clauses (a), (b) and (c) of sub-section (1) of section 191 and thereupon the State Government shall (in addition to any cess leviable under section 191) levy and collect such cess in the area within the jurisdiction of such panchayat.

(2) Where a village panchayat undertakes for the benefit of the community any special work or project so as to complete it within a specified period and for that purpose an additional provision of funds is necessary, the panchayat may by resolution passed at its meeting and with the previous permission of the district panchayat apply, to the State Government to increase the rate of cess levied in accordance with sub-section (1) to such extent and for such period as may be specified in the resolution; Provided that such increase shall not exceed one hundred paise on every rupee of every sum payable to the State Government as ordinary land revenue. (3) On receipt of an application under sub-section (1) or (2) the State Government shall levy the cess or increase the rate thereof as proposed by the panchayat and subsection (1) shall have effect accordingly. (4) The net proceeds (after deducting the expenses of assessment and collection) of any cess levied and collected in accordance with sub-section (1) shall form part of and be paid into the Village fund. (5) The State Government may, at the request of the panchayat to which the cess referred to in sub-section (1) is payable, suspend the collection of the cess or any portion thereof in any year.

204. Power of taluka panchayat to increase taxation of panchayat. - (1) If the income of a village panchayat falls below what in the opinion of a taluka panchayat is necessary for the proper discharge of the duties specified in Schedule 1, the taluka panchayat may after having given such panchayat an opportunity of being heard, require it to take steps within six months, to increase its income such extent as the taluka panchayat considers necessary. If the village panchayat fails to take adequate steps to increase its income to the required extent, the taluka panchayat may require it to levy any of the taxes or fees specified in section 200 or increase the rate at which any of the such taxes and fees is levied and it shall be the duty of the panchayat to comply with the requirement:

Provided that the taluka panchayat shall not compel the panchayat to levy any tax or fee or increase the rate thereof beyond the maximum rate prescribed in this behalf. (2) The panchayat in respect of which an order under sub-section (1) is made by the taluka panchayat may within the prescribed period prefer an appeal to the district panchayat, which may pass such orders on the appeal as it may think just and proper, the district panchayat may stay the execution of the order until the appeal is decided.

205. Recovery of cost of watch and ward. - If under clause (a) of item 4 of Schedule 1, a village panchayat incurs any expenditure on watch and ward of the village and of the crops therein the cost of such watch and ward shall be levied and recovered by the panchayat from such persons and in such manner (including the levying of a fee) as may be prescribed.

Part III

Taxation by Taluka Panchayat

206. Taxes and fees which may be imposed by taluka panchayat and mode of collection thereof. - (1) Subject to any general special orders which the State Government may make in this behalf, every taluka panchayat may after observing the preliminary procedure required by section 212 impose an education cess and any of taxes and fees which is leviable by a village panchayat under section 200:

Provided that the rate of tax or fee leviable by a taluka panchayat in respect of any matter within the limits of any village shall not exceed 15 per cent of the rate of the tax or fee actually levied by the village panchayat in respect of the same matter, and where no such tax or fee has been levied by the village panchayat, shall not exceed 15 per cent of the prescribed maximum rate of tax or fee in respect of the same matter: Provided further that—(i) no tax imposed as aforesaid other than a special sanitary cess or a water rate, shall without the express consent of the Government or, as the case may be, the district panchayat concerned be leviable in respect of any building or part of any building or any vehicle, animal or other property, belonging to the Government or the district panchayat and used solely for public purposes, and not used or intended to be used for purposes of profit and no toll shall be leviable for passage of troops, the conveyance of Government stores or of any other Government property, the passage of Military or Police Officers on duty, or the passage or conveyance of any person or property in the custody of such officer; and (ii) no tax on property shall be imposed in respect of any land on which local cess is being collected. (2)(a) Where in the exercise of the powers under sub-section (1) a taluka panchayat imposes a tax or fee in any area within the jurisdiction of a village panchayat, such tax or fee shall be collected by the village panchayat concerned from those persons who are liable to pay the same under the rules made by the taluka panchayat in accordance with the provisions of section 215 as if it were a tax or fee imposed by the village panchayat concerned under provisions of this Act and shall be paid to the taluka panchayat at such time and in such manner as the taluka panchayat may specify. [(b) (i) Such percentage not exceeding 50 per cent, of the gross collection of such tax or fee [(other than tax levied under Section 3 of the Gujarat State Tax on Professions, Trades, Callings and Employments Act, 1976 (President's Act No. 11 of 1976) read with clause (ix-a) of sub-section (1) of Section 200)] in any financial year as the State Government may by general or special order determine shall not form part of the taluka fund but shall be assigned to the village panchayat in such manner as the taluka panchayat may determine. [(ii) Total amount of gross collection of tax levied under Section 3 of the Gujarat State Tax on Professions, Trades, Callings and Employments Act, 1976 (President's Act No. 11 of 1976) read with clause (ix-a) of sub-section (1) of Section 200, in any financial year in any area within the jurisdiction of a village panchayat shall not form part of the taluka fund, but shall be assigned to the concerned village panchayat. (c) If any panchayat makes any default in the payment of any sum due in respect of a tax or fee within the time specified under clause (a), the provisions of section 211 shall mutatis mutandis apply to such default and the taluka panchayat shall exercise the same powers as are exercisable by a district panchayat under that section.

207. Increase of stamp duty for a taluka panchayat. - (1) A taluka panchayat may, by resolution passed at its meeting, apply to the State Government for increasing the rate of stamp duty leviable under the Bombay Stamp Act, 1958 (Bombay LX of 1958), on instruments of sale, mortgage, lease or any other kind of transfer on immovable property situated within the limits of the taluka, to such extent as not exceed 15 per cent of the rate of duty so leviable and specified in the resolution.

(2) Notwithstanding anything contained in the Bombay Stamp Act, 1958 (Bombay LX of 1958), on receipt of an application under sub-section (1) the State Government shall by notification published in the Official Gazette direct that the rate of stamp duty on the class of instruments specified in the notification and affecting the immovable property situated within the taluka shall be increased to the extent specified in the notification with effect from the date specified in the notification and thereupon the rate of stamp duty shall stand increased accordingly. (3) For the purpose of this section, section 28 of the Bombay Stamp Act, 1958, (Bombay LX of 1958) shall be read as if it specifically required the particulars therein referred to be forth separately in respect of—(a) property situated in the jurisdiction of any taluka panchayat: and (b) property not situated in the jurisdiction of any taluka panchayat. (4) The increase in stamp duty in respect of any class of instruments under this section shall be in addition to any increase made therein in respect of the same class of instruments for a district panchayat under section 209. (5) The State Government shall, every year after due appropriation made by law in this behalf, pay to the taluka panchayat from the Consolidated Fund of the State, a grant-in-aid approximately equal to the extra duty realised under sub-section (1) in respect of properties situated within the jurisdiction of the taluka panchayat.

Part IV

Taxation by District Panchayat

208. Taxes which may be imposed by a district panchayat. - Subject to any general or special orders which the State Government may make in this behalf, every district panchayat may, after observing the preliminary procedure required by section 212 impose any of the taxes and fees which are leviable by a village panchayat under section 200:

Provided that the rate of tax or fee leviable by a district panchayat in respect of any matter within the limits of any village shall not exceed 10 per cent of the rate of the tax or fee actually levied by the village panchayat in respect of the same matter, and where no such tax or fee has been levied by the village panchayat shall not exceed 10 per cent, of the prescribed maximum rate of tax or fee in respect of the same matter: Provided further that—(i) no tax imposed as aforesaid other than a special sanitary cess or a water rate, shall without the express consent of the Government or, as the case may be the taluka panchayats concerned be leviable in respect of any building or part of any

building or any vehicle, animal or other property belonging to the Government or to the taluka panchayat and used solely for public purposes, and not used or intended to be used for purposes of profit and no toll shall be leviable for passage of troops the conveyance of Government stores or of any other Government property the passage of military or Police Officers on duty, or the passage or conveyance of any person or property in the custody of such officers; and(ii)no tax on property shall be imposed in respect of any land on which local cess is being collected.

209. Increase of stamp duty for a district panchayat. - (1) A district panchayat may, by resolution passed at its meeting apply to the State Government, for increasing the rate of stamp duty leviable under the Bombay Stamp Act, 1958 (Bombay LX of 1958), in instruments of sale, mortgage, lease or any other kind of transfer of immoveable property situated within the limits of the district, to such extent as not to exceed 20 per cent, of the rate of duty so leviable and specified in the resolution.

(2)Notwithstanding anything contained in the Bombay Stamp Act, 1958 (Bombay LX of 1958), on receipt of an application under sub-section (1), the State Government shall by notification published in the Official Gazette direct that the rate of stamp duty on the class of instruments specified in the notification and affecting the immoveable property situated within the district shall be increased to the extent specified in the notification with effect from the date specified in the notification and thereupon, the rate of stamp duty shall stand increased accordingly.(3)For the purpose of this section, section 28 of the Bombay Stamp Act, 1958, (Bombay LX of 1958), shall be read as if it specifically required the particulars therein referred to be set forth separately in respect of-(a)property situated in the jurisdiction of may any district panchayat; and(b)property not situated in the jurisdiction of any district panchayat.(4)The increase in stamp duty in respect of any class of instruments under this section shall be in addition to any increase made therein in respect of the same class of instruments for a taluka panchayat under section 207.(5)The State Government shall, every year after the due appropriation made by law in this behalf, pay to the district panchayat from the Consolidated Fund of the State, a grant-in-aid approximately equal to the extra duty realised under sub-section (1) in respect of properties situated within the jurisdiction of the district panchayat.

210. Tax on professions etc., levied by district panchayat, to be collected by village panchayat. - Wherein exercise of the powers given by this Act, a district panchayat imposes any tax or fee then notwithstanding anything in this act or any other law for the time being on force, in any area within the jurisdiction of a village panchayat-

(a)such tax or fee shall be collected by the village panchayat concerned from those persons who are liable to pay the tax or fee under the rules made by a district panchayat and who reside, or carry on any trade or exercise any profession or follow a calling, within such area, in accordance with the provisions of section 215 as if it were a tax or fee imposed by the village panchayat under the

provision of this Act, and shall be paid to the district panchayat at such time and in such manner as the district panchayat may specify;[(b)(i) such percentage not exceeding fifty percent of the gross collection of such tax or fee [(other than tax levied under Section 3 of the Gujarat State Tax on Professions, Trades, Callings and Employments Act, 1976 (President's Act No. 11 of 1976) read with clause (ix-a) of sub-sec. (1) of Section 200)] in any financial year, as the State Government may by general or special order determine shall not form part of the district fund, but shall be assigned to the village panchayat, in such manner as the district panchayat may determine;[(ii) total amount of gross collection of tax levied under Section 3 of the Gujarat State Tax on Professions, Trades, Callings and Employments Act, 1976 (President's Act No. 11 of 1976) read with clause (ix-a) of sub-sec. (1) of Section 200, in any financial year in any area within the jurisdiction of a village panchayat shall not form part of the district fund, but shall be assigned to the concerned village panchayat.]

211. Default in payment by panchayat. - (1) If any panchayat makes default in the payment of any sum due in respect of a tax on professions, trades, callings and employments, or any other tax or fee within the time specified by the district panchayat under clause (a) of section 210, the district panchayat may, notwithstanding any law relating to the funds vesting in such panchayat or any other law for the time being in force direct any bank in which any moneys of the panchayat are deposited or the person in charge of the government treasury or any place of security in which the moneys of the panchayat are deposited to pay such sum from such moneys as may be standing to the credit of the panchayat in such bank or as may be in the hands of such person or as may from time to time be received from or on behalf of the panchayat by way of deposit by such bank or person and such bank or person shall be bound to obey such order.

(2) Every payment made pursuant to an order under sub-section (1) shall be as sufficient discharge to such bank or person from all liability to the panchayat in respect of discharge of any sum so paid by it or him out of the moneys of the panchayat so deposited with such bank or person.

Part V

Procedure of Levying Tax or Fee by Taluka Panchayat and District Panchayat

212. Procedure of Taluka and district panchayat preliminary to imposing tax. - (1) A taluka panchayat or, as the case may be, a district panchayat shall, before imposing a tax or fee, by resolution passed at a meeting of the panchayat.

(a)select a tax or fee which may be imposed; and(b)approve rules describing the tax or fee selected; and(c)shall in such resolution and in such rules specify.(i)the class or classes of persons or of property, or both, which the panchayat desire to make liable, any exemptions which it desires to give (including the circumstances or principles on which exemptions can be given) and the duties and obligations of persons liable to pay any such tax or fee;(ii)the amount for which, or the rate at which, it is desired to make such classes liable; and(iii)all other matters which the State Government may require to be so specified.(2)When such a resolution has been passed, the panchayat shall publish the rules with a notice in the prescribed form and manner.(3)Any inhabitant of the taluka or, as the case may be, district objecting to the imposition of the said tax or fee, or to the amount or rate proposed, or to the class of persons or property to be made liable therefore or to any exemptions proposed, may, within one month from the publication of the said notice, send his objections in writing to the taluka panchayat or, district panchayat, as the case may be, and the panchayat shall take all such objections into consideration, or shall authorise a committee of its members to consider and report on them.(4)The panchayat shall take proposals and all objections received thereto and to report of the committee. If any, into consideration at a meeting and sanction the rules with or without modifications.

213. Procedure for abolishing or varying a tax. - (1) The panchayat may, at a special meeting, pass a resolution to propose the abolition of any tax or fee already imposed or a variation in the amount or rate thereof.

(2)Any such proposal shall be dealt with according to the procedure laid down in section 212 for the imposition of a new tax or fee; and the notification of the abolition or variation of a tax or fee under this section in the Official Gazette shall be conclusive proof that such abolition or variation has been made in accordance with the provisions of this Act.(3)Nothing in this section shall affect the power of a panchayat to propose an increase in rate of cess on land revenue or in the rate of stamp duty under the provisions of section 203, 207 and 209.

214. Publication of sanctioned rules, with notice. - All rules sanctioned under section 212 shall be published in the prescribed manner by the taluka panchayat in the taluka and by the district panchayat in the district for which they are made, and the tax as described in the rules so published shall, from the date specified in the notice under that section (such date not being less than one month from the publication of such notice), be imposed accordingly:

Provided that-(a)a tax leviable by the year-(i)shall not come into force except on one of the following dates, that is to say, the first day of April, the first day of July, the first day of October or the first day of January, in any year, and(ii)if it comes into force on any day other than the first day of April, it shall be leviable by the quarter till the first day of April then next ensuing;(b)on or before the day on which a notice is issued, the panchayat shall publish such further detailed rules as may be required, prescribing the mode of levying and recovering the tax therein specified, and the dates on which the

tax or the instalments (if any), thereof, shall be payable; and(c)if the levy of a tax, or of a special portion of tax, has been sanctioned for a fixed period only, the levy shall cease at the conclusion of that period, except as regards to any unpaid arrears which have become due during the period.

Chapter X

Recover of Taxes, Fees, Cesses and other Dues

215. Recovery of taxes and other dues. - (1) When any tax or fee or any other sum has become 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 amount shall be paid.

If any person fails to pay any tax or fee or any other sum due from him to a panchayat under this Act or the rules on or before the specified date of payment, he shall pay to the panchayat by way of penalty in addition to the tax, fee or sum, as the case may be, an amount equal to one per cent of the amount of the tax or fee or sum, as the case may be, for each complete month during the time he continues to make default in the payment of tax, fee or, sum, as the case may be.(3)In the case of a person who is a defaulter under sub-section (2) the panchayat shall cause a writ of demand in the prescribed form to be served on such person.(4)The presentation of every bill under sub-section (1) and the service of every writ of demand under sub-section (2) shall be affected by an officer or servant of the panchayat in this behalf-(a)by giving or tendering the bill or writ to the person to whom it is addressed; or(b)if such person is not found, by leaving the bill or writ at his last known place of abode, if within the area of jurisdiction of the panchayat, or by giving or tendering the bill or writ to some adult male member or servant of his family; or(c)if such person does not reside in the area of jurisdiction of the panchayat and his address elsewhere is known-to the officer directing the issue of the bill or writ then forwarding the bill or writ to such person by registered post, under cover bearing the said address; or(d)if note of the means aforesaid be available, then causing the bill or writ to be affixed on some conspicuous part of the building or land, if any, to which the bill or writ relates in the presence of at least two panchas.(5)If the sum for which a writ of demand has been served is not paid within thirty days from the date of such service, the panchayat may levy such sum by distraint and sale of the movable property of the defaulter in the prescribed manner.(6)Fees for-(a)every writ of demand issued under sub-section (2).(b)every writ of demand made under sub-section (3);(c)the cost of maintaining any livestock seized under sub-section (5) shall be chargeable at such rates as may be prescribed.(7)Notwithstanding anything contained in the foregoing sub-sections any tax or fee payable on demand in accordance with the rules shall be recoverable in such manner as may be prescribed.(8)If a panchayat is unable to recover a tax or fee or other sum (including penalty) due to it as aforesaid, it shall be recoverable as an arrear of land revenue.(9)If a panchayat fails to recover any tax, fee or any sum due to it, or neglects to take action under sub-sections (2) and (5) of this section, the competent authority may apply to the Collector to recover the same as an arrear of land revenue.(10)On receipt of such application the Collector shall, after holding such inquiry as he thinks fit, proceed to recover the sum as an arrear of land revenue

unless such sum is, under section 217 directed to be written off.

216. Penalty for evasion of octroi. - Where any animal or goods passing into village are liable to the payment of octroi, any person, who with the intention of defrauding the village panchayat causes or abets the introduction of or himself introduces or attempts to introduce within the octroi limits of such village any such animal or goods upon which payment of the octroi due on such introduction has neither been made nor tendered, or who fails to comply with any direction given by the officer demanding the octroi levied by the authority of panchayat with reference to the introduction of the animal or goods within the octroi limits shall be punished, on conviction, with fine which may extend to ten times the amount of such octroi or to two thousand rupees, whichever may be greater.

217. District Development Officer's power to direct irrecoverable sums to be written off. - The District Development Officer may direct any sum certified by a panchayat as recoverable as an arrear if and revenue to be written off, if in his opinion the sum is irrecoverable;

Provided that no sum exceeding five hundred rupees shall be written off except with the previous sanction of the State Government.

Chapter XI

Financial Assistance to Panchayats

218. Provision by the State Government for making grants to panchayats. - The State Government shall, having regard to the recommendations, if any, of the Finance Commission, in each year after due appropriation made by the State Legislature by law in this behalf make provision for making grants to the panchayats in accordance with this Chapter.

219. Extent of grants out of the average of three years £ collection of land revenue. - (1) For the purposes of section 218, the State Government shall in each year determine a sum which shall be equal to the average of the land revenue collected or recovered during the three preceding revenue years in the State.

(2) Out of the sum determined under sub-section (1) an amount equal to (a) such percentage of the sum as may be prescribed shall be set apart for meeting the expenditure on the salaries of the secretaries of village panchayats and of the village accountants (talatis) in the State and on their training; (b) five per cent of the sum shall be paid into the State Equalisation Fund established under section 220: Provided that in the case of a village panchayat of a Devasthan village the land revenue in respect of which is wholly or partially alienated in favour of the Devasthan, the village panchayat shall be paid in each year out of the State Equalisation Fund a sum on the same basis as applicable to other villages under sub-section (3). (3) Out of the balance remaining after making the provisions in accordance with subsection (2) (i) an amount equal to - (a) 50 per cent of the balance shall be distributed among the village panchayats; (b) 25 per cent of the balance shall be distributed among the taluka panchayats; and (c) 10 per cent of the balance shall be distributed among the district panchayats, in proportion to the average collection and recovery of land revenue from the respective village, taluka or, as the case may be, district panchayat in the three revenue years immediately preceding; (ii) an amount equal to - (a) 7 1/2 per cent of the balance shall be paid into the District Equalisation Fund established under section 221. (b) 7 1/2 per cent of the balance shall be paid into the District Gram Encouragement Fund established under section 222.

220. State Equalisation Fund. - (1) There shall be established by the State Government a fund to be called the State Equalisation Fund, which shall consist of the payments made into it under clause (b) of sub-section (2) of section 219 and which shall be utilised for making special grants to backward districts so as to minimise the social and economic inequalities between the districts of the State.

(2) The fund established under sub-section (1) shall be non-lapsable. (3) Special grants out of the said fund shall be made in accordance with the rules made in that behalf.

221. District Equalisation Fund. - (1) In each district, there shall be established by the district panchayat, a fund to be called the District Equalisation Fund consisting of the payments made into it under sub-clause (a) of clause (ii) of sub-section (3) of section 219 which shall be utilised by the district panchayat for making special grants to the backward panchayats subordinate to it so as to minimise the social and economic inequalities between the panchayats in the district.

(2) The fund established under sub-section (1) shall be non-lapsable and shall be invested in the prescribed manner. (3) Special grants out of the said fund, shall be made in accordance with the rules made in that behalf.

222. District Village Encouragement Fund. - (1) In each district there shall be established by the district panchayat a fund to be called the District Village Encouragement Fund which shall consist of the payments made into it under sub-clause (b) of clause (ii) of sub-section (3) of section 219 and which shall be utilised by the district panchayat for making incentive grants to village panchayats to encourage them to raise their income by levying taxes and fees leviable by them under this act.

(2)The fund established under sub-section (1), shall be non-lapsable and shall be invested in the prescribed manner.[(3) and (4) ***.]