

# Arunachal Pradesh Panchayat Raj Act, 1997

ARUNACHAL PRADESH

India

## Arunachal Pradesh Panchayat Raj Act, 1997

### Act 5 of 2001

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Arunachal Pradesh Panchayat Raj Act, 1997(Act No.5 of 2001)Last Updated 8th February, 2020An Act to replace the North East Frontier Agency Panchayat Raj Regulation, 1967 (Regulation No. 3 of 1967) relating to Panchayats by a comprehensive law.Be it enacted by the Legislative Assembly of Arunachal Pradesh in the Forty-eighth Year of the Republic of India as follows:-

#### 1.

(1)This Act may be called the Arunachal Pradesh Panchayat Raj Act, 1997.(2)It extends to the whole of the Arunachal Pradesh.(3)It shall come into force on such date as the Government may by notification, appoint and different dates may be appointed for different provisions of this Act and for different areas.

#### 2.

In this Act, unless the context otherwise, requires-(i)"Additional Deputy Commissioner" means the Additional Deputy Commissioner attached to the establishment of the Deputy Commissioner of a district;(ii)"Adult" means a person, male or female, who has completed his or her 18 years on the 1st January of the year in which the election takes place;(iii)"Anchal Samiti" means an Anchal Samiti constituted under section 54;(iv)"Block" means such area as may be declared by the Government under section 53 to be an Anchal Block;(v)"Casual Vacancy" means a vacancy occurring otherwise than by efflux of time;(vi)"Circle Officer" means a Circle Officer-In-Charge of a Circle;(vii)"Deputy Commissioner" means the Deputy Commissioner of a District;(viii)"District" means a district of the State of Arunachal Pradesh;(ix)"Extra Assistant Commissioner" means an Extra Assistant Commissioner-in-Charge of an Anchal Block /Anchal Samiti as constituted under Sections 53 and 54;(x)"Government" means the Government of Arunachal Pradesh;(xi)"Governor" means the Governor of Arunachal Pradesh;(xii)"Gram Panchayat" means a Gram Panchayat constituted under Section 10;(xiii)"Gram Sabha" means a body consisting of persons registered in the Electoral Rolls relating to a village comprised within the area of Gram Panchayat;(xiv)"Notification" means a

notification published in the Arunachal Pradesh Gazette;(xv)"Prescribed" means prescribed by rules made under this Act;(xvi)"Presiding Officer" means .an officer appointed by the Deputy Commissioner to conduct the election under this Act;(xvii)"Village" means an area recognized to be a village at the commencement of this Act and includes any area which the Government may, by notification, declare to be a village;(xviii)"Zilla Parishad" means a Zilla Parishad constituted under Section 85.Chapter -II Gram Sabha

### **3.**

Subject to general orders of the Government the Gram Sabha shall meet from time to time but six months shall not intervene between any two meetings.

### **4.**

The Gram Panchayat shall prepare the agenda for discussion of the Gram Sabha and such matters shall relate to the following, namely:-(a)the annual statement of accounts of the Gram Panchayat, the report of administration of the preceding financial year and the last audit note and replies if any made thereto;(b)the report in respect of development programmes of the Gram Panchayat relating to the preceding year and development programmes proposed to be undertaken during the current year.

### **5.**

Any resolution relating to the functions entrusted to the Gram Sabha under section 6 shall have to be passed by a majority of votes of the members present and voting in the meeting of the Gram Sabha

### **6.**

A Gram Sabha shall exercise the following functions, namely:(a)rendering assistance in the implementation of development schemes pertaining to the village;(b)identification of beneficiaries for the implementation of development schemes pertaining to the village;Provided that in case the Gram Sabha fails to identify the beneficiaries within a reasonable time the Gram Panchayat can identify the beneficiaries(c)mobilize voluntary labour and contributions in kind or cash or both for the community welfare programmes;(d)to promote adult education and family welfare within the village;(e)promotion of unity and harmony among all sections of society in the village;(f)such other matters as may be prescribed,

### **7.**

Every meeting of Gram Sabha shall be presided over by the Chairperson of the concerned Gram Panchayat and in his absence by a member of the Gram Panchayat to be chosen from amongst the members of the Panchayat.

## 8.

(a)The quorum for a meeting of the Gram Sabha shall be one-tenth of its total membership.(b)If at the time appointed for the meeting a quorum is not present, the person presiding shall wait for thirty minutes, and if within such period, there is no quorum, the person presiding shall adjourn the meeting to the same time on the same day in the following week. He shall similarly, after waiting for thirty minutes, adjourn the meeting if at any time after it has begun; attention is drawn to the want of a quorum. A notice of the meeting so fixed shall be pasted in the office of the Gram Panchayat. The business which could not be considered at the meeting so postponed for want of quorum shall be brought before and disposed of at the meeting so fixed at any subsequent adjourned meeting at which there is a quorum.

## 9.

(1)Subject to the general or special order of the Government, the Deputy Commissioner may, if, in his opinion it is expedient to declare any area comprising a village or group of villages having a population of not less than three hundred to be a Panchayat area, after previous publication, declare such area as a Panchayat area for the purposes of this Act:Provided that the Deputy Commissioner may, with the previous approval of the Government, declare any area comprising a village or group of villages having a population of less than three hundred as special cases, as Panchayat area for the purposes of this Act.(2)Subject to the provisions of this Act, the Deputy Commissioner may, at the request of the Gram Panchayat concerned-(i)increase the area of any Panchayat area by including within such Panchayat area, any village or group of villages;(ii)diminish area of any Panchayat area by excluding from such Panchayat area, any village or group of villages;(iii)alter the name of any Panchayat area; or(iv)declare that any area ceases to be a Panchayat area.(3)There shall be established a Gram Panchayat in every Panchayat area declared as such under this section.

## 10.

(1)The Gram Panchayat shall consist of such number of Members of the Gram Sabha or the Gram Sabhas as may be notified from time to time by the Deputy Commissioner, at the rate of one member for every hundred populations;Provided that in case the population of a village is less than one hundred and more than fifty then one member can be elected to represent that particular village;Provided that in case the population is more than one hundred fifty but less than three hundred in a particular village or the group of villages, the number may be increased to two members.(2)The election of Gram Panchayat shall be held by ballot in accordance with such rules as may be prescribed.(3)The term of office of the Gram Panchayat shall be for five years from the date of notification by the Deputy Commissioner.(4)The Deputy Commissioner shall publish; in the prescribed manner the name of members elected or deemed to have been duly elected.

## 11.

(1)every voter shall have as many votes as there are members to be elected for the constituency. No

voter shall give more than one vote to anyone candidate(2)Subject to the provisions of this Act elections to the Gram Panchayat shall be held by ballot in accordance with such rules as may be prescribed.

## **12.**

(1)Not less than one-third of the total number of seats to be filled by direct election in every Gram Panchayat shall be reserved for women.(2)The Deputy Commissioner shall by notification determine the number of seats and constituency or constituencies in which seats are reserved under sub-section (1), above:Provided that the seats reserved under sub-sections (1) and (2) shall be allotted by rotation to different constituencies in the Gram Panchayats in such manner as may be prescribed.

## **13.**

Any person shall be disqualified for being chosen as, and for being a member of the Gram Panchayat if he suffers from any of the disqualifications specified under Section 57.

## **14.**

"Casual Vacancy" shall be filled up in the same manner as specified under sub-section (2) of section 60 of this Act.

## **15.**

The Circle Officer or such other officer as shall be authorized by the Deputy Commissioner shall be the Member Secretary of the Gram Panchayat.

## **16.**

(1)Every Gram Panchayat shall, at its first meeting at which a quorum is present, elect, in the prescribed manner, one of its members to be the Chairperson of the Gram Panchayat and any dispute relating to the validity of the election of Chairperson shall be made before the prescribed authority.(2)The meeting to be held under sub-section (1) shall be convened by the prescribed authority in the prescribed manner.(3)Not less than one-third of the total number of offices of Chairperson of Gram Panchayats shall be reserved for women in different Gram Panchayats.(4)The Deputy Commissioner shall, by notification determine the number of seats and constituency or constituencies in which seats are reserved under sub-section (3) above:Provided that the seats so reserved under this section shall be allotted by rotation to different Gram Panchayat constituencies in the district.(5)The term of office of every Chairperson shall, save as otherwise provided in this Act cease on the expiry of his term of office as a member of the Gram Panchayat.

## 17.

(1)The Chairperson shall-(a)be responsible for convening the meeting of Gram Sabha and preside over its meeting;(b)be responsible for convening the meeting of Gram Panchayat and preside over its meetings;(c)be responsible for the maintenance of the records of the Gram Panchayat;(d)have the general responsibility for the financial and executive administration of the Gram Panchayat;(e)exercise administrative supervision and control over the work of the staff of the Gram Panchayat and the officers and employees whose services may be placed at the disposal of the Gram Panchayat by any other authority;(f)for the transaction of business connected with this Act, or for the purpose of making any order authorized thereby, exercise such powers, perform such functions and discharge such duties as may be exercised. Performed or discharged by the Gram Panchayat under this Act or the rules made thereunder;Provided that the Chairperson shall not exercise such power, perform such functions or discharge such duties as may be required, by the rules made under this Act to be exercised, performed or discharge by the Gram Panchayat at a meeting; and(g)exercise such other powers, perform such other functions and discharge such other duties as the Gram Panchayat may, by general or special resolution direct or as the Government may by rules made in this behalf, prescribe.

## 18.

The Government may, by order, remove from office of Chairpersons or any other member of a Gram Panchayat in the same manner as provided under section 64 of this Act.

## 19.

If, in any occasion the circumstances so arises, and, the Government is so satisfied, it may issue notification for cancellation of the Gram Panchayat constituency or constituencies of any location(s) constituted earlier, and, the Government may also order for cancellation or suspension of the election process, if any already undertaken" for that constituency or constituencies for election of Gram Panchayat Member(s) or Anchal Samiti Member{s} forthwith and such action shall not be questioned in any court of law.

## 20.

(1)Every person whose name appears in the voters list relating to a constituency shall, subject to the other provisions of this Act, be entitled to vote, at any election which takes place in that constituency while the voters list remains in force and no person whose name does not appear in such voters list shall vote at any such election.(2)No person shall vote at an election under this Act in more than one constituency or more than once in the same constituency and if he does so, all his votes shall be invalid. List of voters

## **21.**

(1)subject to the provisions of sub-section (2) the electoral roll of the Gram Panchayat shall be deemed to be the list of voters for such Gram Panchayat Constituency.(2)No amendment transposition or deletion of any entry in the electoral roll of the Gram Panchayat made after the last date of making nominations for an election in any Gram Panchayat Constituency and before the completion of such election shall form part of the list of voters for such election for the purpose of this section.(3)The Member Secretary of the Gram Panchayat or when there is no Member Secretary such officer as may be authorized by the Deputy. Commissioner shall maintain in the prescribed manner a list of voters for each Gram Panchayat Constituency. .

## **22.**

The members of a Gram Panchayat shall, save as otherwise provided in this Act, hold office for a term of five years.

## **23.**

The procedure at a meeting of the Gram Panchayat shall be as prescribed.

## **24.**

(1)A Gram Panchayat shall meet for the transaction of business at least once in two months at the office of the Gram Panchayat and at such time as the Chairperson may determine.(2)The Chairperson may, whenever he thinks fit, and shall, upon the, written request of not less than one-third of the total number or members and on a date within fifteen days from the receipt of such request, call a special meeting.(3)Seven clear days notice of, an ordinary meeting and three clear days notice of a special meeting specifying the place, date and time of such meeting and the business to be transacted thereat, shall be given by the Chairperson of the Gram Panchayat to the members, and such officers as the Government may prescribe, and affix on the notice board of the Gram Panchayat.(4)The officers to whom notice is given under sub-section (3) and other Government officers having jurisdiction over the Panchayat area or any part thereof shall be entitled to attend every meeting of the Gram Panchayat and take part in the proceedings but shall not be entitled to vote.(5)If the Chairperson fails to call a special meeting as provided in subsection (2), any member so chosen by one-third of total number of members, may call such a meeting for a day within fifteen days after such written request so received from such one-third of the total number of members of the Gram Panchayat and to take such action as may be necessary to convene the meeting.

## **25.**

(1)The quorum for a meeting of the Gram Panchayat shall be one-third of the total number of members. If at the time appointed for the meeting a quorum is not present, the presiding authority shall wait for thirty minutes, and if within such period there is no quorum the presiding authority

shall adjourn the meeting to such time on the following day or such future day as he may fix. He shall similarly after waiting for thirty minutes adjourn the meeting if at any time after it has began; attention is drawn to the want of a quorum. A notice of the meeting so fixed shall be pasted in the office of the Gram Panchayat. The business which could not be considered at the meeting so postponed for want of quorum shall be brought before and disposed of at the meeting so fixed or at any subsequent adjourned meeting at which there is a quorum.(2)Save as otherwise provided by or under this Act, at every meeting of Gram Panchayat, the Chairperson in the absence of him, the members present shall, choose one from amongst themselves to provide for the occasion.(3)All questions shall, unless otherwise specifically provided, be decided by a majority of votes of the members present and voting. The Chairperson or person presiding, as the case may be unless he refrains from voting shall give his vote before declaring the number of votes for and against a question and in the case of equality of votes he may give his casting vote.(4)No member of a Gram Panchayat shall vote on, or take part in the discussion of, any question coming up for consideration at a meeting of a Gram Panchayat, If the question is one in which, apart from its general application to the public, he has any pecuniary interest, and if the person presiding has such an interest, he shall not preside over the meeting when such question comes up for consideration.(5)If the person presiding is believed by any member present at the meeting to have any such pecuniary interest in any matter under discussion, and if a motion to that effect be carried, he shall not preside at the meeting during such discussion or vote on or take part in it. Any member of the Gram Panchayat may be chosen to preside at the meeting during the continuance of such discussion.

## 26.

No resolution of a Gram Panchayat shall be modified or cancelled within six months after the passing thereof, except by a resolution passed by not less than one-half of the total number of members at an ordinary or special meeting, notice whereof shall have been given fulfilling the requirement of sub-section (3) of section 24 setting forth fully the resolution which it is proposed to modify or cancel at such meeting and the motion or proposition for the modification or cancellation of such resolution.

## 27.

(1)Minutes shall be kept of the names of the members and of the officers, if any present, and of the proceedings at each meeting of the Gram Panchayat and if any member present at the meeting so desires, of the name of the members voting respectively for or against any resolution, in a book to be provided for the purpose and after they are read over and agreed to shall be signed by the Chairperson or person presiding at such meeting, and shall at all reasonable times be open to inspection, by any member of the Gram Panchayat. Any person may inspect the copy of the minutes of the meeting. The minute's book shall always be kept in the office of the Gram Panchayat and shall be in the custody of the Chairperson of the Gram Panchayat.(2)A copy of every resolution passed by the Gram Panchayat shall within ten days from the date of meeting, be forwarded by the Chairperson to the Executive Officer of Anchal Samiti.

**28.**

(1) Any member may call the attention of the Chairperson to any neglect in the execution of the Gram Panchayat work, to any waste of Gram Panchayat property or to the wants of any locality and may suggest any improvements which may appear desirable. (2) Every member shall have a right to move resolutions and to interpellate the Chairperson on matters connected with the administration of the Gram Panchayat, subject to such rules as may be prescribed.

**29.**

(1) No disqualification of or defect in the election or appointment of any person acting as member, or as the Chairperson of the Gram Panchayat or Chairperson or member of a committee of a Gram Panchayat constituted if any, under this Act shall be deemed to vitiate any act or proceeding of the Gram Panchayat or any such committee, as the case may be, in which such person has taken part whenever the majority who were parties to such act or proceeding were entitled to act. (2) No resolution of a Gram Panchayat or any committee of a Gram Panchayat constituted under this Act shall be deemed invalid on account of any irregularity in the service of notice upon any member, provided that the proceedings of the Gram Panchayat or Committee were not pre-judicially affected by such irregularity. (3) Until the contrary is proved, every meeting of a Gram Panchayat or of a committee of a Gram Panchayat constituted if any under this Act in respect of proceedings whereof a minute has been made and signed in accordance with this Act shall be deemed to have been duly convened and held and all the members of the meeting shall be deemed to have been duly qualified, and where the proceedings are the proceedings of a committee, such committee shall be deemed to have been duly constituted and to have had the power to deal with matters referred to in the minute. (4) During any vacancy in a Gram Panchayat or committee of a Gram Panchayat, the continuing members may act as if no vacancy had occurred.

**30.**

The Gram Panchayat shall perform such of the assigned functions enumerated in Schedule I, subject to such condition as may be specified by the State Government from time to time.

**31.**

Where the State Government assigns any function to a Gram Panchayat under Section 30, or where it directs a Gram Panchayat to make provision for any of the items enumerated in Schedule I, it may place such funds at the disposal of the Gram Panchayat as may be required for the due performance of such functions or for making such provision, as the case may be.

**32.**

(1) No person shall erect any new structure or new building or make any addition to any structure or building in any area within the jurisdiction of Gram Panchayat except with the previous permission



in writing of the Gram Panchayat.(2)Every person seeking permission under sub-section (1) shall make an application in writing to such authority, in such form, containing such particulars and on payment of such fee, not exceeding Rs.10 as may be prescribed;Provided that no permission under sub-section (1) shall be necessary for erection of any thatched structure, tin shed or tile shed without brick wall covering, an area not exceeding 750 square feet;Provided further that the State Government may by order exempt any structure or building or any class or structures or buildings from the operation of the provisions of this Section.

### 33.

(1)For the improvement of sanitation, a Gram Panchayat shall have the power to do all acts necessary for, and incidental to, the same and in particular and without prejudice to the generality of the foregoing power, a Gram Panchayat may by order require the owner or occupier of any land or building within such reasonable period as may be specified in the notice served upon him and after taking into consideration his financial position-(a)to close, remove, alter, repair, cleanse, disinfect or put in good order any latrine, urinal water closet, drain, cesspool, or other receptacle for filth, sullage, rubbish or refuse pertaining to such land or buildings, or to remove or alter any door or trap or construct any drain for any such latrine, urinals or water-closet which opens on to a street or drain or to shut off such latrine, urinal or water closet by a sufficient roof or wall or fence from the view of persons passing by or dwelling in the neighborhood;(b)to cleanse, repair, cover, fill-up, drain off or remove water from a private well, tank reservoir, pool, pit depression or excavation therein which may be injurious to health or offensive to the neighborhood;(c)to clear off any vegetation, under growth, prickly pear or shrub jungle therefrom; and(d)to remove any dirt, dung, nightsoil, manure or any obnoxious or offensive matter therefrom and to cleanse the land or building;Provided that a person on whom a notice has been served as aforesaid may, within thirty days of receipt of such notice, appeal to the prescribed authority against the order contained therein whereupon the prescribed authority may stay the operation of the order contained in the notice till the disposal of the appeal and it may, after giving such notice of the appeal to the Gram Panchayat concerned as may be prescribed, modify, set aside or confirm the order;Provided further that the prescribed authority shall, when it confirms or modifies the order contained in the notice after the expiry of the period mentioned therein fix a fresh period within which the order contained in the notice, as confirmed or modified by it, shall be carried out.(2)If the order contained in a notice served as aforesaid has 'not been set aside by the prescribed authority and if the person upon whom the notice has been served fails, without sufficient reason, to comply with the order in its original form of the order as modified by the prescribed authority, within the time specified in the notice or within the time fixed by the prescribed authority, as the case may be, he shall be liable, on conviction by a magistrate, to a fine which may extend to five hundred rupees.

### 34.

(1)Subject to such conditions or restrictions as may be prescribed, a Gram Panchayat shall have control over all public streets and waterways within its jurisdiction other than canals constructed, maintained or controlled by the Government, not being private property and not being under the control of the Central or State Government or, any local authority, and may do all things necessary

for the maintenance and repair thereof, and may-(a)construct new bridges and culverts;(b)divert or close any such public street, bridge or culvert;(c)widen, open, enlarge or otherwise improve any such public street, bridge or culvert and with minimum damage to the neighboring fields, plants and preserve trees on the side of such street;(d)deepen or otherwise improve such waterways;(e)with the sanction of the State Government or with the sanction of such officer or authority as the State Government may prescribe, undertake irrigation projects;(f)trim hedges and branches of trees projecting on public streets;(g)set apart, by public notice, any public source of water supply for drinking or culinary purpose and likewise prohibit all bathing, washing or other acts likely to pollute the source so set apart,(2)A Gram Panchayat may, by a notice in writing, require any person who has caused obstruction or encroachment on or damage to any public street or drain or other property under the control and management of the said Gram Panchayat, to remove such damage as the case may be within the time to be specified in the notice.(3)If the obstruction or encroachment is not removed or damage is not repaired within the time so specified, the Gram Panchayat may. cause obstruction or encroachment to be removed or such damage to be repaired and the expenses of such removal or repair shall be recoverable from such person as arrears of land revenue.(4)For the purpose of removal of obstruction or encroachment under subsection (3) the Gram Panchayat may apply to the Sub-Divisional Officer and the Sub Divisional Officer shall, on such application provide such help as may be necessary for the removal of such obstruction or encroachment.

### 35.

(1)A Gram Panchayat may, by written notice, require the owner of or the person having control over, a private water course, spring, tank, well or other place, the water of which is used for drinking or culinary purpose after taking into consideration his financial position, to take all or any of the following steps within a reasonable period to be specified in Such notice namely-(a)to keep and maintain the same in good repair;(b)to clean the same, from time to time, of silt, refuse or decaying vegetation;(c)to protect it from pollution; and(d)to prevent its use, if it has become so polluted as to be hazardous to the public health;Provided that a person upon whom a notice as aforesaid has been served may within thirty days from the date of receipt of the notice, appeal to the prescribed authority against the order contained in the notice where upon the prescribed authority may stay the operation of the order contained in the notice till the disposal of the appeal and it may, after giving such notice of the appeal to the Gram Panchayat concerned as may be prescribed modify, set aside or confirm the order;Provided further that the prescribed authority shall when it confirms or modifies the order contained in the notice after the expiry of the period mentioned therein, fix a fresh period within which the order contained in the notice as confirmed or modified by it, shall be carried out.(2)If the order contained in a notice served as aforesaid has not been set aside by the prescribed authority and if the person upon whom the notice has been served fails, without sufficient reason, to comply with the order in its original form or the order as modified by the prescribed authority, within the time specified in the notice or within the time fixed by the prescribed authority, as the case may be, he shall be liable, on conviction by a Magistrate, to a fine which may extend to five hundred rupees.

### 36.

(1) A Gram Panchayat may, by written notice, require the owner or occupier of any land or premises, containing a tank or similar deposit of water, after taking into consideration his financial position, not to allow water hyacinth or any other weed which may pollute water to grow there and to eradicate the same there from within such reasonable period as may be specified in the notice: Provided that a person on whom a notice as aforesaid has been served may within thirty days from the date of receipt of the notice, appeal to the prescribed authority and it may stay the operation of the order contained in the notice till the disposal of the appeal and it may, after giving such notice of the appeal to the Gram Panchayat concerned as may be prescribed, modify, set aside or confirm the order: Provided further that the prescribed authority shall when it confirms or modifies the order contained in the notice after the expiry of the period mentioned therein, fix a fresh period within which the order contained in the notice, as confirmed or modified by it, shall be carried out. (2) If the order contained in a notice served as aforesaid has not been set aside by the prescribed authority and if the owner or occupier upon whom the notice has been served fails, without sufficient reason, to comply with the order in its original form or the order as modified by the prescribed authority, within the time as specified in the notice or within the time fixed by the prescribed authority as the case may be, he shall be liable, on conviction by a Magistrate, to a fine which may extend to two hundred rupees.

### 37.

In the event of an outbreak of cholera or any other water borne infectious disease in any locality situated within the local limits of the jurisdiction of a Gram Panchayat, the Chairperson, or any other person authorized by the Chairperson may, during the continuance of the outbreak, without notice and at any time, inspect and disinfect any well, tank or other place from which water is, or is likely to be, taken for the purpose of drinking and may further take such steps as he may deem fit to prevent the drawing of water therefrom.

### 38.

If any work required to be done by an order contained in a notice served under sections 33, 34, 35, 36 and 37 is not executed within the period specified in the notice or where an appeal is made to the prescribed authority in the appeal, the Gram Panchayat may, in the absence of satisfactory grounds for non-compliance cause such work to be carried out and the cost of carrying out such work shall be recoverable as an arrear of land revenue from the person on whom the notice was served. Property and Fund of Gram Panchayat

### 39.

A Gram Panchayat may have power to acquire, hold and dispose of property and to enter into contracts. Provided that in all cases of acquisition or disposal of immovable property, the Gram Panchayat shall obtain the prior approval of the State Government.

#### **40.**

Subject to such restrictions or conditions as the State Government may think fit and proper, all or any properties of the nature specified below, and situated within the local limits of a Gram Panchayat shall vest in and belong to the Gram Panchayat concerned and shall be under its direction, management and control and shall be held and applied for the purpose of this Act-(a)all public buildings constructed and maintained out of the funds of the Gram Panchayat;(b)all public roads which have been constructed and maintained out of the funds of the Gram Panchayat and the stones and other materials thereof and also trees, erection materials, implements and things provided for such roads; and(c)all lands and other properties movable or immovable transferred to the Gram Panchayat by the State Government.(2)The State Government may, by notification, exclude any street, bridge or drain from the operation of this Act or of any specified section of this Act:Provided that, if the cost of the construction of the work shall have been paid from the Gram Panchayat Fund, such work shall not be excluded from the operation of this Act or any specified section of this Act except after consideration of the views of the Gram Panchayat at a meeting.

#### **41.**

The State Government may allocate to a Gram Panchayat any public property situated within its local jurisdiction, and thereupon such property shall vest in and come under the control of the Gram Panchayat.

#### **42.**

(1)Where a Gram Panchayat requires land for carrying out any of the purposes of this Act it may negotiate with person or persons having interest in the said land and if it fails to reach an agreement, it may make an application in the manner. prescribed to the Deputy Commissioner of the district for the acquisition of the land and the Deputy Commissioner may, if he is satisfied that the land is required for public purpose, take steps to acquire the land under any law for the time being in force for acquisition of land and such land shall, on acquisition, vest in the Gram Panchayat.(2)Subject to such conditions as may be imposed and any special reservation as may be made by the Government, the management of all public property, markets, fairs and ferries or such portion thereof as are held upon public land as are maintained by the Government within the local limits of Gram may be entrusted to the Gram Panchayat concerned and thereupon such public property, markets, fairs and ferries shall be managed and regulated by the Gram Panchayat concerned which shall receive, to the credit of the Gram Panchayat Fund, all dues levied or imposed by it in respect thereof.

#### **43.**

A Gram Panchayat, with the sanction of the prescribed authority may borrow money from any autonomous body in the State or, from the Central Government or from the banks or other financial institutions for furtherance of its objectives on the basis of such specific schemes as may be drawn

up by the Gram Panchayat.

#### 44.

(1) For every Gram Panchayat there shall be constituted a Gram Panchayat Fund bearing the name of the Gram Panchayat and there shall be placed to the credit thereof—(a) contributions and grants, if any made by the Central or the State Government including grants-in-aid from the Consolidated Fund of the State based on the recommendation of the State Finance Commission constituted under this Act; (b) contribution and grants, if any made by the Zilla Parishad, Anchal Samiti or any other local authority; (c) loans, if any, granted by the State Government or the Central Government or institutions with prior approval of the State Government; (d) Sums on account of taxes, rates, duties, tolls and fees if any, authorized to be levied and received with the approval of the Government; (e) Any receipts as may be authorized by the Government in respect of any schools, hospitals, dispensaries, buildings, institutions or works vested in, constructed by or placed under the control and management of the Gram Panchayat; (f) such fines and penalties imposed and realized under the provisions of this Act as may be prescribed; or (g) and such other sums as may be authorized by the Government to be received by the Gram Panchayat. (2) Every Gram Panchayat shall set apart and apply annually such sum as may be required to meet the cost of its own administration including the payment of salary allowances, provident fund and gratuity to its officers and employees if any engaged. (3) Every Gram Panchayat shall give the power to open such account as it thinks fit for carrying out the purposes of this Act. (4) The Gram Panchayat Fund shall be vested in the Gram Panchayat and the amount standing to the credit of the Fund shall be kept in such custody as the State Government may, from time to time, direct. (5) Subject to such general control as the Gram Panchayat may exercise from time to time, all orders for payment from the Gram Panchayat Fund shall be signed by the Member Secretary. (6) The Gram Panchayat Fund shall be operated in such manner as may be prescribed.

#### 45.

(1) Subject to such rules as may be made in this behalf, a Gram Panchayat may impose yearly, on lands and buildings within the local limits of its jurisdiction, a tax at such rate as may be prescribed on the annual value of such lands and buildings to be paid by the owners and occupiers thereof. (2) The following lands and buildings shall be exempted from imposition of tax under sub-section (1) namely—(a) lands and buildings, the annual value of which is not more than such limit as may be prescribed; (b) lands and buildings belonging to a local authority and used or intended to be used exclusively for a public purpose and not used or intended to be used for purposes of profit; (c) lands and buildings—used exclusively for religious, educational or charitable purposes; and (d) lands and buildings owned by the Central or State Government. (3) The State Government may, by notification, exempt either wholly or in part all or any other class of properties or classes of properties specified in the notification from the taxes or rates or duties leviable under this Section. (4) Subject to such rules, restrictions and conditions as may be made in this behalf, a Gram Panchayat may with the prior approval of the Government levy—(a) on all transfers of immovable property situated within the local limits of the Gram Panchayat, a duty in the shape of an additional stamp duty at such rate as may be prescribed the amount of the consideration for the sale, the value

of the property in the case of a gift, the amount secured by the mortgage, the value of the property of the greater value in the case of exchange, or the value of rent for the first ten years in the case of a lease, as set forth in the instrument; and (b) a duty in the shape of an additional stamp duty at such rate as may be prescribed on all payments for admission to any entertainment. (5) The State Government may make rules for regulating the collection of the duty on transfers of immovable property and duty on entertainment referred to in sub-section (4), the payment thereof to the Gram Panchayat and the deduction of any expense incurred by the State Government in the collection thereof. Explanation. - In this section - (a) "annual value" in relation to any land or buildings, means an amount not exceeding six per centum of the market value of such land and building estimated in the prescribed manner; (b) "entertainment" includes any exhibition, cinematograph exhibition, performance, amusement, games or sports to which persons are admitted on payment.

#### **46.**

(1) Subject to the approval of the Government, a Gram Panchayat may levy the following fees, rates, and tolls as may be notified by the Government from time to time - (i) a fee for providing sanitary arrangements at such places of worship or pilgrimage, fairs and melas within its jurisdiction as may be specified by the State Government by notification published in the manner prescribed; (ii) a water rate, where arrangement for the supply of water for drinking, irrigation or any other purpose is made by the Gram Panchayat within its jurisdiction; (iii) a lighting rate, where arrangement for lighting of public streets and places is made by the Gram Panchayat within its jurisdiction; (iv) a conservancy rate, where arrangement for cleaning private latrines, urinals and cesspools is made by the Gram Panchayat within its jurisdiction; (v) fees on license for running trade, wholesale or retail within the jurisdiction of the Gram Panchayat unless such license or such trade is prohibited under any law for the time being in force; (vi) tolls on persons, vehicles or animals or any class of them at any toll bar which is established by the Gram Panchayat on any road or bridge vested in or under the management of the Gram Panchayat; and tolls in respect of any ferry established by or under the management of the Gram Panchayat. (2) The Gram Panchayat shall not undertake registration of vehicles or levy fees therefore and shall not provide sanitary arrangement at places of worship or pilgrimage, fairs and melas within its jurisdiction or levy fees therefore if such vehicle has already been registered by any other authority under any law for the time being in force or if such provision for sanitary arrangement has already been made by any other local authority or by the State Government.

#### **47.**

An appeal shall lie against any order made by Gram Panchayat imposing tax or laving rate, fee or toll in such manner as may be prescribed before the prescribed authority and the decision of the prescribed authority in appeal shall be final.

#### **48.**

All dues on' account of taxes, rates, tolls or fees payable to Gram Panchayat under this Act shall be recoverable as arrears of land revenue.

## 49.

(1)The State Government may remit the whole or part of any/tax imposed or rate, toll or fee levied by a Gram Panchayat in respect of any period after the commencement of this Act.(2)The power exercisable by the State Government under sub-section (1) shall also be exercisable either generally or in any specified area by the prescribed authority under such circumstances as the State Government may prescribe.(3)A Gram Panchayat may, by resolution and under such circumstances as may be prescribed, remit the whole or part of any such tax, rate, toll or fee imposed or levied by it provided that no such resolution shall take effect unless it is approved by the prescribed authority.(4)Where any tax, rate, toll or fee has been remitted under the section, any sum realized from any person on account of tax, rate, toll or fee so remitted, shall be refunded to him by the Gram Panchayat.

## 50.

(1)The Chairperson of every Gram Panchayat shall at such time and in such manner as may be prescribed cause to be prepared in each year a budget of its estimated income and expenditure for the following year and shall place the budget for passing in the meeting of the Gram Panchayat to be convened for the purpose and shall submit the budget to the Anchal Samiti having jurisdiction over the area or the Gram.(2)The Anchal Samiti may, within such time as may be prescribed, either approve the budget or return it to the Gram Panchayat for such modifications as it may direct. On such modifications being made the budget shall be resubmitted, within such time as may be prescribed for approval of the Anchal Samiti. If approval of the Anchal Samiti is not received by the Gram Panchayat within two months or by the last date of the year, whichever is earlier the budget shall be deemed to be approved by the Anchal Samiti.(3)No expenditure shall be incurred unless the budget is approved by the Anchal Samiti.(4)If before such date as may be prescribed a Gram Panchayat fails to submit the budget to the Anchal Samiti, the prescribed authority may call upon the Gram Panchayat to furnish such information as it may require and may prepare the budget as required under sub section (1) and submit it to the Anchal Samiti for approval and the budget so prepared by the prescribed authority shall have effect as if it had been passed by the Gram Panchayat, and the prescribed authority shall submit it to the Anchal Samiti.(5)On receipt of the budget from the prescribed authority under sub- section (4) the Anchal Samiti shall approve the budget with such modification as deemed necessary and return it to the prescribed authority for onward transmission to the Gram Panchayat.

## 51.

A Gram Panchayat may prepare in each year a supplementary estimate providing for any modification of its budget and submit it to the Anchal Samiti for approval within such time and in such manner as may be prescribed.

**52.**

Every Gram Panchayat shall keep accounts of its income and expenditure in such manner and in such form as may be prescribed.

**53.**

The Government may, by notification, declare such contiguous areas in a district as it deems fit, to be an Anchal Block for the purposes of this Act and may specify the Gram Panchayats in the Anchal Block; Provided that no area included in a Municipality, Town Committee or Cantonment constituted under any law for the time being in force shall be included in an Anchal Block.

**54.**

(1) The Government may by notification constitute an Anchal Samiti for an Anchal Block with effect from such date as may be specified therein. (2) Every Anchal Samiti shall, by the name of the Anchal Block for which it is constituted, be a body corporate having perpetual succession and a common seat with power to acquire, hold and dispose of property and to enter into contracts and shall by its corporate name sue and be sued: Provided that in case of creation of a new Anchal Samiti by bifurcation of any existing Anchal Samiti or Samitis this shall be resolved by not less than two third majority of total number of members of Anchal Samiti or Samitis concerned which shall duly be passed by the Zilla Parishad.

**55.**

(1) The Government may, after consultation with an Anchal Samiti or Samitis concerned, at any time, by notification—(a) include any village or part of a village within the limits of an Anchal Block; (b) exclude any village or part of a village from the limits of an Anchal Block; or (c) amalgamate two or more Anchal Blocks into a single Block. (2) Where, by notification under sub-section (1) any village or part of village is included within the limits of an Anchal Block, the jurisdiction of the Anchal Samiti established for that Block shall extend to such village or part which shall, unless the Government otherwise directs, become subject to all notification, rules, bye-laws and orders made under this Act or any other law in force in that Anchal Block. (3) Where, by a notification under sub-section (1) any village or part of a village is excluded from the limits of an Anchal Block, the jurisdiction of the Anchal Samiti established for that Block over such village or part shall thereupon cease and all notification, rules, bye-laws and orders made under this Act or any other law in force in that block shall cease to apply to that village or part, as the case may be. (4) Where, by a notification under sub-section (1), two or more Anchal Blocks are amalgamated into a single block, the Government may make such incidental and consequential orders as may be necessary for effecting such amalgamation.



**56.**

Every Anchal Samiti shall consist of-(a)One member directly elected from each Gram Panchayat territorial constituency in the manner prescribed;(b)The members of the Parliament and the members of the Legislative Assembly of the State representing constituencies which comprise wholly or partly the Anchal Samiti, ex-officio;(c)The Chairperson of all the Gram Panchayats falling within the jurisdiction of the Anchal Samiti, ex-officio;(d)One Circle Officer or one Extra Assistant Commissioner of the Sub Division in which the Anchal Samiti is situated, ex-officio;(e)The Deputy Commissioner may appoint such officers as ex-officio members of an Anchal Samiti as may be deemed necessary;(f)One representative elected, in the prescribed manner, by the Chairman of the co-operative societies situated within the Anchal Block from amongst themselves, ex-officio;Provided that the persons so appointed as ex-officio member under clauses (b), (c), (d), (e), and (f) above shall have the right to attend the, meetings of the Anchal Samiti and take part in the proceedings thereof but shall not be entitled to vote and contest in the election of Chairperson of Anchal Samiti.(g)Not less than one-third of the total numbers of seats to be filled by direct election in every Anchal Samiti shall be reserved for women;Provided that the seats so reserved under this section shall be allotted by rotation to different constituencies of Anchal Samiti.(h)The Deputy Commissioner shall by notification determine the number of seats so reserved under clauses (g) above .(i)All members of the Anchal Samiti, whether or not elected directly, shall have the right to vote in the meeting of Anchal Samiti except for election and removal of Chairperson of Anchal Samiti, for which purpose only directly elected members may vote.

**57.**

A person shall be disqualified for being chosen as, and for being a member of the Gram Panchayat, Anchal Samiti and Zilla Parishad if he:-(a)is not a citizen of India or .(b)is not twenty one years of age; or(c)has been dismissed from the services of Central or any state Government or Gram Panchayat, Anchal Samiti and Zilla Parishad or any other local authority for misconduct, unless a period of five years has elapsed from such dismissal; or(d)if he is in the service of or holds any office of profit under the Central Government or any state Government or autonomous body or any Zilla Parishad/Anchal Samiti or any Gram Panchayat;(e)has directly or indirectly any share or monetary interest in any work done by, or to,(f)the Gram Panchayat/Anchal Samiti/Zilla Parishad or in any contract or employment with, under, by or on behalf of the Gram Panchayat Anchal Samiti Zilla Parishad; or(g)is an undischarged insolvent; or(h)is of unsound mind and stands so declared by a competent Court; or (i) has been convicted by a criminal court of any offence involving moral turpitude and sentenced to imprisonment for not less than six months and five years have not elapsed since his release;(j)if he is so disqualified by or under any law for the time being in force for the purposes of elections to the Legislature of the State:Provided that no person shall be disqualified on the ground that he is less than twenty five years of age, if he has attained the age of twenty one years;(k)if he is so disqualified by or under any law made by the Legislature of the state;(l)if arrears of any kind are due by him to the Gram Panchayat Anchal Samiti/Zilla Parishad and Government:Provided that the disqualifications specified in clauses (d) and (e) shall not apply to an ex-officio member.

## 58.

(1)The Circle Officer or Extra Assistant Commissioner who is the Ex-officio member of an Anchal Samiti shall be the Member Secretary of the Anchal Samiti concerned.(2)At the first meeting of an Anchal Samiti the members shall elect from among themselves, a Chairperson in the manner prescribed.(3)Not less than one-third of the total number of offices of Chairperson of Anchal Samitis shall be reserved for women in such manner as may be prescribed:Provided that the seats so reserved under this section shall be allotted by rotation to different Anchal Samities in the District.(4)The Deputy Commissioner shall by notification determine the number of offices of Chairperson so reserved under this section.The Deputy Commissioner shall by notification determine the number of seats and constituency or constituencies in which seats are reserved for women.

## 59.

(1)Subject to the provisions of this section, the members of an Anchal Samiti shall hold office for a term of five years of newly constituting Anchal Samiti from the date of first meeting.(2)The term of office of the members of an Anchal Samiti shall be deemed to commence on the date of the first meeting of the Anchal Samiti which shall be held on a date fixed by the Deputy Commissioner/State Election Commissioner.(3)The term of office of outgoing members shall be deemed to have been expired immediately on the day of expiry of the term of five years specified in sub-section (1).(4)The term of office of an ex-officio member shall continue so long as he holds the office by virtue of which he is surely a member.(5)The Chairperson of an Anchal Samiti shall hold such office so long as he is a member of the Anchal Samiti.(6)A member (other than an ex-officio member) shall be deemed to have vacated his seat if he is absent without excuse, sufficient in the opinion of the Anchal Samiti, from three consecutive ordinary meeting of the Anchal Samiti.(7)An outgoing member shall be eligible for re-election.

## 60.

(1)The Chairperson of a Gram Panchayat or an Anchal Samiti or any other member thereof, not being an ex-officio member may resign his office by giving notice in writing to that effect in respect of Chairperson of Gram Panchayat to the Chairperson of Anchal Samiti and in respect of Chairperson of Anchal Samiti to Chairperson of Zilla Parishad, and in respect of the members of Gram Panchayat or Anchal Samiti to the Chairperson of Gram Panchayat or Anchal Samiti respectively.(2)A casual vacancy in the office of the Chairperson or any member shall be filled by election in accordance with the provisions of this Act or the rules made thereunder:Provided that a member elected under this sub-section shall hold office for the remainder of the term of the member in whose place he/she is elected.

## 61.

(1)Every elected member of a Gram Panchayat, Anchal Samiti and Zilla Parishad shall before taking

his seat make and subscribe before such officer as the Government may specify in this behalf an oath or affirmation in the form set out in the Schedule IV.(2)A member who has not complied with the requirements of sub-section (1), shall not vote or take part in the proceedings of any meeting of the Gram Panchayat, Anchal Samiti and Zilla Parishad nor shall he be included as a member of any committee constituted by the Gram Panchayat, Anchal Samiti and Zilla Parishad.

## **62.**

(1)The Government shall appoint an Executive Officer for every Anchal Samiti.(2)The Executive Officer shall act as the Secretary of the Anchal Samiti and shall, subject to the control of the Chairperson, carry out the resolutions and directions of the Anchal Samiti and discharge such other functions as may be prescribed.(3)Subject to such rules as may be made in this behalf the Anchal Samiti may appoint such other officers and employees and in such number as may time to time as may be necessary.

## **63.**

(1)A motion of no confidence may be moved by one-third of the total number of directly elected members of a Gram Panchayat or an Anchal Samiti or a Zilla Parishad against its Chairperson after giving at least seven days notice in writing to the Member Secretary or any other prescribed authority of Gram Panchayat or Anchal Samiti or Zilla Parishad of their intention to move such a motion.(2)If the motion is carried by a majority of not less than two-thirds of the total number of directly elected members of the (3-8) or an Anchal Samiti or a Zilla Parishad, present and voting, the Chairperson shall cease to hold office.(3)Notwithstanding anything contained in this Act, the Chairperson of a Gram Panchayat or an Anchal Samiti or Zilla Parishad shall not preside at a meeting in which a motion of no-confidence against him is under discussion, but he shall have the right to speak or otherwise take part in the proceedings of such meeting.

## **64.**

The Government may, by order, remove from office of the Chairperson or any other member of Gram Panchayat or an Anchal Samiti, after giving him an opportunity of making a representation, if he-(a)incurs any of the disqualifications specified in section 57; or(b)refuses to act or becomes incapable of acting; or(c)is, in the opinion of the Government undesirable in the public interest to be continued in office; or(d)is, in the opinion of the Government undesirable in the public interest to be continued in office; or(e)has caused financial loss, waste or misappropriation of any money or property belonging to the Gram Panchayat or the Anchal Samiti by neglect or misconduct in the performance of his duties; or(f)conceals any of the points of disqualification specified in section 57 while presenting nomination papers for election of 1 Gram Panchayat member or Anchal Samiti member and later detected and the Chairperson or member so removed shall not be eligible for reelection to the vacancy so created.

**65.**

(1)The time and place of meetings of an Anchal Samiti and the procedure at such meetings (including the quorum there at) shall be such as may be prescribed .(2)A member of an Anchal Samiti may, at any meeting, move any resolution and put questions to the Chairperson on matter connected with the administration of the Anchal Samiti in the manner prescribed.(3)No resolution of an Anchal Samiti shall be modified, amended, varied or cancelled by the Anchal Samiti within a period of three months from the date of passing thereof except by a resolution supported by two-thirds of the total number of members of the Anchal Samiti.

**66.**

(1)Subject to such rules as may be made in this behalf, an Anchal Samiti may appoint from among its members as may committees as it thinks fit to assist it in the discharge of any specified functions and may delegate to such committees such of its powers as may be deemed necessary.(2)The Chairperson of an Anchal Samiti shall be the Chairman of every committee appointed under sub-section (1).(3)An Anchal Samiti may temporarily associate with any committee person not being member of the Anchal Samiti, who have special experience and knowledge of any subject dealt with by a committee and any such person shall have the right to take part in the discussion of the committee but shall not have the right to vote, and shall not be a member for any other purpose.

**67.**

No act or proceeding of an Anchal Samiti or of any committee thereof shall be deemed to be invalid by reason only of the existence of any vacancy in, or defect in the constitution of the Anchal Samiti or committee or of any informality in its proceedings.

**68.**

The Chairperson of an Anchal Samiti may convene a general meeting of all the members of the Gram Panchayats falling within its jurisdiction to review the action taken by the Anchal Samiti during the preceding year and to present the working plan of the Anchal Samiti for the succeeding year.

**69.**

Every member of Gram Panchayat or Anchal Samiti or Zilla Parishad who is not in the service of the Government shall be entitled to receive from the fund of a Gram Panchayat, Anchal Samiti or Zilla Parishad traveling and daily allowances for attending its meetings or the meeting of any of its committees at such rates as may be prescribed.

Power and Functions

## 70.

(1) Subject to such conditions as may be specified by the Government from time to time the Anchal Samiti shall perform such of the assigned functions as specified in Schedule-II. (2) Subject to the approval and such conditions specified by the Government by notification, the Anchal Samiti shall perform further the following general functions:-(a) Preparation of the annual plans in respect of the scheme entrusted to it by virtue of this Act and those assigned to it by the Government or the Zilla Parishad and submission thereof to the Zilla Parishad or the prescribed authority within the prescribed time for integration within the District Plan; (b) Consideration of the annual plans of all Gram Panchayats in the Samiti and submission of the consolidated plan to the Zilla Parishad and the prescribed authority; (c) Preparation and submission of the annual budget of the Anchal Samiti to the Zilla Parishad and the prescribed authority along with the consolidated plan of the Gram Panchayats and the Anchal Samitis; (d) Performing such functions and executing such works as may be entrusted to it by the Government or the Zilla Parishad.

## 71.

(1) The Government may assign to an Anchal Samiti functions in relation to any matters to which the executive authority of the Government extends or functions which have been assigned to the State Government by the Central Government. (2) The Government may, by notification withdraw or modify the functions assigned under this section.

## 72.

(1) Subject to the approval of the Government an Anchal Samiti may have power to-(a) (i) undertake schemes or adopt measures, including the giving of financial assistance relating to the development of agriculture, livestock, cottage industries, co-operative movement, rural credit, water supply, irrigation, public health and sanitation including establishment of dispensaries and hospitals, communication, primary or adult education including welfare of students, social welfare and other objects of general public utility; (ii) undertake execution of any scheme, performance of any act, or management of any institution or organization entrusted to it by the State Government or any other authority; (iii) manage or maintain any work of public utility or any institution vested in it or under its control and management; and (iv) make grant-in-aid to any school public institution or public welfare organization within the Block; (b) make grant to the Gram Panchayat; (c) contribute, with the approval of the State Government, such sum or sums of money as it may consider necessary towards the cost of water supply or anti-epidemic measures undertaken by a Municipality or notified area authority within the Block; (d) adopt measures for the relief of distress; (e) co-ordinate and integrate the development plans and schemes prepared by Gram Panchayat in the Block, if and when necessary; and (f) examine and sanction the budget estimates of Gram Panchayats in the Block. (2) Notwithstanding anything contained in sub-section (1), Anchal Samiti shall not undertake or execute any scheme confined to an area over which a Gram Panchayat has jurisdiction unless the Gram Panchayat is of opinion that the implementation of such a scheme is beyond its competence, financially or otherwise, and passes a resolution to that effect. In the latter case, the Anchal Samiti may execute the scheme by itself or entrust its execution to the Gram Panchayat and give such

assistance as may be required; Provided that an Anchal Samiti may undertake or execute any scheme referred to in subclause (ii) of clause (a) of sub-section (1) confined to an area over which a Gram Panchayat has jurisdiction. (3) An Anchal Samiti may undertake or execute any scheme if it extends to more than one Gram. (4) An Anchal Samiti may by notification, delegate to the Executive Officer or any other officer, the powers covered by or under this Act of Anchal Samiti.

### **73.**

The State Government may, from time to time with the consent of an Anchal Samiti, place any road, bridge, ferry, channel, building or other property vested in the State Government, and situated within the Block, under the Control and management of the Anchal Samiti subject to such conditions as it may specify; Provided that the State Government may, after considering the view of the Anchal Samiti, withdraw such control and management to itself subject to such conditions as it may specify;

### **74.**

An Anchal Samiti may transfer to the State Government or to the Zilla Parishad or to a Gram Panchayat, any road or part of a road or any other property, which is under its control or management, or which is vested in it, on such terms and conditions as may be agreed upon.

### **75.**

An Anchal Samiti may take over the maintenance and control any road, bridge, tank, ghat, well; channel or drain, belonging to a private owner or any other authority on such terms as may be agreed upon if it is required for public purpose, with the prior approval of the Government.

### **76.**

An Anchal Samiti may divert, discontinue or close temporarily any road, which is under its control and management or is vested in it, and may, with the approval of the State Government, close any such road permanently.

### **77.**

(1). An Anchal Samiti may be vested by the State Government with such powers under any local or special Act as the State Government may think fit. (2) An Anchal Samiti shall exercise such other powers, perform such other functions or discharge such other duties as the State Government may, by general or special order, direct.

## 78.

(1) An Anchal Samiti shall exercise general powers of supervision over Gram Panchayats in the Block and it shall be duty of these authorities to give effect to the directions of the Anchal Samiti (2) An Anchal Samiti may—(a) inspect, or cause to be inspected, any immovable property used or occupied by a Gram Panchayat within the Block or any work in progress under the direction of a Gram Panchayat; (b) inspect or examine, or depute an officer to inspect or examine, any department of a Gram Panchayat or any service work or thing under the control of the Gram Panchayat; (c) inspect or cause to be inspected utilization of funds in respect of schemes or programmes assigned to the Gram Panchayats by the State Government for execution either directly or through the Zilla Parishad or the Anchal Samiti; and (d) require a Gram Panchayat, for the purpose of inspection or examination;—(i) to produce any book, record, correspondence or other documents; (ii) to furnish any return, plan estimate, statement of accounts or statistics; or (iii) to furnish or obtain any report or information.

## 79.

An Anchal Samiti may require the owner or the lessee of a hut or market or an owner or a lessee of land intending to establish a hut or market thereon, to obtain a license in this behalf from the Anchal Samiti on such terms and conditions as may be prescribed and subject to the provisions of this Act on payment of a fee for such license.

## 80.

(1) The Chairperson shall—(a) be responsible for maintenance of the records of the Anchal Samiti; (b) have general responsibility for the financial and executive administration of the Anchal Samiti; (c) exercise administrative supervision and control over the work of the staff of the Anchal Samiti and the officers and employees whose services may be placed at the disposal of the Anchal Samiti by the State Government; (d) for the transaction of business connected with this Act or for the purpose of making any order authorized thereby, exercise such powers, perform such functions and discharge such duties as may be exercised, performed or discharged by the Anchal Samiti under this Act or the rule made thereunder; Provided that the Chairperson shall not exercise such powers, perform such functions or discharge such duties as may be required by the rules made under this Act to be exercised/performed or discharged by the Anchal Samiti at a meeting; and (e) exercise such other powers, perform such other functions and discharge such other duties as the Anchal Samiti may, by general or special resolution, direct or as the State Government may, by rule made in this behalf, prescribe.

## 81.

(1) For every Anchal Samiti, there shall be constituted an Anchal Samiti Fund bearing the name of the Anchal Samiti and there shall be placed to the credit thereof; (a) contribution and grants, if any made by the Central or the State Government, including such part of the land revenue collected in

the State as may be determined by the State Government;(b)contributions and grants, if any made by the Zilla Parishad or any other local authority;(c)loans, if any granted by the State Government or by the Central Government with the prior approval of the State Government or loan raised on security of its assets;(d)sums on account of taxes, rates, duties, tolls and fees if any authorized to be levied and received with approval of the Government;(e)any receipt as may be authorized by the government in respect of any schools, hospitals, dispensaries, buildings, institutions or works vested in, constructed by or placed under the control and management of the Anchal Samiti;(f)such fines or penalties imposed and realized under the provisions of this Act as may be prescribed; and(g)such other sums as may be authorized by the Government to be received by Anchal Samiti.(2)Every Anchal Samiti shall set a part and apply annually such sums as may be required to meet the cost of its own administration including the payment of salary, allowances, provident fund and gratuity to the officers and employees. The total expenditure on establishment shall not exceed one-third of the total expenditure of the Anchal Samiti.(3)Every Anchal Samiti shall have power to spend such sums as it thinks fit for carrying out the purposes of this Act.(4)The Anchal Samiti Fund shall be vested in the Anchal Samiti and the balance to the credit of the Fund be kept in such custody as the Government may, from time to time direct.(5)Subject to such general control as the Anchal Samiti may exercise from time to time, all orders and cheques for payments from the Anchal Samiti Fund shall be signed by the Executive Officer.

## **82.**

(1)Every Anchal Samiti shall, at such time and in such manner as may be prescribed, prepare in each year a budget of its estimated receipts and disbursements for the following year and submit the budget to the Zilla Parishad or prescribed authority,(2)The Zilla Parishad or the prescribed authority, within such time as may be prescribed, shall either approve the budget or return it to the Anchal Samiti for such modifications as it may direct. On such modifications being made, the budget shall be resubmitted within such time as may be fixed by the Zilla Parishad or the prescribed authority. If the approval of the Zilla Parishad or the prescribed authority is not received by the Anchal Samiti within two months or by the last date of the year, whichever is earlier, the budget shall be deemed to be approved by the Zilla Parishad or the prescribed authority, as the case may be.(3)No expenditure shall be incurred unless the budget is approved by the Zilla Parishad or the prescribed authority.(4)The Anchal Samiti may prepare in each year a supplementary estimate providing for any modification of its budget and may submit to the Zilla Parishad or the prescribed authority for approval within such time and in such manner as may be prescribed.

## **83.**

An Anchal Samiti shall keep such accounts and in such form as may be prescribed.

## **84.**

(1)Save as otherwise expressly provided under this Act, the Executive Officer, shall-(a)exercise all the powers specifically imposed or conferred upon him by or under this Act or under any other law or the time being in force;(b)lay down the duties of, and supervise and control, officers and officials



of, or holding office under the Anchal Samiti, in accordance with rules made by the State Government;(c)supervise and control the execution of all works of the Anchal Samiti;(d)take necessary measures for the speedy execution of all works and developmental schemes of the Anchal Samiti;(e)have custody of all papers and documents connected with the proceedings of the meetings of the Anchal Samiti and of its Committees;(f)draw and disburse money out of the Anchal Samiti Fund; and(g)exercise such other powers and discharge such other functions as may be prescribed.(2)The Executive Officer shall in every meeting of the Anchal Samiti have the right to attend the meeting of a Committee thereof and to take part in the discussion but shall not have the right to move any resolution or to vote. If in the opinion of the Executive Officer any proposal before the Anchal Samiti is violative of or inconsistent with the provisions of this Act, or any other law, rule or order made thereunder, it shall be his duty to bring the same to the notice of the Anchal Samiti and if after that the proposal is acted upon by the Anchal Samiti, the Executive Officer shall bring it to the notice of the Zilla Parishad and State Government.(3)The Executive Officer shall maintain the records of the proceedings of the meeting.

## 85.

(1)The Government may, by notification, constitute a Zilla Parishad for each district with effect from such date as may be specified therein;(2)Every Zilla Parishad shall consist of:(i)one member directly elected from each Anchal Samiti territorial constituency in the manner prescribed;(ii)the Chairperson of all Anchal Samities in the District, ex-officio;(iii)the members of the Parliament and the members of the Legislative Assembly of the State representing a part or whole of the district whose constituencies lie within the district, ex-officio;(iv)not less than one-third of the total number of seats to be filled by direct election in every Zilla Parishad shall be reserved for women and such seats may be allotted by rotation by the Deputy Commissioner to different constituencies in a Zilla Parishad, in such manner as may be prescribed.(3)All members of the Zilla Parishads, whether or not elected by direct election, shall have the right to vote in the meeting of the Zilla Parishads except for election and removal of Chairperson of Zilla Parishad, for which purpose only directly elected members may vote;Provided that no person shall be elected or after having been elected remain a member of Zilla Parishad, if he/she suffers from any of the disqualifications specified in clauses (a) to (j) of section 57.

## 86.

(1)Every Zilla Parishad, except as otherwise provided in this Act, shall continue for five years from the date appointed for its first meeting and no longer.(2)No amendment of any law for the time being in force shall have the effect of causing dissolution of Zilla Parishad, which is functioning immediately before such amendment, till the expiration of duration specified under subsection (1).

## 87.

A person shall be disqualified for being chosen as and for being a member of Zilla Parishad if he is disqualified for such ground as specified under section 57.

**88.**

(1)The Additional Deputy Commissioner shall be the Member Secretary of Zilla Parishad.(2)As soon as may be after a Zilla Parishad is constituted, the Zilla of Parishad shall elect in the prescribed manner from amongst its members a Chairperson who shall, subject to the other provisions of the Act hold office for a period of five years, with effect from such date as may be notified by the Government.(3)Not less than one third of the total number of offices of Chairperson in the State shall be reserved for women:Provided that the number of offices reserved under this Section shall be allotted by rotation to different Zilla Parishads within the State in such manner as may be prescribed.(4)If a casual vacancy occurs in the office of the Chairperson of the Zilla Parishad, the persons elected in the manner specified in sub-section (2) of section 60 fill such vacancy shall hold office for the remainder of the term of the Chairperson in whose place he/she is elected.

**89.**

Casual vacancy shall be filled up in the same manner as specified under sub-section (2) of Section 60 of this Act.

**90.**

Any member other than an ex-officio member of a Zilla Parishad may resign his office by intimating in writing his intention to do so to tile Member Secretary of the Zilla Parishad and such resignation shall take effect form the date of its receipt by the Member Secretary.

**91.**

The Government if it thinks fit on the recommendation of the Zilla Parishad may remove any member after giving him an opportunity of being hear and after such enquiry as it deems necessary if such member has been found guilty of misconduct in the discharge of his duties or of any disgraceful conduct, or has become incapable of performing his duties as a member.

**92.**

(1)A member holding office as Chairperson of Zilla Parishad may resign his office at any time by writing under his hand addressed to the Deputy Commissioner and the office shall become vacant on the expiry of fifteen days from the date of such resignation unless within the said period of fifteen days he withdraws such resignation by writing under his hand addressed to the Deputy Commissioner.(2)Every Chairperson of Zilla Parishad shall vacate office if he ceases to be a member of the Zilla Parishad.(3)Every Chairperson of Zilla Parishad shall be deemed to have vacated his office forthwith if a resolution expressing want of confidence in him is passed by a majority of the total number of elected members of the Zilla Parishad at a meeting specially convened for this purpose.(4)Every Chairperson of Zilla Parishad shall, after an opportunity is afforded for hearing him, be removable from his office as Chairperson by the Government for misconduct in the

discharge of his duties or for being persistently remiss in the discharge of his duties and a Chairperson so removed who does not cease to be a member under sub-section (2) shall not be eligible for re-election as Chairperson during the remaining term of office as member of such Zilla Parishad.(5)A Chairperson removed from his office under sub-section (4) may also be removed by the Government from membership of the Zilla Parishad.

### **93.**

Subject to such conditions as may be specified by the Government, from time to time, the Zilla Parishad shall perform the functions as specified in Schedule-III.

### **94.**

(1)The Government may assign to a Zilla Parishad functions in relation to any matters to which the executive authority of the Government extends or in respect of function which have been assigned to the State Government by the Central Government.(2)The Government may, by notification, withdraw or modify the functions assigned under this section.

### **95.**

A motion of no confidence shall be moved and decided in the same manner as provided under 63 of this Act.

### **96.**

(1)Every Zilla Parishad shall hold meeting in its office at least once in every three months on such date and at such hour as the Zilla Parishad may fix at the immediately preceding meeting;Provided that the first meeting of a newly constituted Zilla Parishad shall be held at such time and at such place within the local limits of the district concerned as the prescribed authority may fix;Provided further that the Chairperson, when required in writing by one fifth of the members of a Zilla Parishad to call a meeting, shall do so, fixing the date and hour of the meeting within fifteen days after giving intimation to the prescribed authority and seven clear days notice to the members of the Zilla Parishad failing which the members aforesaid may call a meeting within thirty days after giving intimation to the prescribed authority and seven days, notice to the Chairperson and other members of the Zilla Parishad. Such meeting shall be held at such place or such date and at such hour as the members calling the meeting may decide. The prescribed authority may appoint an observer for such meeting who shall submit to the prescribed authority a report in writing duly signed by him, within three days of the meeting, on the proceeding. The prescribed authority shall on receipt of the report take such action thereon as it may deem fit.(2)One-third of the total number of members of a Zilla Parishad shall form the quorum for a meeting of the Zilla Parishad;Provided that no quorum shall be necessary for an adjourned meeting.(3)The Chairperson, or in his absence one of the members chosen by the members present shall preside at the meeting of the Zilla Parishad.(4)All questions coming before a Zilla Parishad shall be decided by a majority of votes.Provided that in

case of equality of votes the Chairperson or the member presiding shall have a second or casting vote.(5)The Member Secretary of a Zilla Parishad shall attend meeting of the Zilla Parishad and shall participate in the deliberations thereof.(6)Seven clear days notice for an ordinary meeting and seven clear days notice of a special meeting, specifying the time at which such meeting is to be held and business to be transacted there at, shall be sent to the member and pasted at the office of the Zilla Parishad. Such notice shall include, in case of special meeting, any motion or proposition mentioned in the written request made for such meeting.

**97.**

(1)A list of business to be transacted at every meeting of the Zilla Parishad, except at adjourned meeting, shall be sent to each member of the Zilla Parishad in the manner prescribed at least five days before the time fixed for such meeting and no business shall be brought before or transacted at any meeting other than business of which notice has been given except the approval of the majority of the members present at such meeting; Provided that if the Chairperson thinks that a situation has arisen for which an emergent meeting of the Zilla Parishad should be called, he may call such meeting after giving three days notice to the members; Provided further that not more than one business shall be included in the list of business to be transacted at such emergent meeting.

**98.**

The Zilla Parishad shall prepare and submit annually in the prescribed manner, a report of the work done during the previous year and the work proposed to be done during the following year to the prescribed authority within the prescribed time.

**99.**

(1)For every Zilla Parishad there shall be constituted a Zilla Parishad Fund bearing the name of the Zilla Parishad and there shall be placed to the credit thereof-(a)contribution and grants, if any made by the Central or the State Government, including such part of the land revenue collected in the State as determined by the State Government;(b)contributions and grants, if any made by the Anchal Samiti or any other local authority;(c)loans, if any granted by the State Government or by the Central Government with the prior approval of the State Government or loan raised by the Zilla Parishad on security of its assets with the permission of the State Government;(d)sums on account of taxes, rates, duties, tolls and fees if any authorized to be levied and received with approval of the Government;(e)any receipt as may be authorized by the government in respect of any schools, hospitals, dispensaries, buildings, institutions or works vested in, constructed by or placed under the control and management of the Zilla Parishad;(f)such fines or penalties imposed and realized under the provisions of this Act; and(g)such other, sums as may be authorized by the Government to be received by Zilla Parishad.(2)The Zilla Parishad Fund shall be vested in the Zilla Parishad and the amount standing to the credit of the Fund shall be kept in such custody or invested in such manner as the State Government, may, from time to time, direct.(3)Subject to such general control as the Zilla Parishad may exercise from time to time, all orders and cheques for payment from the Zilla Parishad Fund shall be signed by the Member Secretary,

**100.**

The State Government may allocate to a Zilla Parishad any public property as it may think fit situated within its jurisdiction and thereupon, such property shall vest in and come under the control of the Zilla Parishad.

**101.**

(1) Every Zilla Parishad shall, at such time and in such manner as may be prescribed, prepare in each year a budget of its estimated receipts and disbursements for the following year and submit it to Finance Department/Finance Commission of the Government. (2) The State Government may, within such time as may be prescribed, either approve the budget or return it to the Zilla Parishad for such modifications as it may direct and on such modifications being made, the budget shall be resubmitted within such time as may be prescribed for approval of the Finance Department/Finance Commission and if it is not received by the Zilla Parishad within two months or by the last date of the year, whichever is earlier, the budget shall be deemed to be approved by the Finance Department/Finance Commission. (3) No expenditure shall be incurred unless the budget is approved by the Finance Department/Finance Commission except in the prescribed manner.

**102.**

The Zilla Parishad may prepare in year a supplementary estimate providing for any modification of its budget and may submit to the Finance Department/Finance Commission for approval within such time and in such manner as may be prescribed.

**103.**

A Zilla Parishad shall keep such accounts in such manner as may be prescribed. Chapter-VI  
Superintendence, Direction and Control of Election to Panchayat by the State Election Commission

**104.**

(1) There shall be a State Election Commission constituted by the Governor for superintendence, direction and control of the preparation of Electoral rolls and for the conduct of all elections to the Panchayat bodies in the State under this Act and rules made thereunder. The State Election Commission shall consist of a State Election Commissioner to be appointed by the Governor. (2) The conditions of service and tenure of the office of the State Election Commissioner shall be such as the Governor may by rules determine; Provided that the State Election Commissioner shall not be removed from his office except in like manner and on like grounds as judge of the High Court and the conditions of service of the State Election Commissioner shall not be varied to his disadvantage after his appointment. (3) The State Government shall, when so requested by the State Election Commissioner, make available to the State Election as may be necessary for the discharge of the functions conferred on the State Election Commissioner under this Act. (4) The State Election

Commissioner shall, in consultation with the State Government, appoint an officer of the State Government to be the District Election Officer and Sub-Divisional Election Officer to Co-ordinate and supervise work in the District and Sub-Division in connection with the conduct of election under its superintendence and control.

## **105.**

(1)(a)The State Election Commissioner shall in consultation with the State Government appoint an officer of the State Government to be the Electoral Registration Officer and one or more person, as Assistant Electoral Registration Officers for each constituency; Provided that nothing in this section shall prevent the State Election Commissioner to appoint the same person to be the Electoral Registration Officer for more than one constituency in one or more Grams; (b)The Electoral roll for each constituency shall be prepared and revised by the Electoral Registration Officer appointed under clause (a); (c)An Electoral Registration Officer may, subject to such rules as may be prescribed, employ such persons as he thinks fit for the preparation and revision of the electoral roll for the constituency. (2). The State Election Commissioner shall appoint a Returning Officer who shall be an officer of the State Government, for holding election to a constituency of a Zilla Parishad, an Anchal Samiti or a Gram Panchayat. (3)The State Election Commissioner may appoint one or more Assistant Returning Officer who shall be an officer of State Government to assist the Returning Officers in the performance of his functions. Every Assistant Returning Officer shall, subject to the control of the Returning Officer be competent to perform all or any of the functions of the Returning Officer; Provided that no Assistant Returning Officer shall perform any of the functions of the Returning Officer which relate to the scrutiny of nominations unless the Returning Officer is unavoidably prevented from performing the said functions. (4)The Returning Officer shall appoint Presiding Officers and Polling Officers for holding the elections or bye elections referred in sub-section (2) but he shall not appoint any person who has been employed by or on behalf of, or has been otherwise working for, a candidate in or about the election. (5)The powers, functions and duties of Returning Officers, Presiding Officers, and Polling Officers and the procedure for holding elections including the declaration of results shall be such as may be prescribed. (6)At every election where poll is taken, votes shall be counted by or under the supervision and direction of the Returning Officer in such manner as may be prescribed.

## **106.**

For each constituency, there shall be an electoral roll showing the names of the persons qualified to vote. The electoral shall be prepared in accordance with the provisions of this Act and the rules made thereunder.

## **107.**

(1)A person shall be disqualified for registration in an electoral roll if he (a)is not a citizen of India (b)is of unsound mind and has been so declared by a competent court; or (c)is for the time being disqualified from voting under the provisions of this Act or any other law relating to corrupt practice and other offences in connection with election. (2)The name of any person, who in the

opinion of Electoral Registration Officer, becomes so disqualified after registration shall forthwith be struck off from the electoral roll in which it is included; Provided that the name of any person struck off from the electoral roll by reason of a disqualification under clause (c) of sub-section (1) shall forthwith be restored if such disqualification is during the period such roll is in force, removed under any law authorizing such removal.

## **108.**

A person registered in the electoral roll for a constituency relating to a Gram Panchayat shall not be entitled to be registered in the electoral roll for a constituency relating to any other Gram Panchayat, or in the electoral roll for any Municipality or Notified Area Authority as to be established or as to be constituted under any law.

## **109.**

(1) No person shall be entitled to be registered in the electoral rolls for more than one constituency. (2) No person shall be entitled to be registered in the electoral roll for any constituency more than once.

## **110.**

(1) Subject to the provisions of sections 105, 106, 107 and 108, every person who—(a) is not less than 18 years of age on the 15th January of the year in which the election is to take place. (b) Is ordinarily resident in a constituency shall be entitled to be registered in the electoral roll for that constituency.

## **111.**

(1) A person shall not be deemed to be ordinarily resident in a constituency on the ground only that he owns, or is in possession of a dwelling house therein. (2) A person absenting himself temporarily from his place of ordinary residence shall not, by reason thereof, cease to be ordinarily resident therein. (3) A member of the Parliament or of the Legislative Assembly of the State absenting himself from his place of ordinary residence in connection with his duties as such member shall not, during the term of his office cease to be ordinarily resident therein merely by reason of his absence from that constituency. (4) A person who is a patient in any establishment maintained wholly or mainly for the reception and treatment of persons suffering from mental illness or mental defectiveness, or who is detained in prison or other legal custody at any place shall not, by reason thereof, be deemed to be ordinarily resident of that place. (5) If in any case a question arises as to where a person is ordinarily resident at any relevant time, the question shall be determined with reference to all the facts of the case by the Electoral Registration Officer.

## 112.

(1)The electoral roll for each constituency shall be prepared by the Electoral Registration Officer in the prescribed manner with reference to the qualifying date and shall come into force immediately upon its final publication in accordance with the rules made under this Act.(2)The said electoral roll may if necessary, be divided into convenient parts which shall be numbered consecutively.(3)The said electoral roll shall, unless otherwise directed by the State Government by reasons to be recorded in writing, be revised in the prescribed manner with reference to the qualifying date;(i)before each Election of the members of a Gram Panchayat Anchal Samiti or Zilla Parishad; and(ii)in any year, in the prescribed manner, with reference to qualifying date, if such revision has been directed by the prescribed authority.(4)Notwithstanding, anything contained in sub-section (3), the prescribed authority may at any time for reasons to be recorded, direct a special revision of the electoral rolls for any Gram Panchayat, in such manner as it may think fit;Provided that subject to the other provisions of this Act, the electoral roll for the Gram Panchayat, as in force at the time of the issue of any such direction, shall continue to be in force until the completion of the special revision so directed.

## 113.

If the Electoral Registration Officer for a constituency, on application made to him, or on his own motion, is satisfied after such enquiry as he thinks fit that any entry in the electoral roll of the constituency:(a)is erroneous or defective in any particular; Of(b)should be deleted on the ground that the person concerned is dead or has ceased to be ordinarily resident in the constituency or is otherwise not entitled to be registered in that roll-The Electoral Registration Officer shall, subject to such general or special directions, if any, as may be given by the State Election Commissioner in this behalf, amend or delete the entry:Provided that before taking any action on the ground under clause {a) or any action under clause (b) on the ground that the person concerned has ceased to be ordinarily resident in that constituency or that he is otherwise not entitled to be registered in the electoral roll of that constituency, the Electoral Registration Officer shall give the person concerned a reasonable opportunity of being heard in respect of the action proposed to be taken in relation to him.

## 114.

(1)Any person whose name is not included in the electoral of a constituency may apply to the Electoral Registration Officer in the prescribed manner for the inclusion of his name in that roll.(2)The Electoral Registration Officer shall, if satisfied that the applicant is entitled to be registered in the electoral rolls, direct his name to be included thereon:Provided that if the applicant is registered in the electoral roll of any other constituency, the Electoral Registration Officer shall inform the Electoral Registration Officer of the other constituency and that Officer shall, on receipt of the information, strike off the applicant's name from that roll(3)No amendment or deletion of any entry shall be made under Section 113 and no direction for the inclusion of a name in the electoral roll of a constituency shall be given under this Section, after the last date for making nominations for an election in that constituency and before the completion of that election.



**115.**

An appeal shall be within such time and in such manner as may be prescribed before the prescribed authority from any order of the Electoral Registration Officer under Sections 107, 113 or Section 114,

**116.**

Every application under Section 113 or Section 114 and every appeal under Section 115 shall be accompanied by the prescribed fee which shall in no case, be refunded.

**117.**

If any person makes in connection with (a) the preparation, revision or correction of electoral roll; or (b) the inclusion or exclusion of any entry in or from an electoral roll; a statement or declaration in writing 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 two months or with fine which may extend to two hundred rupees or with both.

**118.**

No Civil Court shall have jurisdiction (a) to entertain or adjudicate upon any question whether any person is or is not entitled to be registered in an electoral roll for a constituency; or (b) to question the legality of any action taken by or under the authority of the Electoral Registration Officer or of any decision given by any authority appointed under this Act for the preparation or revision of any such roll.

**119.**

(1) No person who is not, except as expressly provided by this Act entered in the electoral roll of any constituency, shall be entitled to vote at an election in that constituency. Provided that no person shall vote at an election in any constituency if he: (a) has been adjudged by a competent court to be of unsound mind; (b) has voluntarily acquired the citizenship of a foreign State; or (c) has been sentenced by a criminal court for an electoral offence punishable under this Act or has been disqualified under any other law from exercising any electoral right on account of corrupt practices in connection with an election and six years have not elapsed from the date of such sentence or disqualification, provided that the disqualification, provided that the disqualification under this clause may, at any time, be removed by the State Government if it thinks fit. (2) No person shall vote at an election in more than one constituency and if a person votes in more than one constituency, his vote in as such constituencies shall be void. (3) No person shall, at any election, vote in the same constituency more than once notwithstanding that his name may have been registered in the electoral roll for that constituency more than once and if he does so all his votes in that constituency shall be void. (4) No person shall vote at any election if he is confined in prison whether under a sentence of imprisonment or otherwise or is under the lawful custody of the Police. (5) Every elector

shall have the right to give only one vote in a constituency of a where the number of member to be elected is one.

## **120.**

(1)A person shall not be qualified to be chosen to fill a seat in a constituency of a Gram Panchayat, Anchal Samiti and Zilla Parishad, unless;(a)his or her name appears as an elector in the electoral roll of concerned constituency of a Gram Panchayat, Anchal Samiti and Zilla Parishad(b)he or she has completed 21 years of age on the date of submission of nomination at an election.(c)A person shall not be qualified to be chosen to fill a seat in more than one constituency of a Gram Panchayat, Anchal Samiti and Zilla Parishad.

## **121.**

Notwithstanding anything in this Act no court shall have any jurisdiction in respect of any matters connected with the disqualification of members of Gram Panchayat, member of Anchal Samiti and members of Zilla Parishad.

## **122.**

(1)Notwithstanding anything contained in this Act it shall be lawful for the Government to issue directions to any Gram Panchayat, Anchal Samiti and Zilla Parishad, in matters relating to the State and national policies, and such directions shall be binding on the Gram Panchayat, Anchal Samiti and Zilla Parishad.(2)The State Government may-(a)call for any record or register, and other document in possession or under the control of any Panchayat;(b)require any Panchayat to furnish any return, plan, estimate, statement, account or statistics; and(c)require any Panchayat to furnish any information or report on any matters connected with such Panchayat.(3)The Government shall constitute Election Tribunal consisting of one member to be appointed by the Government to dispose of:(a)(i)all election petitions challenging elections to a Panchayat;(ii)matters relating to disqualification of a member of the Panchayat; and(iii)any other election matter, in such manner as may be prescribed.(b)The headquarters of the Tribunal shall be at such place as may be notified.(c)The decision of the Election Tribunal made under Clause (a) of this sub-section shall be final.Chapter - VII Electoral Offences and Election Disputes

## **123.**

(1)No person shall, on the date or dates on which a poll is taken in any polling stations commit any of the following acts within the polling station or in any public or private place within a distance of one hundred meters of the polling station, namely-(a)canvassing for votes; or(b)soliciting the vote of any voter; or(c)persuading any voter not to vote for any particular candidate; or(d)persuading any voter not to vote at the election; or(e)exhibiting any notice or sign (other than an official notice relating to the election).(2)Any person who contravenes the provisions of sub-section (1), shall, on conviction, be punished with fine which may extend to rupees five hundred.(3)An offence

punishable under this section shall be cognizable.

## **124.**

(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 neighborhood 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 neighborhood 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 willfully aids or abets the contravention of the provisions of sub-section (1) shall, on conviction, be punished with imprisonment which may extend to three months or with fine or with both. (3) If the presiding officer of a polling station has 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 (i) and may seize any apparatus used for such contravention.

## **125.**

(1) Any person who during the hours fixed for the poll at any polling station misconducts himself or fails to obey the lawful directions of the presiding officer, may be removed from the polling station by the presiding officer or by any police officer on duty or by any person authorized 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 reenters the polling station without the permission of the presiding officer he shall, on conviction, be punished with imprisonment for a term which may extend to three months, or with fine, or with both. (4) An offence punishable under sub-section (3) shall be cognizable.

## **126.**

(1) Every officer, clerk, agent or other person who performs any duty in connection with the recording or counting of votes at any election shall maintain and aid in maintaining, the secrecy of the voting and shall not (except for some purpose authorized by or under any law) communicate to any person any information calculated to violate secrecy. (2) Any person who contravenes the provisions of sub-section (1) shall, on conviction, be punished with imprisonment for a term which may extend to three months or with fine or with both.

## **127.**

(1) No person who is a returning officer or a presiding officer or a polling officer at any election or

any officer or clerk appointed by the returning officer or the presiding officer to perform any duty in connection with an election shall, in the conduct of the management of the election, do any act (other than the giving of a voter) for the furtherance of the prospects of the election of a candidate,(2)No such person as aforesaid, and no member of a police force, shall endeavor,(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 subsection (2.) shall, on conviction, be punished with imprisonment for a term which may extend to six months or with fine or with both.(4)An offence punishable under subsection (2) shall be cognizable.

## **128.**

(1)If any person to whom this section applies is without reasonable cause guilty of any act or omission in breach of his official duty, he shall on conviction, be punished with fine which may extend to five hundred rupees.(2)An offence under sub-section (1) shall be cognizable.(3)No suit or other legal proceedings shall lie against such person for damages in respect of any such act or omission as aforesaid.(4)The persons to whom this section applies are the returning officers, presiding officers, polling officers and any other person appointed to perform any duty in connection with the receipt or nominations or withdrawal of candidatures or the recording or counting of votes at an election; and the expression "official duty" shall for the purpose of this section be construed accordingly, but shall not include duties imposed otherwise than by or under this Act.

## **129.**

(1)Any person who at any election fraudulently takes, or attempts to take a ballot paper out of a polling station, or willfully aids or abets the doing of any such act shall, on conviction, be punished with imprisonment for a term which may extend to one year or with fine or with both.(2)If the presiding officer of a polling station has reason to believe that any person is committing 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.

## **130.**

(1)A person shall be guilty of an offence if at any election, he,(a)fraudulently defaces, or fraudulently destroys any nomination paper; or(b)fraudulently defaces, destroys or removes any list, notice or other documents affixed by or under the authority of a returning officer, or(c)fraudulently defaces or fraudulently destroys any ballot paper or the official mark on any ballot paper; or(d)without due authority supplies any ballot paper to any person or receives any ballot paper from any person or is

in possession of any ballot paper; or(e)fraudulently puts into any ballot box anything other than the ballot paper which he is authorized 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 willfully aids or abets the doing of any such acts,(2)Any person guilty of an offence under the section shall,(a)if he is a returning officer or presiding officer of a polling station or any other officer or clerk employed on official duty in connection with the election, on conviction, be punished with imprisonment for a term which may extend to two years or with fine or with both(b)if he is any other person, on conviction, be punished with imprisonment for a term which may extend to six months or with fine or with both.(3)For the purpose of this section, a person shall be deemed to be on official duty if his duty is to take part in-the conduct of an election or part of an election including the counting of votes or to be responsible after an election for the used ballot papers and other documents in connection with such election, but the expression "official duty" shall not include any duty imposed otherwise than by or under this Act in connection with such election.(4)An offence punishable under clause (b) of sub-section (2) shall be cognizable.

### **131.**

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

### **132.**

(1)No person shall convene, hold or attend any public meeting, within any polling area within forty-eight hours before the commencement of the poll or on the date or dates on which poll is taken for an election in that polling area.(2)Any person who contravenes the provisions of sub-section (1) shall, on conviction, be punished with fine which may extend to two hundred fifty rupees.

### **133.**

(1)The Deputy Commissioner may in order to ensure free and fair election, prohibit any fair (including cattle fairs) or shandies in a Panchayat area on the day of election to the Gram Panchayat or such area.

### **134.**

(1)Any person who at a public meeting held in connection with an election under this Act, acts or incites others to act, in a disorderly manner for the purpose of preventing the transaction of the business for which the meeting was called shall, on conviction, be punished with fine which may extend to five hundred rupees.(2)If any police officer reasonably suspects any person of committing an offence under sub-section (1), he may, if requested so to do by the Chairperson of the meeting

require that person to declare to him immediately his name and address and, if that person refuses or fails to declare his name and address, or if the police officer reasonably suspects him of giving a false name or address, the police officer may arrest him without warrant.

### 135.

(1) No person shall print or publish, or cause to be printed or published any election pamphlet or poster which does not bear on its face the names and addresses of the printer and the publisher thereof. (2) No person shall print or cause to be printed any election pamphlet or poster (a) unless a declaration as to the identity of the publisher thereof, signed by him and attested by two persons to whom he is personally known is delivered by him to the printer in duplicate; and (b) unless within a reasonable time after the printing of the documents one copy of the declaration is sent by the printer together with one copy of the document to the Deputy Commissioner. (3) For the purposes of this section - (a) any process for multiplying copies of a document, other than copying it by hand, shall be deemed to be printing and the expression 'printer' shall be construed accordingly; and (b) election pamphlets or poster means any printed pamphlet, hand bill or other document distributed for the purpose of promoting or prejudicing the election of a candidate or group of candidates or any placard or poster having reference to an election but does not include any hand bill, placard or poster merely announcing the date, time, place and other particulars of an election meeting or routine instruction to election agents or workers. (4) Any person who contravenes any of the provisions of sub-section (1) or subsection (2) shall, on conviction, be punished with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees or with both.

### 136.

If any person is guilty of any such corrupt practice as is specified below or in connection with an election, he shall, on conviction, be punished with fine which may extend to five hundred rupees, the hiring or procuring whether on payment or other wise, any vehicle, or vessel by a candidate or his agent or by any other person with the consent of a candidate or his agent, or the use of such vehicle or vessel for the free conveyance of any voter (other than the candidate himself, the members of his family or his agents) to or from any polling station in accordance with the rules made under this Act; Provided that the use of any public transport vehicle or vessel or railway carriage by any voter at his own cost for the purpose of going to or coming from any such polling station or place fixed for the poll shall not be deemed to be a corrupt practice under this clause. Explanation. - In this clause the expression 'vehicle' means any vehicle used or capable of being used for the purpose of road transport, whether propelled by mechanical power or otherwise whether used for the drawing of other vehicles or otherwise.

### 137.

No court shall take cognizance of an offence punishable under clause (a) of sub-section (2) of section 130 unless there is a complaint made by an order of or under authority from the Deputy Commissioner. Chapter - VIII Finance Commission

**138.**

(1)The Governor shall as soon as soon as may be within one year from the commencement of this Act and thereafter at the expiration of every fifth year, constitute a Finance Commission to review the financial position of the Zilla Parishads, the Anchal Samitis and the Gram Panchayats and to make recommendations to the Governor as to;-(a)the principles which should govern-(i)the distribution between the State and Zilla Parishads, the Anchal Samitis and the Gram Panchayats of the net proceeds of the taxes, duties, tolls and fees leviable by the State which may be divided between them under this Act and allocation between the Zilla Parishads, Anchal Samitis and Gram Panchayats of their respective shares of such proceeds;(ii)the determination of the taxes, duties, tolls, rates and fees which may be assigned to or appropriated by the Zilla Parishads, the Anchal Samitis and the Gram Panchayats;(iii)the grants-in-aid to the Zilla Parishads, the Anchal Samitis and the Gram Panchayats from the consolidated Fund of the State;(b)the measures needed to improve the financial positions of the Zilla Parishads, the Anchal Samitis and the Gram Panchayats; or(c)any other matter referred to the Finance Commission by the Governor in the Interest of sound finance of the Zilla Parishads, the Anchal Samitis and the Gram Panchayats.(2)The Finance Commission shall consist of one or more members of whom one shall be the Chairman.(3)The Chairman or members of the Finance Commission shall possess such qualification and shall be appointed in such manner as may be prescribed.(4)The Finance Commission shall determine its procedure.(5)The Chairman or a member of the Finance Commission may resign his office by writing under his hand and addressed to the Governor but he shall continue in office until his resignation is accepted by the Governor.(6)The 'casual vacancy' created by the resignation of the Chairman or a member under sub-section (5) or for any other reason may be filled up by fresh appointment and the Chairman or the member so appointed shall hold office for the remaining period for which the Chairman or the member in whose place he was appointed would have held office.(7)The Finance Commission shall have the following powers in the performance of its functions, namely-(a)to call for any record from any officer or authority;(b)to summon any person to give evidence or produce any record; and(c)such other powers as may be assigned to it by the Governor.(8)The Governor shall cause every recommendation made by the Finance Commission under this section, together with an explanatory memorandum as to the action taken thereon to be laid before the State Legislature.

**Chapter - IX Miscellaneous****139.**

(1)If at any time it appears to the Deputy Commissioner or any officer authorized by him in this behalf that a Gram Panchayat, an Anchal Samiti and a Zilla Parishad member, or officer, or employee thereof has made willful or persistent default in the performance or any duty imposed under this Act the Deputy Commissioner or the officer may, by order in writing fix, a period for the performance of that duty, and if the duty is not performed within the period so fixed, the Deputy Commissioner or the officer may, by orders appoint any person to perform the said duty and direct that the expenses of the performance of the duty shall be paid by the defaulting Gram Panchayat, Anchal Samiti and Zilla Parishad within such period as he may think fit.(2)The Deputy Commissioner or the officer exercising the power under sub-section (1) shall call for the explanation of the Gram Panchayat, the Anchal Samiti and Zilla Parishad concerned for any default under

sub-section (1) and shall forthwith report to the Government who may, after giving notice to the Gram Panchayat, the Anchal Samiti and Zilla Parishad Officer or employee and after making such inquiry as he deems fit, rescind, modify or confirm the order.

#### **140.**

(1) If, in the opinion of the Deputy Commissioner or any officer authorized by him in this behalf, the execution of any order or resolution of a Gram Panchayat or an Anchal Samiti or a Zilla Parishad or the doing of an act which is about to be done or is causing or is likely to cause injury or annoyance to the public or to lead to a breach of the peace or is unlawful, he may, by order in writing, suspend the execution of that order or resolution or prohibit the doing of that act. (2) When the Deputy Commissioner or the officer makes an order under sub-section (1) he shall forthwith send to the Gram Panchayat or the Anchal Samiti or the Zilla Parishad affected thereby a copy of the order together with a statement of the reasons for making it. (3) The Deputy Commissioner or the officer shall also forthwith submit to the Government a report of the circumstances in which the order was made under this section and the Government may, after giving notice to the Gram Panchayat or the Anchal Samiti or Zilla Parishad and making such inquiry as he deems fit, rescind, modify or confirm the order.

#### **141.**

(1) The Deputy Commissioner may, at any time call for the records of a Gram Panchayat or an Anchal Samiti or Zilla Parishad relating to taxes or fees levied within its area and may make suggestion for alteration, addition or modification of any tax or fee so levied at the rate thereof. (2) On receipt of a suggestion under sub-section (1) the Gram Panchayat or the Anchal Samiti or the Zilla Parishad shall reconsider the matter in a meeting and a copy of the resolution adopted shall be sent to the Deputy Commissioner.

#### **142.**

(1) If, in the opinion of the Government, Gram Panchayat or Anchal Samiti or Zilla Parishad; (a) exceeds or abuses its powers, or (b) is incompetent to perform, or makes willful and persistent default in the discharge of the functions imposed on it by or under this Act or another law for the time being in force; or (c) persistently disobeys the order of the Deputy Commissioner or the officer under subsection (1) of section 139. (2) The Government may, by order in writing, dissolve Gram Panchayat or an Anchal Samiti or a Zilla Parishad and direct that it shall be reconstituted in the manner provided in this Act. (3) No order under sub-section (1) shall be passed by the Government without giving to a Gram Panchayat or Anchal Samiti or a Zilla Parishad reasonable opportunity to render an explanation. (4) When a Gram Panchayat, or an Anchal Samiti or a Zilla Parishad is dissolved under sub-section (1); (a) all the members of the Gram Panchayat or Anchal Samiti or Zilla Parishad shall, from the date specified in the order, vacate their office as member; (b) all the functions of the Gram Panchayat, Anchal Samiti and Zilla Parishad shall, during the period of dissolution, be discharged by such person or persons as the Government may appoint in this behalf. (5) When a Gram Panchayat or Anchal Samiti or Zilla Parishad is dissolved; it shall be



reconstituted in the manner provided in this Act before the end of six months from the date of such dissolution; Provided that where the remainder of the period for which the dissolved Zilla Parishad, Anchal Samiti or Gram Panchayat would have continued is less than six months it shall not be necessary to hold an election under this section for constitution of a Zilla Parishad, Anchal Samiti or Gram Panchayat for such period. (6) Zilla Parishad, Anchal Samiti or Gram Panchayat constituted upon the dissolution before expiration of its duration shall continue only for the remainder of the period of which the dissolved Zilla Parishad, Anchal Samiti or Gram Panchayat would have continued had it not been so dissolved.

### **143.**

(1) No suit or prosecution shall lie against any member, officer, employee or agent of a Gram Panchayat or an Anchal Samiti or a Zilla Parishad, in respect of anything done or intended to be done in good faith under this Act or any rule or bye-law made thereunder. (2) No suit or other legal proceedings shall be instituted against any Gram Panchayat or Anchal Samiti or Zilla Parishad or any member, officer, employee or agent thereof for anything done or purporting to be done under this Act or any rule or bye-law made thereunder, until expiration of two months next after notice in writing as been left or delivered at the office of the Gram Panchayat or Anchal Samiti or Zilla Parishad as the case may be, and also at the residence of the member, officer, employee, or agent thereof against whom such suit or proceeding is intended to be instituted, and the notice shall state the amount of compensation claimed and the name and place of abode of the person who intends to institute the suit or proceedings. (3) Every suit or proceeding referred to in sub-section (2) shall be instituted within six months after the date on which the cause of action arose.

### **144.**

If any member, officer or servant of a Gram Panchayat, Anchal Samiti or Zilla Parishad knowingly acquires for himself directly or indirectly by himself or by a partner, employer or servant, any share of interest in any contract or employment with, by or on behalf of a Gram Panchayat, Anchal Samiti or Zilla Parishad, he shall, on conviction, be punished with fine which may extend to five hundred rupees.

### **145.**

Who ever (i) obstructs a Gram Panchayat or an Anchal Samiti or a Zilla Parishad or any members, employee or agent thereof or prevent or attempts to prevent any such member, employee or agent from doing anything which he is empowered or required to do under the provisions of this Act or any rule, bye-law made thereunder; or (ii) without lawful authority removes or destroys, defaces or otherwise obliterates any notice, materials, lamp post, direction post stand post or any other property exhibited or erected by the Gram Panchayat or Anchal Samiti or Zilla Parishad or under its authority, shall be punishable with fine which may extend to two hundred rupees.

**146.**

Whosoever removes, displaces or makes an alternation in .or encroaches of land, road, etc. or otherwise interferes with any pavement, gutter or other materials of public streets, or any fence, wall or post thereof, or a lamppost or bracket, direction post, stand post, hydrent or other such property of the Gram Panchayat, the Anchal Samiti and the Zilla Parish ad without the sanction from the respective Gram Panchayat, Anchal Samiti and Zilla Parishad or other local authority shall be punishable with fine which may extend to one thousand rupees.

**147.**

Whosoever contravenes any of the provisions of this Act or rule made there under shall, if no other penalty is provided elsewhere in the Act for such contravention, be punishable with fine which may extend to two hundred rupees and, in the case of a continuing contravention with an additional fine which may extend to ten rupees for every day after the first during which he has persisted in the contravention.

**148.**

(1)Any police officer may arrest any person committing in his presence any offence against the provisions of this Act or of any regulation or bye-law made there under if the name and address of such person is not known to him and if he declines to give his name and address, or if the police officer has reason to doubt the accuracy of such name and address given, and such person may be detained at the Station house until his name and address is correctly ascertained.(2)Any person arrested under sub-section (1) shall be informed as soon as may be, of the grounds for such arrest and shall be produced before the nearest Magistrate within a period of twenty-four hours of such arrest excluding the time necessary for the journey from the place of arrest to the court of the Magistrate and no such person shall be detained in custody beyond the said period without authority of Magistrate.(3)It shall also be the duty of all police officer to give immediate information to the Chairperson or Member Secretary of the Gram Panchayat, Chairperson or Executive Officer of Anchal Samiti, Chairperson or Member Secretary of the Zilla Parish ad, the commission of any offence against the provisions of this Act or of any rule, regulation or bye-law made thereunder or where a member of the Gram Panchayat, Anchal Samiti or Zilla Parishad is arrested within twenty-four hours of such arrest and to assist all officers and servants of the Gram Panchayat, Anchal Samiti or Zilla Parish ad in the exercise of their lawful authority.

**149.**

Every member, officer or other employees of a Gram Panchayat, an Anchal Samiti and a Zilla Parishad shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

**150.**

(1)The Government may, after previous publication, make rules to carry out all or any of the provisions of this Act.

**151.**

(1)Subject to the provisions of this Act and the rules made there under a Gram Panchayat or an Anchal Samiti or a Zilla Parishad may frame bye-laws:(a)to regulate the appointment, functions, powers, duties and conditions of service of its officers and employees;(b)to prohibit or regulate the discharge of water from any drain or premises on a public street or into a river, pond, tank, well or any other place;(c)to regulate sanitation, conservancy and drainage in the area within its jurisdiction;(d)to prohibit or regulate the use of roads, public streets or other public streets or other public places;(e)to regulate the terms and conditions subject to which a license may be granted for the running of markets by private persons, the fees to be charged there from and other incidental matters;(f)to regulate the manner in which tanks, ponds, cesspools, pasture lands, playgrounds, manure pits, land for disposal of dead bodies and bathing places may be maintained and used; and(f)to regulate any of these functions under this Act.(2)Any bye-law made under sub-section (1) may provide that a contravention thereof shall be punishable with fine which may extend to one hundred rupees and in the case of a continuing contravention with an additional fine which may extend to five rupees for each day during which the contravention continues.(3)The power to make bye-laws conferred under sub-section (1) is conferred subject to the condition of the bye-law being made after previous publication and any bye-law so made shall not take effect until it has been approved by the Government and published in the Official Gazette.

**152.**

The Government may by notification, in the official Gazette, omit, amend or add any activity, programme or scheme covered by or mentioned in Schedules, I, II, III. On the issue of such notification the schedule shall be deemed to have been amended accordingly.

Chapter - X Inspection and Audit

**153.**

(1)The State Government shall appoint an officer and such other officers as it may consider necessary for the purpose of inspection or superintending the work, of all, or any of the Gram Panchayats, or the Anchal Samitis or the Zilla Parishads.(2)An officer appointed to inspect or superintend the work of a Gram Panchayat, or an Anchal Samiti or a Zilla Parishad may at any time-(a)inspect, or cause to be inspected any immovable property used or occupied by the Gram Panchayat, the Anchal Samiti or the Zilla Parishad or any work in progress under the direction of the Gram Panchayat, the Anchal Samiti or the Zilla Parishad.(b)Inspect or examine, or depute any other officer of the Government to inspect or examine, any department of the Gram Panchayat, the Anchal Samiti or the Zilla Parishad or any service, work or thing under the control of the Gram

Panchayat, the Anchal Samiti or the Zilla Parishad; and(c)Require for the purposes of inspection or examination the Gram Panchayat, the Anchal Samiti or the Zilla Parish ad-(i)to produce any record, correspondence, plan or other document;(ii)to furnish any return, plan, estimate statement, accounts or statistics; or(iii)to furnish or obtain any report or information.(3)The Deputy Commissioner or any other officer not below the rank of an Additional Deputy Commissioner or Extra Assistant Commissioner, when authorized by the State Government in this behalf, may exercise all or any of the powers conferred on an inspecting officer under sub-section (2).(4)When an inspection of a Gram Panchayat or an Anchal Samiti or a Zilla Parishad is undertaken by any officer referred to in sub-section (3) a report of such inspection shall be submitted by such officer to the State Government.

#### **154.**

(1)The Audit of the accounts of the funds of a Gram Panchayat or an Anchal Samiti or a Zilla Parishad shall be carried out by the authority as may be prescribed by the Government and a copy of the audit report-(a)on the Gram Panchayat, shall be forwarded to the Anchal Samiti by the Gram Panchayat;(b)on the Anchal Samiti, shall be forwarded to the Zilla Parish ad or the prescribed authority by the Anchal Samiti; and(c)on the Zilla Parishad, shall be forwarded to the State Government by the Zilla Parishad .After taking steps to rectify any defects or irregularities committed in such action as may be necessary against such person after calling for such explanation and making such enquiry after giving an opportunity to him which have been pointed out in the audit.

#### **155.**

(1)As soon as may be after the first day of April in every year, and not later than such date as may be fixed by the Government, the Executive Officer shall place before the Anchal Samiti a report of the administration of the Anchal Samiti during the preceding financial year, in such form and with such details as the Government may direct, and shall forward the report, with the resolution of the Anchal Samiti hereon, to the Zilla Parishad and to the Government.(2)As soon as may be after the first day of April in every year, and not later than such date as may be fixed by the Government, the Executive Officer shall place before the Anchal Samiti, a report of the administration of the Anchal Samiti during the preceding financial year, in such form and with such details as the Government may direct, and shall forward the report, with the resolution of the Anchal Samiti thereon, to the Zilla Parishad and to the Government.

#### **156.**

(1)The Arunachal Pradesh Panchayat Raj Ordinance, 1994 is hereby repealed.(2)Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act:Provided that all the Panchayats existing immediately before commencement of this Act shall continue till the expiration of their duration or till the expiry on such extended period as allowed under the North East Frontier Agency Panchayat Raj Regulation, 1967 in terms of proviso to section 148 of the Arunachal Pradesh

Panchayat Raj Ordinance, 1994.

## 157.

If any difficulty arises in giving effect to the provisions of this Act, the Government, may by order, published in the Official Gazette as the occasion may require, do anything which appears to it to be necessary to remove the difficulty.

I

(See Section 30) I. General Functions: (1). Preparation of annual plans for the development of the Panchayat area. (2) Preparation of annual budget. (3) Providing relief's in natural calamities. (4) Removal of encroachment on public properties. (5) Organizing voluntary labour and contribution for community works. (6) Maintenance of essential statistics of the villages. II. Agriculture, including Agricultural Extension: (1) Promotion and development of agriculture and horticulture. (2) Development of waste lands. (3) Development and maintenance of grazing lands and preventing their unauthorized alienation and use. III. Animal Husbandry, Dairying and Poultry: (1) Improvement of breed of cattle, poultry and other livestock. (2) Promotion of dairy farming, poultry and piggy. (3) Grassland development. IV. Fisheries: Development of fisheries in the villages. V. Social and Farm Forestry, Minor Forest Produce, Fuel and Fodder: (1) Planting and preservation of trees on the sides of roads and other public lands under its control. (2) Fuel plantations and fodder development. (3) Promotion of farm forestry. (4) Development of social forestry. VI. Khadi, Village and Cottage Industries: (1) Promotion of rural and cottage industries. (2) Organisation of conferences, seminars and training programmes, agricultural and industrial exhibitions for the benefit of the rural areas. VII. Rural Housing: (1) Distribution of house sites within Gramthana limits. (2) Maintenance of records relating to the houses, sites and other private and public properties. VIII. Drinking water: (1) Construction, repairs and maintenance of drinking water wells, tanks and ponds. (2) Prevention and control of water pollution. (3) Maintenance of rural water supply scheme. IX. Roads, Buildings, Culverts, Bridges, Ferries, Waterways and other means of Communication: (1) Construction and maintenance of village roads, drains and culverts. (2) Maintenance of buildings under its control or transferred to it by the Government or any public authority. X. Rural Electrification including distribution of Electricity: Providing for and maintenance of lighting of public streets and other places. XI. Non-conventional Energy Source: (1) Promotion and development of non-conventional energy schemes. (2) Maintenance of community non-conventional energy devices, including bio-gas; plants. (3) Propagation of improved chulhas and other efficient energy devices. XII. Poverty Alleviation Programmes: (1) Promotion of public awareness and participation in poverty alleviation programmes for fuller employment and creation of productive assets etc. (2) Selection of beneficiaries under various programmes through Gram Panchayat. (3) Participation of effective implementation and monitoring. XIII. Education, including Primary and Secondary Schools: (1) Promotion of public awareness and participation in primary and secondary education. (2) Ensuring full enrolment and attendance in primary schools. XIV. Adult and non-formal Education: Promotion of adult literacy. XV. Libraries: Village libraries and reading rooms. XVI. Cultural Activities: Promotion of social and cultural activities. XVII. Markets and Fairs: Regulation of fairs (including cattle fairs) and festivals. XVIII. Rural

Sanitation:(1)Maintenance general Sanitation.(2)Cleaning of public roads, drains, tanks, wells and other public places.(3)Maintenance and regulation of burning and burial grounds.(4)Construction and maintenance of public latrines.(5)Disposal of unclaimed corpses and Carcasses.(6)Management and control of washing and bathing ghats.XIX. Public Health & Family Welfare(1)Implementation of family Welfare programmes(2)Prevention and remedial measures against epidemics.(3)Regulation of sale of meat, fish and other perishable food articles(4)Participation in programmes of human and animal vaccinations.(5)Licensing of eating and entertainment establishments.(6)Destruction of stray dogs.(7)Regulation of curing, tanning and dyeing of skins and hides.(8)Regulation of offensive and dangerous trades.XX. Women and Child Development(1)Participation in the implementation of women and child welfare programmes.(2)Promotion of school health and nutrition programmes.XXI. Social Welfare, including Welfare of the Handicapped, Mentally Retarded:(1)Participation in the implementation of the social welfare programmes, including welfare of the handicapped, mentally retarded and destitute.(2)Monitoring of the old-age and widows pension schemes.XXII. Welfare of the Weaker Sections:(1)Promotion of public awareness with regard to welfare of weaker sections.(2)Participation in the implementation of the specific programmes for the welfare of the weaker sections.XXIII. Public Distribution System:(1)Promotion of public awareness with regard to the distribution of essential commodities.(2)Monitoring the public distribution system.XXIV. Maintenance of Community Assets:(1)Maintenance of community assets.(2)Preservation and maintenance of other community assets.XXV. Construction and maintenance of Public/Community hall and similar institutions.XXVI. Construction and maintenance of cattle sheds, pounds and cart stands.XXVII. Construction and maintenance of slaughter house.XXVIII. Maintenance of public parks, playgrounds etc.XXIX. Regulation of manure pits in public places.XXX. Establishment and control of shandies.XXXI. Such other functions as may be entrusted.

## II

(See Section 70)I. General Function:(1)Preparation of annual plans in respect of the schemes entrusted 'o it by virtue of the Act and those assigned to it by the Government or the Zilla Parishad and submission thereof to the Zilla Parishad within the prescribe time for integration with the District Plan.(2)Consideration and consolidation of the Annual Plans of all Gram Panchayats in the Anchal Samiti and submission of he consolidated plan to the Zilla Parishad.(3)Preparation of Annual Budget of the Anchal Samiti and its submission within the prescribed time to the Zilla Parishad.(4)Performing such functions and executing such works as may be entrusted to it by the Government or the Zilla Parishad.(5)Providing relief in natural calamities.II. Agriculture, including Agricultural Extension:(1)Promotion and development of agriculture and horticulture.(2)Maintenance of agricultural seeds farms and horticultural nurseries.(3)Storing and distribution of insecticides and pesticides.(4)Propagation of improved methods of cultivation.(5)Promotion of cultivation and marketing of vegetables, fruits and flowers.(6)Training of farmers and extension activities.III. Land improvement and Soil Conservation:Assisting the Government and Zilla Parishad in the implementation of land improvement and soil conservation programmes of the Government.IV. Minor Irrigation, Water Management and Watershed Development:(1)Assisting the Government and Zilla Parishad in the construction and maintenance of minor irrigation works.(2)Implementation of community and individual irrigation works.V. Animal Husbandry, Dairying and Poultry:(1)Maintenance of veterinary and animal husbandry

services.(2)Improvement of breed of cattle, poultry and other livestock.(3)Promotion of dairy farming, poultry and piggery.(4)Prevention of epidemics and contagious diseases.VI. Fisheries:Promotion of fisheries development.VII. Khadi, Village and Cottage Industry:(1)Promotion of rural and cottage industry.(2)Organization of conferences, seminars and training programmes, agricultural and industrial exhibitions.VIII. Rural Housing.Implementation of housing schemes and distribution of house sites in villages outside gram Panchayat limits.IX. Drinking Water:(1)Establishment, repairs and maintenance of rural water supply schemes.(2)Prevention and control of water pollution. (3)Implementation of rural sanitation schemes.X. Social and Farm Forestry, Minor Forest Produce, Fuel and Fodder:(1)Planting and preservation of trees on the sides of roads and other public lands under its control.(2)Fuel plantation and fodder development. (3) Promotion of farm forestry.XI. Roads, Buildings, Bridges, Ferries, Water Ways and other means of Communications:(1)Construction and maintenance of public roads, drains, culverts and other means of communication which are not under the control of any other local authority of the Government.(2)Maintenance of any building or other property vested in the Anchal Samiti. (3) Maintenance of boats, ferries and waterways.XII. Non-conventional Energy Sources:Promotion and development of non-conventional energy sources.XIII. Poverty Alleviation Programmes:Implementation of poverty alleviation programmes.XIV. Education, including Primary and Secondary Schools:(1)Promotion of primary and secondary education.(2)Construction repair and maintenance of primary school buildings.(3)Promotion of social education through youth clubs and mahila mandals/Samitis.XV Technical Training and Vocational Education:Promotion of rural artisan and vocational training.XVI. Adult and Non-formal Education:Implementation of Adult Literacy.XVII. Cultural Activities;Promotion of social and cultural activities.XVIII. Markets and FairsRegulation of fairs and festivals.XIX. Health and Family Welfare:(1)Promotion of Health and family welfare programmes ,(2)Promotion of Immunization and vaccination programmes .(3)Health and Sanitation at fairs and festivals.XX. Women and Child Development(1)Promotion of programmes, relating to development of women and children.(2)Promotion of School Health and Nutrition programmes.(3)Promotion of participation of voluntary organization in women and child development programmes .XXI. Social Welfare including Welfare of the Handicapped and Mentally Retarded:(1)Social welfare programmes including welfare of handicapped, mentally retarded and destitute.(2)Monitoring the old-age and widow's pensions and pensions for the handicapped.XXII. Welfare of the Weaker Sections:(1)Promotion of welfare of weaker sections.(2)Protecting such castes and classes from social injustice and exploitation.XXIII. Maintenance of Community Assets:(1)Maintaining all community assets vested in it or transferred by the Government Of any local authority or organization.(2)Preservation and maintenance of other community assets.XXIV. Public Distribution System;Distribution of essential commodities.XXV. Rural Electrification:Promotion of rural electrification.XXVI. Co-operation:Promotion of co-operative activities .XXVII. Libraries:Promotion of libraries.XXVIII. Such other functions as may be entrusted.

### III

(See Section 93)I. General Function:Overall supervision, co-ordination and integration of Development schemes at Anchal Samiti and District levels and preparing the plan for the development of the District.II. Agriculture (including Agricultural Extension) and Horticulture:(1)Promotion of measures to increase agricultural production and to popularize the use

of improved agricultural implements and the adoption of improved agricultural practices.(2)Opening and maintenance of agricultural and horticultural farms and commercial farms.(3)Establishment and maintenance of godowns.(4)Conducting agricultural fairs and exhibitions.(5)Management of agricultural and horticultural training centers.(6)Training of farmers.III. Land improvement and Soil Conservation:Planning and implementations of land improvement and soil conservation programmes entrusted by the Government.IV. Minor Irrigation, Water Management and Watershed Development:(1)Construction, renovation and maintenance of minor irrigation works.(2)Providing for the timely and equitable distribution and full use of water under irrigation schemes under the control of the Zilla Parishad.(3)Watershed development programmes.(4)Development of groundwater resources.V. Animal Husbandry, Dairying and Poultry:(1)Establishment and maintenance of Anchal Samiti and village veterinary hospitals, first-aid centers and mobile veterinary dispensaries.(2)Improvement of breed of cattle, poultry and other livestock.(3)Promotion of dairy farming, poultry and piggery.(4)Prevention of epidemics and contagious diseases.VI. Fisheries:(1)Development of fisheries in irrigation works vested in the Zilla Parishad.(2)Promotion of inland, brackish water and marine fish culture.(3)Implementation of fishermen's welfare programmes.VII. Khadi, Village and Cottage Industries:(1)Promotion of rural and cottage industries.(2)Establishment and management of training-cum-production centers.(3)Organisation of marketing facilities for products of cottage and village industries.(4)Implementation of schemes of State Boards and AU India Boards and Commissions for development of rural and cottage industries.VIII. Small Scale Industries including food processing industriesPromotion of small scale industries.IX. Rural housing:Promotion of Rural housing Programme .X. Drinking Water:Promotion of drinking water and rural sanitation programme.XI. Minor Forest Produce and Fuel and Fodder:(1)Promotion of social and farm forestry, fuel plantation and fodder development.(2)Management of minor forest produce of the forests raised in community lands.(3)Development of wasteland.XII. Roads, Bridges, Ferries Waterways, and other means of communications:(1)Construction and maintenance of district roads and culverts, causeways and bridges (excluding State Highways and village roads).(2)Construction of administrative and other buildings in connection with the requirements of the Zilla Parishad.XIII. Non-conventional Energy Sources:Promotion and development of non-conventional energy sources.XIV. Poverty-Alleviation Programmes:Planning, supervision and monitoring the implementation of poverty alleviation programmes.XV. Education including Primary and Secondary Schools:(1)Promotion of educational activities in the district including the establishment and maintenance of Primary and Secondary Schools.(2)Establishment and maintenance of Ashram schools and orphanages.(3)Survey and evaluation of education activities.XVI. Technical Training and Vocational Education:(1)Establishment and maintenance of rural artisan and vocational training centers.(2)Encouraging and assisting rural vocational training centers.XVII. Adult and Non-formal Education:Planning and implementation of programmes of adult literacy and non-formal education programmes.XVIII. Markets and Fairs:Regulation of important fairs and festivals in the District.XIX. Health and Family Welfare:(1)Management of hospitals and dispensaries excluding those under the management of Government or any other local authority.(2)Implementation of maternity and child health programmes.(3)Implementation of immunization and vaccination programmes.(4)Implementation of family welfare programme.XX. Woman and Child Development:(1)Promotion of programmes relating to development of women and Children.(2)Promotion of school health and nutrition programmes.(3)Promotion of



participation of voluntary organizations in women and child development programmes.XXI. Social Welfare, including Welfare of the Handicapped and Mentally Retarded:Promotion of Social welfare programmes, including welfare of the handicapped, mentally retarded and destitute.XXII. Welfare of the weaker Sections:(1)Promotion of educational, economic, social, cultural and other interests of the weaker sections.(2)Protecting such castes, tribes and classes from Social injustice and all forms of exploitation.(3)Establishment and management of hostels of such Castes, Tribes and Classes.(4)Supervision and management of hostels in the district, distribution of grants, loans and subsidy to individuals and other schemes for the welfare of weaker sections,XXIII. Maintenance of Community Assets:(1)Maintenance of community assets vested in it or transferred to it by the Government or any local authorities or organizations.(2)Assisting the Government in the preservation and maintenance of other community assets.XXIV. Cultural Activities:Promotion of social and cultural activities.XXXV. Public Distribution SystemXXVI. Rural Electrification.XXVII. Libraries:Promotion of Libraries.XXVIII. Co-operation:Promotion of co-operative activities.XXIX. Such other functions as may be entrusted.

## IV

(See section 61).Forms of Oaths or AffirmationForm of oath or affirmation to be made by a member of a Gram Panchayat, an Anchal Samiti or a Zilla

Parishad.I.....having been declared a member of Gram Panchayat/Anchal Samiti/Zilla Parishad do swear in the name of God/solemnly affirm that I will bear true faith and allegiance to the Constitution of India as by law established, and: will faithfully discharge the duties upon which I am about to enter.Date:Signature:Name in block letters:Address: