

The M.P. Gram Panchayat (Powers and Functions of the Secretary) Rules, 1999

MADHYA PRADESH

India

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Rule

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The M.P. Gram Panchayat (Powers and Functions of the Secretary) Rules, 1999 Published vide Notification No. F-1-3-98-22-P-2, M.P Rajpatra (Asadharan), dated 22-6-1999 at page 866 (6) In exercise of the powers conferred by sub-section (1) of Section 95 read with Section 72 of the Madhya Pradesh Panchayat Raj Adhiniyam, 1993 (No. 1 of 1994), the State Government hereby makes the following rules, the same having been previously published as required by sub-section (3) of Section 95 of the said Act, namely :-

1. Short title and commencement.

(1) These rules may be called the Madhya Pradesh Gram Panchayat (Powers and Functions of the Secretary) Rules, 1999. (2) They shall come into force with the effect from the date of their publication in the Madhya Pradesh Gazette.

2. Definitions.

- In these rules, unless the context otherwise requires, -(a) "Act" means the Madhya Pradesh Panchayat Raj Adhiniyam, 1993 (No. 1 of 1994); (b) "Gram Panchayat" means a Gram Panchayat established under sub-section (1) of Section 10 of the Act; (c) "Gram Sabha" means a body constituted within the area of Gram Panchayat in accordance with Clause (VIII) of Section 2 or Clause (a) of Section 129-A, as the case may be; (d) "Janpad Panchayat" means a Janpad Panchayat established under sub-section (2) of Section 10 of the Act; (e) "Secretary" means Secretary appointed by Government or prescribed authority for the Gram Panchayat under Section 69 of the

Act;(f)"Section" means a section of the Act;(g)"Standing Committee" means Standing Committee of any Gram Panchayat constituted under the provisions of Section 46 of the Act.

3. Powers of the Secretary.

- Save as otherwise expressly provided by or under the Act, the executive powers for the purposes of carrying out the provisions of the Act or any law for the time being in force, shall be vested in the Secretary under general supervision and control of the Gram Panchayat, who-(a)shall exercise all the powers specially conferred, upon him by or under the Act or under any other law for the time being in force;(b)shall may down the duties and supervise and control the servant of the Gram Panchayat subject to the general superintendence of the Gram Panchayat and in accordance with rules, made by the State Government for this purpose;(c)shall hold the meeting of Gram Sabha on the instruction of the Sarpanch, subject to the provisions of Section 6 and Section 129-B of the Act and rules made thereunder;(d)shall convene Gram Sabha meeting in accordance with the provisions of the rules, on requisition of Gram Sabha members or Zila Panchayat, Janpad Panchayat or Collector, in accordance with the provisions of proviso of sub-section (1) of Section 6 of the Act;(e)shall issue notice, to organize meeting of general body of Gram Panchayat or Standing Committee, at the place and time fixed by Sarpanch or Chairperson, as the case may be;(f)shall issue notice, as and when required for convening the meeting of Gram Panchayat, in accordance with the provisions of sub-section (6) of Section 44 of the Act;(g)shall convene meeting of the Gram Panchayat as and when required, in accordance with the provisions of Clause (b) of sub-section (1) of Section 38, sub-section (3) of Section 39 and sub-section (4) of the Section 44 of the Act;(h)shall record minutes, proceedings and decisions of every meeting of Gram Sabha, Gram Panchayat, and its Standing Committees, and the details of members present thereat, in the minutes book;(i)shall compulsorily attend the meeting of Gram Sabha, Gram Panchayat and its Standing Committee, unless prevented by a reasonable and sufficient cause;(j)may tender information or clarification regarding any matter under discussion in the meeting of Gram Sabha, Gram Panchayat;(k)shall take action to implement the resolutions of Gram Sabha. Gram Panchayat and its Standing Committee:(l)shall furnish the returns, statements/ reports, estimates, statistics or any other information relating to administration of Panchayat;(m)shall report within three days from the date of the meeting of Gram Panchayat or Standing Committee all such cases, to the prescribed authority, where in his opinion, any act or execution of any order, or resolution of the Gram Panchayat or its Sarpanch or Chairperson of the Standing Committee, is not in accordance with the provisions of the Act or the rules framed thereunder or directions and instructions issued by the State Government;(n)shall place the cases of transfer or lease of immovable property under the provisions of Section 65 of the Act, before the Gram Panchayat for its decision, after completing the formalities;(o)shall, after making the bye-laws of Gram Panchayat, in pursuant to model bye-laws issued by the State Government, place it before the Gram Panchayat to adopt it;(p)shall, under the provisions of Section 116, after completing formalities in the cases of write off irrecoverable amounts or material of the Gram Panchayat, place them before the Gram Panchayat for its decision or forward them, with the recommendation of the Gram Panchayat to the prescribed authority for decision, as the case may be: and(q)shall dispose of the applications received for the inspection of record and supply of copies under the provisions of Madhya Pradesh Gram Panchayat (Inspection of Record and Copies) Rules, 1995.

4. Official duties of the Secretary.

- Official duties of the Secretary shall be as follows :-The Secretary shall,-(a)study carefully the Act, and rules, bye-laws made thereunder, departmental orders and instructions and to keep the Gram Panchayat acquainted with;(b)maintain subject-wise files in the Gram Panchayat office, keep Gram Panchayat office in arranged order and, keep old record of the Gram Panchayat secured after registering them;(c)fix working hours of Panchayat office with the consultation of Gram Panchayat, and to remain present during that period in the office hours;(d)keep in order and secure the Gram Panchayat office and its property;(e)prepare all registers and records prescribed under the Act, and rules and bye-laws made thereunder;(f)prepare the agenda of the meeting of Gram Sabha and Gram Panchayat or its Standing Committees with the approval of Sarpanch or Chairperson, as the case may be;(g)give information of such Panchas who remained absent in three consecutive meetings, to Chief Executive Officer of Janpad Panchayat and Panchayat and Social Education Organizer;(h)give information of vacant seats/post, with reasons, to Chief Executive Officer of Janpad Panchayat and Panchayat and Social Education Organizer;(i)take action to facilitate meeting convened to consider no confidence motion, on the direction of Presiding Officer;(j)send true copy of resolution passed by the Gram Panchayat within three days from date of its resolving in the meeting, under the signature of Sarpanch, to the Sub-Divisional Officer (Revenue), Chief Executive Officer of Janpad Panchayat and Deputy Director of Panchayat;(k)inform absence of Sarpanch immediately to the Chief Executive Officer of Janpad Panchayat and Panchayat and Social Education Organizer;(l)give correct advice, to Sarpanch, members of the Gram Panchayat and members of Gram Sabha on the basis of the Act and the rules made thereunder and to draw their attention in case of any work, resolution, which is against the provisions of Act or rules made thereunder;(m)advise Sarpanch to constitute Standing Committee in accordance with the provisions of the Act or rules made thereunder;(n)place, letters, orders, received, from different level before the Sarpanch or with the knowledge of Sarpanch, before the Gram Panchayat;(o)place, the resolution passed by the Standing Committee in the Gram Panchayat meeting;(p)send information, in time as and when asked by, head of office of district, sub-division, block level and Zila Panchayat, Janpad Panchayat or prescribed authority, as the case may be;(q)place, administration report after preparing it, in the Gram Panchayat meeting every year and shall send it to the prescribed authority, within specified time;(r)keep account of movable and immovable property of the Gram Panchayat, to get with physically verified immovable properties by the Gram Panchayat every year;(s)pay attention on the security and maintenance of immovable property, buildings, ponds/tanks, gardens, markets, mela land, play fields etc. and inform Gram Panchayat from time to time for its repairs;(t)keep account of revenue from movable and immovable property, such as taxes, grant-in-aid, rent of building and land, ponds and pisciculture, singhara production, orchards and gardens etc.(u)remain vigilant to avoid encroachment on immovable property of Gram Panchayat and public places and ensure action as per instructions of Gram Panchayat to check encroachment;(v)proceed further in the direction of execution of the functions of Gram Panchayat as provided in Sections 49 and 49-A of the Act;(w)keep basic information of Gram Panchayat area such as-(i)institutions under subordination of Gram Panchayat such as Balbadi, Cattle pond, Reading Room, etc.;(ii)other institutions situated in Gram Panchayat area such as cooperative institutions, hospitals, school, literacy classes, anganbadi, registered voluntary institutions, etc.;(iii)state of literacy in Gram Panchayat area;(iv)information regarding beneficiaries of welfare

schemes of Central and State Government, Zila Panchayat, Janpad Panchayat and Gram Panchayat;(v)names, expenditure, and other particulars relating to work sanctioned under employment generating schemes relief works, M.P./M.L.A, area development funds etc.:(aa)deposit income of Gram Panchayat in Gram Panchayat fund and maintain its account and take necessary action for expenditure;(bb)supervise the arrangements of drinking water, conservancy and street lighting in the Gram Panchayat area;(cc)organize national ceremony, festivals, such as Republic day, Independence day, Gandhi Jayanti etc. under the direction of Gram Panchayat;(dd)manage markets, fairs under the Gram Panchayat;(ee)perform functions as assigned by Gram Panchayat in relation with the institutions run by Gram Panchayat or under its subordination.(ff)shall take action and remove difficulties as per directions of Gram Panchayat in execution of schemes transferred to or run under the supervision of Gram Panchayat in the Gram Panchayat area;(gg)maintain records of marriage, birth and death, in the Gram Panchayat area;(hh)prepare annual plan for economic development and social justice of the Gram Panchayat area and place it before the Gram Panchayat and forward it to the Janpad Panchayat after approval of the Gram Panchayat and the Gram Sabha.(ii)prepare plan of basic public amenities as per recommendation of the Gram Panchayat and manage or cause to manage it;(jj)send the list of beneficiaries of different programmes selected with the approval of Gram Sabha to Janpad Panchayat or Zila Panchayat or other organization, as the case may be;(kk)comply with the instruction of Gram Panchayat for implementation and execution of development schemes and construction work in the Gram Panchayat area;(ll)co-operate in the survey conducted by Central Government or State Government or any other connected therewith;(mm)keep information of persons migrating from Gram Panchayat area, in search of employment;(nn)actively co-operate with Gram Panchayat and administration in relief works and the necessary action for relief to affected persons during the natural calamities like hail storm, flood, fire, drought, locust attack, thunder strokes etc.:(oo)maintain daily dairy and obtain signature of Sarpanch on it and submit it to Panchayat and Social Education Organizer in the monthly meeting;(pp)control over employees working under the general superintendence of Gram Panchayat;(qq)co-operate with Sarpanch in discharging his duties, functions assigned under the Act or rules or special orders of the State Government;(rr)perform such other functions as assigned under the Act or rules or general or special orders of the State Government; and(ss)perform such other functions as assigned by general or special orders of Gram Panchayat or Chief Executive Officer of Janpad Panchayat.

5. Financial and taxational duties of Secretary.

- Financial and taxational duties of the Secretary of Gram Panchayat shall be as under,-(a)after preparing estimates of revenue and expenditure for ensuing year of Gram Panchayat, to place it before the meeting of Gram Panchayat for sanction thereof and forward it to the prescribed authority for its approval;(b)see that expenditure is incurred as per budget estimates as approved by prescribed authority and shall keep informed the Sarpanch and Gram Panchayat, the state of affairs;(c)enter income and expenditure in the cash book and ledger account daily, in accordance with the provisions made under accounts rules, and shall obtain signature of Sarpanch on each entry of income and expenditure;(d)do physical verification of closing balance of the cash book at the end of every month and obtain signature of Sarpanch and record certificate on the cash book under his signature;(e)prepare statement of revenue and expenditure of previous month upto 5th day of the

month and place it in the next meeting of Gram Panchayat;(f)acquaint Sarpanch with the account rules, for the security of the sum of Panchayat fund, in accordance with the provisions made under account rules;(g)deposit the cash balance of Gram Panchayat in co-operative bank or other nationalised bank without delay;(h)prepare annual report of revenue and expenditure in specified time and send it to prescribed authority, with the approval of Gram Panchayat;(i)take action to assess obligatory and optional taxes as prescribed in sub-sections (1) and (2) of Section 77 of the Act;(j)take action to give contract of activities mentioned in Schedule 3 of the Act, in accordance with the provisions of the rules made for this purpose;(k)prepare demand and recovery register of taxes etc. of the Gram Panchayat according to procedure prescribed in the rules made for this purpose;(l)recover taxes, fee other dues of Panchayat;(m)suggest Sarpanch and Gram Panchayat in respect of enhancing the sources of income of Gram Panchayat;(n)operate Gram Panchayat fund under joint signature of Sarpanch, on authorization of Gram Panchayat by a resolution;(o)apply or loans for the implementation of functions, specified in the Act or rules made thereunder or by the State Government and shall utilize it for the same purpose for which it is received;(p)repay all types of loan upto specified date;(q)call tenders or quotations for the material to be purchased in Gram Panchayat, in accordance with the procedure prescribed under rules made for this purpose and shall place comparative list before committee for its consideration;(r)shall keep proper account of the grant-in-aid, received by Gram Panchayat;(s)send utilization certificate of different grant-in-aids received by the Gram Panchayat in specified intervals and shall apply for next installment;(t)make available all records and give all information to inspecting officer for inspection or audit of Gram Panchayat, in accordance with the rules;(u)place inspection and audit report in the meeting of Gram Panchayat;(v)prepare compliance report of inspection and audit note and to send it to the prescribed authority with the approval of Gram Panchayat in time;(w)take action on applications of return of deposits of earnest money;(x)prepare bills of claims dues under Madhya Pradesh Gram Panchayat (Traveling and Other Allowances) Rules, 1995.

6.

Secretary of the Gram Panchayat shall be administratively responsible let the Chief Executive Officer of Janpad Panchayat. Non-compliance of the valid directions given by Chief Executive Officer shall amount to misconduct in discharge of his duties.

7.

Any order of the Gram Panchayat shall only be valid, when it is issued under the seal and signature of Sarpanch and Secretary.

8. Repeal.

- All rules corresponding to these rules in force immediately before the commencement of these rules are hereby repealed from the date of final publication of these rules in the Madhya Pradesh Gazette :Provided that any action taken under the rules so repealed shall be deemed to have been taken under the corresponding provisions of these rules.