# THE MANIPUR PANCHAYATI RAJ ACT, 1994

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# THE MANIPUR PANCHAYATI RAJ ACT, 1994

## NO. 26 OF 1994

[23*rd April*, 1994.]

An Act to provide for the constitution and organisation of Panchayats as units of local self-Government in the rural areas of Manipur and for matters connected therewith and incidental thereto.

WHEREAS it is expedient to reorganise Panchayats in rural areas of Manipur by comprehensive enactment to establish a two-tier Panchayati Raj system in the State with elected bodies at the Gram and District levels, in keeping with the Constitutional provisions relating to Panchayats for greater participation of the people and more effective implementation of rural development programmes.

BE it enacted by Parliament in the Forty-fifth Year of the Republic of India as follows:—

## CHAPTER I

### PRELIMINARY

**1. Short title extent and commencement.**—(*1*) This Act may be called the Manipur Panchayati Raj Act, 1994.

(*2*) It extends to the whole of the State of Manipur excepting any area to which the Manipur (Hill Areas) District Council Act, 1971 (Manipur Act 76 of 1971) or the Manipur (Village Authorities in Hill Areas) Act, 1956 (Manipur Act 80 of 1956) extends, or which has been or may hereafter be declared as, or included in, a municipality under any law for the time being in force, or which has been or may hereafter be declared as, or included in a cantonment under the Cantonment Act, 1924 (2 of 1924).

(*3*) It shall come into force on such date[1] as the Government may, by notification in the Official Gazette, appoint; and different dates may be appointed for different provisions of this Act.

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

(*a*) "Adhyaksha and Up-Adhyaksha" means an Adhyaksha and a Up-Adhyakhsa of a Zilla Parishad elected under section 54 of this Act;

(*b*) "Chairperson" means Chairperson of a Standing Committee of a Zilla Parishad or a Gram Panchayat, as the case may be, constituted under the provisions of this Act;

(*c*) "Chief Executive Officer" means the Chief Executive Officer of a Zilla Parishad appointed under section 75 of this Act;

(*d*) "Commissioner" means the Commissioner of the Government in the Development and Panchayati Raj or such other person as may be appointed by the State Government to exercise the powers of a Commissioner under this Act;

(*e*) "district" means the revenue district;

(*f*) "Deputy Commissioner" means the Deputy Commissioner of District;

(*g*) "Government" means the State Government of Manipur;

(*h*) "Gram Sabha" means a body consisting of persons registered in the electoral rolls relating to a village comprised within the area of the Panchayat at the village level;

(*i*) "Gram Panchayat" means the Gram Panchayat constituted under the Act;

(*j*) "Official Gazette" means the Manipur Gazette;

(*k*) "Panchayat" means a Gram Panchayat and a Zilla Parishad constituted under the provisions of this Act;

(*l*) "Panchayat area" means the territorial area of a Panchayat;

1. 23rd April, 1994, *vide* notification No. S.O. 328(E), dated 23rd April, 1994, *see* Gazette of India, Extraordinary, Part II, sec. 3(*ii*).

(*m*) "population" means the population as ascertained at the last preceding census of which the relevant figures have been published,

(*n*) "Pradhan" means a Pradhan of a Gram Panchayat elected under section 21 of this Act;

(*o*) "prescribed" means prescribed by rules made under the Act;

(*p*) "Secretary" means the Secretary of a Gram Panchayat appointed under this Act;

(*q*) "Standing Committee" means a Standing Committee constituted by a Zilla Parishad or a Gram Panchayat under this Act;

(*r*) "Up-Pradhan" means a Up-Pradhan of a Gram Panchayat elected under section 24 of this Act;

(*s*) "village" means a village specified by the Governor by public notification to be a village for the purpose of this Act and includes a group of villages so specified; and

(*t*) "Zilla Parishad" means a Zilla Parishad of a district constituted under section 48 of this Act.

## CHAPTER II

## GRAM SABHA

**3. Membership of Gram Sabha and disqualification.**—(*1*) A Gram Sabha shall, subject to sub-section (*2*), consist of all persons whose names are included in electoral rolls referred to in section 15 within the area of the Gram Sabha:

Provided that no person shall be a member of more than one Gram Sabha.

(*2*) A person shall be disqualified for being a member of the Gram Sabha, if—

(*a*) he is not a citizen of India; or

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

(*c*) he is for the time being disqualified from voting under the provision of any law relating to corrupt practices and other offences in connection with election to State Legislature.

**4. Cessation of membership.**—(*1*) A member of Gram Sabha shall cease to be a member, if he has ceased to be ordinarily resident within the Gram Sabha area.

(*2*) Where any person ceases to be a member of Gram Sabha under sub-section (*1*) he shall also cease to hold any office to which he may have been elected or appointed by virtue of being a member thereof.

**5. Periodicity of meetings.**—The Gram Sabha shall meet from time to time but six months shall not intervene between any two meetings.

**6. Convening of meetings.**—The meeting of the Gram Sabha shall be held in accordance with such procedure as may be prescribed.

**7. Quorum.**—(*1*) The quorum for a meeting of the Gram Sabha shall be one-tenth of its total membership.

(*2*) 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 posted 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.

**8. Gram Sabha meetings.**—Every meeting of the Gram Sabha shall be presided over by the Pradhan of the concerned Gram Panchayat and in his absence, by the Up-Pradhan, and in the absence of both by a member of the Gram Panchayat to be chosen from amongst the members of the Panchayat.

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**9. Agenda.**—The Gram Panchayat shall prepare the agenda for discussion of the Gram Sabha, 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 budget of the Gram Panchayat for the next financial year; and

(*c*) 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.

**10. Resolution.**—Any resolution relating to the functions entrusted to the Gram Sabha under section 11, shall have to be passed by a majority of votes of the members present and voting in the meeting of the Gram Sabha.

**11. Functions of Gram Sabha.**—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*) mobilising 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.

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**12. Vigilance Committee.**—The Gram Sabha may also form one or more Vigilance Committees consisting of persons, who are not members of the Gram Panchayat to supervise the Gram Panchayat works, schemes and other activities and to put up reports concerning them in its meeting.

## CHAPTER III

## GRAM PANCHAYATS

**13. Constitution of Gram Panchayat.**—(*1*) There shall be constituted a Gram Panchayat for every Gram Sabha.

(*2*) The Gram Panchayat constituted under sub-section (*1*) shall be notified in the Official Gazette and shall be deemed to have been constituted from the date of its first meeting.

(*3*) Every person shall be entitled to be included in the list of electors of Gram Panchayat if he is not less than eighteen years of age on the date of its publication under sub-section (*1*) and is ordinarily resident within the area of the Gram Panchayat:

Provided that no person shall be entitled to be included in the list of the electors of any Gram Panchayat for more than one Gram Panchayat and no person shall be entitled to be included in the electoral roll of any Gram Panchayat for more than once:

Provided further that if the applicant is included in the electoral roll of any other Gram Panchayat, the officer who includes his name shall inform the officer publishing the electoral roll of that other Gram Panchayat and that the other officer shall, on receipt of the information, strike off the applicant's name from that list.

*Explanation.*—For the purpose of this sub-section, the expression "ordinarily resident" shall have the same meaning as has been given in section 20 of the Representation of the People Act, 1950 (43 of 1950).

(*4*) The name of any person included in the list of electors who becomes disqualified at any time after his name was entered in the list, shall forthwith be struck-off from the list in which it is included:

Provided that the name of any person struck-off from the electoral roll by reason of disqualification under clause (*c*) of sub-section (*2*) of section 3 shall forthwith be re-instated if such person ceases to become disqualified.

(*5*) An appeal shall be made within such time and in such manner and to such authority as may be prescribed against any order passed under sub-sections (*2*) and (*4*).

**14. Incorporation of Gram Panchayat.**—Every Gram Panchayat shall, by the name notified in the Official Gazette under section 13, be a body corporate having perpetual succession and a common seal with power to acquire, hold and dispose of property and to enter into contracts, and shall, by the said name sue and be sued.

**15. Electoral roll of Gram Panchayat.**—The electoral roll of the Manipur Assembly prepared under the provision of the Representation of the People Act, 1950 (43 of 1950) and as in force on such date as the State Government may, by general or special order, notify in this behalf for such part of the constituency of the Assembly as is included in the Gram Sabha, shall be the list of electors for such Gram Panchayat.

**16. Publication of Electoral roll of Gram Panchayat.**—(*1*) The list of electors referred to in section 15 shall be published in such manner and by such authority as may be prescribed.

(*2*) Any person whose name is not included in the list of electors published under sub-section (*1*) may apply within ten days from its publication to the officer publishing the same for inclusion of his name therein and officer concerned shall, if he is satisfied that the applicant fulfils the condition mentioned in sub-section (*3*) and is not disqualified from being included in the list of electors under section 15 after making such inquiry as may be prescribed, direct his name to be included in the list of electors.

**17. Composition of Gram Panchayat.**—A Gram Panchayat shall consist of the Pradhan and such number of directly elected members as may be notified from time to time by the State Government and one member for every 350 population or part thereof of the Panchayat area shall be elected as a member of such Panchayat.

**18. Division of Gram Sabha into territorial constituencies.**—(*1*) The Deputy Commissioner shall, for the conduct of the election,—

(*i*) divide the area of the Gram Sabha into territorial constituencies in such manner that the ratio between the population of each constituency and the number of seats allotted to it shall, as far as practicable, be the same throughout the Gram Sabha area;

(*ii*) determine the number of seats allotted to each constituency.

(*2*) One member from each territorial constituency shall be elected by direct election to the Gram Panchayat.

**19. Reservation of seats.**—(*1*) Seats shall be reserved for Scheduled Castes and Scheduled Tribes in every Gram Panchayat, and the number of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of seats to be filled by direct election in that Panchayat as the population of Scheduled Castes or of the Scheduled Tribes in that Panchayat area bears to the total population of that area and such seats shall be allotted by rotation to different constituencies in such Gram Panchayat, in such manner as may be prescribed.

(*2*) Not less than one-third of the total number of seats reserved under sub-section (*1*) shall be reserved for women belonging to Scheduled Castes, or as the case may be, the Scheduled Tribes.

(*3*) Not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in every Gram Panchayat shall be reserved for women and such seats may be allotted by rotation to different constituencies in a Gram Panchayat in such manner as may be prescribed.

**20. Term of the Gram Panchayats.**—(*1*) Every Gram Panchayat shall continue for a term of five years from the date appointed for its first meeting and no longer:

Provided that a Gram Panchayat which is functioning immediately before the commencement of this Act shall continue till the expiration of its duration.

(*2*) The election to constitute a Gram Panchayat shall be completed—

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

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

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

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

**21. Election of the Pradhan and members of Gram Panchayat.**—The Pradhan and members of the Gram Panchayat shall be elected by direct election under secret ballot by the members of the Gram Sabha from amongst themselves in such manner as may be prescribed.

**22. Appointment of an Administrative Committee or Administrator on failure to elect members of Gram Panchayat and in other cases.**—(*1*) (*a*) If the Deputy Commissioner is satisfied that a Gram Panchayat for a village or group of villages immediately after the establishment of such Gram Panchayat cannot be constituted by reason of—

(*i*) any difficulty in holding an election of the members of the Gram Panchayat; or

(*ii*) failure to elect such members at two successive elections held under section 17; or

(*iii*) any other sufficient reason whatsoever; or

(*b*) If at any general election to a Gram Panchayat, no member is elected or less than two-third of the total number of members are elected, the Deputy Commissioner shall, by notification either,—

(*i*) appoint an Administrative Committee consisting of persons qualified to be elected, the number of such persons being equal to the number of members determined under section 17; or

(*ii*) appoint an Administrator.

(*2*) The members of the Administrative Committee or the Administrator shall hold office for such period not exceeding six months as the Deputy Commissioner may specify in the notification under sub-section (*1*).

(*3*) On the appointment of an Administrative Committee or an Administrator under sub-section (*1*), the persons, if any, chosen as members of the Gram Panchayat before such appointment shall cease to be members of the Gram Panchayat and all the powers and duties of the Gram Panchayat shall be exercised and performed by such Administrative Committee or Administrator, as the case may be.

(*4*) The Administrative Committee or Administrator shall be deemed to be a duly constituted Gram Panchayat for the purpose of this Act, notwithstanding anything contained in the foregoing provisions:

Provided that if at any time after the appointment of the Administrative Committee or the Administrator under sub-section (*1*), the Deputy Commissioner is satisfied that there is no difficulty in duly constituting the Gram Panchayat by election of members, the Deputy Commissioner, may, notwithstanding that the term of office for which the members of the Administrative Committee or the Administrator had been appointed has not expired, direct by notification that the members of the Administrative Committee or the Administrator, as the case may be, shall cease to hold office with effect from such date as may be specified in such notification.

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**23. Filling of casual vacancy in the office of Pradhan and of the member.**—(*1*) In the event of occurrence of any vacancy by reason of death, resignation, removal or otherwise in the office of Pradhan or of a member of a Gram Panchayat, the vacancy shall be filled by election in the manner prescribed.

(*2*) Every Pradhan and every Member elected to fill a casual vacancy, shall hold office for the remaining term of office of the person in whose place he is so elected:

Provided that no election for filling the casual vacancy shall be held if the vacancy is for a period of less than six months.

**24. Election of Up-Pradhan.**—(*1*) Every Gram Panchayat shall, as soon as may be, elect one of its members to be Up-Pradhan.

(*2*) In the event of occurrence of any vacancy by reason of death, resignation, removal or otherwise in the office of Up-Pradhan, the Gram Panchayat shall elect another member to be the Up-Pradhan:

Provided that no election shall be held if the vacancy is for a period of less than six months.

**25. Reservation of seats for Pradhan and Up-Pradhan.**—Subject to the general or special order of the Government, the Deputy Commissioner shall reserve—

(*i*) such number of offices of Pradhan and Up-Pradhan of Gram Panchayat in the district for the Scheduled Castes and Scheduled Tribes as nearly as may be, in the same proportion as the total number of offices in the district bears to the population of the Scheduled Castes or of the Scheduled Tribes in the district bears to the total population of that district;

(*ii*) not less than one-third of the total number of offices of Pradhan and Up-Pradhan, as the case may be, of the Gram Panchayat in the district shall be reserved for women:

Provided that the offices reserved under this section shall be allotted by rotation to different Gram Panchayats in such manner as may be prescribed.

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**26. Procedure for election of Up-Pradhan on the establishment of Gram Panchayat.**—On the establishment of Gram Panchayat for the first time under this Act, or on its reconstitution or establishment under section 20, a meeting of the Gram Panchayat shall be called immediately by the prescribed officer who shall himself preside over the meeting, but shall have no right to vote, and in such meeting, the Up-Pradhan shall be elected.

**27. Term of the office of the Pradhan and Up-Pradhan.**—(*1*) The term of office of every Pradhan and Up-Pradhan of the Gram Panchayat shall, save as otherwise provided in this Act, cease on the expiry of the term of the Gram Panchayat.

(*2*) Pradhan and Up-Pradhan shall be entitled to such honoraria and other allowances, as may be prescribed.

(*3*) Every member of the Gram Panchayat shall be entitled to receive such honoraria and allowances as may be fixed by the Government from time to time.

**28. Powers, functions and duties of Pradhan and Up-Pradhan.**—(*1*) The Pradhan 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 shall 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 authorised 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 Pradhan 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 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.

(*2*) The Up-Pradhan shall—

(*a*) exercise such of the powers, perform such of the functions and discharge such of the duties of Pradhan as the Pradhan may from time to time, subject to rules made in this behalf by the Government, delegate to him by order in writing:

Provided that the Pradhan may at any time withdraw all or any of the powers, functions and duties so delegated to the Up-Pradhan;

(*b*) during the absence of the Pradhan, exercise all the powers, perform all the functions and discharge all the duties of the Pradhan;

(*c*) 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.

**29. Resignation of Pradhan and Up-Pradhan.**—(*1*) The Pradhan and the Up-Pradhan, as the case may be, may resign his office by writing under his hand addressed to the prescribed authority.

(*2*) Every resignation under sub-section (*1*) shall take effect on the expiry of fifteen days from the date of its receipt by the prescribed authority, unless within this period of fifteen days he withdraws such resignation by writing under his hand addressed to the prescribed authority.

(*3*) Every Up-Pradhan shall vacate the office if he ceases to be a member of a Gram Panchayat.

**30. No confidence motion against the Pradhan and Up-Pradhan.**—(*1*) Every Pradhan and every Up-Pradhan shall be deemed to have vacated his office forthwith if a resolution expressing want of confidence in him is passed by a majority of not less than two-third of the members of the Gram Panchayat present and voting, at a meeting specially convened for the purpose. The requisition for such a special meeting shall be signed by not less than half of the total number of members of the Gram Panchayat and shall be delivered to the prescribed authority. The prescribed authority shall within seven days from the date of the receipt of the requisition, convene a special meeting of the Gram Panchayat. The meeting shall be held on a day not later than fifteen days from the date of issue of the notice of the meeting. The meeting shall be presided over by the prescribed authority. In the initial two years of their term as Pradhan and Up-Pradhan of a Gram Panchayat on such motion of no confidence shall be moved against them. If the motion of no confidence is once rejected, no fresh motion of no confidence shall be brought before the Gram Panchayat within a period of one year from the date of such rejection of the motion.

(*2*) Without prejudice to the provisions under this Act, a Pradhan and Up-Pradhan may be removed from office by the Government for misconduct in the discharge of his duties or neglect or, incapacity to perform his duties or for being persistently remiss in the discharge thereof, or guilty of any disgraceful conduct:

Provided that, no such Pradhan, or Up-Pradhan be removed from office unless he has been given a reasonable opportunity to defend himself.

(*3*) The Pradhan or Up-Pradhan removed under sub-section (*2*) shall not be eligible for re-election as Pradhan or Up-Pradhan during the remaining term of office.

(*4*) A Pradhan or Up-Pradhan removed from his office under sub-section (*2*) shall cease to be a member of the Gram Panchayat.

**31. Resignation of members.**—A member of a Gram Panchayat may resign his membership in writing under his hand addressed to the Pradhan of the Gram Panchayat and his seat shall become vacant on the expiry of fifteen clear days from the date of such resignation unless within the said period of fifteen days, he withdraws such resignation by writing under his hand addressed to the Pradhan.

**32. Meeting of Gram Panchayat.**—(*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 Pradhan may determine.

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

(*3*) Seven clear days' notice of an ordinary meeting and three clear days notice of a special meeting specifying the place, date and time of such meeting and business to be transacted thereat, shall be given by the Secretary to the members and such officers as the Government may prescribe, and affixed 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 Gram Panchayat area or any part thereof shall be entitled to attend every meeting of Gram Panchayat and take part in the proceedings but shall not be entitled to vote.

(*5*) If the Pradhan fails to call a special meeting as provided in sub-section (*2*), the Up-Pradhan or, in his absence, one-third of the total number of members may call such a meeting for a day not more than fifteen days thereafter and require the Secretary to give notice to the members and to take such action as may be necessary to convene the meeting.

**33. Minutes.**—(*1*) Minutes shall be kept of the names of the members and of the officers, if any, present, and of the proceedings at each meeting of the Gram Panchayat and if any member present at the meeting so desires, of the names of the member 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 Pradhan and Up-Pradhan 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 minutes of the meeting. The minutes books shall always be kept in the office of the Gram Panchayat and shall be in the custody of the Secretary 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 Secretary to the Chief Executive Officer.

**34. Quorum and procedure.**—(*1*) The quorum for a meeting of the Gram Panchayat shall be one-half of the total number of members. If, at the time appointed for the meeting, a quorum is not present, the presiding authority shall wait for thirty minutes, and if within such period there is no quorum, the presiding authority shall adjourn the meeting to such time on the following day or such future day as he may fix. He shall, similarly, after waiting for thirty minutes adjourn the meeting if, at any time, after it has begun, attention is drawn to the want of a quorum. A notice of the meeting so fixed shall be 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 Pradhan or in his absence the Up-Pradhan shall preside, and in the absence of both, the members present shall elect one from amongst themselves to preside 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 Pradhan or Up-Pradhan 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.

**35. Functions of Gram Panchayat.**—Subject to such conditions as may be specified by the Government from time to time, the Gram Panchayat shall perform the functions specified below:—

(*1*) General Functions:—

(*a*) preparation of annual plans for the development of the Panchayat area;

(*b*) preparation of annual budget;

(*c*) power for mobilising reliefs in natural calamities;

(*d*) removal of encroachments on public properties;

(*e*) organising voluntary labour and contribution for community works; and

(*f*) maintenance of essential statistics of village(s).

(*2*) Agriculture, including Agriculture Extension:—

(*a*) promotion and development of agriculture and horticulture;

(*b*) development of waste lands;

(*c*) development and maintenance of grazing lands and preventing their unauthorised alienation;

(*d*) promote land improvement and soil conservation measures; and

(*e*) promote measures for implementation of land reforms and land consolidation.

(*3*) Animal husbandry, Dairying and Poultry:—

(*a*) improvement of breed of cattle, poultry and other live-stock;

(*b*) promotion of dairy farming, poultry and piggery; and

(*c*) grassland development.

(*4*) Fisheries:—

development of fisheries in the village(s)

(*5*) Social and Farm Forestry, Minor Forest produce Fuel and Fodder:—

(*a*) planting and preservation of trees on the sides of roads and other public lands under its control;

(*b*) fuel plantations and fodder development;

(*c*) promotion of farm forestry; and

(*d*) development of social forestry.

(*6*) Khadi, Village and Cottage Industries:—

(*a*) promotion of rural and cottage industries;

(*b*) organisation of awareness camps, seminars and training programmes, agricultural and industrial exhibitions for the benefit of the rural areas; and

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(*c*) identification of traditional skills in the area to develop small scale industries and popularising food processing units.

(*7*) Rural Housing:—

(*a*) implementation of house building programme; and

(*b*) maintenance of records relating to the houses, sites and other private and public properties.

(*8*) Drinking water:—

(*a*) construction, repair and maintenance of drinking water wells, tanks and ponds;

(*b*) prevention and control of water pollution; and

(*c*) maintenance of rural water supply schemes.

(*9*) Roads, buildings, culverts, bridges, ferries, waterways and other means of communication:—

(*a*) construction and maintenance of village roads, drains and culverts;

(*b*) maintenance of buildings under its control or transferred to it by the Government or any public authority; and

(*c*) maintenance of boats, ferries and waterways.

(*10*) Non-Conventional Energy Source:—

(*a*) promotion and development of non-conventional, energy schemes;

(*b*) maintenance of community, non-conventional, energy devices, including bio-gas plants; and

(*c*) propagation of improved chulhas and other efficient energy devices.

(*11*) Poverty Alleviation Programme:—

(*a*) promotion of public awareness and participation in poverty alleviation programmes for fuller employment and creation of productive assets;

(*b*) selection of beneficiaries under various programmes through Gram Sabha; and

(*c*) participation in effective implementation and monitoring.

(*12*) Education including primary schools and secondary schools:—

(*a*) promotion of public awareness and participation in primary and secondary education with special emphasis on technical training and vocational education; and

(*b*) ensuring full enrolment and attendance in primary and secondary schools and its management.

(*13*) Adult and non-formal Education:—

promotion of Adult literacy.

(*14*) Libraries:—

village libraries and reading rooms.

(*15*) Cultural activities:—

promotion of social and cultural activities.

(*16*) Markets and fairs:—

regulation of fairs (including cattle fairs) and festivals.

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(*17*) Rural sanitation:—

(*a*) maintenance of general sanitation;

(*b*) cleaning of public roads, drains, tanks, wells and other public places;

(*c*) maintenance and regulation of burning and burial grounds;

(*d*) construction and maintenance of public latrines; and

(*e*) management and control of washing and bathing ghats.

(*18*) Public health and family welfare:—

(*a*) implementation of family welfare programmes;

(*b*) prevention and remedial measures against epidemics;

(*c*) regulation of sale of meat, fish and other perishable food articles;

(*d*) participation in programmes of human and animal vaccination;

(*e*) regulation of eating and entertainment establishments;

(*f*) destruction of stray dogs;

(*g*) regulation of curing, tanning and dyeing of skins and hides; and

(*h*) regulation of offensive and dangerous trades.

(*19*) Woman and child development:—

(*a*) participation in the implementation of woman and child welfare programmes; and

(*b*) promotion of school health and nutrition programmes.

(*20*) Social welfare including welfare of the handicapped and mentally retarded:—

(*a*) participation in the implementation of the social programmes, including welfare of the handicapped, mentally retarded and destitute; and

(*b*) monitoring of the old-age and widows pension schemes;

(*21*) Welfare of the weaker section and in particular the Scheduled Castes and Scheduled Tribes:—

(*a*) promotion of public awareness with regard to welfare of Scheduled Castes, Scheduled Tribes and other Weaker Sections; and

(*b*) participation in the implementation of the specific programmes for the welfare of the weaker sections.

(*22*) Public distribution system:—

(*a*) promotion of the public awareness with regard to the distribution of essential commodities; and

(*b*) monitoring the public distribution system.

(*23*) Maintenance of community assets:—

(*a*) maintenance of community assets; and

(*b*) preservation and maintenance of other community assets.

(*24*) Construction and maintenance of Dharmashalas, Chatras and similar institutions.

(*25*) Construction and maintenance of cattle sheds, pounds and cart stands.

(*26*) Construction and maintenance of slaughter houses.

(*27*) Maintenance of public parks, playgrounds.

(*28*) Regulation of manure pits in public places.

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(*29*) Establishment and control of shandies.

(*30*) Irrigation, water management and watershed development:—

(*a*) promote measures for construction and maintenance of minor irrigation works and watershed development programmes;

(*b*) develop ground water resources;

(*c*) providing for timely and equitable distribution of irrigation water.

(*31*) Rural electrification including distribution of electricity:—

(*a*) promote extension of electricity to unelectrified areas;

(*b*) help in prevention of illegal tapping of electricity; and

(*c*) help in the recovery and collection of electricity due.

(*32*) Such other functions as may be entrusted.

**36. Assignment of functions.**—The Government may, by notification and subject to such conditions as may be specified therein—

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

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

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

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

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

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

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

**38. Standing Committees.**—(*1*) Every Gram Panchayat shall constitute the following committees by election—

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

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

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

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

(*c*) welfare of women and children.

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

(*2*) (*a*) Each Committee shall consist of not less than three and not more than five members including the Pradhan and Up-Pradhan as the case may be. The Pradhan shall be the *ex officio* member and Chairman of Production Committee and Amenities Committee. The Pradhan shall be the *ex officio* member and Chairman of the Social Justice Committee:

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

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

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

**39. Property and funds.**—(*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 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 Central or the State Government;

(*d*) all receipts on accounts of taxes, rates and fees levied by it; and

(*e*) all other sums received by or on behalf of other Gram Panchayat.

(*2*) Every Gram Panchayat shall set apart and apply annually such sum as may be required to meet—

(*a*) The cost of its own administration including the payment of salary, allowances, provident fund and gratuity to the officers and employees and to the Secretary:

Provided that the total expenditure on establishment shall not exceed one-third of the total expenditure, of the Gram Panchayat in any year.

(*b*) Every Gram Panchayat shall have the power to spend such sums as it thinks fit for carrying out the purpose of this Act;

(*c*) The Gram Panchayat Fund shall be vested in the Gram Panchayat and the balance to the credit of the Fund shall be kept in such custody as may be prescribed.

**40. Taxation.**—(*1*) Subject to such rules as may be made in this behalf, a Gram Panchayat shall impose yearly tax on lands and buildings within the local limits of the jurisdiction of the Gram Panchayat.

(*2*) Subject to such maximum rates as the Government may prescribe, a Gram Panchayat may levy the following fees and rates, namely:—

(*a*) 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 Government by notification;

(*b*) a lighting rate, where arrangement for lighting of public streets and places is made by the Gram Panchayat within its jurisdiction; and

(*c*) a conservancy rate, where arrangement for clearing private latrines, urinals and cesspools is made by the Gram Panchayat within its jurisdiction.

**41. Financial assistance to Gram Panchayats.**—Subject to the provisions of this section, every Gram Panchayat shall, after a re-appropriation made by law in this behalf, be entitled to receive grants-in-aid from the Consolidated Fund of the State as recommended by the State Finance Commission, constituted under section 97 of this Act.

**42. Budget of the Gram Panchayat.**—(*1*) Every Gram Panchayat shall, at such time and in such manner as may be prescribed, prepare during each year a budget of its estimated receipts and disbursements for the following year and shall submit the budget to the Zilla Parishad having jurisdiction over the area of the Gram Panchayat.

(*2*) The Zilla Parishad 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

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made the budget shall be resubmitted within such time as may be prescribed for approval of the Zilla Parishad.

(*3*) No expenditure shall be incurred unless the budget is approved by the Zilla Parishad. If the Zilla Parishad does not convey its approval within the time prescribed for the purpose, the budget will be deemed to have been approved by the Zilla Parishad.

**43. Accounts.**—Accounts of the income and expenditure of every Gram Panchayat shall be kept in such form and manner as may be prescribed.

**44. Audit.**—(*1*) The accounts of a Gram Panchayat shall be audited by the Director, Local Fund Audit and Accounts of the Government of Manipur in such manner as may be prescribed and a copy of the audit report shall be forwarded to the Gram Panchayat within one month of the completion of the audit.

(*2*) On receipt of the audit report referred to in sub-section (*1*), the Gram Panchayat shall either remedy the defects or irregularities which have been pointed out in the audit report and send to the Zilla Parishad within three months an intimation of its having done so, or shall, within the said period, supply any further explanation to the prescribed authority in regard to such defects or irregularities as it is required to furnish.

**45. Staff of Gram Panchayat.**—(*1*) There shall be a Secretary for every Gram Panchayat who shall be appointed in such manner as may be prescribed and shall draw his salary and allowances from the Gram Panchayat Fund.

(*2*) The Secretary shall be in charge of the office of the Gram Panchayat and shall perform all the duties and exercise all the powers imposed or conferred upon him by or under this Act or any rules or bye-law made thereunder.

(*3*) The Government shall make rules relating to the method of recruitment and the terms and conditions of service including the pay and allowances, superannuation, provident fund and gratuity of the Secretary.

(*4*) Subject to rules as may be prescribed by Government regarding discipline and control, the Secretary shall act in all matters under the control of Gram Panchayat.

**46. Staffing pattern and category of employees.**—(*1*) The Government may, by order, specify the staffing pattern, the scales of pay and mode of recruitment of staff of Gram Panchayats.

(*2*) The Gram Panchayat shall, subject to sub-section (*1*), determine and submit for approval of the Chief Executive Officer a category of employees specifying the designation and grades and the salaries and allowances payable to its officers other than the Secretary required for carrying out the duties imposed upon the Gram Panchayat by or under this Act.

**47. Appointment and control of employees.**—Subject to the provisions of sections 45 and 46 the Gram Panchayat may, with the prior approval of the Chief Executive Officer appoint other employees of the Gram Panchayat and pay their salaries from the Gram Panchayat fund:

Provided that in making appointments, posts for the Scheduled Castes, the Scheduled Tribes and other socially and educationally backward classes of citizens shall be reserved in the same manner and to the same extent as is applicable for the recruitment to posts in the State Civil Services.

## CHAPTER IV

## ZILLA PARISHAD

**48. Establishment of Zilla Parishad.**—(*1*) The Governor shall, by notification in the Official Gazette establish a Zilla Parishad for a district and having jurisdiction over it, with effect from such date as may be specified.

(*2*) Every Zilla Parishad shall be a corporate body by the name of its district, having perpetual succession and common seal and subject to such restrictions as are imposed by or under this or any, other enactment, shall be vested with the capacity of sueing or being sued in its corporate name, of acquiring,

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holding and transferring property movable or immovable, whether without or within the limits of the area over which it has authority, of entering into contracts and of doing all things, necessary, proper or expedient for the purpose for which it is constituted.

**49. Composition of Zilla Parishad.**—The Zilla Parishad shall consist of—

(*a*) the members directly elected from the territorial constituencies in the district under section 50;

(*b*) the members of the House of the People and the members of the State Legislative Assembly representing a part or whole of the district whose constituencies lie within the district; and

(*c*) ten per cent. of the Pradhans of the Gram Panchayats in the district:

Provided that when the total number of members under clauses (*b*) and (*c*) exceed the total number of members under clause (*a*), only one-third of the members under clause (*c*) shall be selected on rotation for a period of one year by lot as the Government may decide from time to time and district to district, subject to the condition that a Pradhan who was a member under this clause for one year shall not be eligible to become member for a second term during the remainder of his term of office as Pradhan:

Provided further that all members of the Zilla Parishad whether elected or not from territorial constituencies in the Zilla Parishad area shall have the right to vote in the meeting of the Zilla Parishad except in the election of Adhyaksha and Up-Adhyaksha.

**50. Elected Members.**—(*1*) The Government may, by notification in the Official Gazette, determine the number of directly elected members from territorial constituencies keeping in view the overall population of the district at a rate of the one member for every 15,000 population or part thereof.

(*2*) For the conduct of the election, the prescribed authority shall, in accordance with such rules as may be prescribed in this behalf by the Government,—

(*a*) divide the area of Zilla Parishad into territorial constituencies in such manner so that the ratio between the population of each constituency and the numbers of seats allotted to it shall, so far as may be practicable, be the same throughout the panchayat area and determine the number of seats allotted to each constituency;

(*b*) in relation to each territorial constituency shall elect one or more members through direct election in the manner prescribed.

**51. Filling of casual vacancy.**—If vacancy of a member in Zilla Parishad occurs because of resignation, death, removal or otherwise, it shall be filled by election in the prescribed manner:

Provided that no election for filling the casual vacancy shall be held if the vacancy is for a period of less than six months.

**52. Reservation.**—(*1*) Seats shall be reserved for—

(*a*) the Scheduled Castes;

(*b*) the Scheduled Tribes;

in every Zilla Parishad and the number of seats shall bear, as nearly as may be, the same proportion to the total number of seats to be filled by direct election in that Zilla Parishad as the population of the Scheduled Castes in that Zilla Parishad area or of the Scheduled Tribes in that Zilla Parishad area bears to the total population of that area and such seats may be allotted by rotation to different constituencies in a Zilla Parishad in such manner as may be prescribed.

(*2*) Not less than one-third of the total number of seats reserved under sub-section (*1*) shall be reserved for women belonging to the Scheduled Castes or, as the case may be, the Scheduled Tribes.

(*3*) Not less than one-third (including the number of seats reserved for women belonging to Scheduled Castes and Scheduled Tribes) of the total number of seats filled by direct election in every Zilla Parishad shall be reserved for women and such seats may be allotted by rotation to different constituencies in a Zilla Parishad, in such manner as may be prescribed.

**53. Term of a Zilla Parishad.**—(*1*) Every Zilla Parishad shall continue for five years from the date of its first meeting:

Provided that a Zilla Parishad which is functioning immediately before the commencement of this Act shall continue till the expiration of its duration.

(*2*) An election to constitute a Zilla Parishad shall be completed:—

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

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

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

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

**54. Election of Adhyaksha and Up-Adhyaksha.**—(*1*) The elected members of the Zilla Parishad referred to in section 50 shall, as soon as may be, elect two members from amongst themselves to be respectively Adhyaksha and Up-Adhyaksha thereof and so often as there is a casual vacancy in the Office of the Adhyaksha and Up-Adhyaksha, they shall elect another member from amongst themselves to be Adhyaksha or Up-Adhyaksha, as the case may be:

Provided that no election shall be held if the vacancy is for period of less than one month.

(*2*) The State Government, shall in the prescribed manner reserve—

(*a*) such number of offices of the Adhyaksha and Up-Adhyaksha of Zilla Parishad in the State for persons belonging to the Scheduled Castes and Scheduled Tribes shall as nearly as may be, the same proportion to the total number of offices in the Zilla Parishad as the population of the Scheduled Castes or of the Scheduled Tribes in the State bear to the total population of the State;

(*b*) not less than one-third of the total number of offices of Adhyaksha and Up-Adhyaksha in the State from each category which are reserved for persons belonging to the Scheduled Castes, the Scheduled Tribes and those which are unreserved, for women:

Provided that the offices reserved under this section shall be allotted by rotation to different Zilla Parishads.

(*3*) Save as otherwise provided in this Act, the Adhyaksha or Up-Adhyaksha shall hold office for the term of office of the members of the Zilla Parishad.

**55. Salary and allowances to the Adhyaksha and Up-Adhyaksha and other members.**—(*1*) The salary and allowances of the Adhyaksha and Up-Adhyaksha shall be such as may be prescribed.

(*2*) Every member of the Zilla Parishad other than the Adhyaksha and Up-Adhyaksha shall be entitled to receive, such sitting fee and allowances as may be prescribed.

**56. Powers, functions and duties of the Adhyaksha and Up-Adhayaksha.**—(*1*) The Adhyaksha shall—

(*a*) perform all the duties imposed and exercise all the powers conferred on the Adhyaksha under this Act and rules made thereunder;

(*b*) convene, preside over, and conduct meetings of the Zilla Parishad;

(*c*) exercise administrative supervision and control over the Chief Executive Officer and through him, all officers and other employees of the Zilla Parishad and the officers and employees whose services may be placed at the disposal of the Zilla Parishad by the State Government;

(*d*) exercise such other powers, perform such other functions and discharge such other duties as the Zilla Parishad may, by general resolution direct or as the Government may, by rules made in this behalf, prescribe;

(*e*) exercise overall supervision over the financial and executive administration of the Zilla Parishad and place before the Zilla Parishad all questions connected therewith which shall appear to him to require its orders and for this purpose may call for records of the Zilla Parishad; and

(*f*) have power to accord sanction up to a total sum of rupees one lakh in a year for the purpose of providing immediate relief to those who are affected by natural calamities in the district:

Provided that the Adhyaksha shall place at the next meeting of the Zilla Parishad for its ratification, the details of such sanctions.

(*2*) The Up-Adhyaksha shall—

(*a*) in the absence of the Adhyaksha, preside over the meetings of the Zilla Parishad;

(*b*) exercise such powers and perform such duties of the Adhyaksha as the Adhyaksha from time to time may, subject to the rules as may be prescribed delegate to him by order in writing; and

(*c*) pending the election of the Adhyaksha or during the absence of the Adhyaksha from the district, or by reason of leave for a period exceeding thirty days, exercise the powers and perform the duties of the Adhyaksha.

**57. Resignation or removal of the Adhyaksha and Up-Adhyaksha.**—(*1*) The Adhyaksha may resign his office by writing under his hand addressed to the Commissioner, and the Up-Adhyaksha may resign his office by writing under his hand addressed to the Adhyaksha.

(*2*) Every resignation under sub-section (*1*) shall take effect on the expiry of fifteen days from the date of its receipt by the prescribed authority, unless within this period of fifteen days he withdraws such resignation by writing under his hand addressed to the prescribed authority.

(*3*) Every Adhyaksha or Up-Adhyaksha shall vacate the office if he ceases to be a member of the Zilla Parishad.

(*4*) Every Adhyaksha or Up-Adhyaksha 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 territorial constituencies of the Zilla Parishad at a meeting specially convened for the purpose. The requisition for such a special meeting shall be signed by not less than one-fifth of the total membership of the Zilla Parishad and shall be delivered to the Adhyaksha. The Adhyaksha shall, within seven days from the date of receipt of the requisition, convene a special meeting of the Zilla Parishad. The meeting shall be held on a day not later than fifteen days from the date of issue of the notice of the meeting. The meeting shall be presided over by the Adhyaksha, if the motion is against the Up-Adhyaksha and in the case of Adhyaksha, the Up-Adhyaksha shall preside over the meeting, if it is against both, a member nominated from amongst themselves by the members present in such meeting shall preside over such meeting. In the initial two years of their term as Adhyaksha or Up-Adhyaksha, as the case may be, of Zilla Parishad, no motion of no-confidence shall be brought against them.

(*5*) If the motion of no-confidence against the Adhyaksha or Up-Adhyaksha or both is once rejected, no fresh motion of no-confidence against the Adhyaksha or Up-Adhyaksha or both, as the case may be, shall be brought before the Zilla Parishad within a period of one year from the date of such rejection of the motion.

**58. Resignation of Member.**—A member of a Zilla Parishad may resign his membership in writing under his hand addressed to the Adhyaksha of the Zilla Parishad and his seat shall become vacant on the expiry of fifteen clear days from the date of such resignation, unless within the said period of fifteen days, he withdraws such resignation by writing under his hand addressed to the Adhyaksha.

**59. Meeting of the Zilla Parishad.**—(*1*) Every Zilla Parishad shall hold meetings at least once in every three months, at such time and at such place within the local limits of the district concerned 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 Adhyaksha when required in writing by one fifth of the members of the Zilla Parishad to call a meeting he shall do so within ten days, failing which the aforesaid members may call a meeting after giving intimation to the prescribed authority and seven clear days notice to the Adhyaksha and the other members of the Zilla Parishad.

(*2*) One-third of the total number of members of the Zilla Parishad shall form a quorum for transacting the business at the meeting of the Zilla Parishad.

(*3*) All questions coming before the Zilla Parishad shall be decided, by a majority of votes and in case of equality of votes, the Adhyaksha or the member presiding shall have a casting vote.

(*4*) Every meeting shall be presided over by the Adhyaksha or if he is absent by the Up-Adhyaksha and if both the Adhyaksha and the Up-Adhyaksha are absent or if the Adhyaksha is absent and there is no Up-Adhyaksha the members present shall elect one from among themselves to preside over the meeting.

**60. Minutes.**—(*1*) Minutes shall be kept of the names of the members and of the officers, if any, present, and of the proceedings at each meeting of the Zilla Parishad and if any member present at the meeting so desires, of the names of the members voting respectively for or against any resolution, in a book to be provided for purpose and after they are read over and agreed to, shall be signed by the Adhyaksha and Up-Adhyaksha or person presiding at such meeting, and shall at all reasonable times be open to inspection by any member of the Zilla Parishad. Any person may inspect the copy of the minutes of the meeting. The minutes books shall always be kept in the office of the Zilla Parishad and shall be in the custody of the Chief Executive Officer of the Zilla Parishad.

(*2*) A copy of every resolution passed by the Zilla Parishad shall within ten days from the date of its passing in the meeting, be forwarded by the Chief Executive Officer to the Government.

**61. Functions and powers of Zilla Parishad.**—(*1*) Any transfer of a subject to the Zilla Parishad shall be with the approval of the Government from time to time.

(*2*) Subject to the condition and exceptions as the Government may, from time to time, impose, it shall be the function of the Zilla Parishad to prepare plans for economic development and social justice of the District, and to ensure the coordinated implementation of such plans in respect of matters including those mentioned below, namely:—

1. AGRICULTURE AND AGRICULTURAL EXTENSION:

(*i*) promotion of measures to increase agricultural production and to popularise the use of improved agricultural implements and the adoption of improved agricultural practices;

(*ii*) establishment and maintenance of godowns;

(*iii*) conducting agricultural fairs and exhibitions;

(*iv*) training of farmers;

(*v*) land improvement and soil conservation; and

(*vi*) promotion of agricultural extension works.

2. IRRIGATION GROUND WATER RESOURCES AND WATERSHED DEVELOPMENT:

(*i*) construction, renovation and maintenance of minor irrigation works and lift irrigation;

(*ii*) providing for the timely and equitable distribution, and full use of water under irrigation schemes under the control of the Zilla Parishad;

(*iii*) development of ground water resources;

(*iv*) installation of community pump sets; and

(*v*) watershed development programme.

3. HORTICULTURE:

(*i*) promotion of rural parks and gardens;

(*ii*) promotion of cultivation of fruits and vegetables; and

(*iii*) promotion of farms.

4. STATISTICS:

(*i*) publication of statistical and other information relating to activities of Gram Panchayats and Zilla Parishads;

(*ii*) co-ordination and use of statistics and other information required for the activities of the Gram Panchayats and Zilla Parishads; and

(*iii*) periodical supervision and evaluation of project and programmes entrusted to the Gram Panchayats and Zilla Parishads.

5. DISTRIBUTION OF ESSENTIAL COMMODITIES.

6. SOIL CONSERVATION AND LAND REFORMS:

(*i*) soil conservation measures;

(*ii*) land reclamation and land development works; and

(*iii*) promote implementation of land reforms and land consolidation.

7. MARKETING:

(*i*) development of regulated markets and marketing yards; and

(*ii*) grading and quality control of agriculture products.

8. SOCIAL FORESTRY:

(*i*) organise campaign for tree planting; and

(*ii*) planting and maintenance of trees.

9. ANIMAL HUSBANDRY AND DAIRYING:

(*i*) improvement of breed of cows and pigs;

(*ii*) promotion of poultry farms, duck farms and goat farms;

(*iii*) promotion of fodder development programmes;

(*iv*) promotion of dairy farming, poultry and piggery; and

(*v*) prevention of epidemics and contagious diseases.

10. MINOR FOREST PRODUCE, FUEL AND FODDER:

(*i*) promotion of social and farm forestry, fuel plantation and fodder development;

(*ii*) management of minor forest produce of the forests raised in community lands; and

(*iii*) development of wasteland.

11. FISHERIES:

(*i*) promotion of fish seed production and distribution;

(*ii*) development of pisiculture in private and community tanks;

(*iii*) development of inland fisheries;

(*iv*) promotion of fish curing and drying;

(*v*) assistance to traditional fishing;

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(*vi*) organising fish marketing co-operatives; and

(*vii*) welfare schemes for the uplift and development of fisherman.

12. HOUSEHOLD INDUSTRIES:

(*including food processing*):

(*i*) identification of traditional skills in the locality and promotion of household industries;

(*ii*) organisation of training programme for craftsmen and artisan;

(*iii*) liaison to tap bank credit for household industries;

(*iv*) popularising and marketing of finished products; and

(*v*) organising khadi, handloom, handicraft and village and cottage industries.

13. RURAL ROADS AND INLAND WATERWAYS:

(*i*) construction and maintenance of roads other than National, State Highways and other District road;

(*ii*) bridges and culverts coming under roads falling in item (*i*);

(*iii*) construction and maintenance of office buildings of the Zilla Parishad;

(*iv*) identification of major link roads connecting markets, educational institutions, health centres; and

(*v*) organising voluntary surrender of lands for new roads and for widening of existing roads.

14. HEALTH AND HYGIENE:

(*i*) implementation of immunization and vaccination programme;

(*ii*) health education activities in hospitals, primary health centres and dispensaries;

(*iii*) maternity and child health service activities;

(*iv*) family welfare activities;

(*v*) organising health camps with Gram Panchayats; and

(*vi*) measures against environment pollution.

15. RURAL HOUSING:

(*i*) identification of houseless families;

(*ii*) implementation of house building programmes in the district; and

(*iii*) popularising low cost housing.

16. EDUCATION:

(*i*) promotion of educational activities including the establishment and maintenance of primary and secondary schools;

(*ii*) planning of programmes for Adult Education and Library facilities;

(*iii*) propagation of technical training and vocational education; and

(*iv*) extension work for propagation of Science and Technology to rural areas.

17. SOCIAL WELFARE AND WELFARE OF WEAKER SECTIONS AND HANDICAPPED PERSONS:

(*i*) promotion of social welfare programme and social welfare activities with emphasis on handicapped and mentally retarded persons;

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(*ii*) organising nursery schools, balwadies, night schools and libraries to eradicate illiteracy and impart general education; and

(*iii*) organising co-operative societies of Scheduled Castes and Scheduled Tribes.

18. POVERTY ALLEVIATION PROGRAMMES:

planning, supervision monitoring and implementation of poverty alleviation programmes.

19. DRINKING WATER:

(*i*) construction, repair and maintenance of drinking water wells, tanks and ponds;

(*ii*) prevention and control of water pollution.

20. RURAL ELECTRIFICATION:

(*i*) promote extension of electricity to unelectrified areas;

(*ii*) help in the prevention of illegal tapping of electricity; and

(*iii*) help in the recovery and collection of electricity dues.

21. NON-CONVENTIONAL ENERGY SOURCES:

(*i*) promotion and development of non-conventional energy scheme; and

(*ii*) propagation of efficient energy devices.

22. SOCIAL REFORM ACTIVITIES:

(*i*) promotion of women's organisation and welfare;

(*ii*) promotion of children's organisation and welfare;

(*iii*) organise cultural and recreation activities;

(*iv*) encouragement of sports and games and construction of rural stadia;

(*v*) promotion of thrift and savings through:—

(*a*) promotion of saving habits;

(*b*) small savings campaign;

(*c*) fight against spurious money lending practices and rural indebtedness.

(*4*) In addition, the Zilla Parishad may—

(*a*) manage or maintain any work of public utility or any institution vested in it or under its control and management;

(*b*) acquire and maintain village hats and markets;

(*c*) make grants to Gram Panchayats;

(*d*) adopt measures for the relief of people in distress;

(*e*) co-ordinate and integrate the development plans and schemes prepared by Gram Panchayats in the district;

(*f*) examine and sanction the budget estimates of Gram Panchayat in the district;

(*g*) undertake or execute any scheme extending to the whole or part of the district; and

(*h*) take over the maintenance and control of any rural bridge, tank, ghat, well, channel or drain, belonging to a private owner or any other authority on such terms as may be agreed upon.

(*5*) The Zilla Parishads of two or more adjacent districts may jointly undertake and execute any development scheme on such terms and conditions as may be mutually agreed upon:

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Provided that the Government may, by notification and subject to such conditions as it may impose, transfer additional functions to the Zilla Parishad.

**62. General powers of Zilla Parishad.**—(*1*) Subject to the general or special orders of the Government, the Zilla Parishad may—

(*a*) incur expenditure on education or medical relief outside its jurisdiction;

(*b*) provide for carrying out any work or measure likely to promote health, safety, education, comfort, convenience or social or economic or cultural well-being of the inhabitants of the district;

(*c*) contribute to association of All India, State or Inter-State level concerned with the promotion of local government and for holding exhibition, seminar and conferences within the district related to the activities of Gram Panchayat and Zilla Parishad; and

(*d*) render financial or other assistance to any person for carrying in the district any activity which is related to any of its functions.

(*2*) The Zilla Parishad shall have powers to do all acts necessary for or incidental to the carrying out of the functions entrusted or delegated to it and, in particular, and without prejudice to the foregoing powers to exercise all powers specified under this Act.

**63. Assignment of functions.**—(*1*) The Government may assign to Zilla Parishad, functions in relation to any matters to which the executive authority of the Government extends or in respect of functions which have been assigned to the State Government by the Central Government.

(*2*) The Government may, by notification, withdraw or modify the functions assigned under sub-section (*1*).

**64. Delegation of powers.**—The Zilla Parishad may, by notification, delegate to the Chief Executive Officer or other Officer any of the powers conferred by or under this Act on the Zilla Parishad.

**65. Standing Committees.**—(*1*) The Zilla Parishad shall have the following Standing Committees, namely:—

(*a*) General Standing Committee;

(*b*) Finance, Audit and Planning Committee;

(*c*) Social Justice Committee;

(*d*) Education and Health Committee;

(*e*) Agriculture and Industries Committee; and

(*f*) Works Committee.

(*2*) Each Standing Committee shall consist of such number of members not exceeding five including the Chairman elected by the members of Zilla Parishad from amongst the elected members.

(*3*) The Adhyaksha shall be the *ex officio* member and Chairman of the General Standing Committee and the Finance, Audit and Planning Committee. The Up-Adhyaksha shall be the *ex officio* member and Chairman of the Social Justice Committee. The other Standing Committee shall elect the Chairman from among their members.

(*4*) No member of the Zilla Parishad shall be eligible to serve not more than two Standing Committees.

(*5*) The Chief Executive Officer shall be the *ex officio* Secretary of the General Standing Committee and the Finance, Audit and Planning Committee and he shall nominate one of the Deputy Secretaries as *ex officio* Secretary for each of the remaining Standing Committees. The Chief Executive Officer shall be entitled to attend the meetings of all the Standing Committees.

**66. Functions of the Standing Committee.**—(*1*) The General Standing Committee shall perform functions relating to the establishment matters and functions relating to communication, buildings, rural housing, village extensions, relief against the natural calamities and allied matters and all other matters.

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(*2*) The Finance, Audit and Planning Committee shall perform the functions relating to:—

(*a*) the finances of the Zilla Parishad, framing of Budgets, scrutinising proposals for increase of revenue, examination of receipts and expenditure statements, consideration of all proposals affecting the finances of the Zilla Parishad and general supervision, of the revenue and expenditure of the Zilla Parishad;

(*b*) the plan priorities, allocation of outlays to developments, horizontal and vertical linkages, implementation of guidelines issued by the Government, regular review of planning programmes, evaluation of important programmes and small savings schemes.

(*3*) The Social Justice Committee shall perform functions relating to:—

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

(*b*) protecting them from social injustice and all other forms of exploitation;

(*c*) amelioration, of the Scheduled Castes, the Scheduled Tribes and Backward Classes;

(*d*) securing social justice to the Scheduled Castes, the Scheduled Tribes, women and other weaker sections of the society.

(*4*) The Education and Health Committee shall:—

(*a*) be incharge of all educational activities of the Zilla. Parishad;

(*b*) undertake the planning of education in the district within the framework of the national policy and the national and state plans;

(*c*) survey and evaluate the educational activities of the Zilla Parishad;

(*d*) perform such other duties pertaining to education, adult literacy and cultural activities as the Zilla Parishad may assign to it;

(*e*) health services, hospitals, water supply, family welfare and other related matters.

(*5*) The Agriculture and Industry Committee shall perform functions relating to:—

(*a*) agricultural production, animal husbandry, co-operation, contour bunding and reclamation;

(*b*) village and cottage industries; and

(*c*) promotion of industrial development of the district.

(*6*) The Works Committee shall perform functions relating to maintenance of:—

(*a*) roads including district roads, bridges, culverts;

(*b*) maintenance of buildings under its control or transferred by the Government or any public authority; and

(*c*) maintenance of boats, ferries, waterways.

(*7*) The Standing Committee referred to in sub-sections (*1*) to (*6*) shall perform the functions referred to above to the extent the powers are delegated to them by the Zilla Parishad.

(*8*) The Standing Committees shall perform in respect of matters assigned to them such additional duties as may be prescribed.

**67. Procedure of Committees.**—(*1*) The Zilla Parishad may frame regulations relating to election of members of committees, conduct of business therein, and all other matters relating to the committees.

(*2*) The Chairman of every Standing Committee shall in respect of the work of that committee be entitled to call for any information, return statement or report from the officer of the Zilla Parishad and to enter on and inspect any immovable property of the Zilla Parishad or any work in progress concerning the committee.

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(*3*) Each Standing Committee shall be entitled to require attendance at its meetings of any officer of the Zilla Parishad who is connected with the work of the Committee. The Chief Executive Officer shall under instruction of the committee, issue notices and secure the attendance of the officer.

**68. Power to acquire, hold and dispose of property.**—(*1*) A Zilla Parishad shall have the 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 Zilla Parishad shall obtain the previous approval of the Government.

(*2*) All roads, buildings or other works constructed by a Zilla Parishad with its own funds shall vest in it.

(*3*) The Government may allocate to a Zilla Parishad any public property situated within its jurisdiction, and thereupon such property shall vest in the Zilla Parishad.

(*4*) Where a Zilla Parishad requires land to carry out any of the purposes of this Act, it may negotiate with the person or persons having in the said land, and if it fails to reach an agreement, it may make an application to the Deputy Commissioner for the acquisition of the land and the Deputy Commissioner may, if he is satisfied that the land is required for a public purpose, take steps to acquire the land under the provisions of the Land Acquisition Act, 1894 (1 of 1894) and such land shall on acquisition, vest in the Zilla Parishad.

**69. Zilla Parishad Fund.**—(*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*) contributions and grants, if any, made by the Central or the State Government including such part of land revenue collected in the State as may be determined by the Government;

(*b*) contributions and grants, if any, made by a Gram Panchayat or any other local authority;

(*c*) loans, if any, granted by the Central or State Government or raised by the Zilla Parishad on security of its assets;

(*d*) the proceeds of road-cess and public works-cess levied in the district;

(*e*) all receipts on account of tolls, rates and fees levied by the Zilla Parishad;

(*f*) all receipts 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;

(*g*) all sums received as gift or contribution and all income from any trust or endowment made in favour of Zilla Parishad;

(*h*) such fines or penalties imposed and realised under the provisions of this Act or of the bye-laws made thereunder, as may be, prescribed; and

(*i*) all other sums received by or on behalf of the Zilla Parishad.

(*2*) Every Zilla Parishad 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 the officers and employees. The overall expenditure on establishment shall not exceed one-third of the total expenditure.

(*3*) Every Zilla Parishad shall have the power to spend such sums as it thinks fit for carrying out the purpose of this Act.

(*4*) 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 Government may, from time to time, direct.

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**70. Taxation.**—(*1*) Subject to such maximum rates as the Government prescribe, a Zilla Parishad may—

(*a*) levy tolls on persons, vehicles or animals or any class of them at any toll-bar established by it on any road other than kutcha road or any bridge vested in it or under its management;

(*b*) levy tolls in respect for any ferry established by it or under its management;

(*c*) levy road cess and public works cess;

(*d*) levy the following fees and rates, namely:—

(*i*) fees on the registration of boats or vehicles;

(*ii*) a fee for providing sanitary facilities at such places or pilgrimage, fairs and melas within its jurisdiction as may be specified by the Government by notification;

(*iii*) a fee for licence for fair or mela;

(*iv*) a lighting rate where arrangement for lighting of public streets and places is made by the Zilla Parishad within its jurisdiction; and

(*v*) water rate, where arrangement for the supply of water for drinking, irrigation or any other purpose is made by the Zilla Parishad within its jurisdiction.

(*2*) The Zilla Parishad shall not undertake registration of any vehicle or levy fee thereof and shall not provide sanitary arrangements at places of worship or pilgrimage, fairs and melas within its jurisdiction or levy fee thereof 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.

(*3*) The scales of tolls, fees or rates and the terms and conditions for the imposition thereof shall be such as may be provided by regulation. Such regulation may provide for exemption from all or any of the tolls, fees or rates in any class of cases.

**71. Financial arrangements of Zilla Parishad.**—(*1*) A Zilla Parishad may, subject to the provisions of any law relating to the raising of loans by local authorities for the time being in force, raise from time to time, with the approval of the Government, loans for the purpose of the Act and create a sinking fund for the repayment of such loans.

(*2*) Notwithstanding anything contained in sub-section (*1*) a Zilla Parishad may borrow money from the Government or, with the previous sanction, of the Government, from banks or other financial institutions, for furtherance of its objective on the basis of specific scheme as may be drawn up by the Zilla Parishad for the purpose.

**72. Budget.**—(*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 the Government.

(*2*) The 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. On such modifications being made the budget shall be resubmitted within such time as may be prescribed for approval of the Government. If the approval of the Government is not received by the Zilla Parishad by the last date of the financial year, the budget shall be deemed to be approved by the Government.

(*3*) No expenditure shall be incurred unless the budget is approved by the Government.

(*4*) The Zilla Parishad may prepare in each year a supplementary estimate providing for any modification of its budget and may submit it to the Government for approval within such time and in such manner as may be prescribed.

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**73. Accounts.**—A Zilla Parishad shall keep accounts in such manner as may be prescribed.

**74. Audit.**—(*1*) The audit of the accounts of the Zilla Parishad shall be carried out by the authority as may be prescribed by the Government and a copy of the audit note shall be forwarded to the Zilla Parishad within one month of the completion of the audit.

(*2*) on receipt of the audit report referred to in sub-section (*1*), the Zilla Parishad shall either remedy any defects or irregularities which have been pointed out in the audit and send to the Government within three months an intimation of its having done so or shall, within the said period, supply any further explanation to the prescribed authority in regard to such defects or irregularities as it is required to furnish.

**75. Staff of Zilla Parishad.**—(*1*) An officer of the rank of the Deputy Commissioner shall be the Chief Executive Officer of the Zilla Parishad who shall be appointed by the Government. The Government may, also appoint an Additional Chief Executive Officer for a Zilla Parishad on such terms and conditions as may be prescribed.

(*2*) The Government shall also appoint a Chief Accounts Officer and a Chief Planning Officer for each Zilla Parishad on such terms and conditions as may be prescribed.

(*3*) The Government shall post from time to time in every Zilla Parishad such number of officers of Group A, B and C services of the State (including any officers appointed to such service from amongst person employed by the existing local authority) and officers of an All India Service allocated to serve under the Government, as the Government considers necessary.

(*4*) Notwithstanding anything contained in this Act or any other law for the time being in force the Government or any other officer or other authority authorised by it in this behalf shall have the power to effect transfer of the officers and officials so posted from one district to another district.

(*5*) The Government may constitute, from such date as is specified, such services for each Zilla Parishad as may be prescribed.

**76. Functions of the Chief Executive officer and other officers.**—(*1*) Save as otherwise expressly provided by or under this Act, the Chief Executive Officer shall,—

(*a*) carry out the policies and directions of the Zilla Parishad and take necessary measures for the speedy execution of all works and developmental schemes of Zilla Parishad;

(*b*) discharge the duties imposed upon him, by or under this Act or the rules and regulations made thereunder;

(*c*) control the officers and servants of the Zilla Parishad subject to the general superintendence and control of the Zilla Adhyaksha and under such rules as may be prescribed;

(*d*) have custody of all papers and documents relating to Zilla Parishad; and

(*e*) draw and disburse money out of the Zilla Parishad Funds and exercise such other powers and perform such other functions as may be prescribed.

(*2*) The Chief Executive Officer shall attend every meeting of the Zilla Parishad and may take part in the discussion but shall not have the right to move any resolution or to vote. If in the opinion of the Chief Executive Officer any proposal before the Zilla Parishad is violative of or is inconsistent with the provisions of this Act or any other law or the rules made thereunder, it shall be his duty to bring the same to the notice of the Zilla Parishad.

(*3*) The Chief Accounts Officer shall advise the Zilla Parishad in matters of financial policy and shall be responsible for all matters relating to the accounts of the Zilla Parishad including preparation of accounts and the budget.

(*4*) The Chief Accounts Officer shall ensure that no expenditure is incurred except under proper sanction and in accordance with this Act and the rules and regulations made thereunder and shall disallow any expenditure not warranted by the Act or rules and regulations or for which no provision is made in the budget.

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(*5*) The Additional Chief Executive Officer shall assist the Chief Executive Officer in the performance of his duties.

(*6*) The Chief Planning Officer shall advise the Zilla Parishad in matters of plan formulation and shall be responsible for all matters relating to planning of the Zilla Parishad including the preparation of plans of economic development and social justice and annual plan of the district.

**77. Right to requisition records, recover money, etc.**—(*1*) Every person in possession of money, accounts, records or other property pertaining to a Gram Panchayat or a Zilla Parishad shall on the requisition in writing of the Chief Executive Officer for this purpose, forthwith hand over such money or deliver up such accounts, records or other property to the Chief Executive Officer or the person authorised in the requisition to receive the same.

(*2*) The Chief Executive Officer may also take steps to recover any money due by such person in the same manner and subject to the same provisions as in the relevent Land Revenue Act, for the recovery of the arrears of land revenue from defaulters and for the purpose of requisitioning the accounts, records or for recovering any other property apertaining to the Gram Panchayat or Zilla Parishad may issue a search warrant and exercise all such powers with respect thereto as may lawfully be exercised by a Magistrate under the provisions of Chapter VII of the Code of Criminal Procedure, 1973 (2 of 1974).

(*3*) Every person knowing where any money, accounts, records or other property apertaining to a Gram Panchayat or a Zilla Parishad are concealed shall be bound to give information of the same to the Chief Executive Officer.

(*4*) An appeal shall lie from an order of the Chief Executive Officer under this section to the Government.

## CHAPTER V

### MISCELLANEOUS

**78. Powers to revise or modify decisions of committees.**—Every Gram Panchayat and every Zilla Parishad shall have power to revise or modify any decision taken by any of its committees.

**79. Powers of Gram Panchayats to make bye-laws.**—(*1*) A Gram Panchayat may, subject to the provisions of this Act and the rules made thereunder and with the previous sanction of the Zilla Parishad make bye-laws to carry out the purposes of this Act.

(*2*) In making any bye-laws under sub-section (*1*) the Gram Panchayat may provide that a contravention thereof shall be punishable with such fine as may be prescribed.

(*3*) Any such bye-law may also provide that a person contravening the same shall be required to remedy so far as it lies in his power, the mischief, if any, caused by such contravention.

(*4*) All bye-laws made under this section shall be subject to the condition of previous publication and such publication shall be in such manner as may be prescribed.

**80. Powers of Zilla Parishad to make Regulations.**—(*1*) A Zilla Parishad may subject to the provisions of this Act and the rules made thereunder and with the previous sanction of the Government, by notification, make regulations to carry out the purposes of this Act in so far as it relates to its powers and duties.

(*2*) The regulations made under sub-section (*1*) shall be subject to the condition of previous publication and such publication shall be in such manner as may be prescribed.

**81. Powers of Government to make model regulations and bye-laws.**—(*1*) The Government may, subject to the provisions of this Act and the rules made thereunder and after previous publication of the draft for not less than one month, make model regulations and bye-laws for Zilla Parishads and Gram Panchayats respectively.

(*2*) A Gram Panchayat or a Zilla Parishad may by resolution adopt the model bye-laws or regulations, as the case may be, made under sub-section (*1*), and such bye-laws and regulations shall come into force

within the jurisdiction of the Gram Panchayat or Zilla Parishad from such date as the Gram Panchayat or Zilla Parishad as the case may be, may specify in a notice published in the prescribed manner.

**82. Powers of Government to dissolve and reconstitute Gram Panchayat and Zilla Parishad in case of alteration of area.**—(*1*) When on account of the reason that the limits of an area of Gram Panchayat or Zilla Parishad, are altered, the Government may by order published in the Official Gazette dissolve such Panchayat or Parishad, from a date, specified in the order and direct that Gram Panchayat or Zilla Parishad concerned:—

(*i*) be reconstituted for the Panchayat area of which the Gram Panchayat or the district of which Zilla Parishad has been dissolved; or

(*ii*) be established for a Panchayat area, or district which has been newly constituted.

(*2*) The members of the Gram Panchayat or Zilla Parishad which has been dissolved under sub-section (*1*) shall vacate their office from the date specified in the order of the Government.

(*3*) The Gram Panchayat or Zilla Parishad reconstituted or established under the provisions of sub-section (*1*) shall consist of members nominated by the Government and such members shall as far as practicable be persons who are members of the Gram Panchayat or Zilla Parishad which has been dissolved under sub-section (*1*).

(*4*) The Chairpersons of Gram Panchayat or Zilla Parishad shall be elected in the manner provided in this Act.

(*5*) The term of the Gram Panchayat or Zilla Parishad so reconstituted or established shall be for such period not exceeding six months as the Government shall by order specify.

(*6*) Before the expiry of the term of the Gram Panchayat or Zilla Parishad constituted in accordance with the provisions of sub-section (*5*), a Gram Panchayat or Zilla Parishad shall be constituted in the manner provided under this Act:

Provided that where the remainder of the period for which the dissolved Gram Panchayat or Zilla Parishad would have continued is less than six months it shall not be necessary to hold an election under this section for constituting a Gram Panchayat or a Zilla Parishad for such period.

(*7*) A Gram Panchayat or Zilla Parishad constituted under sub-section (*1*) shall continue only for the remainder of the period for which the dissolved Gram Panchayat or Zilla Parishad would have continued had it not been so dissolved.

(*8*) When a Gram Panchayat or a Zilla Parishad has been dissolved and reconstituted or established under this section so much of the Gram Panchayat or Zilla Parishad fund and other property vesting in the Gram Panchayat or Zilla Parishad which has been dissolved shall vest in and such portion of the debts, and obligations shall be transferred to, the Gram Panchayat or Zilla Parishad reconstituted or established under this section as the Government may direct by an order made in writing.

(*9*) The rights and liabilities of the dissolved Gram Panchayat or Zilla Parishad in respect of civil and criminal proceedings, contracts, agreements and other matters or things arising in and relating to any part of the area subject to the authority of the Gram Panchayat or Zilla Parishad reconstituted or established shall vest in such Gram Panchayat or Zilla Parishad.

(*10*) Any appointment, notification, notice, tax, order, scheme, licence, permission, rule, regulation or form made, issued, imposed or granted by the Gram Panchayat or Zilla Parishad which has been dissolved in respect of any part of the area subject to the authority of the Gram Panchayat or Zilla Parishad which has been reconstituted or established, shall be deemed to have been made, issued, imposed or granted by such Gram Panchayat or Zilla Parishad unless and until it is suspended by any appointment, notification, notice, form, order, scheme, licence, permission, rule and regulation made, issued, imposed or granted by such Gram Panchayat or Zilla Parishad.

**83. Dissolution of Gram Panchayats and Zilla Parishad in certain other cases.**—(*1*) If, in the opinion of the Zilla Parishad, a Gram Panchayat exceed or abuses its powers or is not competent to perform or makes persistent default in the performance of the duties imposed on it under this Act or any

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other law for the time being in force, the Zilla Parishad may by order published in the Official Gazette, dissolve such Gram Panchayat.

(*2*) If in the opinion of the Government, a Zilla Parishad exceeds or abuses its powers or is not competent to perform or makes persistent default in the performance of the duties imposed on it under this Act or any other law for the time being in force, the Government may, by an order published in the Official Gazette, dissolve such Zilla Parishad.

(*3*) Before publishing an order under sub-section (*1*) or sub-section (*2*) the Zilla Parishad or the Government shall communicate to the Gram Panchayat or to the Zilla Parishad, as the case may be, the grounds on which it proposes to do so, and fix a reasonable period for the Panchayat concerned to show cause against the proposal and consider its explanation and objections, if any.

(*4*) When a Gram Panchayat or Zilla Parishad is dissolved all the members of Gram Panchayat or Zilla Parishad shall, from the date specified in the order, vacate their office as such members.

(*5*) If a Gram Panchayat or Zilla Parishad is dissolved:—

(*a*) all the powers and duties of the Gram Panchayat or Zilla Parishad shall, during the period of its dissolution be exercised and performed by such person or persons as the Zilla Parishad or the Government, as the case may be, may from time to time, appoint in this behalf;

(*b*) all property vested in the Gram Panchayat or Zilla Parishad shall during the period of dissolution vest in the Zilla Parishad or the Government, as the case may be; and

(*c*) the person is vacating office on dissolution shall be eligible for re-election.

**84. Inquiry into the affairs of the panchayats by the Government.**—(*1*) The Government may, at any time for reasons to be recorded in writing, cause any inquiry to be made by any of its officers in regard to any Gram Panchayat or Zilla Parishad on matters concerning it, or any matters with respect to which the sanction, approval, consent or orders of the Government is required under this Act.

(*2*) The Officer holding such inquiry shall have the powers of the Civil Court under the Code of Civil Procedure, 1908 (5 of 1908) to take evidence and to compel attendance of witnesses and production of documents for the purposes of the inquiry.

(*3*) The Government may make orders as to costs of inquiries made under sub-section (*1*) and as to the parties by whom and the funds out of which they shall be paid and such order may, on the application of the Commissioner or of any person named therein be executed as if it were a decree of a Civil Court.

**85. Inspection of Development Schemes.**—(*1*) For the purpose of efficient and economical execution of any works or development schemes undertaken by a Gram Panchayat or Zilla Parishad an officer or person authorised by general or special order of the Government, if he considers it necessary to give technical guidance or assistance to any officer of or under the Gram Panchayat or Zilla Parishad who is charged with the execution or maintenance of any such work or development scheme, then the officer or person so authorised may periodically inspect such works or development schemes to give such guidance, assistance or advise as he thinks necessary in relation to such works or development schemes and shall forward to the Gram Panchayat or Zilla Parishad a report on the inspection made pointing out therein any irregularities noticed, and suggestions for improvement.

(*2*) In implementation of the plans or schemes all the rules applicable to Government Departments such as for purchase, tender, quality control, technical sanctions, accounts and audit and supervision shall *mutatis mutandis* be applicable in case of a Panchayat.

**86. Directions from the Government.**—(*1*) Notwithstanding anything contained in this Act it shall be lawful for the Government to issue directions to any Gram Panchayat or Zilla Parishad in matters relating to State and National Policies and such directions shall be binding on the Gram Panchayat or Zilla Parishad.

(*2*) The Government may:—

(*a*) call for any record, register or any other document in possession under the control of any Gram Panchayat or Zilla Parishad;

(*b*) require any Gram Panchayat or Zilla Parishad to furnish in return, plan, estimate, statement, account or statistics; and

(*c*) require any Gram Panchayat or Zilla Parishad to furnish any information or report on any matter connected with such Gram Panchayat or Zilla Parishad.

**87. Commissioner and Chief Executive Officer's powers in respect of Gram Panchayat and Zilla Parishad.**—(*1*) The Chief Executive Officer may in respect of Gram Panchayat exercise the following powers, namely:—

(*a*) call for proceedings of any Gram Panchayat or any extract of any book or document in the possession of or under the control of the Gram Panchayat or any return or statement of account or report;

(*b*) require a Gram Panchayat, to take into consideration any objection which appears to him to exist to the doing of anything which is about to be done or is being done by such Gram Panchayat or any information which appears to him to necessitate the doing of anything by such Gram Panchayat or within such period as he may fix;

(*c*) order a duty to be performed within a specified period if a Gram Panchayat has made default in the performance of any duty and if such duty is not performed within the specified period, to appoint a person to perform such duty and direct that the expenses thereof shall be paid by the defaulting Gram Panchayat within such period as he may fix;

(*d*) direct a Gram Panchayat to levy any tax if it has failed to do so in accordance with the provision of this Act;

(*e*) call for meetings of the Gram Panchayat, or any of its committees if no meeting of the Gram Panchayat or its committees has been held in accordance with the provisions of this Act or rules made thereunder.

(*2*) The Gram Panchayat may appeal to the Commissioner, against any order made under clause (*c*) of sub-section (*1*) by the Chief Executive Officer within thirty days from the date of such order.

(*3*) The Commissioner may in respect of Zilla Parishad exercise the following powers, namely:—

(*a*) call for proceedings of any Zilla Parishad or any extract of any book or document in the possession of or under the control of the Zilla Parishad or any return or statement of account or report;

(*b*) require a Zilla Parishad, to take into consideration any objection which appears to him to exist to the doing of anything which is about to be done or is being done by such Zilla Parishad or any information which appears to him to necessitate the doing of anything by such Zilla Parishad or within such period as he may fix;

(*c*) order a duty to be performed within a specified period if a Zilla Parishad has made default in the performance of any duty and if such duty is not performed within the specified period, to appoint a person to perform such duty and direct that the expenses thereof shall be paid by the defaulting Zilla Parishad within such period as he may fix;

(*d*) call for meetings of the Zilla Parishad or any of its committees if no meeting of the Zilla Parishad or its committees has been held in accordance with the provisions of this Act or rules made thereunder.

(*4*) The Zilla Parishad may appeal to the Government, against any order made under clause (*c*) of sub-section (*3*) by the Commissioner, within thirty days from the date of such order.

**88. Power of Government and Chief Executive Officer to provide for performance of duties in default of Gram Panchayat or Zilla Parishad.**—When the Government in case of a Zilla Parishad and the Chief Executive Officer in case of a Gram Panchayat is informed on complaint made or otherwise, that any Zilla Parishad or Gram Panchayat has made default in performing any duty imposed on it, by or under this Act, or by or under any law for the time being in force and if the Government or Chief Executive Officer, as the case may be, is satisfied after due enquiry that any Zilla Parishad or Gram

Panchayat, has failed in the performance of such duty, the Government or the Chief Executive Officer, as the case may be, may fix a period for the performance of that duty:

Provided that no such period shall be fixed unless the Zilla Parishad or Gram Panchayat concerned has been given an opportunity to show cause why such an order shall not be made.

**89. Zilla Parishad's power of suspending the executions of order, etc., of Gram Panchayat.—(***1*) If in the opinion of the Zilla Parishad the execution of any order or resolution of a Gram Panchayat or any order of any authority or Officer of a Gram Panchayat or the doing anything which is about to be done, or is being done, by or on behalf of a Gram Panchayat is unjust, unlawful, improper or is causing or is likely to cause injury or annoyance to the public or to lead to a breach of the peace, it may by order suspend the execution of or prohibit the doing thereof.

(*2*) When the Zilla Parishad makes an order under sub-section (*1*) it shall forthwith forward to the Government and to the Gram Panchayat affected thereby a copy of the order with a statement of the reasons for making it and it shall be in the discretion of the Government to confirm or resind the order or to direct that it shall continue to be in force with or without modification permanently or for such period as it thinks fit:

Provided that no order of the Zilla Parishad made under this section shall be confirmed, revised or modified by the Government without giving the Gram Panchayat reasonable opportunity of showing cause against the said order.

**90. Government's power of suspending execution of unlawful orders or resolutions.**—(*1*) If on the receipt of a report from the Chief Executive Officer in this behalf or otherwise the Government is of the opinion that execution of any order or resolution of Zilla Parishad or the doing of anything which is about to be done or is being done by on behalf of a Zilla Parishad is unjust, unlawful, or improper or is causing or is likely to cause injury or annoyance to the public or to lead to a breach of the peace, it may, by an order suspend the execution or prohibit the doing thereof.

(*2*) When the Government makes an order under sub-section (*1*), it shall forthwith forward to the Zilla Parishad affected thereby a copy of the order with a statement of reasons for making it and the Government may confirm or rescind the order or direct that it shall continue to be in force with or without modification permanently or for such period as it thinks fit:

Provided that no order under this sub-section shall be made by the Government without giving the Zilla Parishad concerned a reasonable opportunity of showing cause against the said order.

**91. Purchase of store and equipment.**—(*1*) The Government may by general or special order provide for all any of the following matters, namely:—

(*a*) the manner in which purchase of stores, equipments, machineries and other articles required by the Zilla Parishad or Gram Panchayat shall be made by them;

(*b*) the manner in which tender for works, contracts and supplies shall be invited and examined and accepted by the Gram Panchayat or Zilla Parishad;

(*c*) the manner in which works, and development schemes may be executed and inspected and payment may be made in respect of such works an schemes; and

(*d*) constitution of committee for the purposes of this sub-section.

(*2*) Save as otherwise expressly provided in sub-section (*1*), in respect of all other matters relating to withdrawal of funds, form of bills, incurring of expenditure maintenance of accounts, rendering of accounts and such other matters, the rules, of implementation as applicable to Departments of the Government shall *mutatis mutandis* apply in case of a Gram Panchayat and Zilla Parishad.

**92. Power to appoint Administrator in certain cases.**—(*1*) Whenever,—

(*a*) any general election to a Zilla Parishad under this Act or any proceedings consequent thereon has been stayed by an order of a competent court, or authority; or

(*b*) all the members or more than two-thirds of the members of a Zilla Parishad have resigned,

the Government shall by notification in the Official Gazette appoint an Administrator for such period as may be specified in the notification and may, by like notification, curtail or extend the period of such appointment, so however, that the total period of such appointment shall not exceed six months.

(*2*) Notwithstanding anything contained in this Act, on the appointment of an Administrator under sub-section (*1*) the Zilla Parishad and the Committees thereof and the Adhyaksha, or Up-Adhyaksha of such Zilla Parishad charged with carrying out the provisions of this Act, or any other law, shall cease to exercise any powers and perform and discharge any duties or functions conferred or imposed on them by or under this Act or any other law and all such powers shall be exercised and all such duties and functions shall be performed and discharged by the Administrator during the period of such appointment.

**93. Removal of members for misconduct, etc.**—The Government if it thinks fit on the recommendation of the Gram Panchayat or Zilla Parishad or otherwise, may remove any member after giving him an opportunity of being heard and after such enquiry as it deems necessary if such members has been guilty of misconduct in the discharge of his duties or of any disgraceful conduct or has become incapable of performing his duties as a member.

**94. Restrictions on withdrawal of powers and functions from the Panchayats.**—(*1*) Notwithstanding the transfer of any power, functions and duties in respect of any matter to a Panchayat under this Act the Government on a proposal from Panchayat in that behalf or where it is satisfied that by reason of a change in the nature of the matter such as the conversion of a primary health centre into a secondary health centre or hospital or the conversion of a seed multiplication farm into an agricultural research farm or a road becoming a part of a highway, the matter would cease to be a matter in relevant Panchayat functions list and it is necessary to withdraw from the Panchayat powers, functions or duties in respect of such matter, may, by notification in the Official Gazette, withdraw such powers, functions and duties with effect from the date specified in the notification and make such incidental and consequential orders as may be necessary to provide for matters including the taking over of the property, right and liabilities, if any vesting in the Panchayat and of the staff, if any, which may have been transferred to the Panchayat as the case may be.

**95. Preparation of development plans.**—(*1*) Every Gram Panchayat shall prepare every year a development plan and submit it to the Zilla Parishad before such date and in such form as may be prescribed.

(*2*) Every Zilla Parishad shall prepare every year a development plan of the District after including the development plans of the Gram Panchayat and submit it to the District Planning Committee constituted under section 96 of this Act.

**96. District Planning Committee.**—(*1*) The Government shall constitute in every district a District Planning Committee to consolidate the plans prepared by the Zilla Parishad, Gram Panchayats, Nagar Panchayat, Municipal Council and Municipal Corporation in the district and to prepare a draft development plan for the district as a whole.

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

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

(*b*) all the members or the State Legislative Assembly whose constituencies lie within the district;

(*c*) Adhyaksha of the Zilla Parishad;

(*d*) Mayor or the President of the Municipal Corporation or the Municipal Council respectively, having jurisdiction over the headquarters of the district; and

(*e*) such number of persons not less than four-fifth of the total number of members of the Committee as may be specified by the Government elected in the prescribed manner from amongst the members of the Zilla Parishad, Nagar Panchayat and Councillors of the Municipal Corporation and the Municipal Councils in the district, in proportion to the ratio between the population of the rural areas and of the urban areas in the district.

(*3*) The Chairman of the District Co-operative Banks and of the Land Development Bank shall be permanent invitees of the Committee.

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

(*5*) The Deputy Commissioner of the districts shall be the Chairman of the District Planning Committee.

(*6*) The District Planning Committee shall consolidate the plans prepared by the Zilla Parishad, Gram Panchayat, Nagar Panchayat, Municipal Council and the Municipal Corporations in the district and prepare a draft development plan for the district as a whole.

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

(*a*) have regard to—

(*i*) the matters of common interest between the Zilla Parishad, Gram Panchayats, Nagar Panchayats, Municipal Corporation and Municipal Councils in the district including spatial planning sharing of water and other physical and natural resource, the integrated development of infrastructure and environmental conservation,

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

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

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

**97. Finance Commission for Panchayats.**—(*1*) The Governor shall constitute every five years a Finance Commission to review the financial position of the Zilla Parishads and Gram Panchayats and to make recommendations to the Government as to—

(*a*) the principles which should govern—

(*i*) the distribution between the State and the Zilla Parishads and the Gram Panchayats and the net proceeds of the taxes, duties, tolls and fees leviable by the Government which may be divided between them and allocation between the Zilla Parishad and Gram Panchayat of their respective shares of such proceeds;

(*ii*) the determination of the taxes, duties, tolls and fees which may be assigned to or appropriated by the Zilla Parishad and Gram Panchayat;

(*iii*) the grants-in-aid to the Zilla Parishads and Gram Panchayats from the Consolidated Fund of the State;

(*b*) the measures needed to improve the financial position of the Zilla Parishads and Gram Panchayats; and

(*c*) any other matter referred to the Finance Commission by the Governor in the interest of sound finance of the Zilla Parishads and Gram Panchayats.

(*2*) The Finance Commission shall consist of a member.

(*3*) The member of Finance Commission shall be appointed in such manner as may be prescribed from among persons who—

(*a*) have experience in public affairs; or

(*b*) are or have been, or are qualified to be appointed as a Judge of a High Court; or

(*c*) have special knowledge of the finances and accounts of Governments; or

(*d*) have had wide experience in financial matters and in administration; or

(*e*) have special knowledge of economics.

(*4*) The Finance Commission shall determine its procedure.

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(*5*) The 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 occurring due to the resignation of the member under sub-section (*5*) or for any other reason may be filled by fresh appointment and a member so appointed shall hold office for the remaining period for which the member in whose place as he was appointed would have held office.

(*7*) In the performance of its functions, the Commission shall have the following powers, namely:—

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

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

(*c*) such other powers as may be prescribed.

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

**98. State Election Commission.**—(*1*) There shall be a State Election Commission constituted by the Government for superintendence, direction and control of the preparation of electoral rolls for, and the conduct of all elections to the Panchayat bodies in the State under this Act and the rules made thereunder.

(*2*) The Commission shall consist of a State Election Commissioner to be appointed by the Governor.

(*3*) The conditions of services and tenure of office of the State Election Commissioner shall be such as the Governor may by rule determine:

Provided that the State Election Commissioner shall not be removed from his office except in like manner and on the like grounds as a Judge of the High Court and the conditions of service of the State Election Commissioner shall not be varied to his disadvantage after his appointment.

(*4*) The Government shall, when so requested by the State Election Commission, make available to the State Election Commission such staff as may be necessary for the discharge of the functions conferred on the State Election Commission under this Act.

**99. Determination of elected members after Census.**—Upon the publication of the figures of each Census, the number of elected members of a Panchayat shall be determined by the State Government on the basis of the population of the Panchayat area as ascertained at that Census:

Provided that the determination of the number as aforesaid shall not affect the then composition of the Panchayats existing at the time of the publication of Census under this section until the expiry of its term.

**100. Qualification of membership for election to Panchayat or Zilla Parishad.**—Every person whose name is in the list of voters within the Gram Panchayat or Zilla Parishad constituency and is ordinarily resident within the Gram Panchayat or Zilla Parishad area shall, unless disqualified under this Act or under any other law for the time being in force, be qualified to be elected as a member of the Gram Panchayat:

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

**101. Disqualification for Memberships.**—(*1*) A person shall be disqualified for being chosen and for being a member of a Gram Panchayat or Zilla Parishad,—

(*a*) if he has not attained the age of twenty-one years;

(*b*) if he is so disqualified by or under any law for the time being in force for the purposes of elections to the State Legislatures;

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(*c*) if an order has been passed against him under section 117 of the Code of Criminal Procedure, 1973 (2 of 1974), in proceedings instituted under section 110 of the Code, such order not having been subsequently revised or quashed; or

(*d*) if he has been dismissed from the service under any local authority; or

(*e*) if, having been a legal or medical practitioner or a chartered accountant, his name has been removed from the rolls or he is suspended by order of a competent authority, the disqualification in the latter case being operative during the period of such suspension; or

(*f*) if he has been removed from membership of any local authority; or

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

*Explanation*.—For the purpose of this clause, a person shall not be deemed to hold any office of profit under the Gram Panchayat or Zilla Parishad by reason only that he is a Pradhan or Up-Pradhan of the Gram Panchayat or an Adhyaksha or Up-Adhyaksha of Zilla Parishad;

(*h*) if, save as hereinafter provided he has directly or indirectly any share or interest in any work done by order of the Gram Panachayat or the Zilla Parishad or in any contract or employment with, or under, or by, or on behalf of the Gram Panachayat or the Zilla Parishad; or

(*i*) if he is employed as a paid legal practitioner on behalf of the Gram Panchayat or the Zilla Parishad or accepts employments as legal practitioner against the Gram Panchayat or Zilla Parishad; or

(*j*) if arrears of any kind are due by him to the Gram Panchayat or the Zilla Parishad under this Act:

Provided that,—

(*a*) the disqualification in clause (*b*) shall cease to operate after the expiry of the period during which a person is ordered to furnish security;

(*b*) the disqualification in clause (*d*) or clause (*e*) shall cease to operate after the expiry of five years from the date of such sentence or dismissal, or disenrolment or earlier by an order of the Government;

(*c*) the disqualification in clause (*f*) shall cease to operate after the expiry of five years from the date of such removal;

(*d*) a person shall not be deemed to have incurred disqualification under clause (*h*) by reason of his,—

(*i*) having a share in any joint stock company or a share or interest in any association registered under the Manipur Societies Registration Act, 1989 (1 of 1990) in any co-operative society, which shall contract with or be employed by or on behalf of the Gram Panchayat or the Zilla Parishad; or

(*ii*) having a share or interest in any newspaper in which any advertisement relating to the affairs of the Gram Panchayat or the Zilla Parishad is inserted; or

(*iii*) holding a debenture or being otherwise concerned in any loan raised by or on behalf of the Gram Panchayat or the Zilla Parishad.

(*2*) If any question arises as to whether a member of a Panchayat at any level has become subject to any of disqualification mentioned in sub-section (*1*), the question referred for the decision of Election Tribunal.

(*3*) If a person who is chosen as a member of a Panchayat is or becomes Member of the House of the People, the Council of States, the State Legislative Assembly or the State Legislative Council, or is or becomes a Municipal Councillor or a Councillor of Municipal Corporation or a Member of a Sanitary

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Board, and other Panchayat, then within fifteen days from the date of commencement of the term of office of a Member of the House of the People, the Council of States, the State Legislative Assembly or State Legislative Council or of a Municipal Councillor or a Councillor of a Municipal Corporation or a Member of such other Panchayat his seat in the Panchayat shall become vacant unless he has previously resigned his seat in the House of the People, the Council of States, the State Legislative Assembly or the State Legislative Council or the Municipal Corporation of the Board or such other Panchayat, as the case may be.

**102. Power of State Government to rescind or suspend resolution of a Gram Panchayat or Zilla Parishad.**—(*1*) The State Government may, within a period of six months, by order in writing, rescind any resolution passed by a Gram Panchayat or a Zilla Parishad, if in its opinion such resolution,—

(*a*) has not been legally passed; or

(*b*) is in excess, or abuse of the powers conferred by, or under this Act or in rules made thereunder.

(*2*) The State Government shall, before taking any such action under sub-section (*1*) give the Gram Panchayat or the Zilla Parishad concerned an opportunity for making representation against the proposed order.

**103. Constitution of Election Tribunal.**—(*1*) The Government shall constitute Election Tribunal consisting of one member to be appointed by that Government to dispose of:—

(*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.

(*2*) The Headquarter of the Tribunal shall be at such place as may be notified.

(*3*) The decision of the Election Tribunal made under sub-section (*1*) shall be final.

**104. Annual Administration report.**—(*1*) As soon as may be after the first day of April in every year and not later than such date as may be fixed by the Government, the Chief Executive Officer of the Zilla Parishad shall prepare a report on the administration of the Zilla Parishad during the preceding year in such form and with such details as the Government may direct and submit the report to the Zilla Parishad. After approval by the Zilla Parishad the report shall be submitted to the Government.

(*2*) The report submitted to the Government under sub-section (*1*) shall together with a memorandum by the Government reviewing the working of the Zilla Parishad be laid before the House of the State Legislature.

**105. Power to make Rules.**—(*1*) The State Government may, by notification In the Official Gazette, make rules for carrying out the purposes of this Act.

(*2*) Without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(*a*) the procedure for convening and holding the meetings of Gram Sabha under section 6;

(*b*) the manner for publication of Electoral Rolls of Gram Panchayat and the authority competent to publish the same as referred to in sub-section (*1*) of section 16;

(*c*) the manner for filing an appeal against the order of the authority publishing the Electoral Rolls as referred to in sub-section (*5*) of section 13;

(*d*) the rotation of the reserved seats in constituencies of a Gram Panchayat under sub-sections (*1*) and (*3*) of section 19;

(*e*) the procedure for election of Pradhan and members of Gram Panchayat under section 21;

(*f*) the manner for filling up the casual vacancies in Gram Panchayat referred to in sub-section (*1*) of section 23;

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(*g*) the payment of honorarium and other allowances to Pradhan and Up-Pradhan under sub-section (*2*) of section 27;

(*h*) powers, functions and duties of Pradhan and Up-Pradhan as referred to in clause (*g*) of sub-section (*1*) and clause (*c*) of sub-section (*2*) of section 28;

(*i*) the authority competent to receive and accept the resignation of Pradhan and Up-Pradhan;

(*j*) the officers to whom the notice of meeting of the Gram Panchayat is to be forwarded by the Secretary under sub-section (*3*) of section 32;

(*k*) the manner for co-opting the members by Standing Committee under clause (*b*) of sub-section (*2*) of section 38;

(*l*) the custody in which Gram Panchayat fund shall be kept as referred to in clause (*c*) of sub-section (*2*) of section 39;

(*m*) the procedure for preparation and approval of the budget of Gram Panchayat under section 42 and maintenance of accounts and its audit under sections 43 and 44;

(*n*) appointment, terms and conditions of service, pay and allowances and other service conditions of the Secretary as referred to in section 45;

(*o*) the manner of election of members to Zilla Parishad under section 50;

(*p*) the manner for filling up the casual vacancy in Zilla Parishad referred to in section 51;

(*q*) the rotation of reserved seats in constituencies of Zilla Parishad under sub-sections (*1*) and (*3*) of section 52;

(*r*) the manner for reservation of seats of Adhyaksha and Up-Adhyaksha of Zilla Parishad referred to in sub-section (*2*) of section 54;

(*s*) salary and allowances of Adhyaksha and Up-Adhyaksha and sitting fee and other allowances to the members of Zilla Parishad under section 55;

(*t*) powers, functions and duties of Adhyaksha and Up-Adhyaksha referred to in section 56;

(*u*) the authority competent to receive and accept the resignation of Adhyaksha and Up-Adhyaksha under sub-section (*2*) of section 57;

(*v*) the additional duties to be performed by the Committees under sub-section (*8*) of section 66;

(*w*) the maximum rate of taxes to be levied by a Zilla Parishad;

(*x*) preparation and approval of budget for Zilla Parishad under section 72;

(*y*) maintenance of accounts of Zilla Parishad and their audit referred to in sections 73 and 74;

(*z*) the terms and conditions for appointment of Additional Chief Executive Officer, Chief Accounts Officer, Chief Planning Officer and other staff members under section 75;

(*aa*) the superintendence and control of the affairs of Zilla Parishad by the Chief Executive Officer referred to in clauses (*c*) and (*e*) of sub-section (*1*) of section 76;

(*ab*) the limits of fine to be imposed by Gram Panchayat under sub-section (*2*) of section 79 and the manner of publication of bye-laws of Gram Panchayat under sub-section (*4*) of the said section;

(*ac*) the manner for appointment of member of Finance Commission referred to in sub-section (*3*) of section 97.

(*3*) Every rule made under this Act shall be laid, as soon as may be, after it is made, before the Legislative Assembly while it is in session, for a total period of twenty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the successive sessions aforesaid, the House agrees in making modification in the rule or that the rule should not be made, the rule shall thereafter have effect only in such modified

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form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

**106. Bar to interference by Courts in electoral matters.**—Notwithstanding anything in this Act—

(*a*) the validity of any law relating to the delimitation of constituencies or the allotment of seat to such constituencies, made or purporting to be made under the relevant provision of the Constitution of India shall not be called in question in any Court;

(*b*) no election to any Panchayat shall be called in question in any Court.

**107. Taking of oath.**—Every member, Adhyaksha or Up-Adhyaksha of the Zilla Parishad and every Member, Pradhan or Up-Pradhan of a Gram Panchayat shall before taking his seat, make at a meeting of the Zilla Parishad or Gram Panchayat as the case may be, an oath or affirmation of his allegiance to the Constitution of India in the following form, namely:—

I,..... being a Member/Adhyaksha/Up-Adhyaksha/Pradhan/ Up-Pradhan of the..... do swear in the name of God (or solemnly affirm) that I will bear true faith and allegiance to the Constitution of India as by law established and that I will faithfully discharge the duty upon which I am about to enter.

**108. Repeal and savings.**—(*1*) The Manipur Panchayati Raj Act, 1975 (Manipur Act 12 of 1975) is hereby repealed.

(*2*) Notwithstanding the repeal of the Manipur Panchayati Raj Act, 1975 (hereinafter referred to as the repealed Act) the repeal shall not affect:—

(*a*) the previous operations of the repealed Act or anything duly done or suffered thereunder; or

(*b*) any right, privilege, obligation or liability acquired, accrued or incurred under the repealed Act; or

(*c*) any penalty, forfeiture or punishment incurred in respect of any offence committed under the repealed Act; or

(*d*) any investigation, legal proceedings or remedy in respect of such right, privilege, obligation, liability, forfeiture or punishment as aforesaid, and any such investigation, legal proceedings or remedy may be instituted, continued or enforced, and any such penalty, foreiture or punishment may be imposed as if this Act had not been passed.

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

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