

## APPENDIX

1. Mandal Panchayat, Indore.
2. Shri Bhagwati Prasad Chaturvedi, Visharad, Amalya Hat, Narsinghgarh, Madhya Pradesh, Member of Gram Samiti.
3. Shri Rasulan Shah, Jewar, Gram Jewar, Tahsil Jatara.
4. Shri Ashraf Ali Shah, Jewar Secretary, District Social Party, Tikamgarh.
5. Shri Lokendra Singh Sarpanch, Mandal Panchayat, Morena.
6. Shri Daulat Ram Chaudhary, Manager, Member, Nyaya Panchayat, Sinawal.
7. Shri Vasanty Devy, Sarpanch, Mandal Panchayat, Gwalior.
8. Shri Laxman Singh, President, *Ad hoc* Committee, Centre Ichhawar, Paenkhidi, District Sagar.
9. Shri Vasanti Devi, Sarpanch, Mandal Panchayat, Gird.
10. Shri Mohan Lal, Santhani, President, Janapada Sabha, Raipur, Madhya Pradesh.
11. Shri Rajkumar Chaube, Vice-President, Divisional Panchayat Council, Daulat Ganj, Lashkar-Gwalior.

**MADHYA PRADESH BILL**

No. 17 of 1960.

**THE MADHYA PRADESH PANCHAYATS BILL, 1960**

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THE SCHEDULE

(As amended by the Select Committee)

**MADHYA PRADESH BILL**

No. 17 of 1960.

[Omissions made by Select Committee are shown in square brackets and additions and alterations are side-lined or underlined.]

**THE MADHYA PRADESH PANCHAYATS BILL, 1960**

**A Bill to consolidate and amend the law relating to constitution and organisation of Panchayats as units of local Government in rural areas in Madhya Pradesh.**

Be it enacted by the Madhya Pradesh Legislature in the Eleventh Year of the Republic of India as follows:—

**CHAPTER I—PRELIMINARY**

1. (1) This Act may be called the Madhya Pradesh Panchayats Act, 1960. Short title, extent and commencement.

(2) It extends to the whole of Madhya Pradesh.

[(3) This section and section 389 shall come into force at once and the Government may by notification bring all or any of the remaining provisions of this Act into force in respect of any area on such date as may be specified therein and different dates may be specified for different provisions of this Act and for different areas].

(3) This Act shall come into force on such date as the State Government may, by notification, appoint; and different dates may be appointed for different areas and for different provisions of this Act.

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

- (i) "Adivasi Panchayat" means an Adivasi Panchayat established under section 98;
- (ii) "Bench" means a bench of Nyaya Panchayat constituted under section 232;
- (iii) "block" means such area in a district as the Government may, by notification, declare to be a block under section 110;
- (iv) "Board" means a Conciliation Board constituted under section 201;
- (v) "building" includes a hut, shed, or other enclosure whether used as human dwelling or for any other purpose whatsoever and shall include wells, walls, verandahs, fixed platforms, plinths, door steps and the like but shall not include a tent or a temporary shed erected on ceremonial or festive occasions;
- (vi) "Chairman" means the Chairman of a Zila Panchayat;
- (vii) "Chief Executive Officer" means the Chief Executive Officer of the Janapada Panchayat appointed under section 151;

- [(viii) "Convenor" means a convenor of a Functional Committee elected under sub-section (4) or (5) of section 19 ;]
- [(ix) "Deputy Convenor" means a Deputy Convenor of a Functional Committee elected under sub-section (4) ;]
- (x) "Factory" shall have the meaning assigned to it in the Factories Act, 1948 (LXIII of 1948) ;
- (xi) "Functional Committee" means a Functional Committee of a Gram [Sabha class II or Gram Sabha class III] Panchayat constituted under section [19] 39 ;
- (xii) "Gram Panchayat" means a Gram Panchayat established under section 17 ;
- (xiii) "Gram Sabha" means the Gram Sabha established under section [5] 4 ;
- (xiv) "Gram Sabha area" means the area comprised within the village or villages for which a Gram Sabha is established ;
- (xv) "land" includes benefits arising out of land, houses and things attached to the earth, or permanently fastened to anything attached to the earth and also land which is being built upon or is built upon or covered with water ;
- (xvi) "Municipal Law" means a law for the time being in force for the organisation and administration of municipalities, town areas, notified areas or municipal corporations in the State ;
- (xvii) "Nyaya Panchayat" means a Nyaya Panchayat constituted under section 217 ;
- (xviii) "Nyaya Panchayat Circle" means the area or areas within the jurisdiction of a Nyaya Panchayat ;
- (xix) "nuisance" includes any act, omission, place or thing which causes or is likely to cause injury, danger, annoyance or offence to the sense of sight, smell or hearing or disturbance to rest or sleep of the community or which is or may be dangerous to life or injurious to the health or property or offends against public morality ;
- (xx) "occupier" means any person in actual possession of any land or building and includes an owner in actual possession, and a tenant or licensee, whether such tenant or licensee is liable to pay rent or not ;
- (xxi) "offensive matters" include animal carcasses, dung, dirt, sewage or putrid or putrifying substances and filth of any kind ;
- (xxii) "owner" when used with reference to any land or building includes the person for the time being receiving the rent of the land or building or of any part of the land or building whether on his own account or as agent or trustee for any person or

- society or for any religious or charitable purpose, or as a receiver who would receive such rent if the land, building or part thereof were let to a tenant;
- (xxiii) "Panch" means a member of an Adivasi Panchayat, a Gram Panchayat, a Nyaya Panchayat or a Pargana Panchayat, as the case may be;
- (xxiv) "Panchayat" includes a Gram Panchayat, a Janapada Panchayat and a Zila Panchayat;
- (xxv) "Pargana Panchayat" means a Pargana Panchayat constituted under section 107;
- (xxvi) "Pradhan" and "Up-pradhan" means the Pradhan and Up-pradhan respectively of a Nyaya Panchayat;
- (xxvii) "Prescribed Authority" in any provision of this Act means such officer or authority as the Government may, by notification, direct to discharge the functions of a prescribed authority under that provision;
- (xxviii) "President" and "Vice-President" means the President and the Vice-President respectively of a Janapada Panchayat;
- (xxix) "Public ferry" means a ferry used for the conveyance for hire of any passenger, animal, cart, carriage or other vehicle or goods;
- (xxx) "Public market" means any market belonging to a Panchayat or acquired, constructed, maintained or managed by a Panchayat;
- (xxxi) "Public place" means any place, building or structure not being private property, which is open to use or enjoyment of the public, whether such place, building or structure is vested in a Panchayat or not;
- (xxxii) "Public street" means any road, foot-way, square, court, alley or passage, accessible, whether permanently or temporarily to the public, whether a thorough-fare or not;
- (xxxiii) ["Sarpanch" and "Upsarpanch" means the Sarpanch and the Upsarpanch of a Gram Sabha ;]
- (xxxiii) "Sarpanch" and "Upsarpanch" means the Sarpanch and the Up-Sarpanch respectively of a Gram Panchayat;
- (xxxiv) "tax" includes a tax, toll, cess, rate, fee or other impost leviable under this Act, but does not include a fine;
- (xxxv) "vehicle" includes a bicycle, rickshaw, tricycle, motor car and every wheeled conveyance which is used or is capable of being used on a public street;
- (xxxvi) "water course" includes any river, stream or channel, whether natural or artificial;
- (xxxvii) "Zila Panchayat" means a Zila Panchayat established under section 173.

#### CHAPTER II—GRAM SABHAS

[3. There shall be the following classes of Gram Sabhas:—

- (i) Gram Sabha, Class I ;

Classification of Gram Sabha.



- (ii) Gram Sabha, Class II ; and  
 (iii) Gram Sabha, Class III.]

Establishment of  
Gram Sabha.

[4. (1) The State Government may, by notification, establish—

- (a) a Gram Sabha Class I for a village or group of villages having a population exceeding 3,000;  
 (b) a Gram Sabha Class II for a village or group of villages having, a population exceeding 1,500 but not exceeding 3,000;  
 (c) a Gram Sabha Class III for a village or group of villages having a population of not exceeding 1,500.

(2) Notwithstanding anything contained in sub-section (1), the State Government may, by notification, for reasons to be specified therein—

- (a) establish a Gram Sabha of any class for any village or group of villages irrespective of the population thereof ; or  
 (b) declare a Gram Sabha of any class to be a Gram Sabha of a higher or lower class with effect from such date as may be specified therein.

(3) A notification under this section shall specify the class of the Gram Sabha and the name by which it shall be known and shall define the limits of the area or areas within its jurisdiction. Such notification shall be conclusive evidence of the class to which the Gram Sabha belongs.]

Establishment of  
Gram Sabha.

4. (1) The State Government may, by notification, establish a Gram Sabha for a village or group of adjoining villages having population of one thousand or more :

Provided that the State Government may for special reasons establish a Gram Sabha for a village having population of less than one thousand.

(2) A notification under this section shall specify the name of the Gram Sabha by which it shall be known and shall define the limits of the area within its jurisdiction. It shall also specify the population of village or group of villages to which it relates and it shall be conclusive evidence of the population of such village or group of villages for the purposes of this Act.

Constitution of  
Gram Sabha.

5. [(1)] A Gram Sabha [Class I] shall consist of all persons whose names are included in the list of voters prepared under section 7.

[(2)] A Gram Sabha Class II or Class III shall consist of all persons whose names are included in the list of voters prepared under section 81.

[(3)] A member of a Gram Sabha shall hold office for life:]

[Provided that if his name is removed from the list of voters under the provisions of the Act or the rules made thereunder, shall cease to hold office with effect from the date of such removal].

6. (1) For every Gram Sabha area there shall be a List of voters of Gram Sabha. list of voters which shall be prepared in accordance with the provisions of this Act under the superintendence, direction and control of the Collector or such other officer not below the rank of the Naib-Tahsildar, as may be authorised by him in this behalf.

(2) The State Government shall make rules consistent with this Act generally providing for the preparation, revision and correction of the list of voters from time to time and publication thereof.

7. (1) Subject to the provisions of sub-section (2) every List of voters of person who is qualified to be registered in the Assembly Roll Gram Sabha, relating to the Gram Sabha area or whose name is entered therein and is ordinarily resident within the Gram Sabha area shall be entitled to be registered in the list of voters of that Gram Sabha area :

Provided that no person shall be entitled to be registered in the list of voters for more than one Gram Sabha area.

**Explanation.**—The expression “ordinary resident” shall have the meaning assigned to it in section 20 of the Representation of the People Act, 1950 (43 of 1950).

(2) A person shall be disqualified for registration in the list of voters of a Gram Sabha, if—

- (i) he is disqualified for registration in the Assembly roll ;
- (ii) he is convicted of an offence under the Untouchability (Offences) Act, 1955 (22 of 1955), unless a period of five years or such lesser period as the State Government may allow in any particular case, has elapsed since his conviction.

18. (1) Subject to the provisions of sub-section (2), List of voters every head of the family who is qualified to be registered Gram Sabhas in the Assembly roll relating to the Gram Sabha area or Class II and whose name is entered therein shall be entitled to be registered Class III. in the list of voters of that Gram Sabha area :

Provided that if the head of the family does not desire to be registered in the list of voters he may nominate any member of his family qualified to be registered in the Assembly roll, in such manner as may be prescribed; and such member shall be entitled to be registered in the list of voters in place of the head of the family :

Provided further that if the family consists of more than 7 members, one additional member of the family who is qualified to be registered in the Assembly roll and is nominated by the head of the family in the prescribed manner shall be entitled to be registered in the list of voters.

**Explanation.**—For the purposes of this section—

- (i) all persons who are inter-related and are jointly residing as members of a family shall be deemed to constitute one family ;

VIDHAN SABHA SECRETARIAT  
MADHYA PRADESH



**REPORT**  
OF THE  
**SELECT COMMITTEE**  
ON  
**THE MADHYA PRADESH PANCHAYATS BILL, 1960**  
(No. 17 of 1960)  
AND  
**BILLS AS AMENDED BY THE SELECT COMMITTEE**

BHOPAL  
GOVERNMENT CENTRAL PRESS  
1961

- (ii) the eldest member of the family who is enrolled on the Assembly roll relating to the Gram Sabha area shall be deemed to be the head of the family;
- (iii) where a person is residing alone within the Gram Sabha area, he shall be deemed to be a head of the family.

(2) A person shall be disqualified for registration in the list of voters of a Gram Sabha area of a Gram Sabha Class II or Class III if—

- (i) he is disqualified for registration in the Assembly roll relating to such area;
- (ii) he is convicted of an offence under the Untouchability (Offences) Act, 1955 (22 of 1955), unless a period of five years or such less period as the Government may allow in any particular case has elapsed since his conviction.

(3) For the purpose of preparing a list of voters under this section, the authority specified in section 6 shall cause a register of families to be prepared and maintained in such form and in such manner as may be prescribed.]

**Preparation and revision of list of voters.**

[9. The State Government shall make rules consistent with this Act generally providing for the preparation, revision and correction of the list of voters from time to time and publication thereof.]

**Election of Sarpanch and Upsarpanch of Gram Sabha.**

[10. Every Gram Sabha shall elect from amongst its members, a Sarpanch and an Upsarpanch within such time and in such manner as may be prescribed:

Provided that if the Gram Sabha fails to elect a Sarpanch or an Upsarpanch within the time prescribed, the State Government shall appoint any member of the Gram Sabha to be the Sarpanch or Upsarpanch, as the case may be, thereof.]

**Sarpanch and Upsarpanch of Gram Sabha.**

10. The Sarpanch and Upsarpanch of the Gram Panchayat shall be ex-officio Sarpanch and Upsarpanch respectively of the Gram Sabha.

**Terms of office of Sarpanch and Upsarpanch.**

[11. (1) The term of office of the Sarpanch and Upsarpanch shall be co-terminus with the term of office of the Panchas of the Gram Panchayat.

(2) After the expiry of the term of his office the Sarpanch shall continue to carry on the current duties of his office until such time as the election or appointment of his successor is notified.

(3) (a) As soon as may be after the election or appointment of a new Sarpanch is notified, the outgoing Sarpanch shall hand over to him the charge of office.

(b) If the outgoing Sarpanch fails or refuses to hand over charge of his office as required under clause (a), the prescribed authority may by order in writing direct the outgoing Sarpanch to hand over forthwith charge of his office and all papers and property in his possession as such Sarpanch, to the new Sarpanch.

(c) If an outgoing Sarpanch to whom a direction has been issued under clause (b), fails to comply with the direction he shall on conviction be punished with fine which may extend to hundred rupees and shall be ejected forcibly if necessary from the office by such officer as may be empowered by the prescribed authority in this behalf.]

[12. The Sarpanch or Upsarpanch may resign his office by giving notice in writing to the prescribed authority, but the resignation shall not take effect until it is accepted by the prescribed authority.] **Resignation by Sarpanch or Upsarpanch.**

[13. (1) On a motion of no-confidence being passed by the Gram Sabha by a majority of its members present and voting, the Sarpanch or Upsarpanch against whom such motion is passed shall cease to hold office with effect from the date immediately next after the date on which such motion is passed : **Removal of Sarpanch.**

Provided that no such motion shall be considered by the Gram Sabha unless the Gram Panchayat recommends the removal of the Sarpanch or Upsarpanch, as the case may be, from his office by a resolution passed by a majority of not less than two-third of the Panchas present and voting and such majority is not less than one half of the total number of Panchas constituting the Gram Panchayat for the time being.

(2) Notwithstanding anything contained in this Act or the rules made thereunder, a Sarpanch or an Upsarpanch shall not preside over a meeting in which a motion of no confidence is discussed against him but he shall have a right to speak and otherwise to take part in the proceedings of the Gram Panchayat or Gram Sabha.]

[14. (1) The prescribed authority may suspend from office any Sarpanch or Upsarpanch against whom any criminal proceedings have been instituted or who has been detained in a prison during trial under the provisions of any law for the time being in force. **Suspension of Sarpanch or Upsarpanch.**

(2) During the suspension of a Sarpanch under sub-section (1), the current duties of his office shall be performed by the Upsarpanch and in the event of both the Sarpanch and Upsarpanch being suspended, the prescribed authority shall nominate one of the panchas who shall perform all the duties and exercise all the powers of the Sarpanch and Upsarpanch during the period for which such suspension continues.]

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

Provided that the Sarpanch may at any time on his own motion and shall upon a requisition in writing of not less than one-fifth of the total number of members or if required by the Janapada Panchayat or the Zila Panchayat or the Collector, call a meeting of the Gram Sabha within 30 days from the receipt of the requisition.

(2) For any meeting of the Gram Sabha, one-tenth of the total number of members of the Gram Sabha shall form the quorum:

Provided that no quorum shall be necessary for a meeting adjourned for want of quorum.

(3) Any officer authorised in this behalf by the Collector by general or special order shall have the right to speak in, and otherwise to take part in the proceedings of a meeting of the Gram Sabha, but shall not be entitled to vote.

(4) Unless otherwise provided in this Act, the Sarpanch and in the absence of the Sarpanch, the Upsarpanch shall preside over every meeting of the Gram Sabha. In the absence of the Sarpanch and Upsarpanch, the members of the Gram Sabha shall choose one of the Panchas of the Gram Panchayat, if present, and if none of the Panchas is present, one of them to preside.

(5) If any dispute arises as to whether a person is entitled to attend a meeting of the Gram Sabha, such dispute shall be decided by the person presiding regard being had to the entry in the list of voters of the Gram Sabha area and his decision shall be final.

Gram Panchayat  
to place before  
Gram Sabha  
statement of  
accounts, etc.

16. (1) The first meeting of the Gram Sabha in every year shall be held [within two months from] not less than three months prior to the commencement of the financial year, and the Gram Panchayat shall place before such meeting—

- (a) the annual statement of accounts;
- (b) the report of the administration of the preceding financial year ;
- (c) the development and other programme of work proposed for the current financial year;
- (d) the last audit note and replies, if any, made thereto ;
- (e) any other matter which the Janpada Panchayat, the Zila Panchayat, the Collector or any officer authorised in this behalf may require to be placed before such meeting.

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

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

### CHAPTER III—GRAM PANCHAYATS

#### I. Constitution

Establishment  
and incorporation  
of Gram Pancha-  
yat.

17. (1) For every Gram Sabha, there shall be a Gram Panchayat [which shall be of the same class as the Gram Sabha for which it is] constituted in accordance with the provisions of this Act.

(2) Every Gram Panchayat shall be a body corporate by the name of its Gram Sabha having perpetual succession and a common seal and shall by its name sue and be sued and shall subject to the provisions of this Act and the rules made thereunder have power to acquire, hold or transfer property, movable or immovable, to enter into contracts and to do all other things necessary for the purpose of this Act.

18. [(1) Every Gram Panchayat Class I shall consist of such number of members, not being less than 8 and not more than 16, as the Collector may determine. Constitution  
Gram Panchaya  
[Class I.]

(2) Every Gram Panchayat Class I shall be composed of—

- (i) elected members ;
- (ii) Patel of the village in which the headquarter of the Gram Panchayat is situate ;
- (iii) members co-opted or appointed, if any, under sub-sections (3), (5) or (7).]

(1) Every Gram Panchayat shall consist of such number of elected members as is specified in the Table below :—

TABLE

Population of Gram Sabha area.	No. of members.
For a Gram Sabha area having population of 1000 or less.	10
Above 1000 and upto 1500	13
Above 1500 and upto 2000	15
Above 2000 and upto 2500	18
Above 2500 and upto 3000	20
Above 3000 and upto 3500	22
Above 3500 and upto 4000	25
Above 4000 and upto 4500	28
Above 4500	30

(2) Every Gram Panchayat shall be composed of—

- (i) elected members ;
- (ii) members co-opted or appointed, if any, under sub-sections (3), (5) or (7):

Provided that where a Gram Panchayat is constituted for the first time, the Gram Panchayat shall be composed of members appointed by the State Government and such members shall, except as otherwise provided by this Act, hold office for a term of one year from the date of the publication of notification of such appointment in the Gazette or till such further period not exceeding one year in the aggregate as the State Government may by notification, from time to time specify.

(3) [(i) If the elected members do not include a woman the Gram Panchayat shall co-opt a woman, who is a member

of the Gram Sabha and is qualified for being a member of Gram Panchayat, to be a member of the Gram Panchayat;]

(i) If the elected members do not include a woman or include less than two women, the Gram Panchayat shall co-opt such number of women who are members of the Gram Sabha and are qualified for being members of the Gram Panchayat as would make the total number of women members at least two.

(ii) If there is one or more Co-operative Societies in the Gram Sabha area and the elected members do not include the Chairman of any such Co-operative Society, [the Collector shall appoint] the Gram Panchayat shall co-opt a Chairman of any of such Co-operative Societies who is a member of the Gram Sabha and is qualified for being a member of Gram Panchayat, to be a member of the Gram Panchayat.

(4) Each Gram Sabha area shall be divided into such number of wards and the number of members of a Gram Panchayat to be elected from each ward shall be such as may be determined by the Collector.

(5) Where there are members belonging to the Scheduled Castes or Scheduled Tribes residing within the Gram Sabha area, such number of seats shall be reserved for the members of Scheduled Castes or Scheduled Tribes on the Gram Panchayat as shall bear, as nearly as may be, the same proportion to the total number of seats in the Gram Panchayat as the population of the members of the Scheduled Castes or Scheduled Tribes in the Gram Sabha area bears to the total population of such area:

[Provided that such reservation shall be subject to the period specified in Article 334 of the Constitution of India, but the fact that the reservation of seats has ceased to have effect shall not render any person elected or appointed and in office immediately before such ceaser ineligible from continuing as a Panch during the rest of the term to which he was validly elected ;]

Provided [further] that in case no reservation of seats is possible as aforesaid due to small population of scheduled castes or Scheduled tribes, as the case may be, and the elected members do not already include a member of such castes or tribes, [the State Government may appoint] the Collector shall appoint a member of the Scheduled castes or the Scheduled tribes, as the case may be, to be a member of the Gram Panchayat.

(6) If any person is co-opted or appointed as a member of a Gram Panchayat in accordance with the provisions of this section, the total number of members of such Gram Panchayat as fixed under sub-section (1) shall be deemed to have been increased by the number of members so co-opted or appointed.

(7) If for any reason an election does not result in the return of the required number of persons qualified to be Panchas, the Government or the prescribed authority shall, as soon as possible, appoint from amongst persons qualified to be elected, such persons as are necessary to make up the required number



and the persons so appointed shall, for all purposes of this Act be deemed to have been duly elected under the provisions of this Act.

[19. (1) Every Gram Sabha Class II and Class III shall have the following Functional Committees for the purpose of exercising such powers, discharging such duties and performing such functions of the Gram Panchayat as may be delegated or assigned to them by the Gram Panchayat:—

Constitution of  
Functional Com-  
mittees of Class  
II and Class III  
Gram Sabhas.

(1) *Agriculture Committee.*—For functions relating to agriculture, animal husbandry, minor irrigation, compost manuring, seed distribution and other matters connected with development of agriculture and live-stock.

(2) *Industries and Co-operation Committee.*—For functions relating to co-operation, small saving, cottage industries, rural housing, statistics and other allied matters.

(3) *Education and Social Welfare Committee.*—For functions relating to education including special education, health and sanitation including rural water supply and drainage, social welfare, women welfare, relief of distress caused by floods, draught, earthquake, scarcity, locust swarms and other such emergencies.

(4) *Communication and Works Committee.*—For functions relating to communication and works.

(5) *Taxation and Finance Committee.*—For functions relating to taxation and finance.

(2) In addition to the five Functional Committees referred to in sub-section (1), a Gram Sabha may, with the approval of the prescribed authority, constitute one or more of such committees for any other matter not specified in the said sub-section.

(3) A Functional Committee shall consist of 15 members excluding members co-opted under this sub-section, if any, and shall be constituted by the Gram Sabha from amongst its members in such manner as may be prescribed :

Provided that if the functional committee so constituted does not include a woman, the committee shall co-opt a woman who is a member of the Gram Sabha and is qualified to be elected a member of the committee :

Provided further that if the functional committee so constituted does not include a member of the scheduled castes or scheduled tribes, the committee shall co-opt a person belonging to such caste or tribe, who is a member of the Gram Sabha and is qualified to be elected a member of the committee.

(4) Every Functional Committee of a class II Gram Sabha shall elect from amongst its members, a Convener and a Deputy Convener in such manner as may be prescribed.

(5) Every Functional Committee of a class III Gram Sabha shall elect from amongst its members, a Convener.

(6) No person shall be a member of more than two Functional Committees :

Provided that a person may with the permission of the prescribed authority be a co-opted member of more than two Functional Committees.

(7) The procedure for the conduct of business of the Functional Committees shall be such as may be prescribed.

(8) The Gram Panchayat may at any time withdraw the delegation or assignment of powers, duties or functions made under sub-section (1).]

Constitution of  
Gram Panchayat,  
Class II.

[20. (1) Every Gram Panchayat Class II shall be composed of :—

- (i) Conveners and Deputy Conveners of Functional Committee elected under sub-section (4) of section 19 ;
- (ii) Patel of the village in which the headquarter of the Gram Panchayat is situate ;
- (iii) member co-opted or appointed, if any, under sub-section (2).

(2) (i) If the Conveners and Deputy Conveners do not include a woman or a member of Scheduled Castes or Scheduled Tribes, the Gram Panchayat shall co-opt a woman or a member of such castes or tribes, who is a member of the Gram Sabha and is qualified for being a member of Gram Panchayat, to be a member of the Gram Panchayat ;

(ii) If there are one or more Co-operative Societies in the Gram Sabha area, and the Convener and Deputy Conveners do not already include a Chairman of any such Co-operative Society, the Collector shall appoint the Chairman of any of such Co-operative Societies, who is a member of the Gram Sabha and is qualified for being a member of the Gram Panchayat, to be a member of the Gram Panchayat.]

Constitution of  
Gram Panchayat  
Class III.

[21. (1) Every Gram Panchayat Class III shall be composed of—

- (i) Conveners elected under sub-section (5) of section 15;
- (ii) Patel of the village in which the headquarter of the Gram Panchayat is situate ;
- (iii) member co-opted or appointed, if any, under sub-section (2).

(2) If the Conveners do not include a woman or a member of Scheduled Castes or Scheduled Tribes, the Gram Panchayat shall co-opt a woman or member of such castes or tribes who is a member of the Gram Sabha and is qualified for being a member of a Gram Panchayat, to be a member of the Gram Panchayat ;

(ii) if there are one or more Co-operative Societies in the Gram Sabha area, and the Conveners do not already include the Chairman of any such Co-operative Society, the Collector shall appoint the Chairman of any of such Co-operative Societies, who is a member of the Gram Sabha and is qualified for being a member of the Gram Panchayat, to be a member of the Gram Panchayat]

22. The election and co-option of [members] Panchas of a Gram Panchayat [or of a Functional Committee] shall be in accordance with rule made under this Act. Manner of Election and co-option.

23. Every person whose name is included in the list of voters shall unless disqualified under this Act, or any other law for the time being in force be qualified to vote at the election of a Panch of a Gram Panchayat [Sarpanch, Upsarpanch, Panch of a Gram Panchayat and a member of a Functional Committee.] Persons qualified to vote.

24. (1) Subject to the provisions of sub-section (2), every person whose name is included in the list of voters shall unless disqualified under section 27 or under any other law for the time being in force, be qualified to be elected, appointed or co-opted, as the case may be, under this Act as a Sarpanch, Upsarpanch or a Panch of a Gram Panchayat [or a member of a Functional Committee]. Qualifications of candidate.

(2) No Patel of a village in any Gram Sabha area shall be eligible for being [elected], co-opted or appointed as a member of a Functional Committee, Panch, Sarpanch or Upsarpanch of a Gram Panchayat [or a Sarpanch or Upsarpanch of a Gram Sabha.]

25. If a person votes in more than one ward, all his votes shall be void. Exercise of votes in more than one ward.

26. No person shall be eligible for seeking election to a Gram Panchayat from more than one ward. Prohibition of simultaneous membership.

27. (1) No person shall be eligible to be [a member of a Functional Committee or a Panch of a Gram Panchayat or a Sarpanch or an Upsarpanch of a Gram Sabha] a panch, Sarpanch or an Upsarpanch of a Gram Panchayat who— Disqualifications for being [member of Functional Committee] Panch of Gram Panchayat and Sarpanch and Upsarpanch.

(a) has, whether before or after the commencement of this Act, been convicted—

(i) of an offence under the Untouchability (Offences) Act, 1955 (22 of 1955), or under any law in connection with the use, consumption or sale of narcotics or any law corresponding thereto in force in any part of the State, unless a period of five years or such lesser period as the State Government may allow in any particular case, has elapsed since his conviction : or

(ii) of any other offence and been sentenced to imprisonment for not less than six months, unless a period of five years or such lesser period as the State Government may allow in any particular case, has elapsed since his release : or

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

(c) is an applicant to be adjudged an insolvent or is an undischarged insolvent ; or

- [(d) has been removed from any office under this Act or under the provisions of the Municipal law and period of five years has not elapsed from the date of such removal unless he has, by an order of State Government notified in the Gazette, been relieved from the disqualification arising on account of such removal from office; or
- (e) holds any salaried office or place of profit in the gift or disposal of the Gram Panchayat while holding such office or place ; or
- (f) has been dismissed from Government service or service under any local authority, such dismissal having been notified as debarring him from re-employment ; or
- (g) has directly or indirectly, by him or his partner, any share or interest in any work done by order of the Gram Panchayat or in any contract or employment with, by or on behalf of, or under the Gram Panchayat; or]
- (d) holds an office of profit under the Panchayat or is in the service of any other local authority or the Central or State Government ; or
- (e) has been dismissed from the service of the Government or any local authority for corruption or disloyalty to the State, unless a period of five years has elapsed since his dismissal ; or
- (f) has directly or indirectly any share or interest in any contract with, by or on behalf of the Panchayat, while owning such share or interest; or
- (h) is employed as paid legal practitioner on behalf of the Gram Panchayat ; or
- (i) is suffering from a variety of leprosy which is infectious; or [is a deaf, mute or a leper; or]
- (j) [fails to pay tax or fee due to Gram Panchayat within three months from the date on which the amount of such tax or fee is required to be paid under the provisions of this Act ; or]
- (j) has not paid all taxes due by him to the Gram Panchayat at the end of the financial year immediately preceding that in which the election is held or co-option or appointment is made in spite of a demand notice of not less than thirty days made therefor; or
- [(k) is a servant of the Government or of any local authority ; or]
- (l) has voluntarily acquired the citizenship of a Foreign State, or is under any acknowledgement of allegiance or adherence to a Foreign State:

Provided that a person shall not be deemed to have incurred disqualification under clause [(g)] (b) by reason of his—

- (i) having a share in any Joint Stock Company or a share or interest in any Association registered under the Societies Registration Act, or in any Co-operative Society which shall contract with or be employed by or on behalf of the Gram Panchayat ; or
- (ii) having a share or interest in any newspaper in which any advertisement relating to the affairs of the Gram Panchayat is inserted ; or
- (iii) holding a debenture or being otherwise concerned in any loan raised by or on behalf of the Gram Panchayat :

Provided further that the disqualification under clause (j) shall be deemed to have been automatically removed as soon as the Panchayat dues are paid in full.

(2) If a [member of a Functional Committee or a Panch or a Sarpanch or an Upsarpanch of a Gram [Sabha] Panchayat having been elected, appointed or co-opted—

- (a) subsequently becomes subject to any of the disqualifications mentioned in sub-section (1) and such disqualification is not removable or being removable is not removed ;
- (b) accepts employment as legal practitioner against the Gram Panchayat ;
- (c) absents himself for more than four consecutive months from the meetings of the [Functional Committee or] Gram Panchayat unless leave not exceeding six months, so to absent himself, has been granted by the [Functional Committee or] Gram Panchayat ;
- (d) absents himself from three consecutive meetings of the [Functional Committee or] Gram Panchayat or does not attend half the number of meetings held during the period of six months without the leave of the [Functional Committee or the] Gram Panchayat, [as the case may be] ;
- (e) fails to pay any arrears of any kind due by him to the Gram Panchayat in spite of a demand notice of not less than thirty days made therefor ;

he shall subject to the provisions of sub-section (3), cease to be [a member or] a Panch or Sarpanch or Upsarpanch and his office shall become vacant :

Provided that where an application is made by [a member to the functional committee or by] a Panch, [a] Sarpanch or an Upsarpanch to the Gram Panchayat for leave to absent himself under clause (c) or clause (d) and [the Functional Committee or] the Gram Panchayat, [as the case may be] fails to inform the applicant of its

decision on the application within a period of one month from the date of the receipt of the application, the leave applied for shall be deemed to have been granted by [the Functional Committee or] the Gram Panchayat, [as the case may be.]

(3) In every case, the authority competent to decide whether a vacancy has occurred under sub-section (2) shall be the Collector, [The Collector] who may give his decision either on an application made to him by any person, or on his own motion. Until the Collector decides that the vacancy has arisen, the person shall not cease to be [a member] a Panch, Sarpanch or an Upsarpanch, as the case may be :

Provided that no order shall be passed under this sub-section by the Collector against any [member], Panch, Sarpanch or an Upsarpanch without giving him a reasonable opportunity of being heard.

(4) Any person aggrieved by the decision of the Collector under sub-section (3) may within a period of 30 days from the date of such decision, appeal to the Commissioner and the orders of the Commissioner in such appeal shall be final.

**Explanation.**—For removal of doubt it is hereby declared that a person ceasing to be a Sarpanch or Up-Sarpanch under this Section shall cease to be a Panch also.

Terms of office of Panchas [and Members of Functional Committee.]

28. (1) The [members of a Functional Committee and the] Panchas of a Gram Panchayat shall, save as otherwise provided in this Act, enter upon their [respective] offices with effect from the date of the first meeting of the Gram Panchayat fixed under sub-section (2) of section 28-A and hold office for a term of five years:

Provided that the term of office of the outgoing [member or] Panch shall be deemed to extend to, and expire on the day preceding the date of the first meeting of the succeeding Gram Panchayat under sub-section (2) of section 28-A.

Provided further that the State Government may, by notification, extend the term from time to time for a total period not exceeding one year in the aggregate.

[(2) The first meeting of the Gram Panchayat shall be held on the day fixed by the prescribed authority within four weeks from the date on which the election, appointment and co-option is notified under section 29.]

First meeting after general election.

28-A. (1) The prescribed authority shall, with the prior approval of the Collector as soon as may be after every general election call a meeting of the elected members for the purpose of co-opting members as required by section 18, if necessary, and all provisions contained in this Chapter shall, regarding meeting of the Gram Panchayat, as far as may be, apply in respect of the said meeting.

(2) The first meeting shall be held within one month of the date on which the election, appointment or co-option, as the case may be, whichever was last declared.

(3) At the first meeting of the Gram Panchayat, the Panchas present shall choose one from among themselves to be the Chairman of the said meeting.

29. Every election, appointment and co-option of [a member of a Functional Committee or] a Panch, Sarpanch and Upsarpanch shall be notified [by the prescribed authority in the manner prescribed] by the Collector in the prescribed manner. **Notification of election, appointment, etc.**

[30. (1) The Sarpanch and Upsarpanch of a Gram Sabha shall be ex-officio Sarpanch and Upsarpanch respectively of the Gram Panchayat of the Gram Sabha. **Sarpanch, Upsarpanch of Gram Panchayat.**

(2) Unless otherwise expressly provided in this Act, the Sarpanch and the Upsarpanch of a Gram Panchayat shall be deemed to be Panchas thereof for the purposes of this Act.]

30. (1) Every Gram Panchayat shall at its first meeting elect from amongst its members a Sarpanch and an Up-Sarpanch. **Election and term of Sarpanch and Upsarpanch.**

(2) If the Gram Panchayat fails to elect a Sarpanch or an Up-Sarpanch in accordance with this section, the Collector may, by order, direct the Gram Panchayat to elect the Sarpanch or the Up-Sarpanch within the period specified therein and on failure of the Gram Panchayat to do so, appoint any person eligible under sub-section (1) to fill the vacancy.

(3) The State Government may make rules for regulating the mode and time of election or appointment of the Sarpanch and the Up-Sarpanch.

30-A. (1) The term of office of the Sarpanch and Up-Sarpanch shall be co-terminus with the term of office of the Panchas of the Gram Panchayat. **Term of Office of Sarpanch and Upsarpanch.**

(2) After the expiry of the term of his office, the Sarpanch shall continue to carry on the current duties of his office until such time as the election or appointment of his successor is notified.

(3) (a) As soon as may be after the election or appointment of a new Sarpanch is notified, the outgoing Sarpanch shall hand over to him the charge of office.

(b) If the outgoing Sarpanch fails or refuses to hand over charge of his office as required under clause (a), the prescribed authority may by order in writing direct the outgoing Sarpanch to hand over forthwith charge of his office and all papers and property in his possession as such Sarpanch, to the new Sarpanch.

(c) If an outgoing Sarpanch to whom a direction has been issued under clause (b), fails to comply with the direction, he shall on conviction be punished with fine which may extend to one hundred rupees and shall be ejected forcibly, if necessary, from the office by such officer as may be empowered by the prescribed authority in this behalf.

Resignation by Sarpanch or Up-sarpanch.

30-B. The Sarpanch or Up-Sarpanch may resign his office by giving notice in writing to the prescribed authority, but the resignation shall not take effect until it is accepted by the prescribed authority.

No-confidence motion against Sarpanch or Up-sarpanch.

30-C. (1) On a motion of no-confidence being passed by the Gram Panchayat by a resolution passed by a majority of not less than two-third of the Panchas present and voting and such majority is more than one half of the total number of Panchas constituting the Gram Panchayat for the time being, the Sarpanch or Up-Sarpanch against whom such motion is passed, shall cease to hold office with effect from the date immediately next after the date on which such motion is passed.

(2) Notwithstanding anything contained in this Act or the rules made thereunder, a Sarpanch or an Up-Sarpanch shall not preside over a meeting in which a motion of no confidence is discussed against him but shall have a right to speak and otherwise to take part in the proceedings of the meeting.

(3) A meeting for the purposes of this section shall be held in the manner prescribed.

Suspension of Sarpanch or Up-sarpanch.

30-D. (1) The Collector may suspend from office any Sarpanch or Up-Sarpanch against whom any criminal proceedings under Chapter V-A, VI, IX, IX-A, XXII and XVII and sections 302 to 305, 307, 312 to 318, 354 to 366-B, 373 to 377, 390 to 402 and 409 of the Indian Penal Code, 1860 (XLV of 1860) have been instituted or who has been detained in a prison during trial under the provisions of any law for the time being in force.

(2) During the suspension of a Sarpanch under subsection (1), the current duties of his office shall be performed by the Up-Sarpanch and in the event of both the Sarpanch and Up-Sarpanch being suspended, the prescribed authority shall nominate one of the panchas who shall perform all the duties and exercise all the powers of the Sarpanch and Up-Sarpanch during the period for which such suspension continues.

Designation of Panchas.

31. A [member of a Functional Committee or] Panch of a Gram Panchayat may resign his office by giving notice in writing to that effect to the Sarpanch and such resignation shall take effect from the date of its receipt by the Sarpanch.

Removal of Panch.

32. (1) The State Government or the prescribed authority may, after such enquiry as it may deem fit to



make, at any, time, remove [a member of Functional Committee or] a Panch, Sarpanch or Up-Sarpanch of a Gram Panchayat—

- (a) if he has been guilty of misconduct in the discharge of his duties; or
- (b) if his continuance in office is undesirable in the interest of the public:

Provided that no [member or] Panch, Sarpanch or Up-Sarpanch shall be removed unless he has been given an opportunity to show cause why he should not be removed from his office.

(2) A person who has been removed under sub-section (1) shall forthwith cease to be a member of any other Panchayat of which he is a member.

33. In the event of the death, resignation or disqualification of a Sarpanch or an Up-Sarpanch, (a member of a Functional Committee) or a Panch of a Gram Panchayat, or on his becoming incapable of acting before the expiry of his term of office, a casual vacancy shall be deemed to have occurred in such office and such vacancy shall be filled, as soon as may be, by the election, co-option or appointment, as the case may be, of a person thereto as a Sarpanch, an Up-Sarpanch, (a Member of a Functional Committee) or a Panch of a Gram Panchayat, who shall take office forthwith and shall hold such office for the unexpired term of his predecessor:

Filling up of casual vacancies.

Provided that no casual vacancy except that of the office of Sarpanch shall be filled which occurs within a period of four months preceding the date on which the term of office of the person concerned expires.

## II.—Conduct of Business

34. Subject to provisions of this Act, the procedure at a meeting of the Gram Sabha [Functional Committee] and Gram Panchayat shall be such as may be prescribed.

Procedure at meeting.

35. (1) A Gram Panchayat shall meet for the transaction of business at least once in every month at the office of the Gram Panchayat and at such time as the Sarpanch may determine. In special circumstances the meetings of any Gram Panchayat may be held at any other public place within its jurisdiction.

Meeting of Gram Panchayat.

(2) The Sarpanch may, whenever he thinks fit, and shall, upon a written request of not less than one half of the total number of Panchas call a special meeting.

(3) Notice of every meeting specifying the time and place thereof and the business to be transacted thereat shall be despatched to every member and exhibited at the office of the Gram Panchayat seven clear days before an ordinary meeting and three clear days before a special meeting.

(4) The quorum for a meeting of the Gram Panchayat shall be one half of the total number of members. If the quorum is not present at a meeting, the presiding authority shall adjourn

the meeting to such time on the following day or some future date as it may fix. 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 whether there is quorum present or not; provided that not less than one-fifth of the total number of Panchas are present.

(5) At every meeting of Gram Panchayat the Sarpanch and in his absence the Upsarpanch shall preside and in the absence of both, the Panchas present shall choose one from among themselves to be the Chairman for the meeting.

(6) All questions shall, unless otherwise specially provided, be decided by a majority of votes of the members present and voting. The Sarpanch, Upsarpanch, or Chairman as the case may be, unless he refrains from voting shall give his vote before declaring the number of votes for and against the question and in case of equality of votes, he shall give his casting vote.

(7) No Panch shall vote on, and 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 he has any direct or indirect pecuniary interest, other than an interest as a member of public.

(8) If it appears to any Panch present at a meeting that the person presiding at the meeting has any such pecuniary interest in any matter before the meeting for discussion as is referred to in sub-section (7) and a motion brought by him to that effect is carried, such person shall not preside over such meeting during the discussion and the meeting shall be presided over by any other person who would have presided, had the person so presiding been absent.

[Modification or  
cancellation of re-  
solutions.]

[36. No resolution of Panchayat shall be modified or cancelled within three months after passing thereof, except by resolution passed by not less than two-third of the total number of members at an ordinary or special meeting, notice whereof shall have been given fulfilling the requirements of sub-section (3) of section 35 and setting forth fully the resolution which it is proposed to modify or cancel at such meeting and the motion or proposition for the modification or cancellation of such resolution.]

Reconsideration of  
questions disposed  
of by Gram Pancha-  
yat.

36. No subject once finally disposed of by Gram Panchayat shall be reconsidered by it within six months unless the recorded consent of not less than three-fourth of its Panchas has been obtained thereto, or unless the prescribed authority has directed its reconsideration.

Minutes.

37. (1) Minutes shall be kept of the names of the members and of the Government officers, if any, present and of the proceedings at each meeting of the Gram Sabha, [Functional Committee,] Gram Panchayat or any of its committees and if any member present at the meeting so desires, of the

names of the members voting, respectively for or against any resolution, in a book to be provided for the purpose, which shall be signed as soon as practicable by the Sarpanch, Upsarpanch or Chairman of such meeting and shall, at all reasonable times, be open to inspection free of charge by any [member of a Functional Committee or] Panch or by any person entitled to vote at the elections to the Gram Panchayat.

(2) The minutes shall be in Hindi written in Devnagri [character] script.

“(3) A copy of the minutes shall, within fifteen days, be sent to the prescribed authority.”

38. Any Panch may call the attention of the Sarpanch to any neglect in the execution of the Gram Panchayat work, to any waste or misapplication of Gram Panchayat funds or property or to the needs of any locality within the Gram Sabha area, and may make such suggestions as may appear desirable. **Interpellations and resolutions.**

### III.—Subordinate Agencies

39. [(1) A Gram Panchayat Class I shall from among its members appoint the following sub-committees for the purpose of exercising such powers, discharging such duties and performing such functions as may be delegated or assigned to them by the Gram Panchayat :— **Appointment of (sub-committee) functional committees.**

- (a) *Agriculture Sub-committee.*—For functions relating to agriculture, animal husbandry, minor irrigation, compost manuring, seed distribution and other matters connected with development of agriculture and live stock.
- (b) *Industries and Co-operation Sub-committee.*—For functions relating to co-operation, small saving, cottage industries, rural housing, statistics and other allied matters.
- (c) *Education and Social Welfare Sub-committee.*—For functions relating to education including social education, health and sanitation including rural water-supply and drainage, social welfare, women welfare, relief of distress caused by floods, draught, earthquake, scarcity, locust, swarms and other such emergencies.
- (d) *Communication and Works Sub-committee.*—For functions relating to communication and works.
- (e) *Taxation and Finance Sub-committee.*—For functions relating to taxation and finance.

(1) Every Gram Panchayat shall from amongst its members or members of the Gram Sabha constitute the following Functional Committees for the purpose of exercising such powers, discharging such duties and performing such functions as may be prescribed :— **Functional committees.**

- (a) *Agriculture Functional Committee.*—For agriculture, animal husbandry, compost manuring,

- seed distribution and other matters connected with development of agriculture and live-stock.
- (b) **Educational Functional Committee.**—For education including social education.
  - (c) **Social welfare Functional Committee.**—For social welfare, women and child welfare, removal of untouchability, relief of distress caused by floods, draught, earthquake, hailstorm, scarcity, locust swarms and other such emergencies, health and sanitation.
  - (d) **Taxation and Finance Functional Committee.**—For planning, budget, account, taxation and other financial matters.
  - (e) **Communication and Works Functional Committee.**—For communication, minor irrigation, rural housing, rural water supply, drainage and other public works.
  - (f) **Co-operation and Industries Functional Committee.**—For co-operation, thrift and small savings, cottage and village industries, markets and statistics and other matters ancillary thereto.
  - (g) **General Functional Committee.**—For local pilgrimages, fairs and melas, cattle pounds and other miscellaneous works.”

(2) In addition to the [Five] Seven [Sub-committees] Functional Committees referred to in sub-section (1), a Gram Panchayat may with the approval of the prescribed authority, appoint one or more such [Sub-committees] Functional Committees for any other matter not specified in the said sub-section.

[(3) A sub-committee shall consist of not more than 5 and less than 3 members and shall be constituted in the manner prescribed.]

(3) A Functional Committee shall consist of seven members and shall be constituted in the manner prescribed:

Provided that the members of Social Welfare Functional Committee shall include a woman.

(4) No [Panch] person shall be a member of more than [two sub-committees] three functional committees.

(5) The procedure for the conduct of business of a [sub-committee] Functional Committee appointed under this section shall be such as may be prescribed.

[(6) The Gram Panchayat may at any time for reasons to be recorded in writing withdraw the delegation of assignment of powers, duties or functions made under sub-section (1).]

(6) The provisions of sections 24, 27, 31, 32, 33, 316, 320, 322, 329, 330, 332, 335, 338, 339, 343 and 372 shall apply in case of a member of a Functional Committee who is not a Panch of Gram Panchayat, as they apply in the case of a Panch of a Gram Panchayat.

40. (1) The Sarpanch shall be directly responsible for carrying out the resolutions of the Gram Panchayat, passed by it for the purpose of carrying out the provisions of the Act and shall exercise such powers and perform such duties of the Gram Panchayat as may be prescribed and in the absence of the Sarpanch, the powers and duties of the Sarpanch shall, subject to such conditions and restrictions as may be prescribed, be exercised and performed by the Up-sarpanch.

(2) Subject to the provisions of this Act and the rules made thereunder—

(i) the Sarpanch shall—

- (a) preside over and regulate the meetings of the Gram Sabha and the Gram Panchayat;
- (b) keep the records and registers of the Gram Sabha and Gram Panchayat in his custody;
- (c) exercise supervision and control over the acts done and action taken by all the servants of the Gram Panchayat;
- (d) operate on the Gram Panchayat Fund including authorisation of payment, issue of cheques and refunds;
- (e) issue receipts under his signature for sums of money received by him on behalf of the Gram Panchayat;
- (f) be responsible for the safe custody of the Gram Panchayat Fund;
- (g) cause to be prepared all statements and reports required by or under this Act;
- (h) exercise such other powers and discharge such other functions as may be conferred or imposed upon him by this Act or rules made thereunder;

(ii) the Up-Sarpanch shall—

- (a) in the absence of the Sarpanch preside over and regulate the meetings of the gram Sabha and the Gram Panchayat;
- (b) exercise such of the powers and perform such of the duties of the Sarpanch as the Sarpanch may, from time to time, delegate in writing to him;
- (c) pending the election of the Sarpanch or in case the Sarpanch has been continuously absent from the village for more than fifteen days or is incapacitated, exercise the powers and perform the duties of the Sarpanch.

41. (1) Subject to such rules as may be prescribed, a Gram Village Panchayat may establish a Village Committee for any village ~~mittes~~, <sup>Com-</sup>

other than the village in which the headquarters of the Gram Panchayat under its jurisdiction is located, which shall consist of—

- (a) all the elected Panchas of the village, [in the case of a Gram Panchayat, Class I and all the members of Functional Committees elected from the village in the case of Gram Panchayat, Class II or Class III] ;
- (b) such members not exceeding four to be nominated by the concerning Gram Panchayat, who—
  - (i) reside in the village area; and
  - (ii) have special knowledge or practical experience in respect of agriculture, co-operation or constructive work for village uplift.

(2) Every Village Committee shall have a Chairman nominated by the Gram Panchayat out of the elected [members or] Panchas of the village.

(3) Subject to the provisions of sub-sections (1) and (2) the constitution, term of office, duties and procedure and powers to be exercised by such Village Committees shall be such as may be prescribed.

**Joint Committees of two or more local bodies.**

42. (1) A Gram Panchayat may, from time to time, join with any other Gram Panchayat, Janapada Panchayat, Zila Panchayat or any other local authority or with more than one such authorities,—

- (a) in appointing out of their respective bodies, a joint committee for any purpose in which they are jointly interested and in appointing a Chairman of such Committee; and
- (b) in delegating to any such joint committee power to frame terms binding on each such body as to the construction and future maintenance of any joint work and any power which might be exercised by either or any of such bodies; [and]
- [(c) in framing and modifying rules for regulating the proceedings of any such committee and the conduct of correspondence relating to the purpose for which the committee is appointed.]

(2) If any dispute arises between local authorities acting under this section, the decision thereon of the State Government, or of such officer as it may authorise in this behalf, shall be final:

Provided that, where one of the local authorities is a Cantonment Authority, the decision of the State Government or of the Officer, shall be subject to the concurrence of the Central Government final:

#### CHAPTER IV.—FUNCTIONS OF GRAM PANCHAYAT

**Obligatory functions of Gram Panchayats.**

43. (1) It shall be the duty of a Gram Panchayat, in so far as the Gram Panchayat Fund at its disposal allows and subject to the general control of the Government, the Janapada

and Zila Panchayats, to make reasonable provision within the Gram Sabha area in regard to the following matters, namely:—

- (a) sanitation, conservancy and prevention and abatement of nuisance;
- (b) construction, repair and maintenance of public wells, ponds and tanks and supply of water for domestic use;
- (c) construction and maintenance of sources of water for bathing, washing and for drinking by cattle and to maintain its purity;
- (d) development of agriculture;
- (e) construction and maintenance of public streets, latrines, drains, Gram Panchayat roads, culverts, bridges, etc. ;
- (f) lighting of village streets and other public places;
- (g) promotion of cottage industry;
- (h) promotion of co-operation;
- (i) (1) regulating places for disposal of dead bodies, carcasses and other offensive matters;
- (2) disposal of unclaimed corpses and carcasses [and unclaimed cattle ];
- (j) cleansing of public roads, drains, bunds, tanks and wells and other public places or works;
- (k) removing of obstructions and projections in public streets or places and in sites not being private property, which are open to the enjoyment of public, whether such sites are vested in the Gram Panchayat or belong to Government;
- (l) management of cattle pounds and maintenance of records relating to cattle;
- (m) improvement of cattle and their breeding and the general care of the live-stock ;
- (n) earmarking places for dumping refuse ;
- (o) preparation of compost manure ;
- (p) construction and maintenance of minor irrigation works ;
- (q) registration of births, deaths and marriages ;
- (r) maintenance of Gram Panchayat property ;
- (s) help in the prevention of contagious diseases ;
- (t) help in inoculation and vaccination and enforcement of other preventive measures prescribed by Public Health and Veterinary Departments ;
- (u) prevention and removal of encroachment on public streets, public places and all other properties vested in the Gram Panchayat;
- (v) (1) extinguishing fire and help in the safety of property during outbreak of such fires;

## REPORT OF THE SELECT COMMITTEE

I, the Chairman of the Select Committee to which the Madhya Pradesh Panchayat Bill, 1960\* was referred, having been authorised to submit the report on their behalf, present this Report with the Bill as amended by the Select Committee annexed thereto.

2. The Bill was introduced in the Vidhan Sabha on the 7th April, 1960. The motion for reference of the Bill to a Select Committee was moved by Shri Ganesh Ram Anant, Minister, Social Welfare on the same day, was discussed in the House on the 7th and 8th April, 1960 and was adopted on the 8th April, 1960

3. The Committee held 13 sittings in all.

4. The first sitting of the Committee was held on the 29th May 1960 to draw up a programme of work. The Committee at this sitting decided to issue a press communique inviting suggestions or views on the Bill from persons or bodies desirous of doing so. Accordingly a Press communique was issued on the 31st May, 1960 inviting suggestions or views on the Bill on or before the 1st July 1960.

5. As a result of this step, eleven memoranda were received from various persons and bodies whose names are mentioned in Appendix I.

6. The Committee at their sittings held on the 18th, 19th and 20th July, 1960, had a general review of the provisions of the Bill.

7. The Committee considered the Bill clause by clause at their sittings held on the 6th, 7th and 8th September, 2nd, 3rd, 4th, 16th and 17th December, 1960, and 21st and 22nd January, 1961. The Committee at their sitting held on the 22nd January, 1961, authorised the Chairman to present the Report on behalf of the Committee.

8. The report of the Committee was to be presented to the House by the end of October, 1960 Session. The Committee were granted extension of time on the 4th October, 1960 upto first day of this Session.

9. The observations of the Committee with regard to the principal changes proposed in the Bill are detailed in the succeeding paragraphs.

10. *Clauses 3 to 9—*

In the Bill Gram Sabhas have been divided into three classes consisting of villages or group of villages having a population exceeding 3,000; and having a population exceeding 1,500 but not exceeding 3,000; and having a population not exceeding 1,500, respectively. Gram Sabha Class I would consist of all persons whose names are included in the Assembly roll relating to the Gram Sabha area. Gram Sabhas Classes II and III would consist of the heads of families qualified to be registered in the Assembly roll relating to the Gram Sabha area. The Committee gave their most careful thought to these items and came to the conclusion that there should be no classification of Gram Sabhas and that all Gram Sabhas in the State should consist of all persons qualified to be registered in the Assembly roll relating to the Gram Sabha area.

Clauses 3, 8 and 9 have, therefore, been omitted and clauses 4 and 7 have been suitably amended.

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\* The Bill was published in English in the Gazette of 25th March, 1960, and in Hindi in the Gazette (Extraordinary) of 29th March, 1960.



**(2) prevention of fire ;**

- (w) regulation of buildings and regulation and control over shows, shops, eating and other entertainment houses, vendors of drinks, sweetmeats, fruits, milk, etc.;
- (x) destruction of stray and mad dogs ;
- (y) watch and ward of the village, and to take measures to prevent damage to crops and cattle ;
- (z) regulating the construction of houses, latrines, urinals, drains, water closets, etc.;
- (aa) control over such offensive trades as may be prescribed ;
- (bb) establishment, management and regulation of public markets and such of the fairs and melas as are entrusted to it by the Janapada Panchayat ;
- (cc) management of public land and management, extension and development of village site ;
- (dd) collection of land revenue and such other dues, if entrusted by the Government;
- (ee) help in the census operation ;
- (ff) filling in of disused wells, insanitary ponds, pools, ditches or pits ;
- (gg) arrangement and distribution of improved seeds ;
- (hh) promotion of social education ;
- (ii) organising Village Volunteer Force;
- (jj) collection and maintenance of statistics ;
- (kk) regulation of sale and preservation of meat;
- (ll) maintenance of public buildings, ancient and historical monuments other than those declared by or under law made by Parliament to be of national importance, grazing lands and forest lands vesting in or under the control of the Gram Panchayat ;
- (mm) organising voluntary labour for community work ;
- (nn) assistance in the implementation of land reforms scheme ;
- (oo) making arrangements for co-operative management of lands and other resources in the village, and organisation of collective farming, credit societies and multi-purpose Co-operative Societies ;
- (pp) maintenance of maternity home.

**(2) In addition to the functions specified in sub-section (1), a Gram Panchayat shall—**

- (i) perform such other duties and functions as may be entrusted to it under any other law for the time being in force; and
- (ii) carry out the directions or orders given or issued by the Government, the Collector or any other officer authorised by the Government in this behalf with respect to the measures for amelioration of the condition of the Scheduled Castes and the

**Scheduled Tribes and other backward classes and in particular in regard to the removal of untouchability.**

44. (1) Subject to the general control of the Government and the Janapada and Zila Panchayats it shall be competent for a Gram Panchayat to make reasonable provision within the Gram Sabha area in regard to the following matters, namely :—

**Discretionary functions of Gram Panchayats.**

- (a) planting and nursing of trees on road-sides and other places ;
- (b) construction and maintenance of Dharamshalas, Sarais, rest-houses, public ghats and camping grounds ;
- (c) construction and maintenance of play grounds, clubs, gymnasiums, libraries, reading rooms, parks, etc.;
- (d) construction and maintenance of slaughter-houses;
- (e) relief of distress, destitutes and sick ;
- (f) running of Community Centre;
- (g) reclaiming unhealthy localities ;
- (h) looking after public health and safety ;
- (i) management and control of Hats, public ferries, agricultural and industrial shows and public festivals;
- (j) promotion of co-operative farming ;
- (k) establishment of granaries;
- (l) regulating the keeping of pigs within the limits of Panchayat ;
- (m) removal of weeds ;
- (n) helping in the preparation of National Register ;
- (o) promotion of social and moral welfare including prohibition, the removal of untouchability, the eradication of corruption and measures to discourage litigation and encourage arbitration;
- (p) construction and maintenance of houses for the conservancy staff of the Gram Panchayat.

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

(3) A Gram Panchayat may, by resolution passed at its meeting and supported by two-thirds of the total number of Panchas, make provision for any public reception, ceremony, or entertainment within the Gram Panchayat area or may make contribution towards an annual gathering or such other gathering of Gram Panchayats in the District or the State:

Provided that except with the previous sanction in writing of the prescribed authority, the Gram Panchayat shall not incur expenditure exceeding [rupees ten] twenty-five rupees on any such reception, ceremony, entertainment or gathering.

**Gram Panchayat not to be responsible for functions in certain cases.**

45. Where the Government undertakes to perform any of the functions enumerated in sections 43 and 44, nothing in those sections shall be deemed to impose any duty or confer any power on a Gram Panchayat for performance of such function, unless the Government by general or special order entrusts such duty or delegates such power in respect thereof to the Gram Panchayat.

**Withdrawal of functions.**

46. Notwithstanding anything contained in this Act, the Government or the prescribed authority shall have power to withdraw any of the functions or duties specified in sections 43 and 44.

**Powers of Janapada and Zila Panchayats to transfer maintenance of institutions and execution of other works.**

47. The Janapada Panchayat or the Zila Panchayat with the consent of the Gram Panchayat and subject to such conditions as may be agreed upon, may, at any time, transfer to such Gram Panchayat the management of any institution or the execution of any work and it shall thereupon be lawful for such Gram Panchayat to undertake the management of such institution or the execution of such work :

Provided that in every such case, the funds necessary for such management or execution shall be placed at the disposal of the Gram Panchayat by the Janapada Panchayat or the Zila Panchayat, as the case may be.

**Powers of State Government to transfer execution of other works.**

48. The State Government may with the consent of the Gram Panchayat, at any time, transfer to such Gram Panchayat the execution of any work promoting directly or indirectly the welfare of the villagers and it shall thereupon be binding upon such Panchayat to undertake the execution of such work :

Provided that in every such case the funds necessary for such execution shall be placed at the disposal of the Gram Panchayat by the State Government.

**Power of Government to add to functions of Gram Panchayat.**

49. The Government may in consultation with the Zila Panchayat and subject to such conditions and restrictions as it may deem fit to impose, authorise any Gram Panchayat by general or special order to exercise any function or perform any duty other than those specified in sections 43 and 44.

**Other functions.**

50. Subject to the rules made under this Act the Gram Panchayat within its jurisdiction shall—

- (a) supervise the labour employed by the Janapada Panchayat on works within the village if so required by the Janapada Panchayat;
- (b) execute such works as are entrusted to it by the Janapada Panchayat ;
- (c) perform such other administrative duties including the protection of irrigation work and the distribution of irrigation water as may be assigned to it by the Government, by notification.

**Assignment of functions.**

51. (1) Subject to any law for the time being in force, the State 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 ;

- (b) make over to a Gram Panchayat the management of waste lands, pasture lands or village sites situated within the Gram Sabha area ;
- (c) entrust a Gram Panchayat with the collection of land revenue and other dues on behalf of the Government and the maintenance of such records as are connected therewith ;
- (d) entrust the Gram Panchayat with the management and cultivation of—
  - (i) common lands ;
  - (ii) lands, the management of which is assumed by Government ;
- (e) associate a Gram Panchayat with the maintenance of land records :

Provided 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:

Provided further that where collection of land revenue and other dues is entrusted to a Gram Panchayat under clause (c) the State Government shall pay to the Gram Panchayat a commission at such rate as may be prescribed.

(2) The Gram Panchayat shall subject to such conditions as may be specified by the State Government have the power to do all acts necessary and incidental to the carrying out of the functions transferred, made over or entrusted to it under this section.

52. The Gram Panchayat shall have control of all village roads and bridges thereon, cart tracks, drains, tanks, wells and other public places in the Gram Sabha area, vested in the Gram Panchayat under this Act or under any other law for the time being in force and may do all things necessary for the maintenance and repair thereof and may—

**Power of Gram Panchayats as to road, bridges, etc.**

- (a) lay out and make new roads ;
- (b) construct new bridges and culverts ;
- (c) widen, open, enlarge or otherwise improve any bridge or culvert ;
- (d) with the previous sanction of the prescribed authority, divert, discontinue or close any road, bridge or culvert ; and
- (e) deepen or otherwise improve water ways.

**Control of erection of buildings.**

53. (1) No person shall erect any building or alter or add to any existing building or reconstruct any building without the written permission of the Gram Panchayat and except in accordance with bye-laws made in this behalf under this Act. Such permission shall be presumed to have been granted if no refusal of such permission is communicated within [two months] thirty days of the receipt of the application.

(2) Whenever any building is erected, altered, added to or reconstructed by any person without such permission or in any manner contrary to the byelaws made under sub-section (1) or any conditions imposed by the permission granted, the Gram Panchayat may [whether any action taken or not against such person under section],—

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

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

(c) withdraw the permission.

(3) In the event of non-compliance with the terms of any notice under clause (b) of sub-section (2) within the period specified in the notice, it shall be lawful for the Gram Panchayat to take such action as may be necessary for the completion of the act thereby required to be done, and all expenses therein incurred by the Gram Panchayat shall be paid by such persons within such time as may be prescribed and in the event of his failure to do so within the aforesaid time shall be recoverable from him in the manner provided for the recovery of taxes under Chapter VII.

(4) An appeal shall lie to the prescribed authority from any order or direction or notice of the Gram Panchayat under sub-section (2) and the decision of the prescribed authority on such appeal shall be final.

**Power of Government in regard to erection of building.**

54. (1) Notwithstanding anything contained in section 53 Government may, in the interest of the general public and after consulting the Gram Panchayat concerned, prohibit by notification the erection of any building within a specified area within the jurisdiction of any Gram Panchayat except with permission granted by the Government or any Officer authorised by it in this behalf.

(2) The grant of any permission under sub-section (1) may be subject to such conditions as may be fixed by the Government or by any officer as the Government may, by general or special order, authorise in this behalf.

(3) Whoever erects any building contrary to provisions of sub-section (1) or the conditions imposed under sub-section (2) shall, on conviction, be punished with fine which may extend to one hundred rupees.

(4) The Government or the Officer authorised by it in this behalf, as the case may be, may demolish any building erected contrary to the provisions of sub-section (1) or in violation of the conditions imposed, under sub-section (2).

55. No person shall, without the permission of the Gram Panchayat and except in accordance with the conditions specified in such permission,— **Permission for construction of factories, etc.**

- (a) construct or establish any factory, workshop or work-place in which it is proposed to employ steam power, water power or other mechanical power or electrical power ; or
- (b) instal in any premises any machinery or manufacturing plant driven by any power as aforesaid, not being machinery or manufacturing plant exempted under this Act.

56. (1) No place within the jurisdiction of a Gram Panchayat shall be used for the purpose of any trade or business which the Government or the prescribed authority may, by notification, declare to be offensive or dangerous, except under a licence from the Gram Panchayat and subject to such conditions as may be imposed in the licence. **Prohibition of offensive or dangerous trades without licence.**

(2) A licence referred to in sub-section (1) may be granted on payment in advance of such fees as may be prescribed.

(3) When a licensee fails to comply with any condition of the licence the Gram Panchayat may suspend or cancel his licence.

57. (1) Whoever within the Gram Sabha area—

- (a) builds or sets up any wall, or any fence, rail, post, stall, verandah, platform, plinth, step or structure or thing or any other encroachment or obstruction; or
- (b) deposits, or causes to be placed or deposited, any box, bale, package, or merchandise or any other thing; or
- (c) without written permission given to the owner or occupier of a building by the Gram Panchayat puts up, so as to project from any upper storey thereof, any verandah, balcony, room or other structure or thing in or over any public street or place or in or over or upon any open drain, gutter, sewer or aqueduct in such street or place, or contravenes any conditions subject to which any permission as aforesaid is given or the provisions of any byelaw made in relation to any such projection or cultivates or makes any unauthorised use of any grazing land, not being private property shall, on conviction, be punished with fine, which may

**Obstruction and encroachments upon public streets and open sites.**

extend to fifty rupees, and with further fine which may extend to five rupees for every day on which such obstruction, deposit, projection, cultivation or unauthorised use continues after the date of first conviction for such offence.

(2) The Gram Panchayat shall have power to remove any such obstruction or encroachment and to remove any crop unauthorisedly cultivated on grazing land or any other land not being private property, and shall have the like power to remove any unauthorised obstruction or encroachment of the like nature in any open site not being private property, whether such site is vested in Gram Panchayat or not, provided that if the site be vested in the Government, the permission of the Collector or any officer authorised by him in this behalf, shall have first been obtained. The expenses of such removal shall be paid by the person who has caused the said obstruction or encroachment and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VII.

(3) The power under sub-section (2) may be exercised in respect of any obstruction, encroachment or projection referred to therein whether or not such obstruction, encroachment or projection has been made before or after the establishment of the Gram Sabha under this Act or before or after the property is vested in the Gram Panchayat.

(4) Whoever, not being duly authorised in this behalf, removes earth, sand or other material from, or makes any encroachment in or upon any open site which is not private property, shall on conviction be punished with fine which may extend to fifty rupees, and, in case of any encroachment, with further fine which may extend to five rupees for every day on which the encroachment continues after the date of first conviction.

(5) Nothing contained in this section shall prevent the Gram Panchayat from allowing any temporary occupation of, or erection in, any public street on occasions of festivals and ceremonies, or the piling of fuel in by-lanes and sites for not more than seven days, and in such manner as not to inconvenience the public or any individual or from allowing any temporary erection on, or putting projection over, or temporary occupation of any such public street or place for any other purpose in accordance with the byelaws made under this Act.

**Powers to name streets and number buildings.**

58. The Gram Panchayat may cause a name to be given to any street and may also cause a number to be affixed to any building and in like manner may, from time to time, cause such name and number to be altered.

**Removal of structures, trees, etc.**

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

(a) to pull down, lop or cut down; or

- (b) to secure; or
- (c) to remove; or
- (d) to repair;

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

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

(3) Any expenses incurred by the Gram Panchayat in this behalf shall be paid by the owner or occupier of the building or tree, as the case may be. On failure to pay, it shall be recovered as a tax under Chapter VII.

(4) No notice under sub-section (1) shall be issued without giving the owner or occupier, as the case may be, a reasonable opportunity of stating any objection, or adducing evidence, if any, and after being satisfied for reasons to be recorded in writing that the objection which is raised is invalid or insufficient.

60. (1) If it appears necessary to improve the sanitary condition of any area within its jurisdiction, or to check the spread of any infective disease a Gram Panchayat may, by written notice, require, within a reasonable period to be specified therein—

**Power as to sanitation, conservancy and drainage.**

- (a) the owner or occupier of any hut or the owner of any privy to remove such hut or privy either wholly or in part;
- (b) the owner or occupier of any building to construct private drain therefor or to alter or to remove private drains thereof;
- (c) the owner or occupier of any land or building which contains a well, pool, ditch, pit, pond, tank or any place containing or used for the collection of any drainage, filth or stagnant water, which is injurious to health or offensive to the neighbourhood or is otherwise a source of nuisance, to cause the same to be filled up, cleansed or deepened or to cause the water to be removed therefrom or drained of or to take such other action therewith, as may be deemed necessary by the Gram Panchayat;
- (d) the owner or occupier of any land or building which needs to be cleansed or disinfected or cleansed and disinfected, to cause the same to be cleansed or disinfected or cleansed and disinfected to the satisfaction of the Gram Panchayat;
- (e) the owner or occupier of any land overgrown with vegetation, undergrowth, pricklypear, or jungle, which is in any manner injurious to health or dangerous to the public or offensive to the



neighbourhood or an impediment to efficient ventilation, to cause it to be cleared of the vegetation, undergrowth, pricklypear or jungle.

(2) If any work required by a notice under sub-section (1) is not executed within the period specified in the notice, the Gram Panchayat may itself cause such work to be carried out and may recover the cost of such work or part thereof from the owner or occupier referred to in sub-section (1) in the manner provided for the recovery of a tax under Chapter VII.

**Regulation of slaughter of animal.**

61. Subject to rules made under this Act a Gram Panchayat may prohibit the slaughter for sale of animals at any place within the Gram Panchayat area other than a place appointed for the purpose by the Gram Panchayat, and may by byelaws regulate the use of such places.

**Power for providing adequate water-supply.**

62. (1) For providing the Gram Sabha area or any part thereof with water-supply pure and sufficient for public and private purposes, the Gram Panchayat may—

- (a) construct, repair and maintain tanks or wells and clear streams or water-courses;
- (b) purchase or acquire by gift or otherwise any tank, well, stream or water-course or any right to take or convey water within or without the area under its control;
- (c) with the consent of the owner thereof, utilise, cleanse or repair any tank, well, stream or water-course or provide facilities for obtaining water therefrom;
- (d) contract with any person for supply of water;
- (e) with the consent of the owner, set aside any private spring, tank, well or other place for the purposes of drinking, bathing or for washing clothes or animals or for any other purpose calculated to promote the health, cleanliness, comfort or convenience of the inhabitants;
- (f) do any other acts necessary for carrying out the purposes of this section.

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

(3) The Gram Panchayat may, by order published at such conspicuous place as it may think fit, with a view to give it publicity, prohibit :—

- (a) bathing, washing of clothes and animals or other acts likely to pollute the water of any tank, well, stream or water-course set apart for drinking or culinary purposes under sub-section (2); and
- (b) the use of any source of water-supply for drinking or culinary purposes or for the washing of the clothes during epidemic.

63. The Gram Panchayat or any person authorised by it in this behalf may at any time by written notice require that the owner or any person who has control over any well, stream, channel, tank, or other source of water-supply shall, whether it is private property or not—

**Powers and duties with regard to sources of water-supply.**

- (a) if the water is used for drinking—
- (i) keep and maintain any such source of water-supply, other than a stream, in good repair; or
  - (ii) within a reasonable time to be specified in the notice, cleanse any such source of water-supply from silt, refuse and decaying vegetation; or
  - (iii) in such manner as the Gram Panchayat directs, protect any such source of water-supply from pollution by surface drainage; or
  - (iv) desist from using and from permitting others to use for drinking purposes any such source of water-supply, which not being a stream in its natural flow is, in the opinion of the Gram Panchayat, unfit for drinking; or
  - (v) if, notwithstanding any such notice under sub-clause (iv), such use continues and cannot in the opinion of the Gram Panchayat be otherwise prevented, close, either temporarily or permanently, or fill up or enclose or fence in such manner as the Gram Panchayat considers sufficient to prevent such use, such source of supply; or
  - (vi) drain off or otherwise remove from any such source of water-supply, or from any land or premises or receptacle or reservoir attached or adjacent thereto any stagnant water which the Gram Panchayat considers is injurious to health or offensive to the neighbourhood;
- (b) within twenty-four hours of such notice, repair, protect or enclose in such manner as the Gram Panchayat may direct or approve, any such source of water-supply whether used for drinking purposes or not, other than a stream in its natural flow, if for want of sufficient repair, protection or enclosure, such a source of water-supply is in the opinion of the Gram Panchayat, dangerous to the health or safety of the public or of any person having occasion to use or to pass by or approach the same.

64. If the owner or the person having control as aforesaid falls or neglects to comply with any such requisition within the time required by or under the provisions of section 63, the Gram Panchayat may, and if in the opinion of the Sarpanch to be recorded in writing immediate action is necessary to protect the health or safety of any person, shall at once, proceed to execute the work required by such notice, and all the expenses incurred thereon shall be paid by the owner or person having control over, such water-supply and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VII:

**Remedy on non-compliance with directions issued.**

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

**Penalty for using water for certain purposes.**

65. Whoever—

- (a) bathes in or defiles the water in any place set apart for drinking purposes by the Gram Panchayat or, in the case of private property, by the owner thereof;
- (b) deposits any offensive or deleterious matter in the dry bed of any place set apart as aforesaid for drinking purposes; or
- (c) washes clothing in any place set apart as aforesaid for drinking [or bathing] ; or
- (d) washes any animal or any cooking utensils or wood, skins or other foul or offensive substance or deposits any offensive or deleterious matter in any place set apart as aforesaid for drinking purposes or for bathing or for washing clothes; or
- (e) allows the water from a sink, sewer, drain, engine or boiler, or any other offensive matter belonging to him or flowing from any building or land belonging to or occupied by him, to pass into any place set apart as aforesaid for drinking purposes or for bathing or for washing clothes; or
- (f) uses water from any source in contravention of the provisions of section 62 ;

shall on conviction, be punished with fine which may extend to fifty rupees and if the offence be a continuing one, with further fine which may extend to five rupees for every day during which the said offence is continued after the date of first conviction.

**Abatement of nuisance from fowl water.**

66. When any pool, ditch, tank, well, hole or any waste or stagnant water, or any channel or receptacle of foul water or other offensive or injurious matter, whether the same be within any private enclosure or otherwise in the opinion of the Gram Panchayat is likely to prove injurious to the health of the inhabitants or offensive to the neighbourhood, the Gram Panchayat may, by written notice, require the owner of the same to cleanse, fill up, drain off, remove the same, or to take such measure as shall in its opinion be necessary to abate or remove the nuisance.

**Power of Government to make rules regarding provision of water-supply.**

67. The Government may make rules for conserving and preventing injury to sources and means of water-supply and appliances for the distribution of water whether within or without the Gram Sabha area and for regulating all matters connected with the supply and use of water, and the turning on or turning off and preventing the waste of water, and the construction, maintenance and control of Gram Panchayat waterworks, and pipes and fittings in connection with, whether it is the property of the Gram Panchayat or not.

68. (1) No person shall within the Gram Sabha area set up, establish or use [continue or use] or allow to be setup established, [continued] or used, any place for the purpose of a market. Regulation of Markets.

(2) The State Government may make rules to regulate the markets within the Gram Sabha area.

[69. A Gram Panchayat may, with the consent of owner or occupier of any land within the Gram Sabha area, undertake the protection of the crops standing on such land and recover the cost thereof from the owner or occupier thereof at such rates and in such manner as may be prescribed.] Protection of crops.

70. (1) The Gram Panchayat may organise a village volunteer force of able bodied males residing in the Gram Sabha area between the age group of 18 to 50 under the command of suitable persons appointed by it for— Village Volunteer Force.

- (i) general watch and ward and protection of crops ;
- (ii) meeting cases of emergency like fire, flood, breaking of an embankment or dam, outbreak of epidemic or any other natural calamity; and
- (iii) enlisting voluntary labour for carrying out works of public utility.

(2) The Government may make rules for—

- (a) meeting expenses of Village Volunteer Force;
- (b) the training, discipline and good conduct of the members of the Village Volunteer Force;
- (c) giving rewards to persons—
  - (i) who have given information of outbreak of fires and dacoites; or
  - (ii) who have rendered effective service to the force on such occasion;
- (d) the speedy attendance of members of the force with necessary implements on the occasion of an alarm;
- (e) sending the force to neighbouring villages outside Gram Sabha area for help in cases of emergency, if necessary;
- (f) providing penalty for infringement of the rules by any member of the force;
- (g) generally for the maintenance of the force in a state of efficiency.

(3) On the occasion of any such emergency, the Sarpanch or any person authorised by the Gram Panchayat, or the person in the immediate charge of the Village Volunteer Force may—

- (a) take such measures as may be necessary for the protection of life and property; and
- (b) call on the volunteer forces of neighbouring Gram Panchayats to render such assistance as may be necessary.

(4) The Sarpanch or any person authorised by the Gram Panchayat or the person in the immediate charge of the Village Volunteer Force or any member of the force shall not be held liable for damages on account of any act done by him in the bonafide belief that the doing of such act was necessary for the proper execution of his duties.

(5) In the case of any such emergency within the Gram Sabha area, the Sarpanch shall with as little delay as possible ascertain the facts as to the origin and cause of such emergency and shall make a report thereon to the prescribed authority.

(6) (a) A Gram Panchayat may also, by order in writing, call upon the members of the Village Volunteer Force to perform such labour on works of public utility which in the opinion of the Gram Panchayat are likely to benefit the village population and which the Gram Panchayat has undertaken to construct, maintain or repair.

(b) A person required to perform labour under clause (a) may have it performed by another person on his behalf or may commute such performance into a cash payment at such rates as may be determined by the Gram Panchayat.

[Certain sections to apply to Gram Panchayats, Class II and Class III on notification.]

[71. The provisions of sections 53, 55, 56, 57, 59, 60, 61, 63 and 66 shall not apply to Gram Panchayats Class II and Class III unless the Government, by notification, applies all or any of such provisions to any or all Gram Panchayats of such class or classes.]

#### CHAPTER V.—GRAM PANCHAYAT FUND AND PROPERTY

Government may vest certain property in Gram Panchayat.

72. (1) For the purposes of this Act, the State Government may, by notification and subject to such conditions and restrictions, as it may think fit, to impose, vest in a Gram Panchayat open sites, vacant lands or grazing lands or public roads and streets, bridges, ditches, fences, wells, river beds, tanks, streams, lakes, nullahs, canals, trees or any other property in the Gram Sabha area vesting in the Government.

(2) The State Government may resume any immovable property transferred to the Gram Panchayat under sub-section (1), without payment of any compensation other than the amount paid by the Gram Panchayat for such transfer and the market value at the date of resumption of any building or works subsequently erected or executed thereon by the Gram Panchayat:

Provided that no compensation shall be payable in respect of buildings, structures or works constructed or erected in contravention of the terms of the transfer.

Transfer of immovable property.

73. No immovable property vested in or belonging to a Gram Panchayat shall be transferred by sale, gift, mortgage or exchange or by lease for a period exceeding three years, or otherwise except with the sanction of the State Government or any officer authorised by it in this behalf.

74. Every contract made by or on behalf of a Gram Panchayat the value or amount of which exceeds fifty rupees shall be in writing and shall be signed by the Sarpanch and at least by one Panch. **Mode of executing contracts.**

75. A Gram Panchayat may, with the previous sanction of the prescribed authority, compromise any suit instituted by or against the Gram Panchayat or any claim or demand arising out of any contract entered into by the Gram Panchayat under this Act on such terms as it [shall] may deem fit. **Power to compromise.**

76. (1) Every Gram Panchayat shall establish and maintain a fund called the Gram Panchayat Fund. **Gram Panchayat Fund.**

(2) The following shall form part of and be paid into the Gram Panchayat Fund, namely :—

- (a) the amount which may be allotted to the Gram Panchayat by the State Government;
- (b) the proceeds of any tax, cess, fee, toll, etc., imposed by the Gram Panchayat;
- (c) all sums received by compounding offences under this Act;
- (d) the sale proceeds of all dust, dirt, dung or refuse (including the dead bodies of animals) collected by the Gram Panchayat;
- (e) such portion of the rent or other proceeds of the property of the State Government as it may direct to be placed at the credit of the Gram Panchayat Fund;
- (f) sums contributed to the Gram Panchayat Fund by a Janapada Panchayat;
- (g) all sums received by way of loans from the Government or the Janapada Panchayat or by way of gift;
- (h) the income from or proceeds of any property vesting in the Gram Panchayat;
- (i) such other sums as may be assigned to the Gram Panchayat Fund by special or general order of the State Government.

77. (1) Subject to the provision of this Act and the rules made thereunder, all property vested in the Gram Panchayat under this Act, and the Gram Panchayat Fund shall be applied subject to the provisions and for the purposes of this Act, and the Fund shall be kept in such custody as may be prescribed. **Application of Gram Panchayat Fund.**

(2) An amount allotted to the Gram Panchayat by the Government or any other person or local authority for any specific work or purpose shall be applied exclusively for such

work or purpose and in accordance with such instructions as the Government may either generally or specially issue in this behalf.

**Administration of Gram Panchayat Fund.** 78. (1) The administration of the Gram Panchayat Fund shall, subject to the general control of the Janapada Panchayat, be in the hands of the Gram Panchayat.

(2) All moneys at the credit of Gram Panchayat Fund shall be kept in the name of the Gram Panchayat in the nearest Government Treasury or Post Office Savings Bank or Co-operative Bank, and where there is no Government Treasury, Post Office Savings Bank or Co-operative Bank, then subject to such terms and conditions as may be prescribed, with a local banker or other person approved by the Government.

#### CHAPTER VI.—GRAM PANCHAYAT ESTABLISHMENT, BUDGET AND ACCOUNTS

##### I.—Establishment

**Appointment of Secretary.** 79. (1) Every Gram Panchayat [Class I and every Gram Panchayat Class II or Class III] having an annual income exceeding five thousand rupees, shall have a Secretary who shall be a full time salaried officer of the Gram Panchayat.

(2) A Gram Panchayat not falling under sub-section (1) shall have a part-time or full time Secretary who may be an honorary or salaried officer of the Gram Panchayat:

Provided that two or more of such Gram Panchayats may have a common Secretary.

**Ex-Officio Secretary of Gram Sabha.** 80. The Secretary of the Gram Panchayat shall be an *ex-officio* Secretary of the Gram Sabha.

**Appointment of officers and servants of Gram Panchayat.** 81. (1) Subject to the provisions of section 79 a Gram Panchayat may, with the previous sanction of the prescribed authority, appoint such other officers and servants as may be necessary for carrying out its functions and discharging its duties under this Act efficiently.

(2) The duties of the Secretary and other officers and servants of the Gram Panchayat, their qualifications, method of recruitment, salaries, leave, allowances and other conditions of service including disciplinary matters shall be such as may be prescribed.

**Establishment of Provident Fund.** 82. A Gram Panchayat may in accordance with the rules made under this Act—

- (a) establish and maintain a Provident Fund on behalf of its officers and servants; and
- (b) grant gratuity to any officer or servant subject to the previous approval of the prescribed authority.

83. (1) On a complaint being made by any person residing within the Gram Sabha area that a vaccinator, Revenue Inspector, Patwari, Kotwar, Police Constable, Forest Guard or peon of any Government department has misconducted himself in his official capacity in the Gram Sabha area, the Gram Panchayat [may enquire into the matter and report the result of its enquiry] may collect and furnish the relevant information to the authority to whom the official is subordinate. Enquiry into conduct of certain officials.

(2) The authority concerned shall enquire into [and report] the complaint in such manner and take such action thereon as it deems fit and shall inform the Gram Panchayat of the action taken.

(3) Nothing in sub-section (1) shall be construed as empowering the Gram Panchayat to summon the officials specified in the said sub-section or to exercise control, disciplinary or otherwise, over them.

#### *II.—Budget and Accounts.*

84. Accounts of receipt and expenditure of every Gram Panchayat shall be kept in such forms and in such manner as may be prescribed. Annual estimate of income and expenditure.

85. (1) Every Gram Panchayat shall prepare annually in such form and in such manner as may be prescribed, budget estimate of its receipts and expenditure for the next financial year. The estimate shall be so prepared as to provide for a closing balance of not less than such amount as may be prescribed. Budget and Accounts.

[(2) The Budget estimate prepared under sub-section (1) shall be placed before the Gram Sabha not less than three months in advance of the commencement of the financial year to which the budget estimate relates and the Gram Sabha shall consider the estimate and may approve it with or without modification:

Provided that no modification in the budget estimate shall be made so as to reduce the closing balance prescribed under sub-section (1).]

(2) The budget estimates prepared under sub-section (1) shall be placed before the Gram Sabha not less than seventy-five days in advance of the commencement of the financial year to which they relate and the Gram Sabha shall consider the budget estimates and shall refer them back to the Gram Panchayat with recommendations, if any, within thirty days of its receipt.

(3) On receipt of the budget estimates from the Gram Sabha under sub-section (2), the Gram Panchayat shall consider the same and may approve the budget estimates with or without modifications before the commencement of the financial year to which they relate :



Provided that no modification in the budget estimate shall be made so as to reduce the closing balance prescribed under sub-section (1).

(4) If the budget estimates could not be finalised in accordance with the provisions of this section prior to the commencement of the financial year to which they relate, the budget estimates, prepared under sub-section (1) shall be deemed to be the budget estimates approved in accordance with the provisions of this section.

(5) A copy of the budget estimates as approved or deemed to be approved under this section shall be forwarded forthwith to the Janapada Panchayat and the prescribed authority.

(6) If it appears to the prescribed authority that the budget estimate, so approved or deemed to be approved is in any way contrary to the provisions of this Act or the rules made thereunder, it shall require the Gram Panchayat to modify it and the Gram Panchayat shall forthwith comply with such requisition.

**Annual accounts  
and Administration  
Report.**

86. Accounts of the receipts and expenditure of every Gram Panchayat shall be made by the Secretary of the Gram Panchayat or in his absence by such officer or servant thereof as may be authorised by the Gram Panchayat in this behalf, up to the last day of every financial year in such form as may be prescribed. The Secretary or such officer shall also prepare an annual report of the administration of the Gram Panchayat and shall place the accounts and the report for approval before the Gram Panchayat. The annual statement of such accounts together with the annual report as approved shall be sent to the Janapada Panchayat on or before such date and in such form as may be prescribed.

#### CHAPTER VII.—TAXATION AND RECOVERY OF CLAIMS

**Power to levy  
cess on land.**

87. (1) Every tenure-holder, tenant other than a sub-tenant and Government lessee shall be liable in respect of the land held by him within the Gram Sabha area to pay a cess to the Gram Panchayat for the purposes of this Act at the rate of nineteen Naye Paise per rupee or part thereof exceeding fifty Naye Paise on the land revenue or rent assessed or fixed on such land, whether or not such land revenue or rent or any portion thereof has been released, compounded for or redeemed or if the land is held rent free or at a reduced rent or on favourable conditions, on the rent fixed on such land.

[ (2) The State Government may, on a representation being made by the Gram Panchayat for reduction of rate of cess and on being satisfied that the financial position of the Gram Panchayat concerned justifies a reduction, sanction reduction in the rate of the cess to such extent, as it may deem fit, and such reduction shall take effect from such date as the State Government may specify.]

(3) The cess under this section shall be payable in such manner as may be prescribed.

*Explanation.*—In this section the expressions “tenure holder”, “tenant”, “sub-tenant”, and “Government lessee”, “land revenue” and “rent” shall have the meaning assigned to them in the Madhya Pradesh Land Revenue Code, 1959 (20 of 1959).

88. (1) Subject to the provisions of this Act and to such conditions and exceptions as may be prescribed, every Gram Panchayat shall impose the following taxes, namely :—

- (a) a tax on buildings;
- (b) [fees] a tax for cleansing private latrines payable by the owner or occupier of the houses to which the private latrines are attached when cleansing is done by the Gram Panchayat;
- (c) a lighting tax;
- [(d) a tax on cleansing of streets ;]
- (e) a tax on persons exercising any profession or art or carrying on any trade or calling within Gram Sabha area;
- (f) fees on persons exposing goods for sale in any market or place belonging to or under the control of the Gram Panchayat, or for the use of any building or structure therein;
- (g) fees on registration of animals sold in any market or place belonging to or under the control of the Gram Panchayat:

Provided that the tax under clause (a) shall not be leviable on the following buildings:—

- (i) building of capital value not exceeding one thousand rupees ;

*Explanation.*—In this clause “capital value” means the [cost of construction] present market value of the building inclusive of the price of land [at the time at which it was constructed.]

- (ii) building used exclusively for educational purposes excluding hostels;
- (iii) buildings used for charitable purposes;
- (iv) buildings used for public worship;
- (v) buildings belonging to the Union or State Government; and
- (vi) buildings belonging to the Gram Panchayat, Janapada Panchayat and Zila Panchayat.

(2) Notwithstanding anything contained in section 87 or clause (a) of sub-section (1), no person shall be liable to pay both the cess on land under section 87 and the tax on building under clause (a) and he shall be liable to pay the cess or the tax, whichever is higher.

**Optional taxes.**

89. [With the approval of the Zila Panchayat and subject to rule made under this Act.] Subject to rule made under this Act and with the previous approval of the Zila Panchayat a Gram Panchayat may by a resolution passed by the majority of two-third of its members, impose any of the following taxes, namely:—

- (a) tolls on vehicles and pack animals bringing goods for sale into the Gram Sabha area;
- (b) a tax payable by the owners of animals used for riding, driving, draught or burden or for dogs or pigs kept within the Gram Sabha area;
- (c) a tax on carts plying for hire, bicycles, rickshaws plying in the Gram Sabha area;
- (d) fees for the use of Sarais, Dharamshalas, rest houses, slaughter houses and encamping grounds;
- (e) water rate where a regular water-supply system is maintained by the Gram Panchayat;
- (f) a drainage fee where the system of drainage has been introduced by the Gram Panchayat;
- (g) fees from persons practising the calling of buyer, broker, commission agents, weigher or measurer within the Gram Sabha area;
- (h) a fee payable by owners of vehicles other than motor vehicles where such vehicles are kept within Gram Sabha area;
- (i) a temporary tax for special work of public utility;
- (j) a general sanitary cess for the construction or the maintenance or both the construction and maintenance of public latrines and for the removal and disposal of refuse;
- (k) a fee on cart stands and tonga stands;
- (l) a fee for temporary erection on, or putting projection over, or temporary occupations of any public street or place;
- (m) a fee for grazing cattle on grazing lands vesting in the Gram Panchayat;
- (n) any other tax which the State Legislature has power to impose under the Constitution of India.

**Power of State Government to regulate taxes.**

90. (1) The State Government may, by rules made under this Act, regulate the imposition, assessment and collection of taxes mentioned in sections 88 and 89 and matters ancillary

(2) No objection shall be taken to any assessment nor shall the liability of any person to be assessed or taxed be questioned otherwise than in accordance with the provisions of this Act or of the rules made thereunder.

**Appeal against taxation.**

91. Any person aggrieved by the imposition of any cess, tax, toll, fee or rate under this chapter may appeal to the prescribed authority in such manner and within such time as may be prescribed, and the decision of such authority shall be final.

**Farming of market fees etc.**

92. A Gram Panchayat may, by public auction or with the previous sanction of the Collector by private contract, lease the collection of any fees imposed under clauses (f) and (g)

of sub-section (1) of section 88 and clauses (d), (k) and (m) of section 89 :

Provided that the lessee shall give adequate security to the satisfaction of the Collector for the due fulfilment of the conditions of the lease.

93. (1) If, in the opinion of the Zila Panchayat the income of a Gram Panchayat is or is likely to be inadequate for the proper discharge of the duties imposed under this Act, the Zila Panchayat may, by order in writing require the Gram Panchayat to take steps within six months of a date to be specified in the order to increase its income to such extent as the Zila Panchayat considers necessary, and if the Gram Panchayat fails to comply with the order, the Zila Panchayat may, by further order in writing, require it to levy or increase any tax, toll, fee or rate specified in section 89 subject to such maxima as may be prescribed.

Power of Zila Panchayat in matters of taxation.

(2) A Gram Panchayat may within such time, as may be prescribed, appeal to the State Government against an order made under sub-section (1) and pending such appeal, the State Government may stay execution of the order, and shall, after obtaining a report of the Zila Panchayat, pass such order as it thinks fit.

94. Any arrear of [cess] tax, [toll, fees or rate imposed] or rent due under this Act shall be recoverable by the Collector as if it were an arrear of land revenue.

Recovery of arrears.

95. Any person evading the payment of any tax, toll, fee or rate shall be punishable with fine which may extend to rupees fifty.

Penalty for evasion.

96. (1) If, on a complaint made to it, or otherwise, it appears to the Government that any tax levied by a Gram Panchayat is unfair in its incidence or that such levy or any part thereof is obnoxious to the interest of the inhabitants of the Gram Sabha area, it may, by an order, require the Gram Panchayat to remove the objection to any such tax within such time as may be specified therein, and on the failure of the Gram Panchayat to comply with the order within the time so specified to the satisfaction of the Government, the Government may, by notification and subject to such conditions or restrictions as may be specified therein abolish, suspend or reduce the amount or rate of any tax.

Power of Government in regard to relief in taxes.

(2) The Government may, on its own motion or otherwise, after giving the Gram Panchayat an opportunity of expressing its views in the matter, by order, exempt from the payment of any tax in whole or in part any person or any class of persons or any property or description of properties subject to such conditions as may be specified in such order.

#### CHAPTER VIII - ADIVASI AND PARGANA PANCHAYATS

97. If in the opinion of the State Government the provisions of chapters I to VII and [XVI] IX to XXI are unsuitable for any local area by reason of the majority of its inhabitants being members of the schedule tribes it may, by notification, apply the provisions of this chapter to such area; and thereupon the provisions

Application of chapter.

of the said chapters shall, except as hereinafter provided, not apply to such area.

**Establishment of Adivasi Panchayats.**

98. (1) The State Government may, by notification, establish an adivasi Panchayat for any village or group of villages in the local area to which the provisions of this chapter have been made applicable under section 97. The notification shall specify the name by which the Adivasi Panchayat shall be known and shall define the limits of the area or areas within its jurisdiction.

(2) Every Adivasi Panchayat shall be a body corporate by its name specified under sub-section (1) having perpetual succession and a common seal and shall by its name sue and be sued and shall, subject to such conditions and restrictions as may be prescribed, have power to acquire, hold or transfer property, movable or immovable, to enter into contracts and to do all other things necessary for the purposes of this Act.

**Constitution of Adivasi Panchayat.**

99. (1) An Adivasi Panchayat shall consist of a Sarpanch and such number of Panchas as may be fixed by the State Government.

[(2) The Sarpanch shall be nominated by the State Government and the Panchas shall be elected in such manner as may be prescribed.]

(2) The Panchas shall be elected in such manner as may be prescribed and the Sarpanch shall be nominated by the State Government from amongst the Panchas so elected.

**Resignation by Sarpanch or Panch.**

100. The Sarpanch of an Adivasi Panchayat may resign his office by tendering his resignation to the prescribed authority and a Panch may resign his seat by tendering his resignation to the Sarpanch.

**Removal of Sarpanch or Panch.**

101. (1) The Collector may remove a Sarpanch or a Panch for corruption, neglect of duty, continued absence from meetings, moral turpitude or any other sufficient cause and may appoint the successor of the person so removed :

Provided that no Sarpanch or a Panch shall be removed, unless he has been given an opportunity to show cause why he should not be removed from his office.

(2) The Sarpanch or the Panch removed under sub-section (1) may prefer an appeal to the Commissioner within thirty days from the date of the order of the Collector and the decision of the Commissioner thereon shall be final.

**Administrative functions of Adivasi Panchayat.**

102. The State Government may, by general or special order, direct an Adivasi Panchayat to undertake within its jurisdiction the control and administration of and to be responsible for any of the matters specified in sections 43 and 44.

**Adivasi Panchayat Fund.**

103. (1) Every Adivasi Panchayat shall establish and maintain a fund and into such fund shall be paid—

(1) all sums made payable to the Adivasi Panchayat by or under this Act or any rule made thereunder;

- (ii) all sums contributed by the State Government or any local authority or any private person;
- (iii) such other sums as the State Government may, by general or special order, permit to be paid into the fund.

(2) Subject to the provisions of this Act and any rules made thereunder, such fund shall be applicable only to the payment of charges and expenses incidental to the matters under its control and administration.

104. (1) An Adivasi Panchayat may exercise such criminal and civil jurisdiction as may be prescribed. Judicial functions of Adivasi Panchayat.

(2) In the exercise of its functions with respect to its criminal and civil jurisdiction, an Adivasi Panchayat shall act according to justice, equity and good conscience and shall follow such procedure as may be prescribed.

(3) Any decision given by an Adivasi Panchayat in exercise of its criminal and civil jurisdiction shall be recorded on the report of the Sarpanch by the prescribed authority.

105. (1) In the event of the failure of the person ordered to pay an amount by the Adivasi Panchayat within such time as may be prescribed, the Sarpanch, in the case of a fine imposed, and the party entitled to payment under an order of the Adivasi Panchayat, in any other case, may apply to the Collector for recovery of the amount, and the Collector shall, thereupon after hearing the person liable to pay, proceed to recover the amount as if it were an arrear of land revenue. Recovery of amounts due as arrears of land revenue in case of default.

(2) The amount when recovered shall be remitted to the applicant.

106. An appeal shall lie against every decision of the Adivasi Panchayat to the Pargana Panchayat constituted as hereinafter provided. Appeal.

107. (1) There shall be a Pargana Panchayat for a group of Adivasi Panchayats. Constitution of Pargana Panchayat.

(2) The Pargana Panchayat shall consist of a Sarpanch and four Panchas who shall all be nominated by the State Government.

108. (1) The State Government may by general or special order apply to any Adivasi or Pargana Panchayat such of the provisions of Chapter I to VII and IX to XXI as it may think fit. Power to apply provisions of Act.

(2) For the purpose of facilitating the application of any provision contained in any of the said chapters, the State Government may modify any provision, without affecting the substance thereof, in such manner as may be necessary or proper to adopt it to the circumstances of an Adivasi or Pargana Panchayat.

109. (1) The State Government may make rules to carry out all or any of the purposes of this chapter not inconsistent therewith. Power to make rules.

(2) In particular and without prejudice to the generality of the foregoing power, it shall have power to make rules with reference to the varying circumstances of an Adivasi Panchayat or a Pargana Panchayat—

- (a) for laying down the qualifications and disqualifications of voters and candidates, the manner of elections, the decisions of doubts and disputes, the authority who shall decide them, the liabilities of witnesses to answer questions, the evidence to be admitted, the procedure to be followed, the powers to be exercised by such authorities in making enquiries including power to identify witnesses against criminal proceedings and to enforce orders made in such enquiries;
- (b) for laying down the term of office of the Sarpanch and Panchas of an Adivasi Panchayat and a Pargana Panchayat and for filling casual vacancies of any Sarpancha or Panch;
- [(c) for the procedure to be followed by a Panchayat in its meetings;]
- (c) for the procedure to be followed by an Adivasi Panchayat and a Pargana Panchayat in their meetings.
- (d) for the procedure to be followed by an Adivasi Panchayat when exercising criminal and civil jurisdiction and by a Pargana Panchayat when hearing an appeal;
- (e) for the custody and administration of the funds and the manner of keeping the accounts and inspection and audit thereof;
- (f) for any matter for which no provision has been made in this chapter and for which provision is, in the opinion of the State Government, necessary.

## CHAPTER IX.—JANAPADA PANCHAYATS

### I. Constitution.

Division of district into blocks. 110. (1) The State Government may, by notification, divide a district into blocks.

(2) A notification under sub-section (1) shall specify the name by which the block shall be known and shall define the limits of the area comprised therein.

Incorporation of Janapada Panchayat.

111. (1) For every block, there shall be a Janapada Panchayat having jurisdiction over the block:

Provided that, unless otherwise expressly provided in this Act, every Corporation, Municipality, Town Area or Notified Area, shall with respect to the functions which a Municipal Corporation, a Municipal Council, Town Area Committee or a Notified Area Committee discharges under the Municipal Law, form a separate administrative area.

(2) Every Janapada Panchayat shall be a body corporate by the name of its block having perpetual succession and a

common seal and shall by its name sue and be sued and shall subject to the provisions of this Act and the rules framed thereunder have power to acquire, hold or transfer property, movable or immovable, to enter into contracts and to do all other things necessary for the purpose of this Act.

112. (1) Every Janapada Panchayat shall consist of such number of members not being less than 15 and not more than 25, as the State Government may, by notification, specify. Constitution of  
Janapada  
Panchayat.

(2) Every Janapada Panchayat shall be composed of—

- (i) elected members;
- (ii) one member representing the Co-operative Marketing Society or a Co-operative Union, as the case may be, within the block;
- (iii) one Councillor representing each of the Municipal Corporation, Municipal Council or Notified Area Committee within the block elected by the Councillors of such authority from amongst themselves in such manner as may be prescribed:

[Provided that—

- (i) if the elected members do not include—
  - (a) a woman; or
  - (b) a member of the Scheduled Castes or Scheduled Tribes; or
- (ii) if there be no Co-operative Marketing Society or a Co-operative Union within the block;

the Janapada Panchayat shall co-opt—

- (i) (a) a woman; or  
(b) a person belonging to such castes or tribes; or
- (ii) a representative of other co-operative institution within the block ;

who is a member of a Gram Sabha within the block and is qualified to be elected a Panch of a Gram Panchayat within the block, to be a member of the Janapada Panchayat, and the members so co-opted shall be in addition to the number of members fixed under sub-section (1).]

(3) If the elected members do not include—

- (a) a woman or include less than two women, the Janapada Panchayat shall co-opt such number of women as would make the total number of women members at least two ; or
- (b) a member of the Scheduled Castes or Scheduled Tribes, the Janapada Panchayat shall co-opt a person belonging to such castes or tribes.

(4) If there be no Co-operative Marketing Society or a Co-operative Union within the block, the Janapada Panchayat shall co-opt a representative of other co-operative institutions within the block.



(5) No person who is not a member of a Gram Sabha within the block and is not qualified to be elected a Panch of a Gram Panchayat within the block shall be co-opted under sub-section (3) or sub-section (4).

(6) The members co-opted under sub-sections (3) and (4) shall be in addition to the number of members fixed under sub-section (1).

Exercise of powers of Janapada Panchayat pending its Constitution.

112-A. (1) Where a district is divided into blocks for the first time under this Act, the State Government shall, by notification, constitute for each block a committee consisting of a President, vice-President and such number of members as it may deem fit and such a Committee shall be deemed to be a Janapada Panchayat for the purposes of the Act :

Provided that no person shall be appointed as President or vice-President or member of such a Committee who is ineligible to hold such office in the Janapada Panchayat under this Act.

(2) A Committee constituted under sub-section (1) shall continue to function for a period of one year from the date of publication of the notification under sub-section (1) or till such further period not exceeding one year, in the aggregate, as the State Government may, by notification from time to time, specify.

Division of block into constituencies.

113. (1) Subject to the provision of sub-section (2) the Government shall, by notification—

(a) divide a block into constituencies ;

(b) fix the number of members to be elected from each constituency.

(2) The ratio between the number of the members to be elected from each constituency in a block and the population of that constituency as ascertained in the last preceding census, shall, so far as practicable, be the same throughout the block.

Preparation of list of voters.

114. (1) For every block there shall be a list of voters which shall be prepared constituency-wise by the collector or any other officer authorised by him in this behalf in accordance with the provisions of this section.

(2) Every panch of a Gram Panchayat situate within the block shall be entitled to be registered in the list of voters of the block :

Provided that no person shall be entitled to be registered in the list of voters for more than one constituency.

(3) Every Panch whose name is registered in the list of voters prepared under sub-section (1) shall be eligible to be an elected member of the Janapada Panchayat.

Disqualification from membership.

115. The provisions of section 27 shall apply in case of a member, a President or a Vice-President of a Janapada Panchayat as they apply in case of a Panch, a Sarpanch or an Up-sarpanch of a Gram Panchayat.

116. Subject to the provisions of this Act, the election and co-option of a member of a Janapada Panchayat shall be in accordance with the rules made under this Act. Method of voting and procedure for election.

117. (1) The members of a Janapada Panchayat shall, save as otherwise provided in this Act, enter upon their respective offices with effect from the date of the first meeting of the Janapada Panchayat fixed under sub-section (2) and hold office for a term of five years : Term of office of members of Janapada Panchayat.

Provided that the term of office of the outgoing member shall be deemed to extend to, and expire on the day preceding the date of the first meeting of the Janapada Panchayat :

Provided further that the State Government may by notification extend the term from time to time for a total period not exceeding one year in the aggregate.

(2) The first meeting of the Janapada Panchayat shall be held on the day fixed by the prescribed authority within one month of [four weeks from] the date on which the election [and] or co-option as the case may be, whichever was last declared [is notified under section 120.]

118. Every Janapada Panchayat shall at its first meeting or within such time as may be prescribed elect from amongst its members or from amongst the Panchas of the Gram Panchayat within the block a President and a Vice-President in such manner as may be prescribed : Election of President and Vice-President.

Provided that if the Janapada Panchayat fails to elect a President or a Vice-President within the time prescribed the State Government shall appoint any member of the Janapada Panchayat or any Panch of Gram Panchayat within the block to be the President or Vice-President, as the case may be.

Provided further that if a Panch of a Gram Panchayat who is not a member of the Janapada Panchayat is elected as a President or a Vice-President, the total number of the members of the Janapada Panchayat fixed under section 112 shall be deemed to have been increased so as to include the President or Vice-President so elected and such President or Vice-President shall be deemed to be a member of the Janapada Panchayat for the purposes of the Act.

119. (1) The term of office of the President and the Vice-President shall be co-terminus with the term of office of the members of the Janapada Panchayat. Term of office of President and Vice-President.

(2) After the expiry of the term of his office the President shall continue to carry on the current duties of his office until such time as the election or appointment of his successor is notified.

(3) (a) As soon as may be after the election or appointment of a new President is notified the outgoing President shall hand over to him the charge of office.

(b) If the outgoing President fails or refuses to hand over charge of his office as required under clause (a), the prescribed authority may by order in writing direct the outgoing President to

to hand over forthwith charge of his office and all papers and property in his possession as such President, to the new President.

(c) If an outgoing President to whom a direction has been issued under clause (b) fails to comply with the direction he shall on conviction be punished with fine which may extend to hundred rupees and shall be ejected forcibly, if necessary, from his office by such officer as may be authorised by the prescribed authority.

**Notification of election, co-optation, appointment etc.**

120. Every election, co-optation and appointment of a member of a Janapada Panchayat or a President and a Vice-President shall be notified by the [prescribed authority] Collector in the manner prescribed.

**Resignation of members.**

121. A member of a Janapada Panchayat may resign his office by giving notice in writing to that effect to the President and his resignation shall take effect from the date of its receipt by the President.

**Resignation by President or Vice-President.**

122. The President or Vice-President may resign his office by giving notice in writing to the prescribed authority but the resignation shall not take effect until it is accepted by the prescribed authority.

**Removal of members.**

123. (1) The Government may, after such enquiry as it may deem fit to make, at any time, remove a member President or Vice-President of a Janapada Panchayat—

(a) if he has been guilty of misconduct in the discharge of his duties ; or

(b) if his continuance in office is undesirable in the interest of the public :

Provided that no member President or Vice-President shall be removed unless he has been given an opportunity to show cause why he should not be removed from his office.

(2) A person who has been removed under sub-section (1) shall forthwith cease to be a member of any other Panchayat of which he is a member.

**Removal of President or Vice-President.**

124. [(1) A President or Vice-President may be removed from his office by a resolution passed by the Janapada Panchayat by a majority of not less than two-thirds of its members present and voting, and such majority is not less than one half of the total number of members constituting the Janapada Panchayat for the time being. The removal shall take effect from the date immediately next after the date on which such resolution is passed.]

(1) On a motion of no confidence being passed by the Janapada Panchayat by resolution passed by a majority of not less than two-thirds of the members present and voting, and such majority is more than one half of the total number of members constituting the Janapada Panchayat for the time being, the President or Vice-President against whom such resolution is passed shall cease to hold office with effect from the date immediately next after the date on which such resolution is passed.

(2) For the purpose of sub-section (1), a meeting of the Janapada Panchayat shall be held in the following manner :—

- (i) seven clear days' notice of such meeting shall be given to every member ;
- [(ii) the President or the Vice-President, as the case may be, against whom a resolution is to be placed before the meeting, shall not preside over the meeting ; and
- (iii) such President or Vice-President shall be given a reasonable opportunity to furnish an explanation.]
- (ii) the President or the Vice-President, as the case may be, against whom a resolution is to be placed before the meeting, shall not preside over the meeting but he shall have a right to speak or otherwise to take part in the proceedings of the meeting."

(3) If the office of the President becomes vacant under this Act, all powers and duties of the President, until the election or appointment of his successor, shall have been notified, be exercised and performed by the Vice-President, and if there be no Vice-President by such member as the Government may appoint in this behalf.

(4) The fact of the removal of the President or the Vice-President under sub-section (1) shall be intimated to the Zila Panchayat and to the Government and it shall be notified in the Gazette by the Government. The appointment of his successor shall, in the like manner, be notified in the Gazette.

125. In the event of the death, resignation, removal or Filling up of disqualification of a member, President or Vice-President of a casual vacancies. Janapada Panchayat, or his becoming incapable of acting before the expiry of his term of office, a casual vacancy shall be deemed to have occurred in such office and such vacancy shall be filled, as soon as may be, by election, co-option or appointment, as the case may be, of a person thereto as a member, President or Vice-President, who shall take office forthwith and shall hold such office for the unexpired term of his predecessor :

Provided that no casual vacancy except that of the office of the President shall be filled which occurs within a period of four months preceding the date on which the term of office of the person concerned expires.

## II.—Conduct of Business

126. Subject to the provisions of this Act, the procedure Procedure at a meeting of the Janapada Panchayat and its Standing Com- meeting. mittee shall be such as may be prescribed.

127. (1) A Janapada Panchayat shall meet for the transac- Meeting of tion of business at least once in every month at the office of Janapada the Janapada Panchayat and at such time as the President may Panchayat. determine.

(2) The President may, whenever he thinks fit, and shall, upon a written request of not less than one-half of the total number of members, call a special meeting.

(3) Notice of every meeting specifying the time and place thereof and the business to be transacted thereat shall be dispatched to every member and exhibited at the Janapada Panchayat Office seven clear days before an ordinary meeting and three clear days before a special meeting.

(4) No business other than that specified in the notice relating thereto shall be transacted at a meeting except with the consent of two-third of members present.

[(5) The quorum for a meeting of the Janapada Panchayat shall be one-half of the total number of members. If the quorum is not present at a meeting, the presiding authority shall adjourn the meeting to such time on the following day or some future date as it may fix. A notice of the meeting so fixed shall be affixed in the office of the Janapada 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 whether there is quorum present or not; provided that not less than one-fifth of the members are present.]

(5) The quorum for a meeting of the Janapada Panchayat shall be one-half of the total number of members. If less than one-half of the total number of members be present at a meeting at any time from the beginning to the end thereof the presiding authority shall, after waiting for not more than thirty minutes, adjourn the meeting to such hour on the following or some other future day as it may reasonably fix. A notice of such adjournment shall be fixed up in the Janapada Panchayat office, and the business which would have been brought before the original meeting had there been a quorum thereat, shall be brought before the adjourned meeting and may be disposed at such meeting or at any subsequent adjournment thereof, whether there be a quorum present or not.

(6) At every meeting of the Janapada Panchayat the President and in his absence the Vice-President shall preside and in absence of both, the members present shall choose one from among themselves to be the Chairman for the meeting.

(7) All question shall, unless otherwise specially provided, be decided by a majority of votes of the members present and voting. The Presidents, the Vice-President or Chairman, as the case may be, unless he refrains from voting shall give his vote before declaring the number of votes for and against the question and in case of equality of votes, he shall give his casting vote.

(8) No member shall vote on, and take part in the discussion of any question coming up for consideration at a meeting of a Janapada Panchayat, if the question is one in which he has any direct or indirect pecuniary interest, other than an interest as a member of the public.

(9) If it appears to any member present at a meeting that the person presiding at the meeting has any such pecuniary interest in any matter before the meeting for discussion as is referred to in sub-section (8) and a motion brought by him to that effect is carried, such person shall not preside over such meeting during the discussion and the meeting shall be presided over by any other person who would have presided, had the person so presiding been absent.

[128. No resolution of a Janapada Panchayat shall be modified or cancelled within three months after passing thereof, except by a resolution passed by not less than two-third of the total number of members at an ordinary or special meeting, notice whereof shall have been given fulfilling the requirements of sub-section (3) of section 127 and setting forth fully the resolution which it is proposed to modify or cancel at such meeting and the motion or proposition for the modification or cancellation of such resolution.] [Modification or cancellation of resolution.]

128. No subject once finally disposed of by Janapada Panchayat shall be reconsidered by it within six months unless the recorded consent of not less than three-fourth of its members has been obtained thereto, or unless the prescribed authority has directed its reconsideration. Reconsideration of subject finally disposed of.

129. Every member of the Legislative Assembly of the State representing the constituency which is wholly or partly included within the block, and who is not a member of the Janapada Panchayat constituted for such block shall have the right to speak in, and otherwise to take part in, the proceedings of any meeting of the Janapada Panchayat, but he shall not be entitled to vote at any such meeting. If a block is comprised of more than one such constituency, the members representing all such constituencies shall have the rights conferred by this section. Rights of certain members of State Legislative Assembly to participate in Janapada Panchayat proceedings.

130. (1) Minutes shall be kept of the names of the members and of the Government officers and members of Legislative Assembly, if any, present and of the proceedings of each meeting of the Janapada Panchayat and if any member present at the meeting so desires, of the names of the members voting, respectively for or against any resolution, in a book to be provided for the purpose, which shall be signed as soon as practicable by the President, Vice-President or Chairman of such meeting and shall at all reasonable times, be open to inspection free of charge by any member or any Panch of a Gram Panchayat within the block. A copy of the minutes shall be forwarded to the prescribed authority within fifteen days of the minutes being signed. Minutes.

(2) The minutes shall be in Hindi written in Devnagari script.

131. Any member may call the attention of the President to any neglect in the execution of the Janapada Panchayat work, to any waste or misapplication of Janapada Panchayat funds or property or to the needs of any locality within the block, and may make such suggestions as appear desirable. Interpellations and resolutions.

*III.—Subordinate Agencies*

Standing Committees of Janapada Panchayat. 132. [(1) Every Janapada Panchayat shall from amongst its members constitute the following Standing Committees, namely:—

- (a) *Agriculture Standing Committee.*—For agriculture, animal husbandry, minor irrigation, power, reclamation including soil conservation and contour bunding and fisheries, compost manuring, seed distribution and other matters connected with development of agriculture and live-stock;
- (b) *Co-operative Standing Committee.*—For co-operation, thrift and small savings, cottage industries, rural housing, excise (temprance or prohibition) and statistics ;
- (c) *Education and Social Welfare Standing Committee.*—For education including social education, health and sanitation including rural water supply and drainage, social welfare, women welfare, relief of distress caused by floods, draught, earthquake, scarcity, locust, swarms and other such emergencies ;
- (d) *Communication and Works Standing Committee.*—For communication and works ; and
- (e) *Taxation and Finance Standing Committee.*—For taxation and finance.]

“(1) Every Janapada Panchayat shall from amongst its members constitute the following Standing Committees, namely:—

- (a) *Agriculture Standing Committee.*—For agriculture, animal husbandary, power, reclamation including soil conservation and contour bunding and fisheries, compost manuring, seed distribution and other matters connected with development of agriculture and live-stock ;
- (b) *Education Standing Committee.*—For education including social education.
- (c) *Social Welfare Standing Committee.*—For social welfare, women and child welfare, removal of untouchability, relief of distress caused by floods, draught, earthquake, hailstorm, scarcity, locust swarms and other such emergencies, temperence or prohibition, health and sanitation.
- (d) *Taxation and Finance Standing Committee.*—For planning, budget, accounts, taxation and other financial matters.
- (e) *Communication and Works Standing Committee.*—For communication, minor irrigation, rural housing, rural water-supply, drainage and other public works.
- (f) *Co-operation and Industries Standing Committee.*—For co-operation, thrift and small sav-

ings, cottage and village industries, markets and statistics.

- (g) General Standing Committee.—For local pilgrimages, fairs and melas, cattle pounds and other miscellaneous work.

(2) In addition to the [five] seven Standing Committees referred to in sub-section (1) a Janapada Panchayat may, with the approval of the Government, constitute one or more such committees for any other matter not specified in the said sub-section.

(3) Every Standing Committee shall consist of the President of the Janapada Panchayat who shall be ex-officio Chairman of the Standing Committee and four other members to be elected by the members of the Janapada Panchayat from themselves in the manner prescribed:

Provided that a Standing Committee may, with the previous approval of the Janapada Panchayat, co-opt not more than two persons having experience or special knowledge of the subjects assigned to the Standing Committee.

Provided further that the members of the Social Welfare Committee shall include a woman.

(4) Every Standing Committee shall, in relation to the subjects assigned to it, exercise such powers and perform such of the functions of the Janapada Panchayat as may be prescribed.

(5) No person other than the President of a Janapada Panchayat shall be a member of more than [two] three Standing Committees at a time.

(6) The term of office and the procedure for the conduct of business of a Standing Committee shall be such as may be prescribed.

133. A Standing Committee of the Janapada Panchayat may, in case of emergency direct the execution or stoppage of any work or doing any act which requires the sanction of the Janapada Panchayat and immediate execution or doing of which is, in its opinion, necessary for the health or the safety of public, and may direct that the expense of executing such work or doing such act shall be paid from the Janapada Panchayat Fund :

**Emergency powers of Standing Committees.**

Provided that—

- (a) it shall not act under this section in respect of any matter falling outside its purview ;
- (b) it shall not act under this section in contravention of any order of the Janapada Panchayat prohibiting the execution of particular work or doing of any particular act ;
- (c) it shall report forthwith the action taken under this section and the reasons therefor to the President who shall lay it before the Janapada Panchayat at its next meeting.



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Powers of Janapada Panchayat to call for records from its Standing Committees.

134. A Janapada Panchayat may require a Standing Committee to furnish any document including extract of the proceedings of a meeting of such committee which is in its custody and such committee shall comply with every such requisition.

Powers and duties of President.

135. The President of a Janapada Panchayat shall—

- (a) preside at the meeting of the Janapada Panchayat and all its committees ;
- (b) watch over the financial and general administration of the Janapada Panchayat and exercise general supervision and control ;
- (c) submit to the Janapada Panchayat all questions which require its sanction.
- (d) exercise such other powers and perform such other duties as may be prescribed.

Powers and duties of Vice-President.

136. The Vice-President of a Janapada Panchayat shall—

- (a) in the absence of the President, preside over the meeting of the Janapada Panchayat ;
- (b) exercise such powers and perform such duties of the President as the President may, from time to time, delegate to him ;
- (c) exercise powers and perform the duties of the President, pending the election of a President or during the absence of the President on leave or otherwise.

#### CHAPTER X.—FUNCTIONS

Functions of Janapada Panchayat.

137. (1) Subject to the provisions of this Act and the rules made thereunder, and subject to general or special orders as may be issued by the State Government, from time to time, it shall be the duty of a Janapada Panchayat, so far as the Janapada Panchayat fund at its disposal will allow, to make reasonable provision for the following matters :—

- (i) *Community Development*.—The execution of all programmes under the Community Development in association with Gram Panchayats, Co-operative Societies, voluntary organizations and the public.
- (ii) *Agriculture*.—The doing of everything necessary to step up agricultural production and in particular—
  - (a) multiplication and distribution of improved seeds ;
  - (b) procurement, distribution and popularisation of improved manure and fertilizers ;
  - (c) popularisation of improved techniques, methods and practices and improved implements ;
  - (d) achieving self sufficiency in green manure, composting of farm-yard manure ;
  - (e) encouraging fruits and vegetable cultivation ;
  - (f) reclamation of land and conservation of soil ;
  - (g) providing credit for agricultural purposes ;

- (h) popularising of horticultural practices;
  - (i) propagating and assisting in plant protection methods;
  - (j) laying out demonstration plots, working out better methods of farm management;
  - (k) bringing more acreage under irrigation by renovating and sinking wells, repairing, digging private tanks and maintaining Government minor irrigation sources and supply channels;
  - (l) utilizing more power for agricultural purposes;
  - (m) exploiting underground water sources by sinking wells, filter points and tube wells;
  - (n) tree planting;
  - (o) growing of village forests.
- (iii) *Animal Husbandry and Fisheries.*—
- (a) upgrading local stocks by introducing pedigree breeding bulls and castrating scrub bulls;
  - (b) introducing improved breeds of cattle, sheep, pigs and poultry;
  - (c) controlling contagious diseases by systematic protection;
  - (d) introducing improved fodder and feeds;
  - (e) establishing and maintaining artificial insemination centres, first aid centres and minor veterinary dispensaries;
  - (f) dairying and milk supply;
  - (g) developing inland fisheries;
  - (h) educating the people about the importance of better cattle for both milk and draught.
- (iv) *Health and Sanitation.*—
- (a) expanding existing medical and health service and bringing them within the reach of the people;
  - (b) establishing and maintaining primary health centres and maternity centres;
  - (c) providing protected drinking water facilities;
  - (d) ensuring systematic vaccination;
  - (e) controlling epidemics;
  - (f) providing drains and soakage pits for village and house drainage;
  - (g) encouraging the use of sanitary type of latrines and utilising human waste;
  - (h) popularising smokeless Chulas;
  - (i) supervising work in Government dispensaries and hospitals;
  - (j) enlisting peoples' participation for the improvement of such dispensaries and hospitals;
  - (k) securing the co-operation of the people and the Gram Panchayats during epidemics;
  - (l) implementing health programmes subject to the technical control of the district authorities concerned.

**(v) Education.—**

- (a) maintenance and expansion of primary and basic schools;
- (b) establishment and maintenance of primary and basic schools;
- (c) establishment of adult education centre and adult literacy centres;
- (d) provision and improvement of accommodation for schools with peoples participation;
- (e) taking of such action as may be necessary for the promotion of education for all children until they complete the age of 14 years.

**(vi) Social Education.—**The creation of a new outlook among the people and making them self reliant, hard working and responsive to community action and in particular:—

- (a) establishment of information, community and recreation centres;
- (b) establishment of youth organisation, Mahila Mandals, Farmers Clubs, and the like;
- (c) establishment and popularisation of libraries;
- (d) organization of watch and ward, with the help of Gram Panchayats;
- (e) encouragement of physical and cultural activities;
- (f) organisation of voluntary sanitary squads;
- (g) training and utilisation of the services of Gram Sahayaks.

**(vii) Communication and Public Works.—**

- (a) construction, repairs and maintenance of roads within the jurisdiction of Janapada Panchayat, but other than Gram Panchayat Roads;
- (b) rendering such assistance as may be necessary for the formation and the maintenance of village roads which serve as feeders;
- (c) repairs to Janapada Panchayat buildings and protection of movable and immovable property.

**(viii) Co-operation.—**The securing of economic development along democratic lines by the application of co-operation in its different forms and in particular:—

- (a) establishment of co-operative credit, consumers, housing, producers, industrial, farming, marketing and multi-purpose societies in order to serve the maximum number of families;
- (b) encouragement of thrift and small saving.

**(ix) Cottage Industries.—**Development of cottage, village and small scale industries in order to provide better employment opportunities and thereby raise the standard of living and in particular:—

- (a) the establishment and maintenance of production-cum-training centres;

- (b) the improvement of the skill of artisans and craftsmen;
- (c) popularisation of improved implements;
- (d) implementation of schemes for the development of cottage, village and small scale industries financed by the Khadi and Village Industries Commission and All India Boards.

(x) *Women and Child Welfare*.—The implementation of [specifically] schemes specially designed for the welfare of children and women and in particular the establishment of women and child welfare centres, literary centres, crafts and tailoring and dress making centres and the like.

(xi) *Social Welfare*.—

- (a) implementation of Rural Housing Scheme;
- (b) maintenance of disabled beggars and control of vagrancy;
- (c) strengthening of voluntary social welfare organisation and co-ordinating their activities;
- (d) propagation of temperance and prohibition.

(xii) *Emergency Relief*.—Provision of emergency relief through voluntary efforts in cases of distress caused by fires, floods, draught, earthquake, scarcity, locust swarms, epidemics and other natural calamities.

(xiii) *Collection of statistics*.—Collection and compilation of such statistics as may be found necessary either by the Janapada Panchayat, the Zila Panchayat or the Government.

(xiv) *Self-Help Programme*.—Formulation and execution of suitable programmes for stepping up production and for raising the incomes and standard of living, for the improvement of sanitation and for the provision of amenities for the people.

(xv) *General*.—

- (a) arrangement in connection with local pilgrimage and festivals;
- (b) organising and regulating markets, fairs and melas ;
- (c) establishment and control of cattle pound;
- (d) welfare of Backward Classes;
- (e) promoting natural relations and co-operation among the Gram Panchayats within its jurisdiction ;

(xvi) Any other function with the approval of the Government.

(2) The State Government may, by an order, add to or withdraw any of the functions mentioned in sub-section (1) or direct the performance of any of such functions subject to such modifications or restrictions as may be specified therein.

**Development functions.**

138. (1) Subject to such conditions and restrictions as it may deem fit to impose, the State Government may entrust to the Janapada Panchayat the execution in the Block of the Community Development Scheme, including in particular, all measures relating to the functions enumerated in section 137.

(2) On entrustment of the functions specified under subsection (1), the Janapada Panchayat shall subject to the provisions of this Act and any general or special order passed by the State Government, execute the scheme and take all other measures necessary therefor.

**General Powers of Janapada Panchayat.**

139. Subject to the provisions of this Act and the rules made thereunder and provisions of any other law for the time being in force, a Janapada Panchayat shall have power to do all acts necessary or incidental to the carrying out of the duties entrusted to it under section 137 :

Provided that when the Government undertakes to perform any of the functions enumerated in section 137, nothing in that section shall be deemed to impose any duty or confer any power on a Janapada Panchayat for performance of such function, unless the Government by general or special order entrusts such duty or delegates such power in respect thereof to the Janapada Panchayat.

**Janapada Panchayat to supervise working of and to assist Gram Panchayats.**

140. Subject to the provisions of this Act and the rules made thereunder, every Janapada Panchayat shall supervise the working of the Gram Panchayats within the block and shall render such assistance within the limits of its resources as may be necessary.

**Power to turn, divert, discontinue or close roads.**

141. A Janapada Panchayat may, with the sanction of the Zilla Panchayat, turn, divert, discontinue or permanently close any road which is under the control and administration of or is vested in the Janapada Panchayat.

**Obstructions and encroachments upon public streets and lands.**

142. (1) Whoever—

(i) builds or sets up any wall or any fence, rail, post, stall, verandah, platform, plinth, step or any projecting structure or things, or other encroachments or obstructions ; or

(ii) deposits or causes to be placed or deposited, any box, bale, package or merchandise or any other thing ;

on any part of any public street, or building, or in or over or upon any open drain, gutter, sewer or aqueduct in such street, land or building which vests in the Janapada Panchayat shall on conviction be punished with fine which may extend to [rupees twenty-five] two hundred and fifty rupees

(2) The Chief Executive Officer shall have power to remove any such obstruction or encroachment, and the expenses of such removal shall be paid by the person who has caused the said obstruction or encroachment, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter XIII.

Provided that, before proceeding to remove any such obstruction or encroachment, the Chief Executive Officer shall by a written notice call upon the person who has caused such obstruction or encroachment to remove it within a reasonable time to be specified in the notice, or to show cause why the same should not be removed.

(3) Nothing contained in this section shall prevent a Janapada Panchayat from allowing any temporary occupation of or erection on any public street which vests in it or is its property, on occasions of festival and ceremonies, or of the piling of fuel on any part of such road for not more than 15 days and in such manner as not to inconvenience the public or any individual.

#### CHAPTER XI.—JANAPADA PANCHAYAT FUND AND PROPERTY

143. (1) For the purposes of this Act, the State Government may by notification and subject to such conditions and restrictions as it may think fit to impose, vest in a Janapada Panchayat open sites, vacant lands or grazing lands or public roads and streets, bridges, ditches, fences, wells, river beds, tanks, streams, lakes, nallahs, canals, trees or any other property in the block vesting in the Government. **Government may vest certain property in Janapada Panchayat.**

(2) The State Government may resume any immovable property transferred to the Janapada Panchayat under subsection (1), without payment of any compensation other than the amount paid by the Janapada Panchayat for such transfer and the market value at the date of resumption of any building or works subsequently erected or executed thereon by the Janapada Panchayat:

Provided that no compensation shall be payable for buildings or works constructed or erected in contravention of the terms of the transfer.

144. No immovable property vested in or belonging to a Janapada Panchayat shall be transferred by sale, gift, mortgage or exchange or by lease for a period exceeding three years, or otherwise except with the previous sanction of the State Government or any officer authorised in this behalf. **Transfer of immovable property.**

145. A Janapada Panchayat may with the previous sanction of the prescribed authority, compromise any suit instituted by or against the Janapada Panchayat or any claim or demand arising out of any contract entered into by the Janapada Panchayat under this Act on such terms as it [shall] may deem fit. **Power to compromise.**

146. (1) Every Janapada Panchayat shall establish and maintain a fund called the Janapada Panchayat Fund. **Janapada Panchayat Fund.**

(2) The following shall form part of and be paid into the Janapada Panchayat Fund, namely :—

- (1) all sums received on account of institutions and schemes transferred by the Government to the Janapada Panchayat;

- (ii) all sums allotted by the Government for the execution of the Community Development programme;
- (iii) all sums contributed to the Janapada Panchayat Fund by the Central Government, State Government, All India Bodies or other institutions for the development of cottage and village industries, Khadi, Silk, and the like;
- (iv) donation and contribution received by the Janapada Panchayat from other local bodies or from the public in any form;
- (v) such percentage of land revenue, other taxes or fees as may be payable by the Government to the Janapada Panchayat under this Act or under any other law for the time being in force;
- (vi) the proceeds of any tax, rate, fee etc., which the Janapada Panchayat may, under any law, levy;
- (vii) the income from or proceeds of any property of the Janapada Panchayat;
- (viii) all interests, profits and other moneys accruing by gifts, grants, assignment or transfers from the Government or private individuals or otherwise;
- (ix) all proceeds of land and other property sold by the Janapada Panchayat including sale proceeds of grass and produce of trees not vested in private individuals on the side of roads and on other public grounds under the control and administration of the Janapada Panchayat and of timber fallen or felled therefrom; and
- (x) such other sums as may be assigned to the Janapada Panchayat Fund by special or general order of the Government.

**Application of  
Janapada Pan-  
chayat Fund.**

147. (1) Subject to the provisions of this Act and the rules made thereunder, all property vested in the Janapada Panchayat under this Act, and the Janapada Panchayat Fund shall be applied for the purposes of this Act, and the Fund shall be kept in such custody as may be prescribed.

(2) Any amount allotted to the Janapada Panchayat by the Government or any person or local authority for any specific work or purpose shall be applied exclusively for such work or purpose and in accordance with such instructions as the Government may either generally or specially issue in this behalf.

**Administration  
of Janapada  
Panchayat Fund.**

148. (1) The administration of Janapada Panchayat Fund shall, subject to the general control of the Government, be in the hands of the Janapada Panchayat.

(2) Subject to rules framed under this Act all moneys at the credit of Janapada Panchayat Fund shall be kept in the name of the Janapada Panchayat in the nearest Government Treasury or Sub-Treasury and where there is no Government Treasury or Sub-Treasury in the nearest Post Office Savings Bank or Co-operative Bank, or with a local banker or other person approved by the Government.

149. Subject to the previous sanction of the Government a Janapada Panchayat may make Grant-in-aid to any medical, educational or charitable institution or any other institution of public utility, within the block. **Power to make Grant-in-aid.**

150. When a Janapada Panchayat has entered into an arrangement, or made any promise, purporting to bind itself for a term of years or for unlimited period, to continue to any institution a yearly contribution from its property or from the Janapada Panchayat Fund, it shall be lawful for the Janapada Panchayat, with the sanction of the Government, to cancel such arrangements or promise or discontinue or to diminish such contribution, provided that it shall have given at least one year's notice of its intention so to do to the manager or managers of such institutions. **Arrangements purporting to be binding permanently or for a term of years.**

## CHAPTER XII.—JANAPADA PANCHAYAT ESTABLISHMENT, BUDGET AND ACCOUNTS

### *I.—Establishment*

151. (1) Every Janapada Panchayat shall have a Chief Executive Officer who shall be appointed by the Government. **Appointment of Chief Executive Officer.**

(2) No person other than a servant of the Government shall be eligible for appointment as Chief Executive Officer.

(3) All Officers and servants employed by the Janapada Panchayat or deputed by the Government shall be subordinate to the Chief Executive Officer.

152. (1) Leave of absence other than causal leave may be granted, from time to time, to the Chief Executive Officer by the State Government, and casual leave may be granted to him by such authority as may be prescribed. **Grant of leave of absence and condition of service of Chief Executive Officer.**

(2) The conditions of service of the Chief Executive Officer shall be such as are applicable from time to time to the class of service to which the Chief Executive Officer belongs in the service of the Government.

153. (1) Subject to the provisions of this Act and the rules made thereunder, a Janapada Panchayat may employ such officers and servants as may be necessary for the efficient discharge of its duties : **Other Officers and servants.**

(2) The qualifications, method of recruitment, salaries, leave allowances and other conditions of service including disciplinary matters of such officers and servants shall be such as may be prescribed.

154. A Janapada Panchayat may in accordance with the rules made under this Act— **Establishment of Provident Fund.**

(a) establish and maintain a Provident Fund on behalf of its officers and servants; and

(b) grant gratuity to any officer or servant subject to the previous approval of the prescribed authority



**Deputation of  
Government ser-  
vants.**

155. (1) The State Government may depute to the service of the Janapada Panchayat such servants of the Government as it considers necessary for the proper execution of the Community Development Scheme in the block.

(2) The terms and conditions of deputation of the servants of the Government including disciplinary control shall be such as may be determined by the State Government and the terms and conditions so determined shall be binding on the Janapada Panchayat.

**Functions of  
Chief Executive  
Officer.**

156. Subject to the provisions of this Act and the rules framed thereunder the Chief Executive Officer shall perform the following functions :—

- (i) convene meeting of the Janapada Panchayat and its committees and maintain proceedings thereof ;
- (ii) take action to implement the resolutions of the Janapada Panchayat ;
- (iii) furnish the Janapada Panchayat with returns, statements, estimates, statistics or other information relating to the administration of the Janapada Panchayat, and reports on such matters and copies of documents in his charge whenever called upon by the Janapada Panchayat to do so ;
- (iv) exercise supervision and control over the acts of all officers and servants of the Janapada Panchayat in matters of executive administration and in matters relating to the accounts and records of the Janapada Panchayat subject to rules or orders issued by the Government in this behalf ;
- (v) furnish to the Zila Panchayat and the prescribed authority a copy of every resolution passed by the meeting of the Janapada Panchayat or its committees ;
- (vi) furnish any extract of the proceedings of the Janapada Panchayat or of any committee thereof or other documents or things, which the Commissioner, Collector or Zila Panchayat or any other officer authorised in this behalf, may call for ;
- (vii) prefer, subject to the provisions of this Act and rules made thereunder, complaints in prosecutions by the Janapada Panchayat and initiate or conduct proceedings, civil or criminal on behalf of the Janapada Panchayat ;
- (viii) take part in meetings of the Janapada Panchayat and speak thereat but shall not have right to vote or move any motion ;
- (ix) such other functions as may be assigned to him by or under this Act or delegated to him by the Janapada Panchayat.]
- (x) such other functions as may be—
  - (a) delegated to him by the Janapada Panchayat ;

(b) assigned to him by the Government by or under this Act.

157. (1) Every contract or agreement entered into on behalf of the Janapada Panchayat, shall be binding on the Janapada Panchayat only if the said contract or agreement is executed in accordance with the provisions of this section. **Mode of making contracts.**

(2) In respect of matters which he is empowered to carry out under the provisions of this Act, the Chief Executive Officer may execute contracts or agreements on behalf of the Janapada Panchayat where the amount or value of such contract or agreement does not exceed five hundred rupees and he may execute such contracts and agreements on behalf of the Janapada Panchayat with the previous approval of the President where the amount or value of such contract or agreement exceeds five hundred rupees but does not exceed two thousand rupees and in all other cases, he shall execute a contract or agreement only with the approval or sanction of the Janapada Panchayat.

(3) Notwithstanding anything contained in sub-section (2), the Chief Executive Officer shall not execute any contract or agreement on behalf of the Janapada Panchayat for the purchase, sale, lease, mortgage, or other transfer of immovable property except with the approval or sanction of the Janapada Panchayat and subject to such rules as may be prescribed.

158. Where a Chief Executive Officer enters into a contract or agreement on behalf of a Janapada Panchayat, he shall report the fact in writing to the Janapada Panchayat within 15 days thereof. **Report of contract.**

## *II.—Budget and Accounts*

159. (1) The Chief Executive Officer shall, on or before the first day of January each year, cause, in the prescribed form and manner, to be prepared and laid before the Taxation and Finance Standing Committee, an estimate of the income and expenditure of the Janapada Panchayat for the next financial year. **Annual estimates of income and expenditure.**

(2) The said committee shall, as soon as may be consider the budget estimates prepared by the Chief Executive Officer and make such modifications and additions thereto as it shall think fit and submit the same to the Janapada Panchayat not later than the thirty first day of January.

(3) The Janapada Panchayat shall, as soon as may be, consider the budget estimates as submitted by the Taxation and Finance Standing Committee and make such modifications and additions thereto as it may think fit and submit the same to the Zila Panchayat for approval not later than the tenth day of March.

(4) The Zila Panchayat shall thereupon take into consideration the said estimates and shall have power to assent, or to refuse to assent to any item of expenditure in the said estimates,

or to assent to any item of expenditure in the said estimates subject to a reduction of the amount specified for such item :

Provided that no estimate shall be approved unless provision is made therein for the Janapada Panchayat having at its credit at the end of the year a balance of not less than such amount as may be prescribed :

Provided further that if for any reason the budget estimates could not be finally adopted before the commencement of the financial year to which they relate, the budget estimates as prepared by the Chief Executive Officer or as approved by the Taxation and Finance Standing Committee if it has considered the said budget estimates, or the budget estimates as submitted for approval by the Janpada Panchayat, if it has considered the said budget estimates, shall be deemed to be the budget estimates for that year [until action is taken by the Janapada Panchayat or Zila Panchayat, as the case may be.] until the budget estimates or finally approved in accordance with the provisions of this Act.

“(5) A copy of the budget estimates as approved or deemed to be approved under this section shall be forwarded forthwith to the State Government and the prescribed authority for information.

(6) If it appears to the prescribed authority that the budget so approved or deemed to be approved is in any way contrary to the provisions of this Act or the rules made thereunder, it shall require the Janapada Panchayat to modify it and the Janapada Panchayat shall forthwith comply with such requisition.”

**Power of Janapada Panchayat to request State Government to authorise expenditure in certain cases.**

160. Where the Zila Panchayat refuses to assent to any item of expenditure in the said estimates or assents subject to a reduction of the amount of any such item, and the Janapada Panchayat is of opinion that the refusal or reduction would affect the due discharge of its duties, it may request the State Government to authorise the expenditure considered necessary, and the State Government may authorise it to incur expenditure up to the said limit.

**Annual accounts of income and expenditure.**

161. Accounts of receipt and expenditure of every Janapada Panchayat shall be kept in such forms and in such manner as may be prescribed.

**Inspection of estimates and accounts.**

162. The Janapada Panchayat shall keep at its office a copy of every estimates as approved under section 159 and of every account made up under section 161 and any person residing in the block may at any reasonable time inspect any such estimate or account.

**Publication of abstract of accounts.**

163. An abstract of every annual account of Janapada Panchayat showing the income of the Janapada Panchayat fund under each head of receipts, the charges for establishment, works undertaken, sums expended on each work, and balance, if any, of the fund remaining unspent, shall be prepared by the Janapada Panchayat and shall be published annually in such manner as may be prescribed.

CHAPTER XIII.—IMPOSITION OF TAXES AND FEES, AND  
RECOVERY OF CLAIMS

164. Subject to the provisions of this Act and to such <sup>Levy of taxes and fees.</sup> conditions and exceptions as may be prescribed, every Janapada Panchayat shall impose the following taxes, namely:—

- (a) a toll on new bridges constructed by the Janapada Panchayat ;
- (b) a tax on theatres, theatrical performances and other shows for public amusement.

165. (1) The State Government may, by rules made under <sup>Power of State Government to regulate taxes,</sup> this Act, regulate the imposition, assessment and collection of taxes mentioned in section 164 and matters ancillary there-  
to.

(2) No objection shall be taken to any assessment nor shall the liability of any person to be assessed or taxed be questioned otherwise than in accordance with the provisions of this Act or of the rules made thereunder.

166. Any person aggrieved by the imposition of any tax <sup>Appeal against taxation.</sup> imposed under section 164, may appeal to the prescribed authority in such manner and within such time as may be prescribed, and his decision shall be final.

167. Save as otherwise provided in this Act and subject <sup>Rents and Fees.</sup> to the rules made thereunder, a Janapada Panchayat may charge fees for any license or permission issued under this Act or for the occupation or use of lands or other property vested in it or maintained out of the Janapada Panchayat Fund.

168. A Janapada Panchayat may, by public auction or <sup>Farming of toll or fees etc.</sup> with the previous sanction of the Collector by private contract, lease the collection of toll or fees imposed under sections 164 and 167 :

Provided that the lessee shall give adequate security for the due fulfilment of the conditions of the lease.

169. (1) The duty imposed by the Indian Stamp Act, <sup>Duty on transfer of immovable property.</sup> 1899 (II of 1899) on Instruments of sale, gift and usufructuary mortgage, respectively, of immovable property shall, in the case of instruments affecting immovable property situated within the block and executed on or after the date on which the provisions of this Act come into force within the limits of that block, be increased by one-half per centum on the value of the property so situated, or, in the case of an usufructuary mortgage on the amount secured by the instrument, as set forth in the instrument.

(2) For the purpose of this section, section 27 of the Indian Stamp Act, 1899 (II of 1899) shall be read as if it specifically required the particulars referred to therein to be set forth separately in respect of—

- (a) property situated in the block; and
- (b) property not situated in the block.

(3) The State Government shall every year, pay to each Janapada Panchayat from the consolidated Fund of the State a grant-in-aid approximately equal to the extra duty realised under sub-section (1) in respect of the property situated within the block after making such deductions on account of cost of collection as the State Government may determine.

**Penalty for evasion.**

170. Any person evading the payment of any tax [to toll, rate or fees] shall be punishable with fine which may extend to one hundred rupees.

**Record of arrear.**

171. Any arrears of the tax [toll, rate or fees] imposed by the Janapada Panchayat under this Act shall be recoverable by the [prescribed authority] Collector, as if it were an arrear of land revenue.

**Power of Government in matters of taxation.**

172. The State Government may, after consultation with the Janapada Panchayat at any time by notification,—

- (a) reduce the rate of any tax [rate or fee];
- (b) exempt from the payment of any such tax, [toll, rate or fees] any person or any class of persons or any property or class of properties;
- (c) suspend or thereafter reimpose any tax, [toll, rate or fees];
- (d) abolish or thereafter reimpose any tax, [toll rate or fees];

subject to such conditions and restrictions as may be specified in the notification.

## CHAPTER XIV.—ZILA PANCHAYATS

### 1. Constitution

**Establishment and incorporation of Zila Panchayat.**

173. (1) For every district, there shall be established by the Government, by notification, a Zila Panchayat having jurisdiction over the district.

(2) Every Zila Panchayat shall be a body corporate by the name of its district having perpetual succession and a common seal and shall by its name sue and be sued and shall subject to the provisions of this Act and the rules framed thereunder have power to acquire, hold or transfer property, movable or immovable, to enter into contracts and do all other things necessary for the purpose of this Act.

**Constitution of Zila Panchayat.**

174. (1) Every Zila Panchayat shall be composed of—

- (a) Presidents of the Janapada Panchayats within the district;
- (b) all members of [Parliament] the Lok Sabha representing Parliamentary Constituencies which either wholly or partly form part of the district;
- (b-1) all members of the Rajya Sabha returned from the State of Madhya Pradesh and ordinarily residing in the district.

- (c) all members of the State Legislative Assembly representing Assembly constituencies which either wholly or partly form part of the district;
- (d) district officers representing the Public Health including Public Health Engineering, Agriculture, Veterinary, Education and other Development Departments in the district as the Government may specify.

(2) The district officers referred to in clause (d) of sub-section (1) shall have the right to speak at and otherwise to take part in, the proceedings of any meeting of the Zila Panchayat or any of its standing Committee but shall not be entitled to vote or move any motion or resolution thereat.

175. A member of a Zila Panchayat shall, save as otherwise provided in this Act, hold office so long as he continues to hold the office by virtue of which he has become a member of the Zila Panchayat under section 174:

Term of office of members of Zila Panchayat.

Provided that notwithstanding the dissolution of the [House of the People] Parliament or the Legislative Assembly a member representing a Parliamentary constituency or an Assembly Constituency shall continue to hold office till the election of his successor.

176. (1) Every Zila Panchayat shall elect from amongst its members other than district officers referred to in clause (d) of sub-section (1) of section 174 a Chairman and a Vice-Chairman within such time and in such manner as may be prescribed :

Election of Chairman and Vice-Chairman and their term of office.

Provided that if the Zila Panchayat fails to elect a Chairman or a Vice-Chairman within the time prescribed, the State Government shall appoint any member of a Zila Panchayat other than district officers referred to in clause (d) of sub-section (1) of section 174, to be the Chairman or Vice-Chairman, as the case may be :

Provided further that no person shall be elected or appointed a Chairman or Vice-Chairman for more than one Zila Panchayat.

(2) Save as otherwise provided by this Act, the Chairman and the Vice-Chairman shall hold office for a period of five years :

Provided that the Chairman and the Vice-Chairman shall, unless the State Government otherwise directs, continue to hold office until his successor is duly elected or appointed and such election or appointment has been notified in the manner provided in section 177.

177. Every election or appointment of a Chairman and Vice-Chairman shall be published by the [prescribed authority] Collector in accordance with rules made under this Act and they shall enter on their respective offices from the date of such publication.

Notification of election or appointment of Chairman and Vice-Chairman.

**Resignation by  
Chairman or  
Vice-Chairman.**

178. The Chairman or Vice-Chairman may resign his office by giving notice in writing to the Government but the resignation shall not take effect until it is accepted by the Government.

**Removal of  
Chairman and  
Vice-Chairman.**

179. [(1) A Chairman or Vice-Chairman may be removed from his office by a resolution passed by the Zila Panchayat by a majority of two-third of its non-official members present and voting, which is not less than one half of the number of members other than district officers referred to in clause (d) of sub-section (1) of section 174 constituting the Zila Panchayat, for the time being, and the removal shall take effect from the date immediately next after the date on which such resolution is passed.]

[(2) For the purposes of sub-section (1) a meeting of the Zila Panchayat shall be held in the following manner, namely:—

- (i) seven clear days, notice of such meeting shall be given to every member ;
- (ii) the Chairman or the Vice-Chairman, as the case may be, against whom a resolution is to be placed before the meeting, shall not preside over the meeting ; and
- (iii) such Chairman or Vice-Chairman shall be given a reasonable opportunity to furnish an explanation.]

**Motion of no confi-  
dence against the  
Chairman or  
Vice-Chairman.**

(1) A motion of no-confidence may be moved against the Chairman or the Vice-Chairman by any non-official member of the Zila Panchayat at a meeting specially convened for the purpose under sub-section (2), and if the motion is carried by a majority of two-third of the non-official members present and voting and if such majority is more than half of the total number of non-official members constituting the Zila Panchayat for the time being, the Office of the Chairman or the Vice-Chairman, as the case may be, shall be deemed to have become vacant forthwith.

(2) For the purpose of sub-section (1), a meeting of the Zila Panchayat shall be held in the following manner, namely:—

- (i) the meeting shall be convened by the Secretary of the Zila Panchayat, on a requisition signed by not less than one-sixth of the total number of non-official members constituting the Zila Panchayat for the time being;
- (ii) the notice of such a meeting specifying the time and place shall be despatched by the Secretary, Zila Panchayat to every member ten clear days before the meeting;
- (iii) the Chairman and Vice-Chairman, as the case may be, against whom the motion of no-confidence is to be moved, shall not preside over the meeting, but he shall have a right to speak or to otherwise take part in the meeting.

(3) If the office of the Chairman becomes vacant under this Act, all powers and duties of the Chairman, until the election or appointment of his successor shall have been notified under section 177, be exercised and performed by the Vice-Chairman, and if there be no Vice-Chairman by such member as the Government may appoint in this behalf.

(4) The fact of the removal of the Chairman or the Vice-Chairman under sub-section (1) shall be intimated to the State Government and it shall be notified in the Gazette by the Government. The appointment of his successor shall in the like manner, be notified in the Gazette.

180. A casual vacancy in the office of a Chairman or a Vice-Chairman of a Zila Panchayat shall be filled, as soon as may be, by election or appointment of a non-official member of Zila Panchayat thereto who shall hold office for the unexpired term of his predecessor. **Filling of casual vacancy.**

## II.—Conduct of Business

181. Subject to the provisions of this Act, the procedure at a meeting of the Zila Panchayat shall be such as may be prescribed. **Procedure at meeting.**

182. (1) A Zila Panchayat shall meet for the transaction of business at least once in every month at the office of the Zila Panchayat and at such time as the Chairman may determine. **Meeting of Zila Panchayat.**

(2) The Chairman may, whenever he thinks fit, and shall, upon a written request of not less than one half of the total number of members call a special meeting.

(3) Notice of every meeting specifying the time and place thereof and the business to be transacted thereat shall be dispatched to every member and exhibited at the Zila Panchayat Office seven clear days before an ordinary meeting and [three] four clear days before a special meeting.

(4) No business other than that specified in the notice relating thereto shall be transacted at a meeting, except with the consent of two-third of members present.

[ (5) The quorum for a meeting of the Zila Panchayat shall be one half of the total number of non-official members constituting the Zila Panchayat for the time being. If the quorum is not present at a meeting, the presiding authority shall adjourn the meeting to such time on the following day or some future date as it may fix. A notice of the meeting so fixed shall be affixed in the office of the Zila 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 whether there is quorum present or not; provided that not less than one-fifth of the members are present.]



(5) The quorum for a meeting of the Zila Panchayat shall be one-half of the total number of non-official members constituting the Zila Panchayat for the time being. If there be no quorum present at a meeting at any time from the beginning to the end thereof, the presiding officer shall, after waiting for not more than thirty minutes, adjourn the meeting to such hour on the following or some other future day as it may reasonably fix. A notice of such adjournment shall be fixed up in the Office of the Zila Panchayat, and the business which would have been brought before the original meeting had there been a quorum thereat shall be brought before the adjourned meeting and may be disposed of at such meeting or at any subsequent adjournment thereof, whether there be a quorum present or not.

(6) At every meeting of the Zila Panchayat, the Chairman and in his absence the Vice-Chairman shall preside and in the absence of both the non-official members present shall choose one from among themselves to be the Chairman for the meeting.

(7) All questions shall, unless otherwise specially provided, be decided by a majority of votes of the non-official members present and voting. The Chairman, the Vice-Chairman or the 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 the question and in case of equality of votes, he shall give his casting vote.

(8) No member shall vote on, and take part in the discussion of any question coming up for consideration at a meeting of a Zila Panchayat, if the question is one in which he has any direct or indirect pecuniary interest, other than an interest as a member of the public.

(9) If it appears to any member present at a meeting that the person presiding at the meeting has any such pecuniary interest in any matter before the meeting for discussion as is referred to in sub-section (8) and a motion brought by him to that effect is carried, such person shall not preside over such meeting during the discussion and the meeting shall be presided over by any other person who would have presided, had the person so presiding been absent.

**Modification or  
cancellation of  
resolution.**

[183. No resolution of a Zila Panchayat shall be modified or cancelled within three months after passing thereof, except by a resolution passed by not less than two-third of the total number of members at an ordinary or special meeting, notice whereof shall have been given fulfilling the requirements of sub-section (3) of section 182 and setting forth fully the resolution which it is proposed to modify or cancel at such meeting and the motion or proposition for the modification or cancellation of such resolution.]

**Reconsideration  
subject finally  
posed of.**

183. No subject once finally disposed of by a Zila Panchayat shall be reconsidered by it within six months unless the recorded consent of not less than three-fourth of its non-official members has been obtained thereto, or unless the prescribed authority has directed its reconsideration.

184. (1) Minutes shall be kept of the names of the members present and of the proceedings of each meeting of the Zila Panchayat and if any member present at the meeting so desires, of the names of the members voting, respectively for or against any resolution, in a book to be provided for the purpose, which shall be signed as soon as practicable by the Chairman, Vice-Chairman or any other person presiding at such meeting and shall at all reasonable times, be open to inspection free of charge. Minutes.

(2) The minutes shall be recorded in Hindi, written in Devnagari script.

(3) A copy of the minutes shall be forwarded to the prescribed authority within fifteen days of the minutes being signed.

### *III.—Subordinate Agencies*

185. (1) Every Zila Panchayat shall from amongst its members constitute the following Standing Committees, Standing Committees of Zila Panchayat.

- (a) Planning and Community Development Standing Committee—For Planning and Community Development;
- (b) Co-operation Standing Committee—For co-operation, food, agriculture, irrigation and power;
- (c) Industries Standing Committee—For cottage, village and small scale industries;
- (d) Education and Social Welfare Standing Committee—For education including social education and social welfare;
- (e) Finance Standing Committee—For Finance.

(2) In addition to the five Standing Committees referred to in sub-section (1) a Zila Panchayat may, with the approval of the Government, constitute one or more Standing Committees for any matter not specified in the said sub-section.

(3) (a) Every Standing Committee shall consist of the Chairman and the Vice-Chairman of the Zila Panchayat and five other members to be elected by the members of the Zila Panchayat from among themselves in the manner prescribed :

Provided that a Standing Committee may with the previous permission of the Zila Panchayat co-opt in the prescribed manner not more than two persons having experience and special knowledge of the subjects assigned to the Standing Committee.

(b) The Chairman of the Zila Panchayat shall be the Chairman of every Standing Committee.

(4) Subject to rules framed under this Act, every Standing Committee shall, in relation to the subjects assigned to it, exercise such of the powers and perform such of the functions of the Zila Panchayat as may be delegated or assigned to it by the Zila Panchayat.

(5) No person other than the Chairman and the Vice-Chairman of the Zila Panchayat shall be a member of more than two Standing Committees at a time.

(6) The procedure for the conduct of business at a Standing Committee shall be such as may be prescribed.

**Powers and functions of Chairman and Vice-Chairman.**

186. The Chairman and Vice-Chairman of a Zila Panchayat shall exercise and perform such powers and functions as may be prescribed.

**Secretary of Zila Panchayat.**

187. The District Panchayat Officer or any other Gazetted Officer as the State Government may appoint [in this behalf] shall [not] act as Secretary to the Zila Panchayat.

**Power and functions of Zila Panchayat.**

#### *IV.—Functions of Zila Panchayat*

188. (1) Subject to the provisions of this Act and the rules made thereunder, it shall be the duty of the Zila Panchayat to—

- (i) encourage the establishment and foster the development of the Gram Panchayat in the district;
- (ii) supervise and control the administration of Gram Panchayat in the district;
- (iii) examine and approve the budget of Janapada Panchayats in the district;
- (iv) distribute the funds allotted to the district by the Central or State Government among the Janapada Panchayats in the district;
- (v) co-ordinate and consolidate the Janapada Panchayat plans;
- (vi) secure the execution of the plans, projects, schemes or other works common to two or more Janapada Panchayats in the district;
- (vii) supervise generally the activities of the Janapada Panchayat;
- (viii) afford guidance or assistance to the Janapada Panchayats;
- (ix) consolidate the demands for grants for special purposes received from the Janapada Panchayats and forward them to Government;
- (x) co-ordinate the inter block activities;
- (xi) bring to the notice of the Collector and the Commissioner of the Division in which the Zila Panchayat is situate serious irregularities, if any, committed by Gram or Janapada Panchayats;
- (xii) arrange supply of equipment like boring machines, bull dozers, tractors, etc., to Gram Panchayats and Janapada Panchayats in the district on such terms as may be prescribed;
- (xiii) advise Government in all matters relating to the development activities;

- (xiv) advise Government on the allocation of work among the Gram Panchayats and Janapada Panchayats and co-ordination of work between the two bodies and among the various Panchayats themselves ;
- (xv) advise Government on matters concerning the implementation of any statutory or executive orders specially referred by the Government to the Zila Panchayat ;
- (xvi) collect statistics from the Gram and Janapada Panchayats and maintain them ;
- (xvii) require any local authority to furnish information regarding its activities ; and
- (xviii) exercise and perform such other powers and functions as the Government may, by notification, confer on or entrust to it ;

(2) The State Government may, by order add to or withdraw any of the functions mentioned in sub-section (1) or direct the performance of any such function subject to such modifications or restrictions as may be specified therein.

189. (1) The Zila Panchayat or any of its Standing Committee may at any time require the Secretary—

- (a) to produce any record, correspondence or other document which is in his possession or control as Secretary ;
- (b) to furnish any return, plan, estimate, statement, account or statistics concerning or connected with any matter appertaining to the administration of this Act [or the local Government of the blocks] within the district ;
- (c) to furnish a report by himself, or to obtain from any of the officers subordinate to him and furnish with his own remarks thereon a report, upon any subject concerning or connected with the administration of this Act [or the local Government of the blocks] within the district.

Zila Panchayat or Standing Committee may require Secretary to produce documents.

(2) Subject to rules made under this Act, every such requisition shall be complied with by the Secretary.

190. (1) The Zila Panchayat shall have power—

- (i) to call for any proceedings of a Gram Panchayat or Janapada Panchayat, or an extract therefrom or any book or document in the possession or control of a Gram Panchayat or Janapada Panchayat, and any return, statement, account or report which the Zila Panchayat thinks fit to require such Panchayats to furnish ;
- (ii) to require a Gram or a Janapada Panchayat to take into consideration :—
  - (a) any objection which appears to the Zila Panchayat to exist to the doing of any thing which is about to be done, or is being done by such Panchayat ;

Power to call for proceedings etc.

or

(b) any information which the Zila Panchayat is able to furnish, and which appears to the Zila Panchayat to necessitate the doing of certain things by the Gram or Janapada Panchayat ;

and to make a written reply to the Zila Panchayat within a reasonable time stating its reasons for [not desisting from the] doing or not doing such things.

[(2) All or any of the powers given to the Zila Panchayat under sub-section (1) may be delegated by it to its Chairman, Vice-Chairman or the Secretary or any other Officer of the Zila Panchayat.]

Delegation of duties etc.

191. (1) The Zila Panchayat may delegate to its Chairman, Vice-Chairman or the Secretary, the duties specified in clauses (ii), (v), (vi), (vii), (x), (xii), (xvi), and (xvii) of section 188.

(1-a) All or any of the powers given to the Zila Panchayat under sub-section (1) of section 190 may be delegated by it to its Chairman, Vice-Chairman or the Secretary or any other officer of the Zila Panchayat.

(2) The Zila Panchayat may accept and utilize the services of any person who in the opinion of such Zila Panchayat is specially fitted to assist it in this behalf in an honorary capacity for the performance of any duties which may be delegated under sub-section (1).

#### V.—Zila Panchayat Fund

Zila Panchayat Fund.

192. (1) Every Zila Panchayat shall establish and maintain a fund called the Zila Panchayat Fund.

(2) The following shall form part and be paid into the Zila Panchayat Fund, namely:—

- (i) all sums allotted by the Government for distribution to Janapada Panchayats for the execution of the community development programme ;
- (ii) all sums received by way of contributions from the All India Bodies or other institutions for the development of cottage, village and small scale industries and the like;
- (iii) income accruing from trusts or endowments administered by the Zila Panchayat;
- (iv) such contributions as the Janapada Panchayats within the district may with the previous approval of Government, be required to make out of their funds to the Zila Panchayats;
- (v) such percentage of land revenue, forest revenue, other taxes or fees as may be payable by the Government to the Zila Panchayat under this Act or under any other enactment for the time being in force;
- (vi) such other sums as may be assigned to the Zila Panchayat Fund by special or general order of the Government.

193. (1) Subject to the provisions of this Act and the rules made thereunder, the Zila Panchayat Fund shall be applied for the purposes of this Act. Application of Zila Panchayat Fund.

(2) Any amount allotted to the Zila Panchayat by the Government or any person or body for any specific work or purpose shall be applied exclusively for such work or purpose and in accordance with such instructions as the Government may either generally or specially issue in this behalf.

194. (1) The Administration of the Zila Panchayat Fund shall, subject to the control of the Government, be in the hand of the Zila Panchayat. Administration of Zila Panchayat Fund.

(2) All moneys at the credit of the Zila Panchayat shall be kept in the name of the Zila Panchayat in the nearest Government Treasury, Sub-treasury or Post Office Savings Bank or a Co-operative Bank.

#### *V.—Establishment, Budget and Accounts*

195. (1) Subject to the rules made under this Act, a Zila Panchayat may, with the previous approval of the Government, employ such officers and servants as may be necessary for the efficient discharge of its duties. Officers and servants of Zila Panchayat.

(2) The qualifications, method of recruitment, salaries, leave allowances and other conditions of service including disciplinary matters shall be such as may be prescribed.

196. A Zila Panchayat may in accordance with the rules made under this Act— Establishment of Provident Fund.

(a) establish and maintain a provident fund on behalf of the officers and servants; and

(b) grant gratuity to any officer or servant subject to the previous approval of the prescribed authority.

197. (1) The Secretary of the Zila Panchayat shall on or before the fifteenth day of February each year, cause in the prescribed form and manner, to be prepared and placed before the Zila Panchayat, an estimate of the income and expenditure of the Zila Panchayat for the next financial year. Preparation of annual estimate of income and expenditure.

(2) The Zila Panchayat shall consider the estimate and may approve of it with or without modification and forthwith submit the same to the Commissioner and the State Government for information:

Provided that no estimate shall be approved unless provision is made therein for the Zila Panchayat having at its credit at the end of the year a balance of not less than such amount as may be prescribed.

(2-a) If it appears to the Commissioner that the budget estimate so approved is in any way contrary to the provisions of this Act or the rules made thereunder, he shall require the Zila Panchayat to modify it in conformity with such provisions and the Zila Panchayat shall forthwith comply with such requisition.

(3) If in the course of the year the Zila Panchayat finds it necessary to make any alteration in the budget estimate with regard to receipt or to the distribution of the amounts to be expended for the purposes of this Act, a supplemental or revised budget may be framed, sanctioned and submitted in the manner provided in sub-sections (1) and (2).

Keeping of annual estimates of income and expenditure.

198. Accounts of receipt and expenditure of every Zila Panchayat shall be kept in such forms and in such manner as may be prescribed.

Inspection of estimates and accounts.

199. The Zila Panchayat shall keep at its office a copy of every estimate as approved under section 197 and of every account made up under section 198 and any person residing in the District may at any time during office hours inspect any such estimate or account free of charge.

Publication of abstract of accounts.

200. An abstract of every annual account of a Zila Panchayat showing the income of the Zila Panchayat fund under each head of receipts, the charges for establishment, allotments to Janapada Panchayats and balance, if any, of the fund remaining unspent, shall be prepared by the Zila Panchayat and shall be published annually in such manner as may be prescribed.

## CHAPTER XV.—ADMINISTRATION OF JUSTICE

### I.—Conciliation Board

Definition of dispute.

200-A. In this Chapter unless the context otherwise requires dispute means a dispute whether civil or criminal and includes an offence.

Conciliation Board.

201. [(1) On the application of either party to a civil dispute, or of a complaint in the case of an offence cognizable by the Nyaya Panchayat, the Gram Panchayat having jurisdiction under section 203 shall subject to rules framed under this Act constitute a Conciliation Board to facilitate conciliation between the parties to such dispute.

(2) Every application for conciliation under sub-section (1) shall specify the names, description of the parties and the particulars of the dispute and shall be signed by the applicant.

(3) Notwithstanding anything contained in this section, the Gram Panchayat may constitute a Conciliation Board on the oral request of a party to the dispute or complaint in the case of an offence to the Sarpanch or Upsarpanch who shall ascertain from the parties the particulars referred to in sub-section (2) and get such request and particulars reduced to writing and obtain the signature of the party making the request thereof.

*Explanation.*—In this Chapter unless the context otherwise requires, for the purposes of this Chapter dispute means a dispute whether civil or criminal and includes an offence.]

201. (1) On the application of either party to a dispute Conciliation Board.  
 triable by a Nyaya Panchayat, the Gram Panchayat having jurisdiction under section 203 shall subject to the provisions of this Act and the rules made thereunder constitute a Conciliation Board to facilitate conciliation between the parties to the dispute.

(2) Every application for conciliation under sub-section (1) shall specify the names, description of the parties and the particulars of the dispute and shall be signed by the applicant.

(3) Notwithstanding anything contained in this section, the Gram Panchayat may constitute a Conciliation Board on the oral request of a party to a dispute to the Sarpanch or Up-Sarpanch who shall ascertain from the party making the request the particulars referred to in subsection (2) and get such request and particulars reduced to writing and obtain the signature of the party thereon.

202. (1) A Conciliation Board shall consist of—

Constitution of Con-  
 ciliation Board.

(i) Sarpanch [of the Gram Panchayat] or the Upsarpanch of the Gram Panchayat who shall be the Chairman of the Board, and

(ii) [a panch] two Panchas of the Gram Panchayat, one to be nominated by each of the two parties:

Provided that the Sarpanch or Upsarpanch shall [not] be [qualified] disqualified to be a member of the Conciliation Board, if he is—

(i) in any way connected with the dispute so as to have interest or stake involving general gain or loss therein;

[(ii) the father, son, uncle, grandfather, nephew, brother, sister, wife or next cousin or sister or a party to the dispute:]

(ii) a near relation of the parties to the dispute and in the opinion of the Gram Panchayat is not a fit person to act as a member of the Board on account of such relationship:

Provided further that where both the Sarpanch and the Upsarpanch are [not] so disqualified the Gram Panchayat shall nominate one of the panchas of the Gram Panchayat who is not so disqualified to be a [member] Chairman of the Board in place of the Sarpanch or Upsarpanch.

[ (2) As soon as may be after a Conciliation Board has been constituted for the conciliation of any dispute, the Gram Panchayat shall forward to such Board the application made under sub-section (2) of section 201, or the papers pertaining to the oral request, as the case may be, for conciliation of the dispute.]



(3) For the purpose of constituting the Board, the Sarpanch or Upsarpanch of the Gram Panchayat shall call upon each party to submit, within a specified time which shall not be less than three days, the name of the Pancha whom it wishes to nominate as member of the Board and after the receipt of the names, the Board shall be constituted by the Gram Panchayat:

Provided that if any party fails to nominate a Panch as member of the Board within the specified time the Gram Panchayat shall nominate any panch on the Board on behalf as such party.

(4) As soon as may be after a Conciliation Board has been constituted for the conciliation of any dispute, the Gram Panchayat shall forward to such Board, the application made under sub-section (1) of section 201, or the papers pertaining to the oral request, as the case may be, for conciliation of the dispute.

**Jurisdiction.**

[203. In the case of an offence, the Gram Panchayat within whose jurisdiction the offence has been committed and in the case of a civil dispute the Gram Panchayat within whose jurisdiction the defendant resides, or works for gain, shall have power to conciliate, and Panchas of such Gram Panchayat alone can become members of the Board.]

203. In the case of an offence, the Gram Panchayat within whose jurisdiction the offence has been committed and in the case of a civil dispute the Gram Panchayat within whose jurisdiction, the defendant resides or carries on business or works for gain, shall have power to constitute a Board for the conciliation of such dispute from amongst its members in accordance with the provisions of this Act.

**Place of proceedings.**

204. The [Conciliation] Board may hold its proceedings at any place within the jurisdiction of the Gram Panchayat.

**Appearance of parties and proceedings.**

205. (1) The Board shall fix a date, time and place of hearing and shall inform the parties concerned sufficiently in advance so as to allow reasonable time for appearance:

Provided that in case a party is a minor or a person under disability either his parents or lawful guardian shall be informed by the Board of the first date, time and place of hearing.

Explanation.—For the purposes of this section the expression “lawful guardian” includes any person who for the time being has the actual charge of or control over the minor or the person under disability.

(2) Each party to the dispute shall appear before the Board at the time and date fixed:

[Provided that a woman shall not be compelled to appear in person before the Board and may be represented by her duly authorised agent.]

Provided that a woman or a minor or a person under disability shall not be compelled to appear in person before the Board and may be represented by her husband or her duly authorised agent or by his parents or lawful guardian, as the case may be.

(3) The proceedings shall not be open to the public, [but the husband of the party or parents or lawful guardian of the party, who is a minor or is a person under disability, may be present at the hearing.]

(4) Subject to the rules framed under this Act, the Board may impose a fine not exceeding ten rupees on any party failing to appear before the Board without sufficient cause.

(5) No legal practitioner shall appear on behalf of any party to a dispute in any proceedings before the Board.

206. Subject to the provisions of section 209 the [the] conciliation proceedings shall be oral and as far as possible continuous and shall be concluded within one month of the date of reference. **Proceedings and period of conciliation.**

207. The Board shall hear witnesses produced by the parties concerned or voluntarily appearing before it but it shall not have power to summon them and no evidence shall be taken down in writing. **Producing of witnesses.**

208. The Board shall have no power to administer an oath either to the party or witness. **No administration of oath.**

209. (1) If compromise between the parties is effected, it shall be reduced to writing and brought on record. **Result of conciliation.**

(2) The record shall contain—

- (a) the time and place of proceeding;
- (b) the names of the parties appearing, their lawful representatives [and guardians], if any;
- (c) a brief statement of the case of each party;
- (d) [the settlement] the terms of the compromise :
- (e) where a party is a minor or a person under disability, a statement whether in the opinion of the Board the compromise is in the interest of the minor or such person, as the case may be:

Provided that in case where no compromise has been arrived at, only items (a) (b) and (c) and [also] the fact of failure to arrive at a compromise shall be mentioned.

(3) The [proceedings] record shall be read out to the parties or shall be given to them for reading and the fact that the same has been read over and admitted to be correct, shall be noted.

(4) The record shall be signed or thumb marked, as the case may be, by the parties and the members of the Board.

(5) A compromise duly recorded under this section shall be binding on the parties:

Provided that where a party is a minor or a person under disability, the compromise will not be binding on him unless the Board certifies that it is in his interest.

Conciliation proceeding to be forwarded in certain cases.

210. Where the Chairman of the Board is not the Sarpanch or the Upsarpanch he shall, as soon as the conciliation proceedings are completed, forward the proceedings to the Sarpanch.

Maintenance and custody of registers.

211. (1) The Sarpanch or in his absence the Upsarpanch shall be responsible for the maintenance and custody of registers of conciliation proceedings. The register shall, after it is completely filled in, be sent to the prescribed authority.

(2) The parties or their representatives shall be entitled to receive a copy of the conciliation proceedings on payment of one rupee for each copy which shall be attested by the Chairman of the Board who shall put the date, time, place and also the seal of the office of the Chairman of Conciliation Board.

Execution of compromise.

212. (1) The [settlement] compromise, shall, in so far as it relates to matters falling within the jurisdiction of a Nyaya Panchayat, take effect as if it were its decree or order.

(2) The Nyaya Panchayat shall inform the Board of the execution of the [settlement] compromise and the Board shall make an entry to that effect in its register.

(3) Notwithstanding anything contained in the Indian Registration Act, 1908 (XVI of 1908), the [settlement] compromise made under section 209, shall not be liable to registration.

Termination of proceedings.

213. (1) If [the complainant or the plaintiff] either party to the dispute fails to appear either personally or through his representative at the hearing without sufficient cause, the conciliation proceedings shall be deemed to have been terminated, on the date of such hearing and such termination shall be deemed to be failure of the conciliation proceedings.

(2) If no [settlement] compromise is arrived at within a month of the commencement of the proceedings before the Board, the conciliation proceedings shall be deemed to have failed and the conciliation Board shall forthwith forward the case to the concerning Nyaya Panchayat if either party to the dispute so requests.

Saving of limitation.

214. In computing the period of limitation for any suit or application the period spent in conciliation proceedings shall be excluded.

215. (1) No member of the Board shall disclose to any person or authority anything which has come to his knowledge in course of conciliation proceedings, nor shall he be compelled by any authority to answer any question relating to such proceedings. Secrecy of proceedings.

(2) A person contravening the provision of sub-section (1) shall be liable to simple imprisonment which may extend to one month or fine not exceeding fifty rupees or both.

## II—NYAYA PANCHAYAT

### ESTABLISHMENT AND CONSTITUTION OF NYAYA PANCHAYAT

216. The State Government [shall] may by notification divide a block into circles comprising of such Gram Sabha areas as may be specified therein. Division of block into circles.

217. (1) The Government may, by notification, establish a Nyaya Panchayat for [every] a circle for the administration of civil and criminal justice therein which shall be known by the name of the village in which its headquarter is situate. Establishment and constitution of Nyaya Panchayat.

[(2) A Nyaya Panchayat shall consist of such number of Panchas of the Gram Panchayats situate within the circle as the Collector may fix in respect of each Gram Panchayat:

Provided that the total number of Panchas of a Nyaya Panchayat is not less than five.

(3) Every Gram Panchayat shall at its first meeting or within such time as may be prescribed elect from amongst its members possessing prescribed qualifications, such number of members as panchas of Nyaya Panchayat as may be fixed under sub-section (2) :

Provided that if the members of a Gram Panchayat do not included persons possessing prescribed qualifications, the Gram Panchayat may elect from amongst the members of the Gram Sabha any member qualified to be a Panch of the Gram Panchayat and possessing the prescribed qualifications :

Provided further that if the Gram Panchayat fails to elect panchas of Nyaya Panchayat within the time prescribed, the Collector may appoint any member of the Gram Panchayat possessing prescribed qualifications and if there be no such member, any member of the Gram Sabha qualified to be a Panch of the Gram Sabha and possessing prescribed qualification, to be a Panch of a Nyaya Panchayat.]

(2) A Nyaya Panchayat shall consist of such number of Panchas as the Collector may fix in respect of such Gram Sabha area situate within the Circle:

Provided that the total number of Panchas of a Nyaya-Panchayat shall not be less than five.

(3) Every Gram Panchayat shall at its first meeting or within such time thereafter and in such manner as may be prescribed, elect from amongst the members of the Gram Sabha qualified to be a Panch of the Gram Panchayat and possessing the prescribed qualifications such number of members as Panchas of the Nyaya Panchayat as may be fixed under sub-section (2):

Provided that no Panch (including the Sarpanch and Up-Sarpanch) of the Gram Panchayat shall be eligible to be elected co-opted or appointed as a Panch of the Nyaya Panchayat:

Provided further that if the Gram Panchayat fails to elect Panchas of the Nyaya Panchayat within the time prescribed, the Collector may appoint any member of the Gram Sabha qualified to be a Panch of the Gram Panchayat and possessing the prescribed qualifications, to be a Panch of the Nyaya Panchayat.

(4) Notwithstanding anything contained in this section, if the Nyaya Panchayat constituted under sub-section (1) does not include a member of Scheduled Castes or Scheduled Tribes, the Nyaya Panchayat shall co-opt a person belonging to such castes or tribes and possessing prescribed qualifications, who is a member of a Gram Sabha within the circle and is qualified for being a member of a Gram Panchayat.

[Non eligibility of Sarpanch and Upsarpanch for being panch of Nyaya Panchayat.]

218. [A Sarpanch and an Upsarpanch of a Gram Panchayat shall not be eligible for being elected, appointed or co-opted as a Panch of a Nyaya Panchayat.]

Term of office of Panchas.

219. (1) The Panchas of a Nyaya Panchayat shall save as otherwise provided in this Act, enter upon their respective offices with effect from the date of the first meeting of the Nyaya Panchayat fixed under sub-section (2) and hold office for a term of five years:

Provided that the term of office of the outgoing member shall be deemed to extend to and expire on the day preceding the date of the first meeting of the Nyaya Panchayat constituted in its place:

Provided further that the State Government may, by notification, extend the term from time to time for a total period not exceeding one year in the aggregate.

(2) The first meeting of the Nyaya Panchayat shall be held on the day fixed by the prescribed authority within [four weeks from the date on which the election and appointment of the Panchas is notified under section 223] one month of the date on which the election, co-option or appointment, whichever was last declared.

Election of Pradhan and Up-Pradhan.

220. Every Nyaya Panchayat shall at its first meeting or within such time thereafter as may be prescribed, elect

from amongst the Panchas of the Nyaya Panchayat a Pradhan and an Up-Pradhan in the [manner as may be] prescribed manner :

Provided that if the Nyaya Panchayat fails to elect a Pradhan or an Up-Pradhan within the time prescribed, the State Government shall appoint any Panch of a Nyaya Panchayat to be the Pradhan or Up-Pradhan, as the case may be.

220-A. The provisions of section 27 shall apply in the case of a Panch, Pradhan or an Up-Pradhan of a Nyaya Panchayat as they apply in the case of a Panch, a Sarpanch or an Up-Sarpanch of a Gram Panchayat.

Provision of section 27 to apply in case of Panch, Pradhan or Up-Pradhan of Nyaya Panchayat.

221. The term of office of the Pradhan and Up-Pradhan shall be co-terminus with the term of the Panchas of the Nyaya Panchayat.

Term of office of Pradhan and Up-Pradhan.

222. Every election, appointment and co-option of a Panch of a Nyaya Panchayat or its Pradhan and Up-Pradhan shall be notified by the prescribed authority in the manner prescribed.

Notification of election, appointment and co-option.

223. A Pradhan, an Up-Pradhan or a Panch of a Nyaya Panchayat may resign his office by giving notice in writing to that effect to the prescribed authority and such resignation shall take effect [from the date of its acceptance by that authority] on the expiry of the month from the date of its receipt by that authority.

Resignation of Pradhan, Up-Pradhan and Panch.

224. (1) The Government may, after such enquiry as it may deem fit to make, at any time, remove a Pradhan, Up-Pradhan or a Panch of a Nyaya Panchayat for corruption, neglect of duty, continued absence from meetings, moral turpitude or any other sufficient cause :

Removal of Pradhan, Up-Pradhan and Panch.

Provided that no person shall be removed unless he has been given an opportunity to show cause why he should not be removed from his office.

(2) A person who has been removed under sub-section (1) shall forthwith cease to be a [member] Panch of the Nyaya Panchayat and of any other Panchayat of which he is a member.

[225. A Pradhan, Up Pradhan or a Panch of a Nyaya Panchayat shall cease to hold office as such on his ceasing to be a member of the Panchayat of which he is a member.]

[Pradhan, Up-Pradhan or Panch to cease to be so in certain circumstances.]

226. A casual vacancy in the office of a Pradhan, Up-Pradhan or a Panch of a Nyaya Panchayat shall be filled, as soon as may be, by election, appointment or co-option of a person eligible thereto who shall hold such office for the unexpired term of his predecessor.

Filling up of casual vacancies.

Rules regard-  
ing conduct of  
business.

227. Save as provided in this Act, the State Government may make rules to regulate—

- (a) the conduct and distribution of the business and procedure before a Nyaya Panchayat;
- (b) the times and places at which the Nyaya Panchayat shall sit;
- (c) any other matter which in the opinion of the State Government is necessary for the proper and efficient conduct of proceedings before a Nyaya Panchayat.

Secretary of  
Nyaya Pancha-  
yat.

228. (1) Every Nyaya Panchayat shall have a Secretary for the purpose of recording its proceedings and decisions, and performing such other duties as may be prescribed.

(2) The Secretary of the Nyaya Panchayat shall be appointed by the Janapada Panchayat concerned on such terms and conditions as may be prescribed.

(3) The expenses [arising out of the provision] in respect of the salary and allowances of the Secretary shall be paid out of the Janapada Panchayat Fund.

Other staff of Nyaya  
Panchayat.

228-A. A Nyaya Panchayat may have such other staff as may be prescribed and the expenses in respect of the salary and allowances of such staff shall be paid out of the Janapada Panchayat Fund.

Quorum.

229. The quorum for a meeting of the Nyaya Panchayat shall be one-third of the total number of Panchas constituting the Nyaya Panchayat for the time being, but it shall not be less than three.

Presiding officer  
of the Nyaya  
Panchayat.

230. Every Nyaya Panchayat shall be presided over by the Pradhan and in his absence by the Up-Pradhan and if both the Pradhan and Up-Pradhan are (be) absent [the Nyaya Panchayat shall choose one of its member to preside] at any meeting the Panchas present shall choose one from amongst themselves to preside at such meeting.

Bar to file comp-  
laint or sue  
party.

231. (1) No Nyaya Panchayat shall take cognizance of any dispute unless conciliation proceedings under Part I have failed.

(2) If any complaint or suit is filed before the Nyaya Panchayat without its having been previously referred to the Board the Nyaya Panchayat shall refer the dispute to the Gram Panchayat having jurisdiction which shall constitute a Board and refer the dispute to such board in accordance with the provisions of Part I of this Chapter :

Provided that nothing in this section shall apply to suits, filed before the coming into force of this Act, in regions other than Madhya Bharat.

Constitution of  
Bench of Nyaya  
Panchayat.

232. (1) For the trial of every case, the Pradhan shall subject to the rules made under this Act constitute a Bench of five persons from amongst the Panchas of the Nyaya Panchayat in accordance with the provisions of sub-

section (2), which shall exercise all the powers of a Nyaya Panchayat under this Act in respect of such case and the decision or order of the Bench in such case shall be deemed to be the decision or order of the Nyaya Panchayat.

(2) Every such Bench shall consist of—

- (a) the Pradhan or Up-Pradhan and where both the Pradhan and the Up-Pradhan are disqualified to be a member of the Bench on the grounds specified under sub-section (3), any other member of the Nyaya Panchayat who is not so disqualified and is nominated by the Pradhan ; and
- (b) where the case is a suit or other civil proceeding, one Panch residing within the Gram Sabha area in which the plaintiff or the applicant resides and one Panch residing within the Gram Sabha area in which the defendant or the non-applicant resides, or if the plaintiff and the defendant or the applicant and the non-applicant reside within the same Gram Sabha area, one Panch residing within such area ; or
- (c) where the case is a criminal case instituted on complaint, one Panch residing in the Gram Sabha area in which the complainant resides and one Panch of the Gram Sabha area in which the accused resides or if the complainant and the accused reside within the same Gram Sabha area, one Panch residing within such area; or
- (d) where the case is a criminal case instituted by the Police, one Panch residing in the Gram Sabha area in which the offence was committed and one Panch residing in the Gram Sabha area in which the accused resides or if the offence was committed within the area of the Gram Sabha in which the accused resides, one Panch residing within such area; and
- (e) such number of Panchas residing outside the Gram Sabha area, referred to in clauses (b), (c) [and] or (d), as the case may be, as may be necessary to constitute the Bench.

[ (3) No Pradhan, Up-Pradhan or a Panch of a Nyaya Panchayat shall take part in any case, suit or proceeding to which he or any near relation, employer, employee or partner in business of his is a party or in which any of them may be personally interested.]

(4) Notwithstanding anything contained in this section the State Government may make rules for the constitution of special benches for determining any dispute arising between any parties or Gram Panchayats of different circles or for any other purpose.

(5) Three Panchas shall constitute quorum of a Bench of a Nyaya Panchayat.



**Absence of Panchas at hearing.**

233. (1) If any member of a Bench of a Nyaya Panchayat is absent from any hearing, the remaining members may, notwithstanding anything contained in this Act, try the case, suit, or proceeding, provided the quorum is present.

(2) Subject to the provisions of sub-section (1) no trial as aforesaid shall be invalid by reason merely that all the members of the bench were not present at any hearing or that some of the members were not present at all the hearing of such trials.

**Nyaya Panchayat to have jurisdiction in Civil and Criminal.**

234. Notwithstanding anything contained in the Code of Criminal Procedure, 1898, (V of 1898), or the Code of the Civil Procedure, 1908 (V of 1908), or the Madhya Pradesh Land Revenue Code, 1959 (20 of 1959), and subject to the provisions of this Act, a Nyaya Panchayat shall have exclusive jurisdiction for trial of offences under this Act and of such offences as are specified in the Schedule and of such suits as are described in section 254.

[Nyaya Panchayat to effect compromise.]

[235. The Nyaya Panchayat shall, in any case, suit or other proceeding before it, whether civil or criminal except where such case is not fit for compromise, try to effect compromise between the parties to the dispute. If any such, compromise is arrived at, it shall be reduced to writing and the Nyaya Panchayat shall give its decision in terms of the compromise. If no compromise is arrived at the case, suit or proceeding shall be conducted according to the provisions of this Act and the rules thereunder.]

### CRIMINAL JURISDICTION

**Extent of Criminal jurisdiction.**

236. (1) Subject to the provisions of this Act and such exceptions as may be prescribed, a Nyaya Panchayat shall take cognizance of and try any offence and abetment of, or attempt to commit, any offence under this Act or any offence specified in the Schedule :

Provided that—

- (i) No Nyaya Panchayat shall take cognizance of any case relating to an offence under this Act or an offence specified in the Schedule in which either the complainant or the accused is—
  - (a) a public servant, as defined in section 21 of the Indian Penal Code, 1860 (45 of 1860), other than a kotwar or a village watchman; or
  - (b) a Panch of the Nyaya Panchayat before which the complaint is filed; or
  - (c) a servant of any Panchayat having authority in the area in which the Nyaya Panchayat has jurisdiction other than a pound moharrir or a school teacher;
- (ii) no Nyaya Panchayat shall take cognizance of any offence except upon complaint written or oral and against the person named by the complainant:

(2) The State Government may, on the recommendation of the Zila Panchayat or otherwise, for reasons to be recorded in writing, withdraw from the Nyaya Panchayat the powers to

take cognizance of [any or all] all or any of the offences specified in the Schedule.

(3) The State Government may, on the recommendation of the Zila Panchayat or otherwise by notification, empower a Nyaya Panchayat to take cognizance, subject to the restrictions in paragraphs (i) and (ii) of the [first] proviso to sub-section (1) of offences under sections 379, 380, 381, 411 and 426 of the Indian Penal Code, 1860 (45 of 1860), where the value of the property concerned does not exceed one hundred rupees and abetments of or attempts to commit any such offence.

(4) Subject to the provisions of this Act and the rules made thereunder, the State Government may, [by notification] on the recommendation of the Zila Panchayat or otherwise by notification curtail or enlarge the criminal powers of a Nyaya Panchayat subject to such restrictions as may be [prescribed] specified therein:

Provided that a Nyaya Panchayat shall not be invested with powers higher than those exercisable by a Magistrate of the second class.

237. No Nyaya Panchayat shall take cognizance of any offence [of theft] punishable under sections 379, 380, 381, or 411 of the Indian Penal Code, 1860 (45 of 1860), in which the accused— Certain persons not to be tried by Nyaya Panchayat.

- (i) has been previously sentenced by any Nyaya Panchayat for theft or for dishonestly receiving stolen property;
- (ii) has been previously convicted of an offence punishable under Chapter XII or Chapter XVII of the Indian Penal Code, 1860 (45 of 1860), with imprisonment of either description for a term of three years or upwards;
- (iii) has been bound over to be of good behaviour in proceedings instituted under sections 109 and 110 of the Code of Criminal Procedure, 1898 (5 of 1893); or
- (iv) has been convicted of an offence under the Public Gambling Act, 1867 (III of 1867).

238. Every criminal complaint under this Act shall be Place for making instituted in the Nyaya Panchayat within whose jurisdiction the complaint. offence was committed.

239. No Nyaya Panchayat shall take cognizance of a criminal case after the expiry of one year from the date on which the criminal cases. offence was committed. Limitation for

240. If a complaint of any offence mentioned in the Schedule be made to a Magistrate, he shall, subject to the provisions of section 239 and the rules made under this Act, instead of taking cognizance of offence direct the complainant to present the complaint to the Nyaya Panchayat within whose jurisdiction the offence was committed. Transfer of complaints by Magistrates to Nyaya Panchayat.

**Maximum Penalties.**

241. (1) The following are the maximum fines which may be inflicted by a Nyaya Panchayat in respect of offences specified in the Schedule :—

- (i) In respect of an offence under the Indian Penal Code, 1860 (45 of 1860), not exceeding one hundred rupees ;
- (ii) In respect of offences under other Acts mentioned in the schedule, not exceeding one hundred rupees subject to the maximum permissible under such Act:

Provided that subject as aforesaid the State Government may, by notification, increase the limit of the fine to two hundred rupees in respect of any Nyaya Panchayat.

(2) No Nyaya Panchayat shall inflict a sentence of imprisonment whether substantively or in default of payment of fine

**Effect of sentence imposed of Nyaya Panchayat.**

242. No sentence passed by a Nyaya Panchayat under this Act shall be deemed to be a previous conviction for the purpose of section 75 of Indian Penal Code, 1860 (45 of 1860), or section 565 of the Code of Criminal Procedure, 1898 (5 of 1898).

**Payment of compensation to accused.**

243. If a Nyaya Panchayat is, after inquiry, satisfied that a criminal case brought before it was false and frivolous or vexatious such Nyaya Panchayat may order the complainant to pay to the accused such compensation, not exceeding [rupees ten] twentyfive rupees as it thinks fit.

**Return of Complaints.**

244. If at any time it appears to the Nyaya Panchayat:—

- (a) that it has no jurisdiction to try any case before it; or
- (b) that the offence is one for which it cannot award adequate punishment ;

it shall return the complaint to the complainant directing him to file it before the Magistrate, having jurisdiction to try such case.

**Bar of Jurisdiction of Criminal Courts in Certain cases.**

244-A. No Criminal Court shall take cognizance of any case which is cognizable under this Act by a Nyaya Panchayat unless the Nyaya Panchayat has passed an order in writing under section 284 or unless the Sessions Judge or any other Judicial authority has passed an order in writing under section 252.

**Payment of costs and compensation to complainant.**

245. When inflicting any fine under section 241, the Nyaya Panchayat may order any portion or the whole of the fine recovered to be applied to the payment of—

- (a) costs properly incurred in the criminal case by the complainant;
- (b) compensation not exceeding fifty rupees to the complainant for any material damage or loss caused by the offence committed.

246. The amount of any fine imposed or compensation granted by a Nyaya Panchayat shall ordinarily be paid to the Nyaya Panchayat within fifteen days, but the Nyaya Panchayat may in its discretion, grant further time thereafter not exceeding thirty days [thereafter] in the aggregate. Payment of fines or compensation

247. The amount of any fine or compensation received by the Nyaya Panchayat shall be entered in the prescribed register and the money so received shall be deposited by the Nyaya Panchayat in the Janapada Panchayat Fund. Disposal of fines or compensations.

248. If any fine imposed or compensation granted by a Nyaya Panchayat is not paid within the time prescribed in section 246, the Nyaya Panchayat shall certify accordingly to the Collector, who shall proceed to recover it as if it were an arrear of land revenue and shall remit it when so recovered to the Nyaya Panchayat. Recovery of fines or compensation.

249. (1) A Nyaya Panchayat may, instead of sentencing to fine a youthful offender:— Youthful offender.

(a) discharge him after due admonition, or

(b) require his father or guardian to execute within such time as the Nyaya Panchayat may fix, a bond, with or without sureties, for an amount not exceeding fifty rupees, binding himself to prevent such youthful offender from committing any of the offences referred to in the Schedule for any period not exceeding twelve months.

(2) The amount of such bond, if forfeited shall be recoverable by the Nyaya Panchayat as if it were a fine imposed under this Chapter.

*Explanation.*—For the purposes of sub-section (1), a “youthful offender” means an offender who was, on the date of the commission of the offence, not over [fifteen] sixteen years of age.

250. (1) When a Nyaya Panchayat convicts a person, other than youthful offender referred to in section 249 against whom no previous conviction by a Nyaya Panchayat is proved, it may, if it considers his release on probation of good conduct expedient, require him to execute within such time as it may appoint, a bond for a sum not exceeding fifty rupees, with or without sureties, binding himself not to commit any offence referred to in the Schedule for a period not exceeding twelve months. First offender .

(2) The amount of such bond, if forfeited shall be recoverable by the Nyaya Panchayat as if it were a fine imposed under this Chapter.

251. (1) No appeal shall lie from any judgment or order of a Nyaya Panchayat in criminal cases. Revision in criminal cases.

(2) Subject to the provisions of sub-section (3) every judgment or order of a Nyaya Panchayat in criminal cases shall be final.

(3) The Sessions Judge may at any time, on his own motion or on application filed by the person aggrieved, within sixty days of the passing of the order call for and examine the record of any criminal case before a Nyaya Panchayat situate within the local limits of his jurisdiction for the purpose of satisfying himself as to the correctness, legality or propriety of any finding, sentence or order recorded or passed, and as to the regularity of any proceedings of such Nyaya Panchayat and may, when calling for such records, direct that the execution of any sentence be suspended. The Sessions Judge after examining the record may pass such order as he thinks fit and his order shall be final and no application for revision or review thereof shall lie :

Provided that no order of a Nyaya Panchayat shall be varied or reversed unless the party affected thereby has been given a reasonable opportunity of being heard :

Provided further that where in the opinion of the Sessions Judge substantial justice has been done between the parties by the Nyaya Panchayat, no order of the Nyaya Panchayat shall be modified or reversed merely on the ground of some irregularity or illegality.]

(3) The Sessions Judge may, at any time, on his own motion or on an application filed by the person aggrieved by any finding, sentence or order of a Nyaya Panchayat situate within the local limits of his jurisdiction, within sixty days of the date of such finding, sentence or order, call for and examine the record of any criminal case pending before or disposed of by such Nyaya Panchayat for the purpose of satisfying himself as to the correctness, legality or propriety of any finding, sentence or order recorded or passed, and as to the regularity of any proceedings of such Nyaya Panchayat and may, when calling for such records, direct that the execution of any such finding, sentence or order be suspended. The Sessions Judge after examining the record may pass such order as he thinks fit and his order shall be final and no application for revision or review thereof shall lie :

Provided that no order of a Nyaya Panchayat shall be varied or reversed unless the party affected thereby has been given a reasonable opportunity of being heard :

Provided further that where in the opinion of the Sessions Judge substantial justice has been done between the parties by the Nyaya Panchayat, no order of the Nyaya Panchayat shall be modified or reversed merely on the ground of some irregularity or defect in the constitution of the bench.

(4) The [High Court] Sessions Judge may confer on any Civil Judge having jurisdiction in the area in which the Nyaya Panchayat is situate the powers exercisable by him under sub-section (3)

Provided that such powers shall not be conferred on any Civil Judge who is not confirmed and has not held a judicial office for a period of not less than three years.

252. (1) The [High Court] Sessions Judge may, at any time, for just and sufficient cause, cancel the jurisdiction of a Nyaya Panchayat with respect to any criminal case and may direct that while the question of such cancellation is under consideration, the proceedings before the Nyaya Panchayat in that case shall be stayed. Cancellation of jurisdiction, in criminal cases.

(2) The [High Court] Sessions Judge may, confer on any Civil Judge having jurisdiction in the district powers exercisable by him under sub-section (1).

253. (1) An order under sub-section (1) of section 252 shall operate to restore the jurisdiction of such criminal court as would have exercised jurisdiction if this Act had not been passed. Effect of such order.

(2) No order under sub-section (1) of section 252 shall affect the period of limitation specified in section 239.

#### CIVIL JURISDICTION

254. (1) Any suit of the following description, if its value does not exceed rupees one hundred shall be cognizable by a Nyaya Panchayat:— Extent of civil jurisdiction.

- (a) suits for ascertained sums;
- (b) a suit for the recovery of movable property or for the value thereof;
- (c) a suit for compensation for wrongfully taking or injuring movable property;
- (d) a suit for damages caused by cattle trespass;

Provided that no Nyaya Panchayat shall take cognizance of—

- (i) a suit for a balance of partnership account, unless the balance has been struck by the parties or their agents;
- (ii) a suit for a share or a part of a share under an intestacy or for a legacy or part of a legacy under a will;
- (iii) a suit by or against the state or a public servant for acts done in his official capacity or by or against any member of the Nyaya Panchayat before which the suit is filed;
- (iv) a suit by or against a minor or a person of unsound mind;
- (v) save as otherwise provided by this Act a suit cognizable by Revenue Court or a tribunal or authority appointed under any Act for the time being in force;

(vi) a suit relating to any dispute or matter in respect of which the jurisdiction of a civil court is barred under any law for the time being in force.

(2) The State Government [or the prescribed authority] may, by notification [in the Gazette] direct that the jurisdiction of a Nyaya Panchayat shall be reduced or shall extend to all such suits of such value not exceeding five hundred rupees as may be specified in the notification.

(3) The State Government may, on the recommendation of the Zila Panchayat or otherwise, for reasons to be recorded in writing withdraw from a Nyaya Panchayat the power to take cognizance of all or any of the classes of suits, [made cognizable by the Nyaya Panchayat by sub-section (1)] cognizable by it under sub-section (1).

[(4) With the written consent of both parties recorded in the presence of the Nyaya Panchayat suits of the nature described in sub-section (1) up to such value not exceeding one hundred rupees as may be specified in the notification shall be triable by such Nyaya Panchayat.]

(4) A Nyaya Panchayat may, with the written consent of both the parties recorded in its presence try any suit of the nature described in sub-section (1), the value of which does not exceed rupees one thousand.

**Suit to include whole claim.**

255. (1) Every suit instituted in a Nyaya Panchayat shall include the whole of the claim which the plaintiff is entitled to make in respect of the cause of action, but he may relinquish any portion of his claim in order to bring the suit within the jurisdiction of the Nyaya Panchayat.

(2) If a plaintiff omits to sue in respect of, or intentionally relinquishes, any portion of his claim, he shall be precluded from bringing any separate action whether before a civil court or a Nyaya Panchayat for, or in respect of, the portion so omitted or relinquished.

**Place of institution.**

[256. Every suit under this Act shall be instituted before the Nyaya Panchayat within whose jurisdiction the defendant or any defendant in the suit resides at the time of the suit institution of he suit.]

**Place of institution.**

256. Every suit under this Act shall be instituted before the Nyaya Panchayat within whose jurisdiction the cause of action arises or the defendant or any of the defendants in the suit actually or voluntarily resides, or carries on business or personally works for gain.

**Return of plaint by civil court to Nyaya Panchayat.**

257. If a plaint of a civil suit of the kind described in section 254 is presented in a Civil Court, the judge presiding in that court shall return the plaint for being presented to the Nyaya Panchayat which has jurisdiction to try the suit.

258. No Civil Court shall take cognizance of any suit which is cognizable under this Act by a Nyaya Panchayat unless the Nyaya Panchayat has passed an order in writing under section 284 or unless the District Judge or any other authority has passed an order in writing under section 266. Bar of jurisdiction of civil courts in certain cases.

259. (1) No Nyaya Panchayat shall take cognizance of a civil suit after the expiry of three years from the date on which the right to sue accrued. Limitation for civil cases.

Provided that where a period shorter than that specified in this section is prescribed in the Indian Limitation Act, 1908 (9 of 1908), for any civil suit described in section 254, no Nyaya Panchayat shall take cognizance of such suits after the expiry of the period prescribed for such suit in that Act.

(2) Every suit instituted before a Nyaya Panchayat after the period of the limitation prescribed in sub-section (1) shall be dismissed, even though limitation has not been set up as a defence.

260. No Nyaya Panchayat shall try any suit or issue in respect of any matter directly and substantially in dispute which is pending in, or has been heard and finally decided by a Nyaya Panchayat or a court of competent jurisdiction in a former suit between the same parties or those under whom they claim and may suspend hearing or dismiss the suit accordingly. Bar of civil jurisdiction in certain cases.

261. Decision of a Nyaya Panchayat on a question of title, legal character, contract or obligation shall not bind the parties except in respect of the suit in which such matter is decided. Effect of decision by Nyaya Panchayat.

262. (1) In suits for money, a Nyaya Panchayat may decree interest on the amount decreed at a rate not exceeding six per cent per annum from the date of decree till the date of payment. Interest and instalments.

(2) Where the decree is for the payment of money, the Nyaya Panchayat may in passing the decree direct that the payment of the amount decreed be postponed or be made by instalments.

263. If any Nyaya Panchayat is, after inquiry satisfied that a suit brought before it was false and frivolous or vexatious, such Nyaya Panchayat may order the plaintiff to pay to the defendant such costs, not exceeding [ten] twenty five rupees, as it thinks fit, by way of compensation. Compensatory costs to defendant.

264. (1) Notwithstanding anything contained in the Madhya Pradesh Land Revenue Code, 1959 (20 of 1959), the State Government may, subject to such conditions and restrictions as may be [prescribed] specified by general or special order notified in the Gazette, confer on a Nyaya Panchayat such powers of a Revenue Court as may be specified therein. Proceeding under Land Revenue Code.



(2) Notwithstanding anything contained in sub-section (1), no Nyaya Panchayat shall exercise jurisdiction under the Madhya Pradesh Land Revenue Code, 1959 (20 of 1959), in respect of—

- (i) any dispute as to property unless the whole of the property involved is within the jurisdiction of a Nyaya Panchayat;
- (ii) any dispute as to land paying more than two hundred rupees as land revenue;
- (iii) any application for correction of record or mutation of names.

(3) In proceedings under the Madhya Pradesh Land Revenue Code, 1959 (20 of 1959), the Nyaya Panchayat shall follow such procedure as may be prescribed.

**Revision in civil cases.** 265. (1) No appeal shall lie from any decree or order of a Nyaya Panchayat.

(2) Subject to the provisions of sub-section (3) every decision of a Nyaya Panchayat shall be final.

[ (3) The District Judge may, at any time, of his own motion or on an application filed by the person aggrieved within sixty days of the passing of the decree or the order, call for and examine the record of any civil case which has been decided by Nyaya Panchayat situate within the local limits of his jurisdiction, for the purpose of satisfying himself as to the correctness, legality or propriety of any decree or order passed, and as to the regularity of any proceedings of such Nyaya Panchayat and may, when calling for such record, direct that the execution of any decree or order be stayed. The District Judge may after examining the record, pass such order as he may think fit, and his order shall be final and no application for revision or review thereof shall lie:

Provided that no decree or order of a Nyaya Panchayat shall be varied or reversed unless the party affected thereby has been given a reasonable opportunity of being heard:

Provided further that where in the opinion of the District Judge substantial justice has been done between the parties by the Nyaya Panchayat, no decree or order of the Nyaya Panchayat shall be modified or reversed merely on the ground of some irregularity or illegality.]

(3) The District Judge may, at any time, on his own motion or on an application filed by the person aggrieved by any decree or order of a Nyaya Panchayat situate within the local limits of his jurisdiction, within sixty days of the date of such decree or order, call for and examine the record of any civil case pending before or disposed of by such Nyaya Panchayat for the purpose of satisfying himself as to the correctness, legality or propriety of any decree or order recorded or passed, and as to the regularity of any proceedings of such Nyaya Panchayat and may, when calling for such records, direct that the execution of any

decree or order be suspended. The District Judge after examining the record may pass such order as he thinks fit and his order shall be final and no application for revision or review thereof shall lie :

Provided that no order of a Nyaya Panchayat shall be varied or reversed unless the party affected thereby has been given a reasonable opportunity of being heard :

Provided further that where in the opinion of the District Judge substantial justice has been done between the parties by the Nyaya Panchayat, no decree or order of the Nyaya Panchayat shall be modified or reversed merely on the ground of some irregularity or defect in the constitution of the bench.

(1) The [High Court] District Judge may confer on any Civil Judge having jurisdiction in the area in which the Nyaya Panchayat is situate the powers exercisable by him under sub-section (3) :

Provided that powers under this sub-section shall not be conferred on any Civil Judge who is not confirmed and has not held a judicial office for a period of not less than three years.

266. (1) The [High Court] District Judge may, at any time for just and sufficient cause, cancel the jurisdiction of a Nyaya Panchayat with respect to any civil case and may direct that while the question of such cancellation is under consideration the proceeding before the Nyaya Panchayat in that case shall be stayed. **Cancellation of jurisdiction in civil cases.**

(2) The [High Court] District Judge may, confer on any civil judge having jurisdiction in the district, powers exercisable by him under sub-section (1).

267. (1) An order under sub-section (1) of section 266 shall operate to restore the jurisdiction of such civil courts as would have exercised jurisdiction if this Act had not been passed. **Effect of such order.**

(2) No order under sub-section (1) of section [258] 266 shall operate to impose any period of limitation other than that imposed by section [295] 259 :

Provided that for the purposes of section 14 of the Indian Limitation Act, 1908 (9 of 1908), a Nyaya Panchayat shall be deemed to be a Court and an order under section 266 a cause of like nature with defect of jurisdiction.

268. Where a case, suit or other proceeding is maintainable in more than one Nyaya Panchayat, the plaintiff or the complainant, as the case may be, may bring the case, suit or proceedings in any one of such Nyaya Panchayats. Any dispute regarding the jurisdiction shall be decided by the District Judge, Session Judge or Collector in cases of concurrent jurisdiction. **Reference to District Judge, Session Judge or Collector in cases of concurrent jurisdiction of Nyaya Panchayats.**

**PROCEDURE IN CIVIL AND CRIMINAL  
CASES**

**Institution of  
Civil or Criminal  
case.**

[269. (1) Subject to the provisions of section 238 and 256 any person who wishes to institute a civil or criminal case triable under this Act by a Nyaya Panchayat shall make an application orally or in writing to the Pradhan or Up-Pradhan or in the absence of both to such other panch as may be nominated in this behalf by the Nyaya Panchayat or in the absence of both, to the Secretary of the Nyaya Panchayat, together with such fee as may be prescribed.]

(1) Subject to the provisions of sections 238 and 256 any person who wishes to institute a suit, case or other proceedings triable under the Act by a Nyaya Panchayat shall make an application orally or in writing to the Pradhan or Up-Pradhan of the Nyaya Panchayat having jurisdiction and in the absence of both to the Secretary of the Nyaya Panchayat, together with such fee as may be prescribed.

(2) In every suit the plaintiff shall state its value.

**Register of  
application.**

270. (1) Where a suit, case or proceeding is instituted orally or in writing the Pradhan, Up-Pradhan or [Panch] Secretary receiving the application shall record without delay the prescribed particulars in a register and the signature or thumb impression of the applicant shall be taken thereon.

(2) The Pradhan or Up-Pradhan or in their absence the Secretary of the Nyaya Panchayat shall thereupon [appoint] constitute a Bench of a Nyaya Panchayat under section 232, refer the said application to that Bench for disposal, fix a date for the first hearing of the application before the said Bench and give notice of the said date to the applicant and to the members thereof.

**Manner of  
procedures.**

[271. Every suit, case or proceeding instituted in accordance with the provisions of section 269 shall be brought before the Bench of the Nyaya Panchayat on the date fixed and the Bench shall, unless the Pradhan or Up-Pradhan is a member of it, choose one of their members to be the Chairman of the Bench who shall conduct the proceedings.

**Power to sum-  
mon witnesses,  
etc.**

272. (1) In disposing of [cases] a case, suit or proceeding instituted under this Act or references made under section 287 or section 288, a Nyaya Panchayat shall subject to rules made under this Act, have power to issue summons, to require the attendance of any person either to give evidence or to produce any document or to enter upon any land or to do such other act as it may consider necessary for the proper disposal of such [cases] case, suit or proceeding or references.

(2) A summons issued under sub-section (1) shall be signed by one of the members of the Bench or by the Chairman of the Bench and shall be served in the manner provided in rule made under this Act.

(3) Any person receiving a summons or other process under sub-section (1) shall be bound to comply with the same.

273. Subject to rules made under this act a [A] Nyaya Panchayat shall have powers [subject to rules made under this Act] to issue notice to the defendant or accused in any civil or criminal case instituted before it requiring him to attend at the time and place of hearing fixed and may require him to attend with his witnesses. **Power to issue notice.**

274. (1) If after the service of the notice provided for in section 273, the accused in a criminal case fails to attend and [a majority of] the bench trying the case is of opinion that he is evading attendance, the [Nyaya Panchayat] the Bench may apply to the Collector, who may compel his appearance before the bench as if the Collector were a Magistrate trying the case and the Nyaya Panchayat were his Court. **Non-appearance of accused.**

(2) When any accused person has been, under sub-section (1), compeller to appear before a [Nyaya Panchayat] the Bench it shall forthwith [take] record statement and thereafter his attendance shall not be deemed to be compulsory.

(3) If on the date fixed for the hearing of a criminal case or on any date to which the hearing may be adjourned, the complainant fails to attend, the [Nyaya Panchayat] Bench may either proceed to hear the case or decide it in his absence.

275. (1) If after the service of the notice provided for in section 273 the defendant in a suit fails to attend [and a majority of the Nyaya Panchayat] and the Bench trying the suit is of opinion that he is evading attendance, [the Nyaya Panchayat] the Bench may either proceed to try the suit or decide it *ex parte* against him : **Non-appearance of defendant.**

Provided that any defendant against whom a suit has been decided *ex parte* may, within thirty days from the date of such decision, apply, orally or in writing, to the [Nyaya Panchayat] the Bench to set aside the order and [the Nyaya Panchayat] the Bench shall, if it is satisfied that the defendant did not receive due notice of the date of hearing or was prevented for any sufficient cause from appearing, set it aside and shall appoint a date for proceeding with the suit.

(2) If on the date fixed for the hearing of a suit or on any other date to which the hearing may be adjourned the plaintiff fails to attend, the [Nyaya Panchayat] the Bench may either proceed to try the suit or decide it in his absence or make an order that the suit be dismissed:

Provided that if on the failure of the plaintiff to attend, a suit is dismissed or decided, the [Nyaya Panchayat] Bench may reopen it if within thirty days from the date of such

dismissal or decision the plaintiff satisfies it that he was prevented by any sufficient cause from appearing, when the suit was called on for hearing.

**Decrees or orders passed not to be altered by Nyaya Panchayats.** 276. Subject to the provisions of this Act, a Nyaya Panchayat shall have no power to cancel, revise or alter any decree or final order passed by it, whether ex parte or otherwise :

Provided that clerical or arithmetical mistakes in judgments, decrees or orders or errors arising therein from any accidental slip or omission may at any time be corrected by the Nyaya Panchayat either of its own motion or on the application of any of the parties.

**No legal practitioner to appear.** 277. No legal practitioner shall appear, plead or act, on behalf of any party, in any suit or case or proceeding before a Nyaya Panchayat.

(2) The parties to a criminal case triable by a Nyaya Panchayat shall appear personally before it, provided that the Nyaya Panchayat may, in any case, dispense with the personal attendance of an accused and permit him to appear by agent.

(3) The parties to a civil suit triable by a Nyaya Panchayat may appear by agents.

*Explanation.*—“Agent” in sub-sections (2) and (3) means a person authorized in writing to appear and plead for the party he represents, and recognised by the Nyaya Panchayat as fitted to be a representative, and shall be a relative, partner, or full-time servant of such party.

**Exemption from personal appearance.** [278. (1) No woman who is not accustomed to appear in the public and no person who from illness or physical inability is unable to attend in person be compelled to appear in person before a Nyaya Panchayat. The Nyaya Panchayat may, in case the presence of such person is dispensed with, record his statement at the place of his residence on payment of prescribed fees.]

278. (1) No woman, and no person who, from illness or physical inability, is unable to attend in person shall be compelled to appear in person before a Nyaya Panchayat. The Nyaya Panchayat may record his/her statement at the place of his/her residence on payment of prescribed fees.

(2) Persons exempted from personal appearance in any court under section 133 of the Code of the Civil Procedure, 1908 shall also be exempted from personal appearance before a Nyaya Panchayat in a suit.

**Decision of cases on settlement, compromise or oath.** [279. A Nyaya Panchayat shall decide any civil, criminal case which it is competent to try, in accordance with any lawful settlement, or compromise or oath freely agreed to by the parties.]

**Decision of cases on compromise or oath.** 279. (1) A Nyaya Panchayat shall in any case, suit or other proceeding before it, except where such case, suit or other proceeding is not fit for compromise, try to effect com-

promise between the parties to the dispute.

(2) A Nyaya Panchayat shall decide any suit, case or other proceeding which it is competent to try in accordance with any lawful settlement, compromise or oath freely agreed to by the parties, which shall be reduced to writing.

280. A Nyaya Panchayat shall receive such evidence in a suit, case or proceeding as the parties may adduce and may call for such further evidence as, in their opinion, may be necessary for the determination of the points in issue. It shall be the duty of a Nyaya Panchayat to ascertain the facts of every suit, case or proceeding before it by every lawful means in its power and thereafter to make such decree or order, with or without costs, as may seem to it just and legal. It may make local investigation in the village to which the dispute relates. It shall follow the procedure prescribed by or under this Act. The Code of Civil Procedure, 1908 (5 of 1908), the Code of Criminal Procedure, 1898 (5 of 1898), the Indian Evidence Act, 1872 (1 of 1872) and the Limitation Act, 1908, (9 of 1908) shall not apply to any suit, case or proceeding in a Nyaya Panchayat except as provided in this Act or as may be prescribed.

Procedure and powers to ascertain truth

281. In any [civil or criminal case] suit, case or other proceeding the decision of the Nyaya Panchayat shall be in accordance with the opinion of the members constituting the bench or in the event of the members of the bench disagreeing, be in accordance with the opinion of the majority thereof. If the members are equally divided, the Chairman of the bench shall have a second [and] or casting vote.

Decision of Nyaya Panchayat.

282. The Nyaya Panchayat, may from time to time, adjourn the hearing of any [civil or criminal case] suit, case or other proceeding provided that such adjournment is, in its opinion, unavoidable or necessary to a just and equitable decision of [the] such suit, case or other proceeding.

Adjournment.

283. (1) When any party to a civil proceeding dies before a decree or order has been passed, the suit or case, as the case may be, shall abate but a fresh suit or proceeding may be brought or commenced on the same cause of action, and the period during which the suit or proceeding was pending shall be excluded in computing the period of limitation for the fresh suit or proceeding.

Death of party.

(2) All proceedings in a criminal case shall be deemed to terminate on the death of the accused or in a case instituted on a complaint on the death of the complainant ;

Provided that in any case where proceedings have terminated on account of the death of the complainant, the proceedings may be resumed on the application of any party aggrieved by the offence.

284. (1) If any Nyaya Panchayat is of opinion that any civil or criminal case before it is of such a nature, or of such intricacy or importance, that it ought to be tried by a regular court,

Transfer of certain cases to regular court.

or that an accused in a criminal case or a witness in any case resides at such a distance or will meet with such difficulties in travelling that he should not be called upon to appear before it, the Nyaya Panchayat may send the case to the District Judge or to the Sessions Judge, as the case may be, who shall transfer it to the nearest regular court of competent jurisdiction for trial :

Provided that if the District Judge or Sessions Judge, as the case may be, is of opinion that the suit or case is not of such nature, difficulty or importance that it ought to be tried by a court, or that the accused in a case ought not to receive a punishment different in kind from, or more severe than, that which such Nyaya Panchayat is empowered to inflict, such court shall return the suit or case to the Nyaya Panchayat which made the reference, for disposal.

(2) If the District Judge or the Sessions Judge, as the case may be, is of the opinion that the suit or the case is of such nature, difficulty or importance that it ought not to be tried by the Nyaya Panchayat or that the accused in a case ought to receive a punishment different in kind from, or more severe than, that which such Nyaya Panchayat is empowered to inflict; such court shall pass orders directing the plaintiff or complainant to the civil or criminal court, as the case may be, competent to take cognizance of such suit or case.

**Summary trial  
of cases.**

285. Notwithstanding anything contained in any other enactment for the time being in force, the Nyaya Panchayat shall, in the trial of the criminal cases or civil suits follow such summary procedure as may be prescribed.

**Power to inspect  
land for disposal  
of cases.**

286. A Nyaya Panchayat or any Panch thereof duly authorised in that behalf may, for ascertaining facts conducive to the proper disposal of a case or reference, enter upon any land at any time between sunrise and sunset after giving twenty-four hours' notice to the occupier or when there is no occupier, to the owner of such land. If the land is in the occupation of [person] woman who according to the custom of the country does not appear in public, due notice shall be given to her to withdraw.

**Local investigation  
by Nyaya  
Panchayat.**

287. (1) A Nyaya Panchayat may be directed to make a local investigation under section 202 of the Code of Criminal Procedure, 1898 (5 of 1898).

(2) Any Magistrate making an inquiry under section 488 of the Code of Criminal Procedure, 1898 (5 of 1898), may require from the Nyaya Panchayat in whose circle the wife, child, husband or parent of a party to such enquiry resides, a report as to the amount of maintenance, which having regard to the circumstances of the parties, should be made payable, and such report shall be evidence in such inquiry.

(3) No member of a Nyaya Panchayat shall be required to attend as a witness touching any matter on which the report is itself evidence, but the Magistrate may call for a further report.

288. (1) Any civil court may, in a pending case, require a Nyaya Panchayat to report on profit or damage in respect of, and boundaries between, lands situated within the local limits of the jurisdiction of the Panchayat, and on the rates of the maintenance considered within such local limits to accord with a given status or income. <sup>Power of civil court to call for report.</sup>

(2) Such report shall be evidence in such case.

(3) No member of a Nyaya Panchayat shall be required to attend as a witness touching any matter on which the report is itself evidence, but the civil court may call for further report.

[289. (1) No member of a Nyaya Panchayat who is a party to, or has any interest in, any suit, case or other proceeding shall sit on the bench of the Nyaya Panchayat while it is trying such suit or case.] <sup>Certain members not to sit on Nyaya Panchayat.</sup>

289. (1) No Pradhan, Up-Pradhan, or a Panch of a Nyaya Panchayat shall take part in any case, suit or other proceeding to which he or any near relation, employer, employee or partner in business of his, is a party or in which any of them may be personally interested.

(2) Any dispute as to whether a [member] Pradhan, Up-Pradhan or Panch of a Nyaya Panchayat is a party to, or interested in a suit or a case shall, on a written application of a party to such suit or case, be referred to the Collector or such officer as he may authorise in this behalf for decision. The decision of the Collector or such [authority] officer shall be final.

290. When any property regarding which any offence appears to have been committed, or which appears to have been used for the commission of any offence, is produced before a Nyaya Panchayat during trial, the Nyaya Panchayat may make such order as it thinks fit for the proper custody of such property pending the conclusion of the trial, and if the property is subject to speedy or natural decay, or it is otherwise expedient so to do, it may after recording such evidence as it thinks necessary, order it to be sold or otherwise disposed of. <sup>Custody and disposal of property pending trial.</sup>

291. (1) On the conclusion of a trial before it a Nyaya Panchayat may make such order as it thinks fit for the disposal by destruction, confiscation, or delivery to any person claiming to be entitled to possession thereof or otherwise of any property or document produced before it or in its custody or regarding which any offence appears to have been committed or which has been used for the commission of any offence. <sup>Disposal of property regarding which offence committed.</sup>

(2) When an order is made under this section such order shall not, except where the property is live-stock or subject to speedy and natural decay, and save as provided by sub-section (3), be carried out for two months.

(3) Nothing in this section shall be deemed to prohibit a Nyaya Panchayat from delivering any property under the provisions of sub-section (1) to any person claiming to be entitled



## II

(Translated form original Hindi)

The establishment of Panchayat Raj in the State has been much talked of but the bill for purpose leaves much to be desired by way of safeguarding the fundamental rights, ensuing security, progress, and equality among the village folk. The Select Committee have introduced many valuable changes in the Bill such as the elimination of classification of Panchayats but there are still several changes which should find place in the Bill.

The first Gram Panchayats are not to be on basis of adult franchise and the Panchas will be nominated by the Government and its term has been extended up to two years. This means that the Government have given the power of postponing election for two years. Similarly in section 112 the Janapada Panchayats will be constituted by nomination which is an improper and reactionary move.

In section 92 there is no specification of the grounds for the removal of a Pancha which will give officers a chance to act according to their own will. This clause should be deleted.

Under section 83 in a Gram Sabha area, if any person complains that a vaccinator, Revenue Inspector, Patwari, constable, forest guard or chowkidar misbehaves in his official capacity in the Gram Sabha area, the Gram Panchayat could enquire in this case and convey the results of its enquiry to the concerned officers under whom that official is working. This provision was proper but its effect would be nullified if the amendment is accepted. Similar powers should have been conferred to the Janapadas in connection with school masters, nurses, compounders, head constables and police sub-inspectors. Zila Panchayats ought to have been entrusted with similar powers in regard to the district officers. This only would have given the people some relief. In the present Bill Gram Panchayat has only the right of giving information.

In section 87 there is a provision for the levy of a cess on land revenue of three annas. In comparison to other classes of people the condition of cultivators is pitiable and weak. The cultivator pays land revenue even if he cultivates a 'bigha' of land. He has to pay other taxes directly or indirectly. Therefore it would be an injustice to the cultivators to impose the cess on him. The cultivator is unable to bear this burden. This will be a kind of irritation to the cultivators. Hence it would be proper to delete this section.

In section 88 persons with meagre income should be exempted from profession tax.

In section 99 in the constitution of Adivasi Panchayat the Sarpanch should not be nominated by the Government but should be elected.

In section 187 the Secretary of the Zila Panchayat is a Gazetted Officer, in place of him the Collector of the district should be made the Secretary as has been done in Rajasthan.

In this Bill the Government has reserved some rights with it which should be given to the Panchayats. The Collector has been given so many powers that the Panchayats would be a puppet in his hands.

In section 301, 303, 304, 314, 319 and 320 the powers which have been assigned to the Collector and other officers should remain with the Panchayats and concerned higher officials.

It is therefore necessary that many changes should be made in the Panchayat Bill to make it more advantageous to the people and to provide a strong foundation for real democracy.

(Translated from original Hindi)

We, the following members beg to submit our joint minute of dissent on the following clauses of the Madhya Pradesh Panchayat Bill as amended by the Select Committee.

1. Clause 81(1) may be kept as it is in the original Bill. The words "may collect and furnish the relevant information" as inserted in the clause may be deleted.

2. Similarly after clause 153 of Chapter XII relating to Janapada Panchayat and clause 200 relating to Zila Panchayats new clauses on the lines of clause 83 should be added under which on receipt of a complaint in case of Janapada area against School Teacher, Vaidya, Compounder, Nurse, Head Constable, Police Inspector and Naib-Tahsildar, the Janapada Panchayat should have right to enquire and report in the matter, also on receipt of such a complaint in the Zila Panchayat area, the Zila Panchayat should have the right to enquire into the conduct of Police Circle Inspector, Head Master, Agriculture Assistant and report in the matter.

3. In clause 87 of Chapter VII, a cess of 19 nP. per rupee of Land Revenue has been imposed. There has been difference of opinion amongst members as regards this item. Keeping in view the conditions prevailing in the various regions of the State, we have come to the conclusion that the cess should be imposed at 10 nP. per rupee instead of 19 nP. per rupee and on part thereof at 5 nP. per rupee.

#### Explanation

In various regions of the State—the Mahakoshal, Madhya Bharat, Vindhya Pradesh and Bhopal—such cess already exists at varying rates.

The incidence of Land Revenue at present differs from region to region and in some region it is very high and in some very low. So long as this inequality is not removed it will not be advisable to impose high rates of cess.

In Madhya Bharat the cess is 3 nP. in Vindhya Pradesh and Bhopal 6 nP. and in Mahakoshal it is 19 nP. per rupee of the Land Revenue. As it is essential to make the Panchayats self-sufficient, the rate of cess should be 10 nP. per rupee and at 5 nP. on part thereof.

1. PRATAP BHAI.
2. GAYATRI DEVI PUMAR,
3. VISHWESHWAR PRASAD
4. B. R. PAMBHOI.
5. BARKU CHOUHAN.

to the possession thereof, on his executing a bond with or without sureties to the satisfaction of the Nyaya Panchayat engaging to restore such property to it if the order made under this section is modified or set aside in revision.

### GENERAL

**Power to instruct Nyaya Panchayat.**

292. (1) The Government may authorise any Judicial officer or class of such officers to inspect the Nyaya Panchayat and instruct them in the performance of their duties.

(2) The State Government shall prescribe the channel through which and the authority to whom the reports of such inspection shall be submitted.

**Power of State Government to disestablish Nyaya Panchayat.**

293. (1) The Government may, by notification disestablish a Nyaya Panchayat or change the limits of its jurisdiction :

Provided that no such notification shall be issued unless a notice of the proposal inviting objections from the persons likely to be affected thereby by a date to be specified therein has been published in the Gazette and the objections, if any, received have been considered by the State Government.

(2) On the issue of a notification under sub-section (1), disestablishing a Nyaya Panchayat, the following consequences shall ensue, namely :—

- (a) the Pradhan, Up-Pradhan and the Panchas of such Nyaya Panchayat shall vacate their respective offices ;
- (b) all civil and criminal cases and other proceedings pending before the Nyaya Panchayat on the date of disestablishment shall be taken over by the District Judge or Sessions Judge, as the case may be, and transferred for trial and disposal to such other Nyaya Panchayat as he may deem fit, and such other Nyaya Panchayat shall, notwithstanding anything in [section 217] sections 217, 238 and 256 have jurisdiction to try and dispose of the cases so transferred; and
- (c) every employee of such Nyaya Panchayat whether permanent or temporary, shall unless he is offered some other employment on terms similar to those in force, entitled to recover from the [State Government] Janpad a Panchayat by way of compensation a sum equal to his existing pay and allowances for one month.

**Establishment, dis-establishment, etc. of Nyaya Panchayat to be made known.**

294. Whenever a Nyaya Panchayat is established or dis-established or there is a change in the limits of its jurisdiction, powers or name, the Zila Panchayat shall proclaim the facts and inform the Commissioner, the Collector, the District and Sessions Judge, the [District] Superintendent of Police, the Director of Panchayat and the Chief Executive Officer of the Janapada Panchayat concerned.

**Seal of Nyaya Panchayat.**

295. Every Nyaya Panchayat shall have a seal bearing its name, the name of the block and district in which it is established,

and shall therewith seal all decrees, orders, proceedings, processes, receipts and copies issued by it.

296. If, on the application of a decree-holder or the judgment-debtor the Nyaya Panchayat, after enquiry finds that the decree has been satisfied or adjusted, fully or in part, the Nyaya Panchayat shall record the facts in the prescribed register. Satisfaction of adjustment of decree to be recorded.

297. (1) If a decree remains unsatisfied for one month after the due date or any amount payable under it remains unpaid for one month after the date when it fell due, and the decree-holder applies to the Nyaya Panchayat for execution within one year from such date, the Nyaya Panchayat shall, after sending for the judgment-debtor and ascertaining that the decree cannot be satisfied otherwise and on recovery of the prescribed fee certify accordingly to the Collector. Execution through Collector.

(2) On receipt of the certificate, the Collector shall, if the decree is for money, proceed to recover the amount as if it were an arrear of land revenue.

(3) If the decree is for any specific movable property, the Collector shall cause the said property to be delivered to the decree-holder, and in so acting he shall exercise all the powers of a civil court under the Code of Civil Procedure, 1908 (5 of 1908).

*Explanation.*—In this section “decree-holder” and “judgment-debtor” includes a representative in interest.

298. The fine imposed in a case by a Nyaya Panchayat shall be recoverable as an arrear of land revenue. [as may be provided.] Recovery of fine.

## CHAPTER XVI—CONTROL

299. The Government may, for the purposes of this Act, appoint a Director of Panchayats and one or more Deputy Directors of Panchayats and may, by notification, delegate to such Director or Deputy Director, any of its powers, or any of the powers of the Commissioner, Collector or Zila Panchayat. Head of department.

300. (1) The State Government may appoint as many persons as it thinks fit to be Inspectors for the purposes of inspection and instruction of Gram and Nyaya Panchayats and for performing such other duties as may be prescribed. Inspectors of Gram and Nyaya Panchayats.

(2) No such Inspector shall inspect the records of cases disposed of by or pending before a Nyaya Panchayat.

301. (1) Any office bearer or officer of the Janapada Panchayat or Zila Panchayat, the Director or Deputy Director of Panchayats or a Revenue Officer not below the rank of a Tahsildar or such other officers as the Government may by notification empower in this behalf, may inspect the proceedings of Gram Panchayats. General power of inspection of work of Gram Panchayat.

(2) Any such office bearer or officer may—

- (a) enter on and inspect any immovable property occupied by a Gram Panchayat, or any work in progress under its direction;
- (b) enter on and inspect any school, dispensary, or vaccination station under the control of any Gram Panchayat or any other institution maintained by or under the control of any Gram Panchayat;
- (c) call for or inspect any document which may be, for the purposes of this Act, in the possession of or under the control of a Gram Panchayat;
- (d) require a Gram Panchayat to furnish such statements, accounts and reports as he may think fit.

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(3) A report of such inspection shall be submitted by such office bearer or officer to such authority as may be prescribed.

(4) The Gram Panchayat and its office bearers and the Secretary shall be bound to afford to the office bearers and officers aforesaid, such access at all reasonable times to Gram Panchayat property or premises and to all documents as may be necessary to enable them to discharge their duties under this section.

(5) Every requisition made under clause (c) or clause (d) of sub-section (2) shall be complied or caused to be complied by the Sarpanch without unreasonable delay and if any Sarpanch fails to do so without sufficient cause, he may, after a reasonable opportunity of being heard, be removed by the State Government.

302. The following shall be visitors of every Gram Panchayat—

**Visitors.**

- (i) all members of Madhya Pradesh Legislative Assembly and members of the Parliament residing in the district in which the Gram Panchayat is situate or the constituencies from which they have been returned form part either wholly or partly of the Gram Sabha area ; and
- (ii) such other non-officials as may be appointed by the State Government.

**Power of supervision, in respect of Janapada Panchayat.**

303. (1) The office bearers of the Zila Panchayat, the Director or Deputy Director of Panchayat, the Commissioner, the Collector and such other officers as the State Government may by notification empower in this behalf, shall have power to examine the proceedings of any

Janapada Panchayat within the district and without prejudice to the generality of the foregoing power may—

- (a) enter on and inspect any immovable property vested in a Janapada Panchayat or any work in progress under its direction;
- (b) enter on and inspect any institution maintained by or under the control of any Janapada Panchayat;
- (c) call for and inspect any document which may be for the purpose of this Act in the possession or under the control of such Janapada Panchayat or any subordinate authority thereof;
- (d) require such Janapada Panchayat to furnish such statements, accounts and reports as the person inspecting may think fit.

(2) The office bearers and the officers and servants of the Janapada Panchayat shall be bound to afford to the persons aforesaid such access at all reasonable times to Janapada Panchayat property or premises and to all documents as may be necessary to enable them to discharge their duties under this section.

304. (1) The Commissioner, Collector, Director or Deputy Director of Panchayats and any other officer whom the Government may empower in this behalf may enter on and inspect:—

- (a) any machinery or implements maintained by the Zila Panchayat;
- (b) any document which may be for the purposes of this Act in the possession or under the control of such Zila Panchayat or any subordinate authority thereof; and
- (c) require such Zila Panchayat to furnish such statements, accounts and reports as the person inspecting thinks fit.

(2) The Zila Panchayat shall be bound to afford to the officers referred to in sub-section (1) such access at all reasonable times, to its property or premises and all documents as may, in the opinion of such officer be necessary to enable him to discharge his duties under this section.

305. (1) The Collector, in respect of a Gram Panchayat or a Janapada Panchayat and the Commissioner in respect of a Zila Panchayat may by an order in writing with a statement of reasons for making it suspend the execution of any resolution passed, order issued, or licence or permission granted, or prohibit the performance of any act which is about to be done or is being done in pursuance

Power to suspend execution of orders etc.

of or under cover of this Act or in pursuance of or under cover of any rule or byelaws made thereunder, if in his opinion:—

- (a) such resolution, order, licence, permission or act has not been legally passed, issued, granted or authorised;
- (b) such resolution, order, licence, permission or act is in excess of the powers conferred by this Act or is contrary to any law; or
- (c) the execution of such resolution or order or the continuance in force of such licence or permission or the doing of such act is likely—
  - (i) to cause loss, waste, or misapplication of any money or damage to any property vested in the Gram, Janapada or Zila Panchayat ;
  - (ii) to be prejudicial to the public health, safety or convenience; or
  - (iii) to cause injury or annoyance to the public or to any class or body of persons; or
  - (iv) to lead to a breach of peace.

(2) Whenever an order is made by the Collector or the Commissioner, as the case may be, under sub-section (1), he shall forthwith and in no case later than ten days from the date of order forward to the Government a copy of the order with the statement of the reasons for making it, and the Government may confirm, set aside or modify such order in such manner and to such extent as it may deem fit.

**Execution of work in certain cases.**

306. (1) In cases of emergency, the Collector or any other officer authorised by the State Government in this behalf may direct or provide for the execution of any work or the doing of any act which a Gram Panchayat or Janapada Panchayat is empowered to execute or do, and immediate execution or doing of which is, in his opinion, necessary in the interest of general public, and may direct that the expenses of executing the work or doing the work shall be forthwith paid by the Gram Panchayat or the Janapada Panchayat, as the case may be.

(2) If the expense is not so paid, the Collector or any other officer authorised in this behalf may direct the officer in custody of the Gram Panchayat fund or the Janapada Panchayat fund, as the case may be, to pay such expense or so much thereof as is possible from the balance of such fund in his hands.

(3) The Collector or the officer as the case may be, shall forthwith and in no case later than ten days from the date of order report to the Commissioner every case in which he exercise the powers under sub-section (1), with a statement of reasons for making it.

307. (1) If at any time, it appears to the Zila Panchayat that a Gram Panchayat has made default in the performance of any duty imposed on it by or under this Act, it may order the duty to be performed within a specified period, and if the duty is not performed within the period specified, the Zila Panchayat, may appoint a person to perform it, and direct that the expense of such performance shall be paid by the defaulting Gram Panchayat within such period as the Zila Panchayat may fix.

(2) If the expense is not so paid, the Zila Panchayat shall direct the person in custody of the Panchayat Fund to pay such expenses, or so much thereof, as is possible, from the balance of such fund in his hands, and such person shall pay such expense or part thereof accordingly.

(3) If at any time it appears to the State Government [of any duty imposed in it by under this Act and that] or to any officer authorised by the State Government in this behalf, that a Gram Panchayat has made default in the performance of any duty imposed on it by an under this Act and that the Zila Panchayat has failed or neglected to take action under sub-section (1), the Government or the officer authorised, as the case may be, may take such action as could have been taken by the Zila Panchayat under sub-sections (1) and (2).

(4) The Zila Panchayat or the officer authorised, as the case may be, shall forthwith and in no case later than ten days from the date of order report to the Commissioner every case occurring under this section and the Commissioner may revise or modify any order made therein, and may make in respect thereof, any other order which the Zila Panchayat could have made.

308. (1) If any Janapada Panchayat or Zila Panchayat makes default in the performance of any duty imposed on it by or under this Act, the Government may, by an order in writing fix a period for performance thereof and in case of default in performance within the period so fixed, may appoint any person to perform it and may direct that the expenses arising from and incidental to the performance shall forthwith be paid by the Janapada Panchayat or the Zila Panchayat as the case may be.

(2) If such expenses are not so paid, the State Government may make an order directing the person having the custody of the balance of Janapada Panchayat Fund or the Zila Panchayat Fund, as the case may be, to make the payment either in whole or in part as is possible from such balance.

309. The person or officer appointed to take action on behalf of, or in default of a Gram Panchayat, Janapada Panchayat or Zila Panchayat under this Act, shall have powers as are necessary for the purpose and shall be entitled to the same protection and to the same extent under this Act as the Gram Panchayat, the Janapada Panchayat

Default in performance of duty.  
Default in performance in duty to Janapada Panchayat etc.  
Powers of officers acting in default of Panchayat, Janapada Panchayat or Zila Panchayat.



or the Zila Panchayat or its officers or servants whose powers are exercised.

Power to dissolve Panchayats for incompetence, default or abuse of powers.

310. (1) If at any time upon representation made or otherwise it appears to the Government that a Panchayat is not competent to perform, or persistently makes default in the performance of the duties imposed on it by or under this Act or any other law for the time being in force, or exceeds or abuses its powers or fails to carry out any order passed by the Government under this Act, the State Government may, by an order stating the reasons therefor published in the Gazette dissolve such Panchayat, and may order a fresh constitution thereof.

(2) If after fresh constitution the new Panchayat other than Zila Panchayat continues to be incompetent to perform or to make default in the performance of such duties or orders or abuses its powers the Government may by an order stating the reasons therefor published in the Gazette, declare the Panchayat to be incompetent or in default or to have exceeded or abused its powers or to have failed to carry out Government orders, as the case may be, and supersede it for a period [to be specified in the order] not exceeding two years.

(3) Notwithstanding what is stated in sub-sections (1) and (2) if in the opinion of the Government the conditions in the Panchayat other than a Zila Panchayat are such as to justify supersession straight way instead of first dissolving the Panchayat, the Government may by an order stating the reasons for taking such action, published in the Gazette, supersede the Panchayat for a period [to be specified in the order] not exceeding two years.

(4) No order under sub-section (1) or sub-section (2) or sub-section (3) shall be passed until reasonable opportunity has been given to the Panchayat to furnish an explanation.

(5) If in the opinion of the Government the circumstances of any Panchayat superseded under sub-section (2) or (3) are such as to justify the extension of the period of supersession specified under the said sub-sections, the Government may, from time to time, by an order stating the reasons therefor, published in the Gazette, extend the period of supersession for such further period as may be specified in such order:

Provided that the total period of supersession under sub-section (2) or sub-section (3) together with its extension under this sub-section shall not exceed three years.

(6) If the Panchayat is dissolved or superseded as provided in the preceding sub-sections, the following consequences shall ensue:—

(a) all the Panchas or members of such Panchayat shall, as from the date of the order vacate their offices as such Panchas or members;

- (b) all powers and duties of the Panchayat under this Act, may, until the Panchayat is reconstituted, be exercised and performed by such person or a committee of persons as the Government may appoint in that behalf;
- (c) all properties vested in the Panchayat shall, until the Panchayat is reconstituted, vest in the Government;
- (d) when more than one person are appointed under clause (b) any one of them, duly authorised in this behalf by a resolution passed by them, may sue or institute or defend any action-at-law by or against the Panchayat.

(7) Any person or persons appointed by the Government to exercise and perform the powers and duties of a Panchayat during the period of its dissolution or supersession may receive payment, if the Government so directs, for his or their services from the Gram, Janapada or Zila Panchayat fund, as the case may be.

311. If at any time due to a large number of vacancies having occurred in a Panchayat, either simultaneously or in quick succession, the number of Panchas or members becomes less than the quorum fixed for such Panchayat under this Act, the Government may dissolve such Panchayat and thereupon the provisions of section [309] 310 shall apply thereto.

**Dissolution of Panchayat in event of large number of vacancies.**

312. If in the opinion of the Government the number of persons employed by a Gram Panchayat, Janapada Panchayat or a Zila Panchayat as officers or servants, or the remuneration given or proposed to be given by the Gram Panchayat, the Janapada Panchayat or the Zila Panchayat to such persons, is excessive, the Gram Panchayat, the Janapada Panchayat or the Zila Panchayat shall, on being required by the Government reduce such number or remuneration.

**Reduction in establishment, and remuneration.**

313. In all matters connected with this Act, if a Gram Panchayat or Janapada Panchayat or Zila Panchayat makes default in carrying out any order made by the Government or by any authority in exercise of any of the powers conferred by this Act, or any rule made thereunder, the Government shall have all the powers necessary for the enforcement of such order at the cost of the Gram Panchayat or Janapada Panchayat or Zila Panchayat, as the case may be.

**Enforcement of orders.**

314. (1) The Government may, from time to time, cause an inquiry to be made by any of its officers in regard to any Gram Panchayat, Nyaya-Panchayat, Janapada Panchayat or Zila Panchayat on matters concerning it or to any matter with respect to which the sanction, approval, consent or order of the Government is required by or under this Act or the rules made thereunder or under any law for the time being in force.

**Inquiry into affairs of Gram Panchayat, Janapada Panchayat or Zila Panchayat.**

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

(3) The Government may make orders as to costs of inquiry under sub-section (1) and as to the parties by whom and the funds out of which they shall be paid and on default of such payment the amount of costs shall be recoverable as arrears of Land Revenue.

Government may call for proceedings.

315. The Government may call for and examine the record of proceedings of a Gram Panchayat or Janapada Panchayat or Zila Panchayat or of any of its officers for the purpose of satisfying itself as to the legality or propriety of any order passed and may reverse or modify the order as it may deem just.

Liability of members, officers and servants for causing loss of property.

[316. (1) If any member, officer or servant of a Gram Panchayat or Janapada Panchayat or Zila Panchayat makes or directs to be made any payment or application of any money or other property belonging to or under the control of such Panchayat to any purpose not authorised by or under this Act, or assents to, or concurs or participates in any affirmative vote or proceeding relating thereto, he shall be personally liable to such Panchayat for the loss or damage caused thereby, unless he satisfies that he acted honestly and with due care and attention.

(2) Every member or officer or servant of a Gram Panchayat, Janapada Panchayat or Zila Panchayat shall be liable to such Panchayat for the loss of any money or the loss of, or damage to, other property belonging to it or under its control, if such loss or damage is a direct consequence of his negligence or misconduct.

(3) No suit shall be instituted by a Gram Panchayat or Janapada Panchayat or Zila Panchayat against any member or officer or servant thereof under sub-section (1) or sub-section (2) except with the previous sanction of the Government.

(4) Notwithstanding anything contained in sub-section (3), a suit under sub-section (1) or sub-section (2) may be instituted by the Government.]

Liability of members etc., for loss, waste or misapplication.

316. (1) Every Panch. member or office-bearer of a Panchayat or Nvaya Panchayat shall be personally liable for the loss, waste, or misapplication of any money or other property of the Panchayat or Nvaya Panchayat to which he has been a party or which has been caused or facilitated by his misconduct or gross neglect of his duty as a Panch. member or office-bearer.

(2) If, after giving the person concerned, a reasonable opportunity for showing cause to the contrary, the Collector is satisfied that the loss, waste or misapplication of any

money or other property of the Panchayat or the Nyaya Panchayat is a direct consequence of his misconduct or gross neglect on his part, the Collector shall, by order in writing, direct such person to pay to the Panchayat or Nyaya Panchayat before a fixed date, the amount required to reimburse it for such loss, waste or misapplication.

(3) If the amount is not so paid, the Collector shall recover it as an arrear of land revenue and credit it to the appropriate fund.

(4) Any person aggrieved by the decision of the Collector may within thirty days from the receipt by him of the decision of the Collector prefer an appeal to the Commissioner against such decision whose order thereon shall be final.

316-A. Every employee of a Panchayat or Nyaya Panchayat shall be personally liable for the loss, waste, misapplication or misappropriation of any money or other property (held for the administration of such Panchayat or Nyaya Panchayat), if such loss, waste, misapplication or misappropriation is a direct consequence of his neglect or misconduct in his capacity as a servant of the Panchayat or Nyaya Panchayat and a suit for compensation for the same may be instituted against him as if the money or the property had belonged to the Government: Liability of Panchayat employees for loss, waste etc.,

Provided that no suit shall be instituted by a Panchayat or Nyaya Panchayat under this section except with the previous sanction of the Government.

317. (1) In the event of any dispute arising between two Panchayats or between a Panchayat and any other local authority established under the municipal law or any matter in which they are jointly interested, such dispute shall be referred to the Collector if both the bodies are situate in the same district and to the prescribed authority if they are situate in different districts and the decision of the collector or the prescribed authority thereon, as the case may be, shall be final. Disputes between Panchayats and other local bodies.

(2) The Government may by rules made under this Act regulate the relations between Panchayats and Panchayats and other local bodies as aforesaid in matters in which they are jointly interested.

318. An appeal or revision shall lie against such orders of the Gram Panchayat, Janapada Panchayat, Zila Panchayat and of other authorities under this Act, to such authorities and in such manner as may be prescribed. Appeals and revisions.

319. (1) The Government or the Commissioner or any other officer authorised in this behalf may call for and examine the record of any proceeding under this Act of any subordinate officer and after such enquiry as is deemed fit, if the Government or the Commissioner or any other officer Control of Government.

authorised in this behalf, as the case may be, is satisfied that the order of the subordinate officer is contrary to law and has resulted in a miscarriage of justice, pass such orders thereon as the Government or the Commissioner or the officer authorised in this behalf deems just.

(2) No order under sub-section (1) shall be made to the prejudice of any party unless [he] such party has had an opportunity of being heard.

Power of Collector to recover records and money.

320. (1) Where on an application of a Panchayat or otherwise the Collector is of the opinion that any person, who in his capacity as a member, officer, servant or Secretary or Chief Executive Officer of such Panchayat had in his custody any record or money belonging to the Panchayat after his removal or suspension from his office and is not likely to deliver such record or pay such money, the Collector may by a written order require that the record or money so detained be delivered or paid forthwith to the Panchayat.

(2) If any such person as aforesaid fails or refuses to deliver the record or pay the money as directed, the Collector may cause him to be apprehended and may send him with a warrant in such form as may be prescribed, to be confined in a Civil Jail till he delivers up the record or pays the money:

Provided that no such person shall be detained in confinement for a period longer than one calendar month.

(3) The Collector may—

(a) for recovering any such money direct that such money be recovered as an arrear of land revenue and on such direction being given, such money shall be recoverable as an arrear of land revenue from such person;

(b) for recovering any such record issue a search warrant and to exercise all such powers with respect thereto as may lawfully be exercised by a magistrate under the provision of Chapter VII of the Code of Criminal Procedure, 1898 (5 of 1898).

(4) No action under sub-section (1) or (2) or (3) shall be taken unless reasonable opportunity has been given to the person concerned to show cause why such action should not be taken against him.

Delegation of powers.

321. (1) The Government may, by notification, delegate to any officer subordinate to it or to a Janapada Panchayat or a Zila Panchayat all or any of the powers conferred upon it by or under this Act, except the powers under sub-section (5) of section 301 and the power to make rules.

(2) The Government may by notification confer on any officer, the powers conferred by or under this Act on the Director or Deputy Director of Panchayats, Commissioner or the Collector, as the case may be.

(3) The exercise of any power delegated under sub-sections (1) and (2) shall be subject to such restrictions and conditions as may be prescribed or as may be specified in the notification and also to control and revision by the Government or by such officer as may be empowered by the Government in this behalf. The Government shall also have power to control and revise the acts or proceedings of any officer so empowered.

322. In all matters connected with this Act, unless it is otherwise provided in this Act or in the rules made there-<sup>General powers</sup> ~~of Control.~~ under, Commissioners, Collectors and any other officers authorised in this behalf shall be subject to the same authority and control as is exercised over them in matters connected with the Acts, creating them or their offices.

#### CHAPTER XVII.—RULES, BYE-LAWS, PROCEDURE AND PENALTIES

323. (1) In addition to any power specially conferred by this Act, the State Government may frame forms and make rules generally for the purpose of carrying into effect the provisions of this Act.<sup>Power of Govern-  
ment to make rules.</sup>

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

- [ (1) (i) manner of nomination of any member of family and of one additional member under the provisos to sub-section (1) of section 8 ;
- (ii) form and manner in which register of families shall be prepared under sub-section (3) of section 8 ;
- (2) preparation, revision and correction of list of voters under section [9] 6.
- (3) time within which and the manner in which Sarpanch and Upsarpanch shall be elected under section [10] 30 ;
- (4) date and place of meeting of a Gram Sabha under sub-section (1) of section 15 ;
- [ (5) (i) the manner of constitution of a Functional Committee under sub-section (3) of section 19 ;
- (ii) manner of election of a Convenor and a Deputy Convenor under sub-section (4) of section 19 ;
- (iii) prescription of procedure for conduct of business of the Functional Committee under sub-section (7) of section 19 ;

- (6) manner in which every election, appointment and co-option of a [member] Panch shall be notified under section 29;
- (7) prescription of procedure to be followed at a meeting of the Gram Sabha, [Functional Committee] and Gram Panchayat under section 34;
- (8) (i) manner in which a [sub-committee] Functional Committee shall be constituted under sub-section (3) of section 39;
- (ii) prescription of procedure for the conduct of a [sub-committee] Functional Committee under sub-section (5) of section 39;
- (9) powers to be exercised and the duties to be performed by a Sarpanch and Upsarpanch under sub-section (1) of section 40 ;
- (10) prescription of the constitution, term of office duties and procedure and powers to be exercised by a Village Committee under sub-section (3) of section 41 ;
- (11) commission to be paid under proviso to sub-section (1) of section 51 ;
- (12) person by whom and the time within which all expenses shall be paid under sub-section (3) of section 53 ;
- (13) fee of licence to be prescribed under sub-section (2) of section 56 ;
- (14) custody in which the Gram Panchayat Fund shall be kept under section 77 ;
- (15) terms and conditions subject to which the Gram Panchayat Fund shall be kept with a local banker or other person under sub-section (2) of section 78 ;
- (16) duties of the Secretary and other officers and servants of the Gram Panchayat, their qualifications, method of recruitment, salaries, leave, allowances and other conditions of service including disciplinary matters under sub-section (2) of section 81 ;
- (17) form and manner in which the accounts of every Gram Panchayat shall be kept under section 84 ;
- (18) form and manner in which the budget estimates shall be prepared and the prescription of closing balance of amount under sub-section (1) of section 85 ;
- (19) form in which the accounts shall be made and the date on or before which and the form in which the annual statement of accounts and annual report shall be sent to the Janapada Panchayat, under section 86 ;

- (20) manner of payment of cess under sub-section (3) of section 87 ;
- (21) conditions and exceptions subject to which the Gram Panchayat shall impose the taxes under sub-section (1) of section 88 ;
- (22) manner in which and time within which an appeal may be made under section 91 ;
- (23) (i) the maxima subject to which any tax, toll, fee or rate may be levied under sub-section (1) of section 93 ;
- (ii) the time within which an appeal may be made to the State Government under sub-section (2) of section 93 ;
- (24) conditions and restrictions subject to which Adivasi Panchayat shall hold, acquire or transfer any property under sub-section (2) of section 98 ;
- (25) manner of election of the Panchas under sub-section (2) of section 99 ;
- (26) (i) civil and criminal jurisdiction to be exercised by the Adivasi Panchayat under sub-section (1) of section 104 ;
- (ii) procedure to be followed by the Adivasi Panchayat under sub-section (2) of section 104 ;
- [(27) manner of election under sub-section (2) of section 112;]
- (28) time within which and the manner in which the election shall be held under section 118 ;
- (29) manner of notification of election, co-option and appointment under section 120 ;
- (30) prescription of the procedure of a meeting of a Janapada Panchayat and its Standing Committee under section 126 ;
- (31) (i) manner of election under sub-section (3) of section 132 ;
- (ii) prescription of the powers and duties to be exercised and performed by a Standing Committee under sub-section (4) of section 132 ;
- (iii) procedure for the conduct of business of a Standing Committee under sub-section (6) of section 132 ;
- (32) powers and duties to be exercised and performed by the President under section 135 ;
- (33) custody in which the Janapada Panchayat Fund shall be kept under sub-section (1) of section 147 ;
- (34) authority by whom casual leave to Chief Executive Officer may be granted under section 152 ;



- (35) qualifications, method of recruitment, salaries, leave, allowances and other conditions of service including disciplinary matters of the officers and servants of a Janapada Panchayat be prescribed under sub-section (2) of section 153 ;
- (36) (i) form and manner in which an estimate of income and expenditure shall be prepared under sub-section (1) of section 159 ;
- (ii) minimum balance to be prescribed under the first proviso to sub-section (4) of section 159 ;
- (37) form and manner in which the accounts shall be kept under section 161 ;
- (38) manner of publication of abstract of accounts under section 163 ;
- (39) conditions and exception subject to which Janapada Panchayat may impose taxes under section 164 ;
- (40) manner in which and the time within which an appeal may be preferred under section 166 ;
- (41) manner in which and the time within which a Chairman and Vice-Chairman of a Zila Panchayat shall be elected under sub-section (1) of section 176 ;
- (42) procedure of a meeting of a Zila Panchayat under section 181 ;
- (43) (i) manner of election and co-option of members of a Standing Committee of a Zila Panchayat under sub-section (3) of section 185 ;
- (ii) procedure for the conduct of business at a Standing Committee under sub-section (6) of section 185 ;
- (44) prescription of the powers and functions of a Chairman and Vice-Chairman under section 186 ;
- (45) terms of supply of equipment under clause (xii) of sub-section (1) of section 188 ;
- (46) qualifications, method of recruitment, salaries, leave allowances and other conditions of service including disciplinary matters of the officers and servants of a Zila Panchayat to be prescribed under sub-section (2) of section 195 ;
- (47) (i) form and manner in which an estimate of income and expenditure shall be prepared under sub-section (1) of section 197 ;
- (ii) minimum balance to be prescribed under the proviso to sub-section (2) of section 197 ;

- (48) form and manner in which the accounts shall be kept under section 198 ;
- (49) manner of publication of abstract of accounts under section 200 ;
- (50) time within which and the manner in which the Panchas shall be elected under sub-section (3) of section 217 ;
- (51) time within which and the manner in which Pradhan and Up-Pradhan shall be elected under section 220 ;
- (52) manner in which the election, appointment and co-option shall be notified under section 222 ;
- (53) (i) prescription of duties of the Secretary of a Nyaya Panchayat under sub-section (1) of section 228 ;
- (ii) prescription of terms and conditions of appointment of a Secretary of Nyaya Panchayat under sub-section (2) of section 228 ;
- [(54) restrictions subject to which the criminal powers of a Nyaya Panchayat may be curtailed or enlarged under sub-section (4) of section 236 ;
- (55) (i) conditions and restrictions subject to which the powers of a Revenue Court may be conferred on a Nyaya Panchayat under sub-section (1) of section 264 ;
- (ii) procedure to be followed by a Nyaya Panchayat under sub-section (3) of section 264 ;
- (56) fee to be paid along with an application under sub-section (1) of section 269 ;
- (57) particulars to be recorded in a register under sub-section (1) of section 270 ;
- (58) fees to be paid for recording a statement of a person physically unable for appearance at his residence under sub-section (1) of section 278 ;
- (59) procedure to be followed in summary trial of cases under section 285 ;
- (60) channel through which and the authority to whom a report of inspection shall be submitted under sub-section (2) of section 292 ;
- (61) prescription of register under section 296 ;
- (62) prescription of fee under sub-section (1) of section 297 ;
- (63) prescription of other duties of an Inspector under sub-section (1) of section 300 ;
- (64) authority to whom a report of inspection shall be submitted under sub-section (1) of section 301 ;

- (65) authorities to which and the manner in which an appeal or revision shall lie under section 318 ;
- (66) form in which a warrant under sub-section (2) of section 320 shall be sent by the Collector ;
- (67) prescription of restrictions and conditions under sub-section (3) of section 321 subject to which the delegated power shall be exercised ;
- (68) principles in accordance with which a sum shall be [assigned to each] distributed amongst Panchayats in the district under section 337 ;
- (69) form in which Annual Administration Report shall be prepared and the time within which it shall be forwarded to a Zila Panchayat under section 348 ;
- (70) time and manner in which the matter shall be referred to the Government under sub-section (1) of section 351 ;
- (71) manner in which and the authority by whom irrecoverable sums shall be written off under section 352 ;
- (72) prescription of fees under section 354 ;
- (73) procedure for enquiry and disposal of petitions under sub-section (3) of section 359 ;
- (74) manner of publication of report under sub-section (3) of section 369 ;
- (74-a) intermediate office or offices through which correspondence between Panchayats or their subordinate agencies and the Government or Government authorities shall pass ;
- (74-b) regulation of representations made under the Act ;
- (74-c) manner of preparation and submission of returns, statements and reports to the Government or Government authorities ;
- (74-d) control which may be exercised over Panchayats in respect of financial matters generally and as to the authority which may exercise such control ;
- (74-e) cases in which, and the authorities to whom and the conditions subject to which orders and decisions given under the provisions of this Act, and not expressly provided for as regards appeal, shall be appellable ;
- (74-f) authorising inspection by servants of Government or institutions and works which are done under the management or control of a Panchayat and regulating such inspection ;
- (74-g) preparation of plans and estimates of works which are to be partly or wholly constructed at the expense of the Panchayats ;
- (74-h) regulation of contracts by Panchayats ;

- (74-i) regulation of transfer of Panchayat property;
- (74-j) regulation of slaughter of animals for sale;
- (74-k) generally for regulation of all matters relating to Panchayat administration.
- (75) all matters required to be prescribed by rules under this Act.

324. (1) All rules for which provision is made in this Act shall be made by the State Government and shall be consistent with this Act. General provisions regarding rules.

(2) A rule may be general for all Panchayats or may be special for the whole or anyone or more classes of Panchayats, as the Government may direct.

(3) All rules made shall be subject to the condition of previous publication.

(4) All rules shall be laid on the table of the Legislative Assembly.

(5) In making any rule, the Government may direct that a breach thereof shall be punishable with fine which may extend to fifty rupees and in the case of a continuing breach, with fine which may extend to Rs. 5 for every day during which the breach continues after the first conviction.

325. (1) A panchayat may, and if so required by the Government shall, make byelaws consistent with this Act and with rules made thereunder for carrying out the provisions and intentions of this Act, and in particular and without prejudice to the generality of the foregoing power, it may make byelaws for the matters specifically mentioned for making of byelaws in the Act. Byelaws.

(2) In making a byelaw under sub-section (1), the panchayat may direct that a breach thereof shall be punishable with fine which may extend to fifty rupees and, if the breach is a continuing breach, with further fine which may extend to five rupees for every day during which the breach continues after the first conviction.

(3) The power conferred under this section to make byelaws is subject to the condition of the byelaws being made after previous publication for such time and in such manner as the State Government may determine, and no byelaw shall come into force until it has been confirmed by the State Government.

326. (1) The State Government may, from time to time, make model byelaws for any matter in respect of which a panchayat is empowered to make byelaws under this Act, and publish them in the Gazette for the guidance of panchayats. Model byelaws.

(2) The State Government may, by order, require any Panchayat to adopt such of the model byelaws as may be specified in the order after modifying the same to suit the local conditions.

(3) If any panchayat fails to comply with a requisition made under sub-section (2) within six months of the making thereof, the State Government may apply to such panchayat the model byelaws specified in the requisition.

(4) The provisions of section 325 shall, so far as may be, apply to the adoption or application of byelaws under this section.

### PENALTIES

Penalties for infringement of the provisions of this Act.

327. Whoever contravenes any provision of this Act, or the rules or bye-laws made thereunder shall if no penalty is expressly provided for such contravention under any other provision of this Act or such rules or bye-laws be punishable with fine, which may extend to fifty rupees and when the breach is a continuing one with further fine which may extend to five rupees for every day after the first conviction during which an offender is proved to have persisted in the offence.

Penalties for acting as members, Sarpanch or Up-Sarpanch of a Panchayat or as a member, President or Vice-President of a Janapada Panchayat when disqualified.

328. (1) Whoever acts as a member of [a Functional Committee, or] a Panchayat or a panch of a Nyaya Panchayat knowing that, under this Act or the rules made thereunder, he is not entitled or has ceased to be entitled to hold office as such, shall, on conviction, be punished with fine which may extend to fifty rupees for every day on which he sits or votes as a member or panch.

(2) Whoever acts as [the Convenor or Deputy Convenor of a Functional Committee,] Sarpanch or Upsarpanch of a Gram Panchayat, Pradhan or Up-Pradhan of a Nyaya Panchayat, President or Vice-President of a Janapada Panchayat or Chairman or Vice-Chairman of a Zila Panchayat or exercises any of his functions knowing that under this Act or rules made thereunder, he is not entitled or has ceased to be entitled to hold office as such, or to exercise such functions shall, on conviction, be punished with fine which may extend to one hundred rupees for every day on which he acts or functions as such.

(3) Any person who having been the Sarpanch or Upsarpanch of a Gram Panchayat, or Pradhan or Up-pradhan of a Nyaya Panchayat or President or Vice-President of a Janapada Panchayat, or Chairman or Vice-Chairman of a Zila Panchayat fails to hand over any documents of, or any moneys or other properties vested in or belonging to the Gram Panchayat, Nyaya Panchayat, Janapada Panchayat or Zila Panchayat, as the case may be, which are in or have come into his possession or control, to his successor in office or other prescribed authority:—

(a) in every case as soon as his term of office as such Sarpanch, Up Sarpanch, Pradhan or Up-Pradhan, President or Vice-President, Chairman or Vice-Chairman expires or he resigns or is removed from his Office; and

(b) in the case of a person who was the Upsarpanch or Uppradhan or Vice-President or Vice-Chair-

man also on demand by the Sarpanch or Pradhan or President or Chairman as the case may be,

shall, on conviction, be punished with fine which may extend to one hundred rupees.

329. Whoever votes as a member of [a Functional Committee, or] a panchayat in contravention of the provisions of this Act [sections] shall, on conviction, be punished with fine which may extend to one hundred rupees.

Penalties for interested members voting.

330. [If any member or office-bearer of a Functional Committee, or a Gram Panchayat or a Janapada Panchayat or a Zila Panchayat or of] If a member or a office-bearer of a Panchayat or its officer knowingly acquires, directly or indirectly, by himself or by partner, employer or servant, any personal share or interest in any contract or employment with by or on behalf of, the Gram Panchayat or Janapada Panchayat or Zila Panchayat he shall be deemed to have committed an offence under section 168 of the Indian Penal Code 1860 (45 of 1860):

Penalty for acquisition by an officer or servant or member of interest in contract.

Provided that nothing in this section shall apply to any person who, with the sanction of the prescribed authority, enters into a contract with the Gram Panchayat, the Janapada Panchayat or the Zila Panchayat.

**Explanation.**—For the purposes of this section, the expression “share or interest” shall have the meaning assigned to that expression in the proviso to sub-section (1) of section 27.—

331. Any person who prevents any officer or servant of a panchayat or any person to whom such officer or servant has lawfully delegated his powers of entering on or into any place, building or land, from exercising his lawful powers of entering thereon or therein shall be deemed to have committed an offence under section 341 of the Indian Penal Code 1860 (45 of 1860).

Wrongful restraint of certain officer or their delegates.

332. Any person obstructing or molesting a [member, Convenor or Deputy Convenor of a Functional Committee or] Sarpanch, Upsarpanch, Secretary or Panch of a Gram Panchayat, or Pradhan, Up-pradhan, Secretary or Panch of a Nyaya Panchayat, or a President, Vice-President, Chief Executive Officer or a member of a Janapada Panchayat, or Chairman, Vice-Chairman, Secretary or member of a Zila Panchayat, or any person employed by the Panchayat or any person with whom a contract has been entered into by or on behalf of the Panchayat in the discharge of their duty or of anything which they are empowered or required to do by virtue, or in consequence, of this Act or of any rule, bye-law or order made thereunder shall on conviction be punished with fine which may extend to two hundred rupees.

Prohibition against obstruction of Sarpanch President etc.

Prohibition against removal or obliteration of notice.

333. Any person who, without authority in that behalf removes, destroys, defaces or otherwise obliterates any notice exhibited or any sign or mark erected by, or under the orders of a Panchayat or a Nyaya Panchayat or its executive authority, shall on conviction, be punished with fine which may extend to fifty rupees.

Penalty for not giving information or giving false information.

334. Any person required by this Act or by any notice or other proceedings issued thereunder to furnish any information, omits to furnish such information or knowingly furnishes false information, shall on conviction be punished with fine which may extend to one hundred rupees.

Bidding prohibited.

335. (1) No member of [a Functional Committee or] a Panchayat, employee of a Panchayat including Nyaya Panchayat or any officer having any duty to perform in connection with the sale of movable or immovable property under this Act shall directly or indirectly bid for or acquire interest in any property sold at such sale.

(2) Any person who contravenes the provisions of subsection (1) shall, on conviction, be punishable with fine which may extend to one hundred rupees, and if he is an officer or employee of a Panchayat including Nyaya Panchayat, he shall also be liable to be removed from service.

Damage to any Panchayat or Janapada Panchayat property how made good.

336. If through any act, neglect or default on account of which any person shall have incurred penalty imposed by or under this Act and any damage to the property of any Panchayat shall have been caused by such person, he shall be liable to make good such damage as well as to pay such penalty, and the value of the damage shall, in case of dispute, be determined by the Nyaya Panchayat or the Magistrate, as the case may be, by whom the person incurring such penalty is convicted, and on non-payment of such value on demand the same shall be recoverable as a fine imposed under this Act.

#### CHAPTER XVIII—MISCELLANEOUS

Assignment of share of land revenue to Panchayats.

337. The Government shall every year assign to each district a sum not less than twenty-five per centum of the land revenue collected during the preceding financial year in the district for distribution to the Gram Panchayats, Janapada Panchayats and Zila Panchayat within the district in accordance with such principles as may be prescribed.

Explanation.—In this section the expression "land revenue" shall have the meaning assigned to it in section 5S of the Madhya Pradesh Land Revenue Code, 1959 (20 of 1959).

Indemnity for acts done in good faith.

338. No suit shall be maintainable against any Gram Panchayat or any of its committees or members, or any Panchayat, Janapada Panchayat, Zila Panchayat or Nyaya officer or servant thereof, or any person acting under or in accordance with the direction of such panchayats or any

of its committees or members or any officer or servant, in respect of anything in good faith done or intended to be done under this Act or under any rule or byelaw made thereunder.

339. (1) No suit shall be instituted against any panchayat including Nyaya Panchayat or any member, officer or servant thereof or any person acting under the direction of any such panchayat, members, officer or servant for anything done or purporting to be done under this Act, until the expiration of two months next after a notice in writing, stating the cause of action, the name and place of abode of the intending plaintiff and the relief which he claims, has been, in the case of a panchayat, delivered or left at its office, and, in the case of any such member, officer, servant or person as aforesaid, delivered to him or left at his office or usual place of abode, and the plaint shall contain a statement that such notice has been so delivered or left.

Bar of suit in absence of notice.

(2) Every such suit shall be dismissed unless it is instituted within six months from the date of the accrual of the alleged cause of action.

(3) Nothing in this section shall be deemed to apply to any suit instituted under section 54 of the Specific Relief Act, 1877 (I of 1877).

340. The Collector in the case of a Gram, Nyaya or Janapada Panchayat and the Commissioner in the case of a Zila Panchayat may direct that a suit against any member, officer or servant of such Panchayat arising out of anything done or any action taken by him under this Act or the rules or byelaws made thereunder shall be defended by the panchayat concerned on behalf of such person and the expenses incurred on such defence shall be paid out of the fund of the panchayat concerned.

Certain suits against members, officers, etc., to be defended at the cost of Panchayat.

341. (1) No objection shall be taken to any valuation, assessment or levy nor shall the liability of any person to be assessed or taxed be questioned, in any other manner or by any other authority than is provided in this Act

Bar of other proceeding, etc., in respect of tax, etc.

(2) No suit for damages or for specific performance shall be maintainable against any panchayat or any member, officer or servant thereof, on the ground that any of the duties specified in this Act have not been performed.

342. (1) The provisions of the Judicial Officers Protection Act 1850 (18 of 1850), applicable in Madhya Pradesh shall apply to the members of a Nyaya Panchayat.

Protection to Nyaya Panchayats.

343. Every member of [a Functional Committee,] a Gram Panchayat, a Nyaya Panchayat a Janapada Panchayat of Zila Panchayat and every officer or servant of such panchayat shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, 1860 (45 of 1860).

Members, etc., of Panchayats, etc., to be public servant.



**Removal to incur** 343-A. Removal from office under sections 32, 101, 123  
**disqualification in** or 224 shall disqualify the person so removed for  
**certain cases.** further election, co-option or appointment under this  
 Act for such period not exceeding five years as may be  
 specified by the State Government.

**Vacancy or defect** 344. No act of any panchayat including a Nyaya Pan-  
**in constitution** chayat shall be invalid merely by reason of—  
**or procedure, etc.** (a) any vacancy in, or defect in the constitution  
**not to invalu-** of; or  
**date act of** (b) any defect in the election, co-option or appoint-  
**Panchayat.** ment of a person acting as a panch or member  
 thereof; or  
 (c) any irregularity in its procedure not affecting  
 the merits of the case.

**Acquisition of land.** 345. Where any land is required for the purpose of  
 this Act, and the Gram Panchayat, the Janapada Panchayat  
 or the Zila Panchayat, as the case may be, is unable to  
 acquire it by agreement, the Government may at the request  
 of the panchayat and on the recommendation of the Collec-  
 tor in the case of a Gram Panchayat and a Janapada Pancha-  
 yat and of the Commissioner in the case of a Zila Pancha-  
 yat proceed to acquire it under the provisions of the Land  
 Acquisition Act, 1894 (I of 1894) and on payment by the  
 Gram Panchayat or the Janapada Panchayat or the Zila  
 Panchayat, as the case may be, of the compensation awarded  
 under that Act, and of all other charges incurred by the  
 Government in connection with the proceedings, the land  
 shall vest in the Gram Panchayat, the Janapada Panchayat  
 or the Zila Panchayat on whose account it has been so  
 acquired.

(2) The Panchayat shall not without the previous sanc-  
 tion of the Government transfer any land which has been  
 acquired under sub-section (1) or divert such land to a  
 purpose other than the purpose for which it has been  
 acquired.

**Fines to be credited** 346. All fines imposed by a Nyaya Panchayat for any  
**to Janapada Panchayat** offence under this Act or under any rule or byelaw made  
**fund.** thereunder in any prosecution instituted by or on behalf of  
 the Gram Panchayat or Janapada Panchayat shall be credi-  
 ted to the Janapada Panchayat Fund.

**Government not to** 347. Nothing in this Act or any rule or byelaw made  
**obtain licences and** hereunder shall be construed as requiring the Central Gov-  
**permission.** ernment or the State Government to obtain any permission  
 or licence in respect of any property of such Government  
 or any place in occupation or under the control of such Gov-  
 ernment.

**Annual admini-** 348. The Chief Executive Officer of the Janapada  
**stration report.** Panchayat and the Secretary of the Zila Panchayat shall, as  
 soon as may be, after the first day of April of every year  
 and not later than such date as may be fixed by the

Commissioner in this behalf cause to be prepared in such form as may be prescribed and place before the Janapada Panchayat or the Zila Panchayat, as the case may be, an annual administration report for its approval. The Janapada Panchayat shall within such time as may be prescribed, forward the report approved by it to the Zila Panchayat for information. The Zila Panchayat shall likewise forward its report to the Commissioner for information.

349. Subject to the restrictions contained in any enactment relating to raising of loans by local authorities for the time being in force, a Gram Panchayat, a Janapada Panchayat or a Zila Panchayat may, with the previous sanction of the Government raise a loan of any moneys required for carrying out the purposes of this Act. Power of Panchayats to borrow money.

349-A. Notwithstanding anything contained in this Act, it shall be the duty of a Panchayat to apply annually out of its fund first such sum as may be required for the payment of any amount falling due on account of any loan legally contracted by it. Repayment of loans.

350. [(1) The annual accounts of the Janapada Panchayat and Zila Panchayat shall be subject to audit under the Madhya Pradesh Local Fund Audit Act, 1933 (IX of 1933)]. Audit of Panchayat Accounts.

(1) Notwithstanding anything contained in section 3 of the Madhya Pradesh Local Fund Audit Act, 1933 (IX of 1933), the annual accounts of the Janapada Panchayats and the Zila Panchayats shall be subject to audit under the said Act and such Panchayat shall be liable to pay such audit fee as the State Government may, from time to time, specify in this behalf.

(2) The accounts of the Gram Panchayat shall be subject to audit by Government Departmental Auditors and the Gram Panchayat shall be liable to pay such audit fees as the State Government may, from time to time, specify in this behalf.

(3) Copies of the Audit Report of the Auditor on the annual account of the Panchayat under sub-section (1) or (2) shall be furnished to the prescribed authority in addition to the Sarpanch, President and the Chief Executive Officer, and Chairman and Secretary of the Zila Panchayat.

351. (1) The Sarpanch, President or the Chairman as the case may be, shall forthwith remedy any defects or irregularities that may be communicated by the prescribed authority or Local Fund Audit Department or the Departmental Auditors, as the case may be, and shall send a report to the prescribed authority of the action taken by the panchayat authorities concerned within a period of three months from the date of the receipt of the Audit Report : Panchayat authorities to remedy defects and report.

Provided that if there is a difference of opinion between the panchayat authorities and the prescribed authority or

the Local Fund Audit Department, or if the panchayat authority does not remedy any defect or irregularity within the said period of three months, the matter shall be referred to the Government within such time and in such manner as may be prescribed, and the State Government may pass such orders thereon as it thinks fit. The orders of the Government shall be final and the panchayat authorities shall take action in accordance therewith.

(2) If within any period fixed by an order made by the Government under sub-section (1), the panchayat authority concerned fails to comply with such orders, the provisions relating to defaults contained in section 313, shall with necessary modifications, be deemed to apply in this case and the Government shall act accordingly.

Writing off of irrecoverable sums due to Panchayat.

352. The irrecoverable sums due to a Gram Panchayat, Janapada Panchayat or Zila Panchayat shall be written off in such manner and by such authority as may be prescribed:

Provided that no sum exceeding five thousand rupees shall be written off without the sanction of the Government.

Prohibition of remuneration to members etc.

353. No member of a panchayat or a Panch of a Nyaya Panchayat shall be granted any remuneration or allowance of any kind whatsoever by the panchayat or the Nyaya Panchayat except with the previous sanction of the prescribed authority and in accordance with the rules made in this behalf.

Records of Panchayats, etc., open to inspection.

354. Subject to rules made under this Act and on the payment of such fees as may be prescribed, the records of Gram Panchayat, Nyaya Panchayat, Janapada Panchayat, and Zila Panchayat and any committee thereof shall be open to inspection to such persons as may desire it, and certified copies thereof shall be given to such persons as may apply for them.

Methods of serving documents.

355. Save as otherwise provided in this Act the service of any notice or other document under this Act or under any rule, by law or order made thereunder on any person to whom it is by name addressed shall be effected—

- (a) by giving or tendering the said notice or document to such person; or
- (b) if such person is not found, by leaving such notice or document at his last known place of residence or business or by giving or tendering the same to some adult member or servant of his family; or
- (c) if such person does not reside in the village or town and his address elsewhere is known to the officer directing the issue of such notice or document by sending the same to him by registered post, acknowledgment due; or
- (d) if none of the means aforesaid be available, by affixing such notice or document upon some

conspicuous part of the house, if any, in which the person is known to have last resided or carried on business or personally worked for gain.

(2) When any notice or other document has to be served upon any owner or occupier of any building or land, it shall not be necessary to name the owner or occupier therein, and the service thereof in cases not otherwise specifically provided for in this Act shall be effected either—

- (a) by giving or tendering the notice or document to the owner or occupier or if there be more owners or occupiers than one, to any one of them; or
- (b) if no such owner or occupier be found, then by giving or tendering the notice or document to some adult member or servant of the family or any such owner or occupier as aforesaid; or
- (c) if none of the means aforesaid be available, then by causing the notice or document to be affixed upon some conspicuous part of the building or land to which the same relates.

(3) Every notice which this Act requires or empowers a Gram Panchayat or Nyaya Panchayat or Janapada Panchayat or Zila Panchayat to give or to serve either as a public notice, or generally or by provisions which do not expressly require notice to be given to individuals therein specified, shall be deemed to have been sufficiently given or served if a copy thereof is put up in such conspicuous part of the Gram Panchayat or Nyaya Panchayat or Janapada Panchayat or Zila Panchayat office during such period and in such other public buildings and places, or is published in such local papers or in such other manner as the Gram, Nyaya, Janapada or Zila Panchayats may in this behalf direct.

(4) No notice or bill shall be invalid for defect of form.

(5) Whenever in any notice or other document served under this Act or the rules, byelaws or order made thereunder, a period is fixed within which any tax or other sum is to be paid or any work executed, or anything provided, such period shall, in the absence of any provision to the contrary in this Act or the said rules, byelaws, or orders thereunder, be calculated from the date of such service, or in the case of public notice under sub-section (3), from the date of its publication.

(6) When any notice under this Act, or any rule, or byelaw or order requires any act to be done for which no time is fixed, the notice shall fix a reasonable time for doing the same.

(7) In the event of non-compliance with the terms of the notice, it shall be lawful for the Gram, Nyaya, Janapada or Zila Panchayat or any officer authorised by it to take such action or such steps as may be necessary for the doing of the act thereby required to be done, and all the expenses

therein incurred by the panchayat aforesaid shall be paid by the person or persons upon whom the notice was served and shall be recoverable in the manner provided for the recovery of taxes, fines, etc., under this Act.

Officials entitled to attend meetings of Panchayats.

356. Any officer of the Planning and Development, Commerce and Industry, Public Works, Forest, Education, Agriculture, Medical and Public Health, Law, Revenue, Panchayat and Social Welfare Department whom the State Government may by general or special order appoint in this behalf shall be entitled to attend any meeting of a Gram or Janapada Panchayat and advise and assist it on any matter affecting the work of his department.

Composition of offences.

357. (1) The State Government may subject to rules made under this Act, empower any Gram Panchayat or the Sarpanch or Up-sarpanch thereof or any Janapada Panchayat or the President or Vice-President thereof or any Zila Panchayat or the Chairman or Vice-Chairman or any member, officer or servant of such panchayats to accept from any person in respect of whom there is reasonable ground to believe that he has committed any act or omission punishable under this Act or the rules or byelaws made thereunder a sum of money not exceeding fifty rupees by way of composition therefor.

(2) On payment of such sum of money by the person accused of the offence, no further action shall be taken against such accused and if any proceedings in respect of that offence have already been instituted against him in any Nyaya Panchayat such payment shall have the effect of his acquittal thereof.

(3) Power under sub-section (1) to accept composition in respect of alleged acts and omissions may be given either generally or particularly in regard to specified acts and omissions or such as belong to a specified case.

Entry for purposes of the Act.

357-A. It shall be lawful for the office-bearers of a Panchayat or for any member or officer authorised by such Panchayat in this behalf to enter for the purposes of this Act, between sunrise and sunset with such assistants as he may deem necessary, into and upon any building or land, for the purpose of making any survey or inspection they may be entitled to make for the purpose of executing any work authorised by this Act to be executed by them:

Provided that, except when herein otherwise provided, no building or land which may be occupied at the time shall be entered unless with the consent of the occupier thereof and without twenty-four hours' written notice thereof having been given to the said occupier:

Provided further that in the case of buildings used as human dwellings, due regard shall be paid to the social and religious customs of the occupiers.

Power of entry.

358. The Zila Panchayat may authorise its Chairman, Vice-Chairman or Secretary to enter on and inspect, or cause to be entered on and inspected at all reasonable times any

immovable property occupied by any Gram or Janapada Panchayat or any work in progress under its direction.

359. (1) No election, [appointment] or co-option notified under sections 29, 120, 177 and 222 shall be called into question except by a petition presented to the prescribed authority. Election petition.

(2) No such petition shall be admitted unless it is presented within fourteen days from the date on which the election, [appointment] or co-option was notified.

(3) Such petition shall be enquired into or disposed of according to such summary procedure as may be prescribed.

360. When any fee has been imposed under this Act or the right to collect it has been leased thereunder, any person employed by the Gram Panchayat or Janapada Panchayat or any other prescribed authority or by the lessee to collect such fees may, subject to the conditions of the lease, collect the fees or expel from the place for the use of which a fee is payable, any person who is liable to pay the fee but refuses to pay it. Power to expel persons who refuse to pay fees.

361. (1) Whenever, under the provisions of this Act any work is required to be executed by the owner or occupier of any building, or land, and default is made in the execution, of such work the Gram Panchayat or the Janapada Panchayat, as the case may be, whether any penalty is or is not provided for such default, may cause such work to be executed; and the expenses thereby incurred shall, unless otherwise expressly provided in this Act, be paid to it by the person by whom such work ought to have been executed and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under this Act either in one sum or by instalments as the panchayat may deem fit. Gram Panchayat in default of owner or occupier may execute works and recover expenses.

(2) If the defaulter be the owner of the building or land, the panchayat may, by way of additional remedy, whether a suit or proceeding has been brought or taken against such owner or not, require, subject to the provisions of sub-section (3), the payment of all or any part of the expenses payable by the owner for the time being, from the person who then or any time thereafter, occupies the building or land under such owner; and in default of payment thereof by such occupier on demand, the same may be levied from such occupier, and every amount so leviable shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under this Act. Every such occupier shall be entitled to deduct from the rent payable by him to his landlord so much as has been so paid by or recovered from such occupier in respect of any such expenses.

(3) No occupier of any building or land shall be liable to pay more money in respect of any expenses charged on the owner thereof, than the amount of rent which is due from

such occupier for the building or land in respect of which such expenses are payable at the time of the demand made upon him, or which at any time after such demand and notice not to pay the same to his landlord has accrued and become payable by such occupier, unless he neglects or refuses, upon application made to him for that purpose by the panchayat, truly to disclose the amount of his rent, and the name and address of the person to whom such rent is payable; but the burden of proof that the sum demanded of any such occupier is greater than the rent which was due by him at the time of such demand, or which has since accrued, shall be upon such occupier:

Provided that nothing herein contained shall be deemed to affect any special contract made between any such occupier and the owner respecting payment of the expense of any such works as aforesaid.

Special provision for resolution of difficulties.

[362. If the circumstances of any panchayat are such that in the opinion of the Government any provision of this Act is unsuited thereto, the Government may, by notification—

- (a) withdraw the operation of that provision from the panchayat;
- (b) apply the provision to the panchayat in a modified form to be specified in such notification;
- (c) make any additional provision for the panchayat in respect of matters mentioned in the provision which has been withdrawn from or applied in a modified form to the panchayat.]

#### Amalgamation, splitting up and alteration in the limits of Gram Sabhas

Notification of intention to alter limits of or to amalgamate or to split up Gram Sabhas.

363. (1) The Government may by notification signify its intention—

- (a) to alter the limits of a Gram Sabha Area by including within it any local area in the vicinity thereof or by excluding therefrom any local area comprised therein; or
- (b) to amalgamate two or more Gram Sabhas and constitute one Gram Sabha in their place; or
- (c) to split up a Gram Sabha and to constitute two or more Gram Sabhas in its place.

(2) Every such notification shall define the limits of the local area which is intended to be included in or excluded from a Gram Sabha Area, or of the areas of the Gram Sabhas intended to be amalgamated into one, or of the area of each of the Gram Sabhas intended to be constituted after splitting up an existing Gram Sabha, as the case may be.

Procedure subsequent to notification under section 363.

364. (1) Any inhabitant of the area or areas affected by a notification under section 363 may, if he objects to anything therein contained, submit his objection in writing to the Government within sixty days from the date of the publication of the notification and the State Government shall take his objection into consideration.

(2) When sixty days from the date of the publication [of the Gram Sabhas intended to be constituted after splitting] of the notification has expired and the Government has considered and passed orders on such objections as may have been submitted to it within the said period, the Government may, by notification—

- (a) include the local area or any part thereof in the Gram Sabha Area or exclude it therefrom; **or**
- (b) constitute a new Gram Sabha in place of the Gram Sabhas amalgamated; or
- (c) split up an existing Gram Sabha and constitute two or more Gram Sabhas in its place, as the case may be.

365. Where a notification under section 364 has been issued the Government may make such consequential orders as it may deem fit in respect of—

- (a) the constitution of the Gram Sabha and the Gram Panchayat for the altered area where a local area has been included in or excluded from a Gram Sabha; Power of Government to issue consequential order with respect to constitution etc, of Gram Sabhas and Gram Panchayats on alteration of limits, amalgamation or splitting up.
- (b) the dissolution of the existing Gram Sabhas which have been amalgamated and Gram Panchayats, [Functional Committees] or subordinate agencies thereof, as the case may be, and the constitution of the amalgamated Gram Sabha and Gram Panchayat thereafter where two or more Gram Sabhas are amalgamated;
- (c) the dissolution of the Gram Sabha split up and the constitution of the Gram Sabhas established in its place and constitution of the Gram Panchayat thereafter and matters ancillary thereto.

366. Where a notification under section 364 has been issued excluding any area from the Gram Sabha, and including any such area in any other Gram Sabha, the State Government shall after consulting the Gram Panchayats of both the Gram Sabhas frame a scheme to determine what portion of the assets and other properties vested in one Gram Panchayat shall vest in the other Gram Panchayat and in what manner the liabilities of the Gram Panchayats shall be apportioned between the two [Gram Sabhas] Gram Panchayats and such scheme shall come into force on the date of publication thereof in the Gazette. Effect of alteration of limits.

367. On the issue of a notification under section 364 constituting a new Gram Sabha by amalgamating two or more Gram Sabhas the following consequences shall ensue, namely:— Effect of amalgamation.

- (a) all the property under the control of the Gram Panchayats of the Gram Sabhas immediately before the date of amalgamation under section 364 including the Gram Panchayat funds shall



be the property and fund of the Gram Panchayat of the new Gram Sabha;

- (b) the staff of the Gram Panchayats of the amalgamated Gram Sabhas shall until otherwise ordered by the Gram Panchayat of the new Gram Sabha in accordance with the provisions made by or under this Act, be continued and deemed to be the staff appointed by the Gram Panchayat of the new Gram Sabha;
- (c) all rules, byelaws and orders in force in the area of the Gram Sabhas amalgamated immediately before the date of the amalgamation under section 364 shall, except the rules, byelaws and orders in respect of such matters, as may be specified by the State Government by a notification issued in that behalf, stand repealed and the rules, byelaws and orders in respect of matters specified therein shall operate throughout the area of the new Gram Sabha until altered, amended or cancelled in accordance with the provisions of this Act:

Provided that such repeal shall be governed by the provisions of section 10 of the Madhya Pradesh General Clauses Act in respect of all action taken and things done; and

- (d) any right, privilege, obligation or liability acquired, accrued or incurred by the Gram Panchayat of any of the Gram Sabhas amalgamated under section 364 shall be deemed to be the right, privilege, obligation or liability acquired, accrued or incurred by the Gram Panchayat of the new Gram Sabha.

**Effect of splitting up.**

368. (1) On the issue of a notification under section 364 splitting up a Gram Sabha into two or more Gram Sabhas the following consequences shall ensue, namely:—

- (a) all rules, byelaws and orders in force in the area of the original Gram Sabha immediately before such Gram Sabha is splitted up under section 364 shall continue to be in force in the areas comprised in the new Gram Sabhas, until altered, amended or cancelled in accordance with the provisions of this Act;
- (b) all powers and duties which are under this Act to be exercised or performed by the several authorities under this Act shall, until a Gram Panchayat is constituted for each of the new Gram Sabhas be exercised and performed by the Collector or such other officer not below the rank of a Tahsildar as he may direct;
- (c) all property vested in the Gram Panchayat of the original Gram Sabha shall, subject to any orders of the State Government, be held and

expended by the Collector for the purposes of the local government of the areas of the new Gram Sabhas; and

- (d) until Gram Panchayats are constituted in the new Gram Sabhas, the Collector shall be deemed to be the representative of the Gram Sabha of the original Gram Panchayat for the purposes of suing or being sued or continuing pending suits or proceedings by or against the Gram Panchayat of the original Gram Sabha.

(2) On the day on which the Gram Panchayats are constituted in the new Gram Sabhas, the Collector shall hand over the administration to the Gram Panchayat of each such Gram Sabha in respect of area under its jurisdiction.

369. (1) The assets and liabilities of the Gram Panchayat of the original Gram Sabha shall in accordance with the provisions of sub-sections (5) and (6) be apportioned to the several Gram Panchayats of the new Gram Sabhas.

Apportionment of assets and liabilities of Gram Sabha split up.

(2) The prescribed authority shall report on the following matters, namely:—

- (a) the assets and liabilities of the Gram Panchayat of the original Gram Sabha;
- (b) the apportionment of the assets and liabilities between the Gram Panchayats of the new Gram Sabhas;
- (c) the manner in which the existing officers, servants and other permanent employees of the Gram Panchayat of the original Gram Sabha should be absorbed by the Gram Panchayats of the new Gram Sabhas;
- (d) generally on all matters incidental, supplemental and consequential to the constitution of the new Gram Panchayats in place of the original Gram Panchayat.

(3) The report referred to in sub-section (2) shall be submitted to the State Government which shall publish it in such manner as may be prescribed.

(4) Any person interested may make a representation to Government in writing against the proposals made in the report within one month from the date of its publication.

(5) On the expiration of the period specified in sub-section (4) the Government may take into consideration the report of the prescribed authority and the representations received, if any, and pass such orders in respect thereof as it deems fit.

(6) The orders of the Government on all such points shall be final and shall not be questioned in any court of law.

(7) The Government may by notification delegate its powers under sub-sections (3), (4), and (5) [and (6)] to an officer not below the rank of a [Commissioner] Collector.

Suits by or  
against Gram  
Panchayats of  
new Gram  
Sabhas.

370. (1) On matters covered by the decision of the State Government under the preceding section, the Gram Panchayats of the new Gram Sabhas shall severally be deemed to be the representatives of the original Gram Panchayat for the purposes of suing and being sued or for continuing pending suits or proceedings by or against the Gram Panchayat of the original Gram Sabha.

(2) In respect of matters not covered by the decision of the State Government under the provisions of the preceding section, the Gram Panchayats of the new Gram Sabhas shall jointly be deemed to be the representatives of the Gram Panchayat of the original Gram Sabha for the purposes of suing or being sued or for continuing pending suits or proceedings by or against the Gram Panchayat of the original Gram Sabha.

(3) If any dispute arises between the Gram Panchayats of the new Gram Sabhas as regards their respective liability or claim under a decree or order, the matter shall be referred to the Government whose decision shall be final.

Saving as to  
existing em-  
ployees of Gram  
Sabhas amalga-  
mated or split  
up.

371. When under section 364 a new Gram Sabha is constituted by amalgamation of two or more Gram Sabhas or where two or more new Gram Sabhas are constituted by splitting up an existing Gram Sabha, the pay and allowances, pension and retirement benefits, if any, of all permanent officers and servants or other employees of the [amalgamated Gram Sabhas or Gram Sabha splitted] Gram Panchayats of the Gram Sabhas amalgamated or Gram Sabha splitted up shall be the pay and allowances, pension and retirement benefits as in force immediately before the date of amalgamation or splitting up, as the case may be.

#### Disestablishment of Gram Sabhas.

Disestablish-  
ment of Gram  
Sabha.

372. (1) The Government may, by notification, disestablish a Gram Sabha:

Provided that no such notification shall be issued unless a notice of the proposal inviting objections from the persons likely to be affected thereby by a date to be specified therein has been published in the Gazette and the objections, if any, received have been considered by the Government.

(2) On the issue of a notification under sub-section (1), disestablishing a Gram Sabha, the following consequences shall ensue, namely:—

- (a) the Panchas, Sarpanch, and the Upsarpanch [and members of the Gram Sabha, the members of Functional Committees and Panchas] of the Gram Panchayat shall vacate their offices;
- (b) all rules, byelaws and orders in force in the Gram Sabha area shall cease to apply thereto;
- (c) all the property including the Gram Panchayat fund shall vest in the Government, and the

liabilities of the Gram Panchayat shall be transferred to the Government;

- (d) any arrear of the tax, toll, fee, or rate and any sum of money on account of fine or otherwise, which was due to the Gram Panchayat immediately before the date of disestablishment, may be recovered by the Collector as an arrear of land revenue, and any amount so recovered shall be at the disposal of the Government, which may pass such orders in respect thereof as it may deem fit; and
- (e) every employee of the Gram Panchayat whether permanent or temporary, shall unless he is offered some other employment on terms similar to those in force be entitled to recover from the Government by way of compensation a sum equal to his existing pay and allowances for one month.

#### Alteration in the limits of a Block

373. (1) The Government may, by notification, signify its intention to alter the limits of a block by including therein any local area in the vicinity thereof or by excluding therefrom any local area comprised therein.

(2) Every such notification shall define the limits of the local area which is intended to be included in or excluded from a block.

(3) Any inhabitant of the area or areas affected by a notification under sub-section (1) may, if he objects to anything therein contained, submit his objection in writing to the Government within sixty days from the date of the publication of the notification and the Government shall take his objection into consideration.

(4) When sixty days from the date of the publication of the notification have expired and the Government has considered and passed orders on such objections as may have been submitted to it within the said period, the Government may, by notification, include the local area or any part thereof in the block or exclude it therefrom.

374. On the issue of a notification under sub-section (4) of section 373, the State Government may make such consequential orders as it may deem fit in respect of—

- (i) the constitution of the Janapada Panchayat for the altered area;
- (ii) the constitution of the Nyaya Panchayat affected by such alteration;
- (iii) the pending suits, cases or other proceedings before such Nyaya Panchayats.

Power of Government to issue consequential order with respect to blocks on alteration of limits.

Effect of alteration limits.

375. Where a notification under sub-section (4) of section 373 has been issued excluding any area from the block and including any such area in other block, the Government shall, after consulting the Janapada Panchayats of both the blocks frame a scheme to determine what portion of the assets and other properties vested in one Janapada Panchayat shall vest in the other Janapada Panchayat and in what manner the liabilities of the Janapada Panchayats shall be apportioned between the two Janapada Panchayats and such scheme shall come into force on the date of publication thereof in the Gazette.

#### ALTERATION IN THE LIMITS OF DISTRICT

Consequences of alteration in limits of district.

375-A. On the issue of a notification under the Madhya Pradesh Land Revenue Code, 1959 (20 of 1959) altering the limits of a district, the State Government may make such consequential orders as it may deem fit in respect of the constitution of the Zila Panchayat, apportionment of assets and liabilities thereof and other ancillary matters arising out of such alteration.

Procedure for publication of notification under sections 364, 372 and 373 (4).

376. Every notification issued under section 364, 372 and sub-section (4) of section 273 [and section 374] shall be published in the Official Gazette and also by posting a copy thereof—

- (a) in a conspicuous place in the office of the Collector;
- (b) in a conspicuous place in the office of the panchayat affected by the Notification; and
- (c) in such conspicuous places in the area affected by the notification as the prescribed authority may deem fit.

#### Nazul Lands

Management of Nazul Lands

377. Any [nazul] Government land transferred to a Gram Panchayat or a Janapada Panchayat shall be managed by such panchayat in accordance with the rules as the State Government may make in this behalf.

#### Separate Administrative Units

Certain areas to form separate administrative units.

378. (1) Unless otherwise expressly provided by or under this Act, every local authority established or constituted under the municipal law shall, with respect to the functions which such authority discharges under such law, form a separate administrative unit.

(2) Nothing contained in Chapter XV shall apply to any area within the jurisdiction of a local authority established or constituted under the Municipal Law.

CHAPTER XIX.—ESTABLISHMENT OF GRAM SABHA  
FOR AREAS CEASING TO BE MUNICIPALITIES,  
NOTIFIED AREA OR TOWN AREAS.

379. When any local area ceases to be a municipality, a notified area or a town area by virtue of a notification issued under the Municipal Law and immediately following such cessation a Gram Sabha is established under section 4 for such area, then, as from the date of the establishment of the Gram Sabha (hereinafter in this section referred to as the specified date) the following consequences shall ensue, namely:—

- Effect of establishment of Gram Sabha for local area which ceases to be Municipal Committee, etc.
- (a) the Municipal Committee, Municipal Council, Municipal Board, Notified Area Committee or the Town Area Committee, as the case may be, shall cease to exist or to function;
  - (b) there shall be constituted for the Gram Sabha an interim Gram Panchayat consisting of persons vacating office as members of the Municipal Committee, Municipal Council, Municipal Board, Notified Area Committee or the Town Area Committee and the President or the Vice-President of the Municipal Committee, Municipal Council, Municipal Board or the Notified Area Committee or the Town Area Committee, as the case may be, shall respectively be deemed to be the Sarpanch and Up-sarpanch of the interim Gram Panchayat;
  - (c) the unexpended balance of the Municipal Fund or the fund of the Notified Area or the Town Area [Fund] Committee and the property (including arrears of rates, taxes rents and fees) belonging to the Municipal Committee, Council, or Board or the Notified Area Committee or the Town Area Committee and all rights and powers which prior to such notification, vested in the Municipal Committee, Council or Board or the Notified Area Committee or Town Area Committee shall, subject to all charges and liabilities affecting the same, vest in the interim Gram Panchayat as the Gram Panchayat Fund until a new Gram Panchayat is constituted in pursuance of the provision of sub-section (1) of section 380;
  - (d) any appointment, notification, notice, tax, order, scheme, licence, permission, rule, byelaw, or form made, issued, imposed or granted under the Municipal Law before the specified date in respect of such local area shall, so far as it is not inconsistent with the provisions of this Act, continue in force and be deemed to have been made, issued, imposed or granted in respect of the Gram Sabha until it is superseded

or modified by any appointment, notification, notice, tax, order, scheme, licence, permission, rule, bye-law or form made, issued, imposed or granted under this Act;

- (e) all budget estimates, assessment, assessment list, valuation or measurement made or authenticated under the Municipal Law immediately before the specified date and in respect of local area shall be deemed to have been made or authenticated under this Act;
- (f) all debts or obligations incurred and all contracts made by or on behalf of the Municipal Committee, Council, Board or the Notified Area Committee or Town Area Committee immediately before the specified date and subsisting on the specified date shall be deemed to have been incurred and made by the Gram Panchayat in exercise of the powers conferred on it by this Act;
- (g) all officers and servants in the employ of the Municipal Committee, Council or Board or the Notified Area Committee or the Town Area Committee, as the case may be, immediately before the specified date shall be officers and servants of the Gram Panchayat under this Act and shall, until other provision is made in accordance with the provisions of this Act, receive salary and allowances and be subject to conditions of the service to which they were entitled or subject immediately before such date:

Provided that it shall be competent to the Gram Panchayat, subject to the previous sanction of the Government, to discontinue the service of any officer or servant, who in its opinion, is not necessary or suitable to the requirement of the Gram Panchayat service after giving such officer or servant such notice as is required to be given by the terms of his employment and every officer or servant whose services are discontinued shall be entitled to such leave, pension, provident fund and gratuity as he would have been entitled to take or receive on being invalidated out of service as if the Municipal Committee, Council or Board or the Notified Area or the Town Area Committee in the employ of which he was, had not ceased to exist;

- (h) all proceedings pending immediately before the specified date before the Municipal Committee, Council, Board, Notified Area Committee or Town Area Committee or any other authority as the case may be, shall be deemed to be

transferred to and continued by the Gram Panchayat or such authority;

- (i) all appeals pending immediately before the specified date before the Municipal Committee, Council, Board, or the Notified Area Committee, or the Town Area Committee, as the case may be, shall, so far as may be practicable be disposed of as if such local area had not been included in the Gram Sabha when they were filed;
- (j) all prosecutions instituted by or on behalf of the Municipal Committee, Council, Board or the Notified Area Committee or a Town Area Committee and all suits or other legal proceedings instituted by or against such Municipal Committee, Council or Board or Notified Area Committee or Town Area Committee or any officer of such Municipal Committee Council or Board, Notified Area Committee or Town Area Committee pending on the specified date shall be continued by or against the Gram Panchayat as if such local area had not been included in the Gram Sabha when such prosecutions, suits or proceedings were instituted.

380. (1) The Collector shall within a period not exceeding one year from the date on which the interim panchayat has been constituted under section 379 take steps to constitute a Gram Sabha and a Gram Panchayat for such area.

Term of office of members of interim Gram Panchayat and their powers.

(2) The members of the interim Gram Panchayat shall hold office until the date immediately preceding the date of the first meeting of the new Gram Panchayat.

(3) Any vacancy in the office of the interim Panchayat shall be filled as soon as it conveniently may be, by appointment by the Collector.

(4) All arrears of taxes, tolls, fees rents and rates vesting in the interim Gram Panchayat shall notwithstanding that such rates, taxes and fees cannot be levied under this Act, be recoverable in the same manner as is provided for the recovery of taxes provided in this Act:

Provided that steps to recover arrear of taxes, tolls, fees, rents and rates shall be taken within a period of one year from the date on which they vest in the interim Gram Panchayat.

(5) In other respects the provisions of this Act shall, *mutatis mutandis* apply to the interim Gram Panchayat and its members.



## CHAPTER XX.—TRANSITORY PROVISIONS

**Definitions.**

381. In this Chapter—

- (a) "Janapada area" means the area for which Janapada Sabha is constituted;
- (b) "Janapada Sabha" means a Janapada Sabha constituted under section 4 of the Central Provinces and Berar Local Government Act, 1948 (XXXVIII of 1948);
- (b-1) "Kendra Panchayat" means a Kendra Panchayat established under the Madhya Bharat Panchayat Act, 1949 (58 of 1949);
- (c) "Mandal Panchayat" means a Mandal Panchayat established under the Madhya Bharat Panchayat Act, 1949 (58 of 1949);
- (d) "Tehsil Panchayat" means a Tehsil Panchayat established under the Rajasthan Panchayat Act, 1953 (XXI of 1953).

**Assumption of powers of administration.**

382. (1) The State Government, may with a view to facilitate the transfer of the administration of local Government from—

- (i) Mandal Panchayats to Zila Panchayats; and
- (ii) Janapada Sabhas and Tahsil Panchayats to Janapada Panchayats:

require the Collector to assume from a date to be specified by a notification, the administration and functions of the Mandal Panchayat and Janapada Sabhas and Tahsil Panchayats functioning in the district.

(1)—

- (a) notwithstanding the repeal of the Madhya Bharat Panchayat Act, 1949 (58 of 1949), the Central Provinces and Berar Local Government Act, 1948 (XXXVIII of 1948) and the Rajasthan Panchayat Act, 1953 (XXI of 1953), all the powers and duties which could, by or under the said Acts, or any other law for the time being in force, be exercised or performed by or on behalf of the Mandal Panchayat, the Janapada Sabha, or the Tahsil Panchayat shall, until the administration is taken over by the appropriate Panchayat authority under this Act, be exercised or performed by the Collector and such officers as the Collector may direct as if the said Act had, in respect of any such matter, not been repealed;
- (b) all the Panchas of the Mandal Panchayat, all the members of the Janapada Sabha, and the Tahsil Panchayat shall vacate or be deemed to have vacated their offices as such Panchas or members;

- (c) all property vested in such Mandal Panchayat, Janapada Sabha or Tahsil Panchayat shall subject to any orders of the Government, be held and expended by the Collector for the purposes of the Local Government of the areas over which the Mandal Panchayat, Janapada Sabha or the Tahsil Panchayat had jurisdiction.

(3) On the date on which an appropriate Panchayat authority comes into existence under this Act, the Collector shall hand over the administration to such Panchayat authority in respect of the appropriate area and the notification issued under sub-section (1) shall thereupon cease to have effect in respect of such area.

383. (1) If, on the assumption of the administration under sub-section (1) of section 382, the Collector finds that any order passed or agreement entered into by the Mandal Panchayat, the Janapada Sabha or the Tahsil Panchayat after the date of the publication of the Madhya Pradesh Panchayats Bill, 1960 (17 of 1960) in the Madhya Pradesh Gazette is prejudicial to the interest of the Panchayat which is to succeed such Mandal Panchayat, Janapada Sabha or Tahsil Panchayat, as the case may be, he may suspend the operation of the order or agreement and make a report to the Government for its orders.

*Powers of Collector to suspend order passed or agreement entered into by Mandal Panchayat, Janapada Sabha, Tahsil Panchayat, etc.*

(2) On receipt of the report under sub-section (1), the Government may, notwithstanding anything contained in such order or agreement, pass such orders as it deems fit continuing, modifying or rescinding such order or agreement.

(3) No suit or proceeding for damages or compensation in respect of any order or agreement modified or rescinded under sub-section (2) shall lie against the Government, Mandal Panchayat, Janapada Sabha, Tahsil Panchayat or any of their officers.

384. (1) The assets and liabilities of the existing Mandal Panchayat shall stand transferred to the zila Panchayat.

*Apportionment of assets and liabilities.*

(2) The assets and liabilities of the existing Janapada Sabhas and Tahsil Panchayats shall, in accordance with the provisions of sections 385 and 386 be apportioned to the several Janapada Panchayats that may be constituted in a Janapada Sabha area or a Tahsil Panchayat area.

385. The Government shall for each district constitute a Board of three persons at least one of whom shall be an official. The Board shall, subject to such instructions as may be issued in this behalf by the Government, report on the following matters :—

*Constitution of Board to report on apportionment of assets and liabilities.*

- (a) the assets and liabilities of the Janapada Sabha and Tahsil Panchayat;

- (b) the apportionment of the assets and liabilities between the Janapada Panchayats of the blocks into which the district has been divided;
- (c) the manner in which the existing officers, servants and other permanent employees of the Janapada Sabha and Tahsil Panchayat should be absorbed by the Janapada Panchayat or otherwise, if necessary, superannuated or compensated ; and
- (d) generally, on all matters incidental, supplemental and consequential to the formation of the Janapada Panchayats in place of Janapada Sabhas and Tahsil Panchayats.

**Consideration of Board's report by State Government.**

386. (1) The report of the Board referred to in the preceding section shall be submitted to the Government which shall publish it in the Gazette and in such other manner as it may deem fit.

(2) Any person interested may make a representation in writing against the proposals made in the report within one month from the date of its publication.

(3) On the expiration of the period specified in subsection (2), the Government shall take into consideration the report of the Board and the representations received, if any, and pass such orders in respect thereof as it deems fit.

(4) The orders of the Government on all such points shall be final and shall not be questioned in any court of law.

(5) The Government may, by notification, delegate its powers under this section to any officer not below the rank of a Collector.

**Suits by or against Janapada Panchayat.**

387. (1) On matters covered by the decision of the Government under the preceding section, the Janapada Panchayats concerned shall severally be deemed to be the representative of the Janapada Sabha or Tahsil Panchayat, giving such officer or servant such notice as is required to or for continuing pending suits or proceedings by or against the Janapada Sabhas or the Tahsil Panchayats.

(2) In respect of matters not covered by the decision of the Government under the provision of the preceding section, all the Janapada Panchayats in a Janapada area or Tahsil shall jointly be deemed to be the representatives of the Janapada Sabhas or the Tehsil Panchayats, as the case may be, for the purposes of suing or being sued for continuing pending suits or proceedings by or against the Janapada Sabhas or Tahsil Panchayats.

(3) If any dispute arises between two or more Janapada Panchayats as regards their respective liabilities or claims under a joint decree or order, the matter shall be referred to the Government whose decision shall be final.

388. (1) Notwithstanding anything contained in this Act or any rule or bye-law made thereunder, the pay and allowances, pension and retirement benefits of all permanent officers and servants or other employees of the Mandal Panchayat, the Janapada Sabha or the Tehsil Panchayat on the date on which this Act comes into force shall be existing pay and allowances, pension and retirement benefits. Savings as to existing permanent employees.

(2) All or any of the permanent officers, servants or other employees serving under a Janapada Sabha or Tehsil Panchayat immediately before the coming into force of this Act, may, notwithstanding anything in the terms of their appointment or their conditions of service, be required to serve in or in connection with the affairs of any Janapada Panchayat or if suitable arrangements cannot be made for their absorption in the same Tehsil, in other Tehsils.

(3) Notwithstanding anything in sub-section (1) or (2) it shall be competent to the Collector, subject to the previous sanction of the Government to discontinue services of any officer or servant of a Mandal Panchayat, Janapada Sabha or Tehsil Panchayat, who in his opinion, cannot, be suitably absorbed in any other local body or who is not necessary or suitable to the requirement of the Zila Panchayat or the Janapada Panchayat, as the case may be, after giving such officer or servant such notice as is required to be given by the terms of his employment and every officer or servant whose services are discontinued, shall be entitled to such leave, pension, provident fund and gratuity as he would have been entitled to take or receive on being invalided out of service as if the Mandal Panchayat, Janapada Sabha or the Tehsil Panchayat in the employment of which he was, had not ceased to exist.

388-A. (1) In this section "Block Development Officer" means Officer appointed by the State Government as such for a Community Development block. Consequences in regard to Kendra Panchayats.

(2) On the date of the coming into force of this Act, the administration and functions of a Kendra Panchayat, shall vest in the Block Development Officer of the Block in which the Kendra Panchayat is situated till a committee is constituted in accordance with the provisions of section 112-A.

(3) Notwithstanding the repeal of the Madhya Bharat Panchayat Act, 1949 (58 of 1949).—

(a) all the powers and duties which could, by or under the said Act, or any other law for the time being in force, be exercised or performed by or on behalf of the Kendra Panchayat shall, until a committee is constituted under section 112-A, be exercised or performed by the Block Development Officer and such other officer as the Block Development Officer may direct as if the said Act had, in respect of any such matter not been repealed;

- (b) all the members including the office-bearers of Kendra Panchayat shall as from the date of the coming into force of this Act vacate or be deemed to have vacated their offices;
  - (c) all property vested in such Kendra Panchayat shall, subject to any orders of the Government, be held and expended by the Block Development Officer for the purposes of the local Government of the area over which the Kendra Panchayat had jurisdiction.
- (4) The provisions of sections 383, 387, 390, 391 and 392 shall, so far as may be, apply to Kendra Panchayat as they apply to Panchayats mentioned therein.

#### CHAPTER XXI—REPEAL AND SAVINGS.

Repeal and  
Savings.

389. (1) The Central Provinces and Berar Panchayats Act, 1946 (1 of 1947), the Central Provinces and Berar Local Government Act, 1948 (XXXVIII of 1948), the Madhya Bharat Panchayat Act, 1949 (58 of 1949), the Vindhya Pradesh Gram Panchayat Ordinance, 1949 (XXI of 1949), the Bhopal State Panchayat Raj Act, 1952 (II of 1953) and the Rajasthan Panchayat Act, 1953 in its application to Sironj region are hereby repealed :

Provided that the repeal shall not affect—

- (a) the previous operation of the repealed Act or Ordinance or anything duly done or suffered thereunder ; or
- (b) any right, privilege, obligation or liability acquired, accrued or incurred under the repealed Acts or Ordinance; or
- (c) any penalty, forfeiture or punishment incurred in respect of any offence committed against the repealed Acts or Ordinance ; or
- (d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed as if this Act had not been passed :

Provided further that, subject to the preceding proviso, anything done or any action taken (including any appointment or delegation made, notification, notice, order, instruction or direction issued, rule, regulation, form, bye-law or scheme framed, certificate obtained, patent, permit or licence granted, registration effected, tax imposed or fees or rates levied) under the repealed Acts and Ordinance shall, in so far as it is in force immediately before the coming into force of this Act and is not inconsistent with the provisions of this Act, be deemed to have been done or taken under the corresponding provision of this Act and shall

continue to be in force accordingly, unless and until superseded by anything done or any action taken under this Act.

**Explanation I.**—For removal of doubt it is hereby declared that any rules or bye-laws made or anything done under the repealed Acts or Ordinance shall not be deemed to be inconsistent with the provisions of this Act merely on the ground that the procedure followed in making such rules or byelaws or doing such thing was different from that prescribed under this Act.

**Explanation II.**—Where any authority specified by or under the repealed Acts, ceases to exist after the commencement of this Act, the powers exercisable by such authority under the repealed Acts, shall, for the purposes of this Act, be exercisable by such authority as the State Government may, by notification, specify in this behalf and the cases pending before the first mentioned authorities shall, on such notification, stand transferred to the authorities mentioned in such notification and be disposed of in accordance with the provisions of the repealed Acts.

(2) Notwithstanding anything in this Act,—

(a) in the Mahakoshal region—

(i) all Gram Panchavats, Nyava Panchavats, Adimjatiya Panchavats and Pargana Panchavats established and constituted under the Central Provinces and Berar Panchavats Act, 1947 (I of 1947) shall be deemed to be Gram Panchavats Nyava Panchavats, Adivasi Panchavats and Pargana Panchavats respectively duly established and constituted under this Act ;

(ii) the Sarpanch, Upsarpanch and the Panchas of Gram Panchavats and the Chairman, Deputy Chairman and the Panchas of Nyava Panchavats and the Panchas and Sarpanchas of the Adimindiva Panchavats and Pargana Panchavats shall continue to function as Sarpanch, Upsarpanch and Panchas of Gram Panchavats and Pradhan, Up-Pradhan and members of Nyava Panchavats and Panchas and Sarpanchas of Adivasi Panchavats and Pargana Panchavats for a period of one year from the date of coming into force of this Act or till such further period not exceeding one year in the aggregate as the State Government may from time to time by notification, specify; and

(iii) any vacancy occurring in the office of the office bearers mentioned in sub-clause (ii) during the period specified therein shall be filled in the manner provided in the repealed Act;

b) in the Madhya Bharat region:—

(i) all Gram Panchavats and Nyava Panchavats [and Kendra Panchavats] established and

constituted under the Madhya Bharat Panchayat Act, 1949 (58 of 1949) shall be deemed to be Gram Panchayats and Nyaya Panchayats [and Janapada Panchayats] respectively duly established and constituted under this Act;

- (ii) the Gram Sarpanch, the Gram Upsarpanch and the Gram Panchas ; the Nyaya Sarpanch and the members of a Nyaya Panchayat, and the Kendra Sarpanch, Kendra Upsarpanch and Kendra Panchas] shall continue to function as Sarpanch, Uusarpanch and Panchas of the Gram Panchayat; Pradhan and Panch of the Nyaya Panchayat [and President, Vice-President and members of the Janapada Panchayat] respectively for a period of one year from the date of coming into force of this Act or till such further period not exceeding one year in the aggregate as the State Government may from time to time by notification, specify; and
- (iii) any vacancy occurring in the office of any office bearers mentioned in sub-clause (ii) during the period specified therein shall be filled in the manner provided in the repealed Act ;

(c) in the Vindhya Pradesh region:—

- (i) all Gram Sabhas, Gram Panchayats and Nyaya Panchayats established and constituted under the Vindhya Pradesh Gram Panchayat Ordinance, 1949 (XXIV of 1949) shall be deemed to be duly established and constituted under this Act ;
- (ii) the Sarpanch, Up-Sarpanch and members of Gram Sabha, the Pradhan, Up-Pradhan and members of Gram Panchayat and Sarpanch and Panchas of a Nyaya Panchayat shall continue to function as Sarpanch, Upsarpanch and members of the Gram Sabha, the Sarpanch, Up-sarpanch and Panchas of a Gram Panchayat and the Pradhan and members of the Nyaya Panchayat respectively for a period of one year from the date of coming into force of this Act or till such further period not exceeding one year in the aggregate as the Government may from time to time by notification, specify;
- (iii) any vacancy occurring in the office of the office bearers mentioned in sub-clause (ii) during the period specified therein shall be filled in the manner provided in the repealed Ordinance;

**(d) in the Bhopal region—**

- (i) all Gaon Sabhas, Gaon Panchayats and Nyaya Panchayats established and constituted under the Bhopal Panchayat Raj Act, 1952 (2 of 1953) shall be deemed to be Gram Sabhas, Gram Panchayats and Nyaya Panchayats, respectively duly established and constituted under this Act ;
- (ii) the Pradhan, Up-Pradhan and members of the Gaon Sabhas and Gaon Panchayats and Sarpanch and Panchas of Nyaya Panchayats shall continue to function as Sarpanch, Upsarpanch and members or Panchas of the Gram Sabha or the Gram Panchayat, as the case may be, and Pradhan and Panchas of the Nyaya Panchayats, respectively for a period of one year from the date of the coming into force of this Act or till such further period not exceeding one year in the aggregate as the State Government may from time to time by notification, specify; and
- (iii) any vacancy occurring in the office of any office bearer mentioned in sub-clause (ii) during the period specified therein shall be filled in the manner provided in the repealed Act; and

**(e) in the Sironj region—**

- (i) all Panchayats established and constituted under the Rajasthan Panchayat Act, 1953 (XXI of 1953) shall be deemed to be Gram Panchayats and in respect of administration of justice to be Nyaya Panchayats duly established and constituted under this Act;
- (ii) the Sarpanch, Upsarpanch and Panchas of the Panchayats shall function as such and in respect of the functioning as Nyaya Panchayat as Pradhan, Up-Pradhan and members of Nyaya Panchayat for a period of one year from the date of coming into force of this Act or till such further period not exceeding one year in the aggregate as the State Government may from time to time, by notification, specify; and
- (iii) any vacancy occurring in the office of any office bearer in sub-clause (ii) during the period specified therein shall be filled in the manner provided in the repealed Act.

**(3) All references made in any Act, Rules, Order or other instrument to the Acts and Ordinance repealed under sub-section (1) shall be read as if made to this Act.**



**Transfer of rights or liabilities.**

390. (1) All debts and obligations incurred, all contracts entered into with and all matters and things engaged to be done by or for the bodies mentioned in sub-section (2) of section 389 before the date of coming into force of this Act shall be deemed to have been incurred, entered into with or engaged to be done by, or for, the bodies deemed to be established or constituted under this Act.

(2) All rates, taxes, and sums of money due to the bodies aforesaid immediately before the date of coming into force of this Act shall, as from the said date, be deemed to be due to the bodies deemed to be established and constituted in their place under this Act.

(3) All assets including the unexpended balance of the fund of the bodies aforesaid on the date of coming into force of this Act shall as from the said date, vest in the bodies deemed to be established or constituted in their place under this Act.

(4) All suits or other legal proceedings, civil or criminal, instituted by or against the bodies aforesaid may be continued by or against the bodies deemed to be established or constituted in their place under this Act.

**Saving as to existing employees.**

391. All employees belonging to or under the control of the bodies mentioned in section 389 immediately before the date of coming into force of this Act shall be deemed to be the employees of the bodies deemed to be established and constituted in their place under this Act:

Provided that the terms and conditions of service of such employees shall not until altered by a competent authority, be less favourable than those admissible to them while in service of the bodies aforesaid.

**Pending suits and proceedings.**

392. Every suit, case or other proceeding pending before any body mentioned in sub-section (2) of section 389 before the date of coming into force of this Act shall as and from such date be heard and disposed of by the body deemed to be established and constituted in its place under this Act.

**Power to remove difficulties.**

393. If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order, do anything not inconsistent with the provisions thereof which appears to it to be necessary or expedient for the purpose of removing the difficulty.

## THE SCHEDULE

[Section 234]

<i>Act</i>	<i>Section(s)</i>
<b>(a) Under the Indian Penal Code (XLV of 1860)—</b>	
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Committing an affray ..	160
Absconding to avoid service of summons or other proceedings ..	172
Not obeying a legal order to attend at a certain place in person or by agent or departing therefrom without authority ..	174
Refusing oath when duly required to take oath by a public servant ..	178
Being legally bound to state truth but refusing to answer questions ..	179
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Rash driving or riding on a public way ..	279
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Assault or use of criminal force otherwise than on grave and sudden provocation.	352

<i>Act</i>	<i>Section(s)</i>
Assault or use of criminal force in attempt to commit theft of property carried by a person ..	356
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Mischief by killing, poisoning, maiming or rendering useless any elephant, camel, horse, etc., whatever may be its value or any other animal of the value of Rs. 50 or upwards ..	429
Mischief by doing any act which causes diminution of supply of water for agricultural purposes ..	430
Criminal trespass ..	447
House trespass ..	448
Dishonestly breaking open or unfastening any close receptacle containing or supposed to contain property ..	461
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Criminal intimidation ..	506 para 1..
Insulting the modesty of any woman ..	509
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(b) Under the Cattle-trespass Act, 1871 (I of 1871)—	
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<i>Act</i>	<i>Section(s)</i>
Forcibly opposing the seizure of cattle or rescuing the same ..	24
Damage to land or crops or public roads by pigs or cattle ..	26
(c) Under the Vaccination Act, 1880 (XIII of 1880)—Offences under the Act	22
(d) Under the Madhya Pradesh Juvenile Smoking Act, 1929 (VII of 1929)—	
To sell or give tobacco to a child under the age of sixteen ..	4
(e) Under the Public Gambling Act, 1867 (III of 1867)—	
Owning or keeping or having charge of a gaming house ..	3(a)

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