

The Goa Panchayat Raj Act, 1994 and Rules

The Goa Panchayat Raj Act, 1994

1. **The Goa Panchayat Raj Act, 1994 (Goa Act No. 14 of 1994) [9-7-1994]** published in Official Gazette, Series I No. 15 (Extraordinary) dated 14-7-1994.
2. **The Goa Panchayat Raj (First Amendment) Act, 1996 (Goa Act No. 1 of 1997) [6-2-1997]** published in Official Gazette, Series I No. 47 (Extraordinary) dated 20-2-1997 and came into force w.e.f. 7-11-1996.
3. **The Goa Panchayat Raj (Second Amendment) Act, 1999 (Goa Act No. 8 of 1999) [20-9-1999]** published in Official Gazette, Series I No. 26 (Extraordinary No. 2) dated 27-09-1999 and came into force at once.
4. **The Goa Panchayat Raj (Third Amendment) Act, 2000 (Goa Act No. 11 of 2000) [19-5-2000]** published in Official Gazette, Series I No. 7 (Extraordinary No. 2) dated 23-5-2000 and deemed to have come into force w.e.f. 15-12-1999.
5. **The Goa Panchayat Raj (Amendment) Act, 2001 (Goa Act No. 13 of 2001) [25-01-2001]** published in Official Gazette, Series I No. 43 (Extraordinary No. 3) dated 31-01-2001 and came into force w.e.f. 6-12-2000.
6. **The Goa Panchayat Raj (Amendment) Act, 2001 (Goa Act No. 43 of 2001) [21-05-2001]** published in Official Gazette, Series I No. 9 (Extraordinary No. 3) dated 4-6-2001 and came into force at once.
7. **The Goa Panchayat Raj (Amendment) Act, 2002 (Goa Act No. 11 of 2002) [25-01-2002]** published in Official Gazette, Series I No. 44 (Extraordinary) dated 31-01-2002 and came into force at once.
8. **The Goa Panchayat Raj (Sixth Amendment) Act, 2002 (Goa Act No. 20 of 2002) [13-9-2002]** published in Official Gazette, Series I No. 24 (Extraordinary No. 2) dated 17-9-2002 and deemed to have come into force w.e.f. 1-4-2002.
9. **The Goa Panchayat Raj (Seventh Amendment) Act, 2003 (Goa Act No. 10 of 2003) [14-4-2003]** published in Official Gazette, Series I No. 2 (Extraordinary No. 2) dated 16-4-2003 and came into force at once.
10. **The Goa Panchayat Raj (Eighth Amendment) Act, 2003 (Goa Act No. 26 of 2003) [26-11-2003]** published in Official Gazette, Series I No. 35 (Extraordinary No. 2) dated 1-12-2003 and deemed to have come into force w.e.f. 1-4-2003.
11. **The Goa Panchayat Raj (Amendment) Act, 2007 (Goa Act No. 4 of 2007) [09-03-2007]** published in Official Gazette, Series I No. 51 (Extraordinary No. 2) dated 22-3-2007 and deemed to have come into force w.e.f. 4-12-2006.
12. **The Goa Panchayat Raj (Amendment) Act, 2010 (Goa Act No. 18 of 2010) [11-10-2010]** published in Official Gazette, Series I No. 29 (Extraordinary) dated 15-10-2010 and deemed to have come into force at once.
13. **The Goa Panchayat Raj (Conditions of Service of State Election Commissioner) Rules, 1997** published in the Official Gazette, Series I No. 42 dated 15-1-1998 and came into force with immediate effect.

Rules related to Zilla Panchayats & Village Panchayats

1. The Goa Panchayat Raj (Election Petition Dispute Procedure) Rules, 1998.
2. The Goa Panchayat Raj (Application of Panchayat Fund and Zilla Panchayat Fund) Rules, 2000
3. The Goa Panchayat and Zilla Panchayat (Election Procedure) Rules, 1996.
4. The Goa Panchayats and Zilla Panchayats (Removal of Disqualification of Membership) Rules, 1997.
5. The Goa Panchayat Raj (Conditions of Service of State Election Commissioner) Rules, 1997.

Rules related to Zilla Panchayats

6. The Goa Panchayat Raj (Removal of member by prescribed authority) Rules, 1999.
7. The Goa Zilla Panchayat (Election of Adhyaksha and Upadhyaksha) Rules, 1997.
8. The Goa Zilla Panchayats (Conduct of Business) (Model) Regulations, 1997.
9. The Goa Zilla Panchayat (Other functions, powers and duties of the Chief Executive Officer and other Officers) Rules, 1999.
10. The Goa Zilla Panchayat (Payment of salaries, allowances to Adhyaksha and Upadhyaksha and sitting fees and other allowances to members of the Zilla Panchayat other than the Adhyaksha and Upadhyaksha) Rules, 2000.
11. The Goa Zilla Panchayat (Election of the members to the Zilla Panchayat from amongst the members of the State Legislative Assembly) Rules, 1998.
12. The Goa Zilla Panchayat (Control of unwieldy traffic) Rules, 2000.

Rules related to Taluka Panchayat

13. The Goa Zilla Panchayat (Election Procedure) (First Amendment) Rules, 1999

Rules related to Village Panchayat

14. The Goa Panchayats (Gram Sabha Meetings) Rules, 1996.
15. The Goa Panchayat Raj (Co-Option of Members) Rules, 1997.
16. The Goa Panchayat (Publication of name of elected members) Rules, 1997.
17. The Goa Panchayat Raj (Election Petition Authority) Rules, 1997.
18. The Goa Panchayat (Election of Sarpanch and Deputy Sarpanch) Rules, 1997.
19. The Goa Panchayat Raj (Oath of Office to Panchayat Members) Rules, 1997.
20. The Goa Panchayats (Meetings) Rules, 1996.
21. The Goa Panchayat Raj (Imposition of taxes, fees and other dues) Rules, 1998.
22. The Goa Panchayat Raj (Recovery of taxes, fees and other dues) Rules, 1999.
23. The Goa Panchayats (Accounts, Audit and Custody of Funds) Rules, 1997.
24. The Goa Panchayat Raj (Write off irrecoverable amounts) Rules, 1999.
25. The Goa Panchayat Raj (Qualifications and other Conditions of service of Chairman and members of the Goa State Finance Commission) Rules, 1997.
26. The Goa Panchayat Raj (Co-option of Members of Standing Committees) Rules, 1999.
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GOVERNMENT OF GOA

Law (Legal & Legislative Affairs) Department

Notification

7-15-94/LA

The Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994) which has been passed by the Legislative Assembly of Goa on 25-5-1994 and assented to by the Governor of Goa on 9-7-1994, is hereby published for general information of the public.

P. V. Kadnekar, Joint Secretary (Law).

Panaji, 13th July, 1994.

The Goa Panchayat Raj Act, 1994

(Goa Act No. 14 of 1994) [9-7-1994]

AN

ACT

to replace the present enactment relating to Panchayats by a comprehensive legislation.

Whereas it is expedient to replace the present enactment by a comprehensive enactment to establish a two-tier Panchayat Raj System in the State with elected bodies at village and district levels, in keeping with the Constitution Amendment relating to Panchayats for greater participation of the people and more effective implementation of rural development programmes.

Be it enacted by the Legislative Assembly of the State of Goa in the Forty-fifth Year of the Republic of India as follows:—

CHAPTER I

Preliminary

1. Short title and commencement.— (1) This Act may be called the Goa Panchayat Raj Act, 1994.

(2) Section 245 shall be deemed to have come into force with effect from 20-4-94, while the remaining sections shall come into force on such date as the Government may, by notification in Official Gazette specify and different dates may be specified for different provisions of the Act.

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

(1) “Backward classes” means such classes of citizens as may be notified by the Government from time to time as belonging to backward class;

¹[“(1-A) “Block Development Officer” means a person appointed as Block Development Officer by the Government;”]

²[“(1-B) “Ballot” means ballot papers prepared in accordance with the provisions of the Act or rules made thereunder and includes “Electronic Voting Machine”];

(2) “building” includes a house, outhouse, stable, privy, urinals, shed, hut, wall and any other structure whether of masonry, bricks, wood, metal or any other material, but does not include a temporary structure erected on ceremonial or festive occasion or a tent;

(3) “Sarpanch” means the Sarpanch of a Panchayat;

(4) “Deputy Sarpanch” means the Deputy Sarpanch of a Panchayat;

(5) “Adhyaksha” means the Adhyaksha of a Zilla Panchayat;

(6) “Upadhyaksha” means the Upadhyaksha of a Zilla Panchayat;

(7) “Collector” means the Collector of the district ³[and includes an Additional Collector;]

(8) “Chief Executive Officer” means the Chief Executive Officer of a Zilla Panchayat ⁴[and includes any other officer appointed by the Government in this behalf];

⁵[(8-A) “Deputy Director” means the person appointed as the Deputy Director of Panchayat by the Government;]

¹ Clause (1A) inserted by (First Amendment) Act, 1996 (Goa Act 1 of 1997).

² Clause (1B) inserted by (Third Amendment) Act (Act No. 11 of 2000).

³ Inserted by the Amendment Act No. 1 of 1997.

⁴ Inserted by the Amendment Act No. 1 of 1997.

⁵ Inserted by the Amendment Act 1 of 1997.

⁶[(9) “Director” means the person appointed as the Director of Panchayats under this Act and includes an Additional Director;]

(10) “district” means a revenue district;

(11) “Government” means the Government of Goa;

⁷[(11-A) “Gram Sevak” means the person appointed by the Director to perform the duties as Gram Sevak;]

(12) “land” includes land which is built upon or covered with water;

⁸[(12-A) “Member-Secretary” means a person appointed by the Government as Member-Secretary and includes a Block Development Officer;]

(13) “notification” means a notification published in the Official Gazette;

(14) “Panchayat” means a Village Panchayat established under section 3;

(15) “erection or re-erection or enlargement” of any building includes,-

(i) any material alteration or enlargement or in of any building;

(ii) the conversion, by structural alteration into a place of human habitation of any building not originally meant or constructed for human habitation;

(iii) the conversion of one or more places of human habitation into a greater number of such places;

(iv) the conversion of two or more places of human habitation into a lesser number of such places;

(v) such alteration of a building as would effect a change in the drainage or sanitary arrangements or materially affect its security;

(vi) the addition of any rooms, buildings, houses or other structures to any building;

(vii) the conversion, by any structural alteration into a place of religious worship or into a building not originally meant or constructed for such purposes;

(viii) roofing or covering an open space between wall or buildings, in respect of the structure which is formed by roofing or covering such space;

(ix) Conversion into a stall, shop, warehouse or godown or any building not originally constructed for use as such or vice versa;

(x) construction of a door in a wall adjoining any street or land not vested in the owner of the wall and opening in such street or land;

⁶ Substituted by the Amendment Act 10 of 2003.

⁷ Inserted by the Amendment Act No. 1 of 1997.

⁸ Inserted by the Amendment Act 8 of 1999.

(16) “factory” means besides a factory as defined in the Factories Act, 1948 (Central Act 13 of 1948), any premises including the precincts thereof wherein any industrial manufacturing or trade process is carried on with the aid of steam, water, oil, gas, electrical or any other form of power which is mechanically transmitted and is not generated by human or animal agency;

(17) “prescribed” means prescribed by rules framed under this Act;

(18) “Schedule” means a Schedule appended to this Act;

(19) “Scheduled Castes and Scheduled Tribes” means such Scheduled Castes and Scheduled Tribes specified in respect of the State of Goa under the Constitution:

(20) “Secretary” means the Secretary of the Panchayat:

⁹[(20A) “Taluka Panchayat” means a Taluka Panchayat established under this Act;]

(21) “Zilla Panchayat” means a Zilla Panchayat established under this Act.

CHAPTER II

Gram Sabha — Constitution of Panchayats

3. Declaration of Panchayat areas and establishment of Panchayats.— (1) After making such inquiry as may be necessary, the Government may, by notification, declare a local area, comprising of a village or a group of villages or any part or parts thereof, or a combination of any two or more of them to be a Panchayat area for the purposes of this Act and also specify its headquarters.

(2) For every Panchayat area, there shall be a Panchayat as from such date as the Government may, by notification, appoint.

(3) The Government may, at the request of the Panchayat concerned, or otherwise, and after previous publication of the proposal by notification, at any time,—

(a) increase the area of any Panchayat area by including within such Panchayat area any village or group of villages;

(b) diminish the area of any Panchayat area by excluding from such Panchayat area any village or group of villages;

(c) alter the headquarters of any Panchayat area;

(d) alter the name of any Panchayat area; or

(e) declare that any area shall cease to be a Panchayat area.

⁹ Inserted by the Amendment Act 8 of 1999.

4. Gram Sabha.— As from the date appointed under section 3, all persons whose names are for the time being entered as electors in the electoral roll for a Panchayat shall be deemed to constitute the Gram Sabha for that Panchayat.

¹⁰**5. Meeting of Gram Sabha.**— (1) There shall be four ordinary meetings of the Gram Sabha to be held on any Sunday of January, April, July and October of every year, to be convened by the Sarpanch.

(2) There shall also be special meetings of the Gram Sabha to be convened by the Sarpanch on 26th January, 15th August, 2nd October and 19th December, every year.

(3) The meetings of the Gram Sabha shall be presided over by each Sarpanch and attended by the concerned Panchayat member. In the absence of the Sarpanch, Deputy Sarpanch or ward member, the meeting may be presided over by any member chosen by the Gram Sabha.

(4) In the event, the Sarpanch fails to convene the meeting of the Gram Sabha, as specified in sub-section (1) and (2), the meeting shall be convened by the Block Development Officer in the following month.

(5) The Sarpanch shall, upon a reacquisition in writing by not less than one-tenth of number of members call an extraordinary meetings of the Gram Sabha, within thirty days from the receipt of such requisition.

(6) One-tenth of the total number of members of the Gram Sabha shall form the quorum for the meeting.

(7) When there is no quorum for any meeting after fifteen minutes from the appointed time, the meeting shall stand adjourned for half an hour and when it re-assembles, no quorum shall be necessary to transact the business communicated to members in the agenda of the appointed meeting.

(8) An officer nominated by the Block Development Officer shall attend the Gram Sabha meetings.

6. Functions of Gram Sabha.— (1) The Sarpanch shall place before the Gram Sabha for its approval the following matters:-

(a) the annual statement of accounts;

(b) annual administration report;

(c) budget estimates;

(d) the development and other programmes of the work proposed for the current financial year;

¹⁰ Sections (5) and (6) substituted by the Amendment Act 8 of 1999.

- (e) the last audit report and the replies made thereto;
 - (f) proposal for fresh taxation or enhanced taxation;
 - (g) proposal for organising community service, voluntary labour or mobilization of the local people for any specific work included in any programme;
 - (h) identification of the beneficiaries under various programmes of the Government;
 - (i) determination of the priorities of the work to be under taken by the Panchayat;
 - (j) utilisation certificate in respect of the developmental works undertaken by the Panchayat from the grants-in-aid or Panchayat funds.
- (2) The Gram Sabha shall constitute minimum two Supervisory Committees to supervise the Panchayat work and other activities. The Supervisory Committees shall submit its report to the Panchayat and also place a copy of their report in the meeting of the Gram Sabha for an appropriate decision.
- (3) The Government shall constitute Vigilance Committees to oversee the quality of work, schemes and other activities for each Gram Panchayat. The terms and conditions of appointment of the members of Vigilance Committees shall be such as may be prescribed.
- (4) The decision taken by the Gram Sabha shall be binding on the Panchayat provided it is not contrary to the rules and regulations framed under this Act or any other law for the time being in force and it shall be the duty of the Sarpanch to execute the same as early as possible.
- (5) Any person aggrieved by the decision of the Gram Sabha, may prefer an appeal to the Director within a period of thirty days from the date of such decision and the Director's decision on such appeal shall be final.
- (6) The Director, after giving notice to the Panchayat and the public notice to be displayed on the notice board of the Panchayat and the Office of the Block Development Officer, may pass such order as he may deem fit and proper.
- (7) Any member of the Gram Sabha shall, have the right to obtain information relating to any developmental works undertaken by the Panchayat as well as certified copies of the proceedings of the meeting of the Panchayat and Gram Sabha.
- (8) The Gram Sabha shall constitute two or more ward development committees. The power, functions and the manner of constitution of such committees, shall be such as may be prescribed.
- (9) A Gram Sabha shall carry out such other functions as the Government may, by general or special order, require.]

7. Constitution of Panchayats.— (1) A Panchayat shall consist of, such number of members as the Government may, by order, determine, so far as may be in accordance with the following Table:-

TABLE		
For a Panchayat with a population of	Number of members	Classification
(1) 1500 or more but not more than 2000	5	D
(2) more than 2000 but not more than 5000	7	C
(3) more than 5000 but not more than 8000	9	B
(4) more than 8000	... .. 11	A

(2) All the members of a panchayat shall be elected.

(3) The Director shall divide each Panchayat area into wards the number of which shall be equal to the number of members determined in respect of such Panchayat under sub-section (1).

(4) In every Panchayat, seats shall be reserved for the Scheduled Castes and the Scheduled Tribes and the number of seats so reserved shall bear as nearly as may be, the same proportion to the total number of seats in the Panchayat as the population of the Scheduled Castes and the Scheduled Tribes in the Panchayat area bears to the total population of the Panchayat area:

Provided that Government may by notification reserve any seat reserved for Scheduled Castes and Scheduled Tribes for women belonging to the Scheduled Castes or as the case may be, the Scheduled Tribes:

¹¹[Provided further that the Government may, by order published in the Official Gazette, direct any Panchayat to co-opt in such manner as may be prescribed, a person belonging to the Scheduled Caste, where there is a reasonable population of the Scheduled Caste but the reservation may not be made.]

(5) The Government may, by notification reserve such number of seats in any Panchayat as may be considered necessary, taking into account the population of the backward classes in the Panchayat area, for persons belonging to the backward classes.

(6) Not less than one third (including the number of seats reserved for women belonging to Scheduled Castes or Scheduled Tribes) of the total number of seats to be filled by direct election in every Panchayat shall be reserved for women:

¹¹ Proviso inserted by the Amendment Act 1 of 1997.

Provided that the seats reserved under sub-section (4), (5) and (6) shall be allotted by rotation to different wards in the panchayat area:

Provided further that nothing contained in this section shall be deemed to prevent a woman or a person belonging to the Scheduled Castes and Scheduled Tribes or Backward Classes from contesting for elections to any non-reserved ward in such Panchayat.

(7) Notwithstanding anything contained in sub-section (1) where two-thirds of the total number of members are required to be elected or have been elected, failure to elect the remaining members shall not affect the constitution of the Panchayat.

(8) The Director shall publish, in the prescribed manner, the names of members elected or deemed to have been duly elected to a Panchayat.

¹²[**Explanation:**— In this section, the expression “population” means the population as ascertained at the last preceding census of which the relevant figures of have been published, but where figures of census are not available, the population shall be ascertained from other relevant authenticated records maintained by the Government.]

8. Incorporation of Panchayats.— Every Panchayat shall, by the name specified by the Government in this behalf, be a body corporate having perpetual succession and a common seal, and subject to the provisions of this Act, have powers to acquire, hold or dispose of properties both movable and immovable and to contract and shall by the said name sue or be sued.

9. Qualification for membership.— Every person whose name is in the list of voters referred to in section 13 of the wards in a Panchayat shall, unless disqualified under this Act or under any other law for the time being in force, be qualified to be elected from any ward in that Panchayat:

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

10. Disqualification for membership.— A person shall be disqualified for being chosen as, and for being, a member of the Panchayat if,—

(a) he is so disqualified by or under any law for the time being in force for the purposes of the elections to the State Legislature:

Provided that no person shall be disqualified on the ground that he is less than twenty- five years, if he has attained the age of twenty-one years;

(b) he has been dismissed from service of the Government or any local authority;

¹² Inserted by the Amendment Act 4 of 2007.

(c) he holds any office of profit under any local or other authorities subject to the control of the Central Government, the State Government or the Government of any other States, other than such offices as are declared by rules made under this Act not to disqualify the holder;

(d) he is in arrears for such period as may be prescribed of any tax, fee or other sum due to the Panchayat;

(e) he has been convicted by a court of any offence involving moral turpitude and five years have not been elapsed since his release; or

(f) he has directly or indirectly any share or monetary interest in any work done by or to the Panchayat or any contract or employment with, under or by or on behalf of, the Panchayat;

(g) he is employed in any Corporation, whether statutory or otherwise, owned or controlled or financed in part or fully, by the Central Government or the Government or any State Government.

¹³[10A. If a person who has been elected as a member of the Panchayat is or becomes a member of the House of the People, the Council of States or the State Legislative Assembly, then at the expiration of a period of fifteen days of such election, his seat in the Panchayat shall become vacant, unless he has previously resigned from his seat in the House of the People, Council of States or the State Legislative Assembly, as the case may be].

11. Decision on questions as to disqualification.— If any question arises as to whether a member of a Panchayat has become subject to any disqualification referred to in section 10, it shall be referred to the State Election Commission for decision and its decision thereon shall be final.

12. Vacation of seat by members.— (1) If a member of a Panchayat—

(a) is or becomes subject to any of the disqualifications mentioned in section 10; or

(b) absents himself for more than three consecutive ordinary meetings of the Panchayat without the leave of the Panchayat or is absent from the State of Goa for more than four consecutive months:

Provided that when an application is made by a member for leave to the Panchayat for leave to absent himself and the Panchayat 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 by the Panchayat, the leave applied for shall be deemed to have been granted by the Panchayat.

(c) absents himself with leave of the Panchayat for a period not exceeding six months but fails to attend the next meeting of Panchayat after the expiry of such leave.

¹³ Inserted by the Amendment Act 10 of 2003.

(d) votes or takes part in discussion in contravention of the provisions of sub-section (4) of section 55, his seat shall be deemed to be or to have become, as the case may be, vacant.

(2) If any question arises as to whether a person is or has become subject to disqualification under clause (b) or clause (c) of sub-section (1), the ¹⁴[Block Development Officer] may either suo-moto or on a report made to him and after giving an opportunity to the person concerned of being heard, decide the question whose decision shall be final.

13. Lists of Voters.— (1) Subject to the provisions of sub-section (1), the electoral roll of the ¹⁵[Legislative Assembly of the State] for the time being in force for such part of the ward of a Panchayat shall be deemed to be the list of voters for such Panchayat wards.

(2) No amendment transposition or deletion of any entry in the electoral roll of the ¹⁶ [Legislative Assembly of the State] made after, the last date of making nominations for an election in any Panchayat ward and before the completion of such election shall form part of the list of voters for such election for the purpose of this section.

14. Right to vote.— (1) Every person whose name appears in the voters list relating to a ward shall, subject to the other provisions of this Act, be entitled to vote at any election which takes place in that ward while the voters list remains in force and no person whose name does not appear in such voters list shall vote at any such election.

(2) No person shall vote at any election under this Act in more than one ward or more than once in the same ward.

15. Election of members.— The election of members from wards of a Panchayat shall be held in accordance with such manner as may be prescribed on such date or dates as the Government may, by notification direct:

Provided that a casual vacancy in a ward shall be filled up within a period of six months from the date of occurrence of the vacancy.

16. Election Petition.— (1) No election to fill a seat or seats in a Panchayat shall be called in question except by an election petition prescribed on one or more of the grounds specified in sub-section (1) of section 20 and section 21 to such authority as may be prescribed, by any candidate at such election or by any voter qualified to vote at such election together with a deposit of five hundred rupees as security for costs, within thirty days from, but not earlier than, the date of declaration of the result of the election of the returned candidate at the election, and if the dates of declaration of the results of their election are different, the last of these dates.

¹⁴ Substituted by the Amendment Act 1 of 1997.

¹⁵ Substituted by the Amendment Act 1 of 1997.

¹⁶ Substituted by the Amendment Act 1 of 1997.

(2) A petitioner shall join as respondents to his petition,-

(a) where the petitioner, in addition to claiming a declaration that the election of all or any of the returned candidates is void, claims a further declaration that he himself or any other candidate has been duly elected, all the contesting candidates other than the petitioner, and where no such further declaration is claimed, all the returned candidates; and

(b) any other candidates against whom allegations of any corrupt practice are made in the petition.

(3) Every election petition shall be accompanied by as many copies thereof as there are respondents mentioned in the petition and every such copy shall be attested by the petitioner under his own signature to be a true copy of the petition.

Explanation:— The expression “returned candidate” means candidate who has been declared as duly elected.

17. Contents of petition and relief that may be claimed.— (1) An election petition,—

(a) shall contain a concise statement of the material facts on which the petitioner relies;

(b) shall set forth full particulars of any corrupt practice that the petitioner alleges, including as full a statement as possible of the names of the parties alleged to have committed such corrupt practice and the date and place of the commission of each such practice; and

(c) shall be signed by the petitioner and verified in the manner laid down in the Code of Civil Procedure, 1908 (Central Act 5 of 1908) for the verification of pleadings:

Provided that where the petitioner alleges any corrupt practice, the petition shall also be accompanied by an affidavit in the prescribed form in support of the allegation of such corrupt practice and the particulars thereof.

(2) Any schedule or annexure to the petition shall also be signed by the petitioner and verified in the same manner as the petition.

(3) A petitioner may, in addition to claiming a declaration that the election of all or any of the returned candidates is void, claim a further declaration that he himself or any other candidate has been duly elected.

18. Trial of election petition.— (1) The prescribed authority shall dismiss an election petition which does not comply with any of the provisions of sections 16 and 17.

Explanation:— An order dismissing an election petition under this sub-section shall be deemed to be an order made under clause (a) of sub-section (1) of section 19.

(2) Where more election petitions than one are presented to the prescribed authority in respect of the same election the prescribed authority may, try them separately or in one or more groups.

(3) Any candidate not already a respondent shall, upon application made by him to the prescribed authority within fourteen days from the date of commencement of the trial and subject to any order as to security for costs which may be made by the prescribed authority, be entitled to be joined as a respondent.

Explanation:— For the purpose of this section, a trial of petition shall be deemed to commence on the date fixed for the respondents to appear before the prescribed authority and answer the claim or claims made in the petition.

(4) The prescribed authority, may upon such terms as to costs and otherwise as he may deem fit, allow the particulars of any corrupt practice alleged in the petition to be amended or amplified in such manner as may in his opinion be necessary for ensuring a fair and effective trial of the petition, but shall not allow any amendment of the petition, which will have the effect of introducing particulars of a corrupt practice not previously alleged in the petition.

(5) The trial of an election petition shall, so far as is practicable consistently with the interest of justice in respect of the trial be continued from day to day until its conclusion, unless the prescribed authority finds the adjournment of trial beyond the following day to be necessary for reasons to be recorded.

(6) Every election petition shall be tried as expeditiously as possible and endeavour shall be made to conclude the trial within six months from the date on which the election petition is presented to the prescribed authority for trial.

(7) Subject to the provisions of this Act, every election petition shall be tried by the prescribed authority, as nearly as may be in accordance with the procedure applicable under the Code of Civil Procedure, 1908 (Central Act 5 of 1908), to the trial of suits:

Provided that the prescribed authority shall have discretion to refuse for reasons to be recorded in writing to examine any witness or witnesses if he is of the opinion that their evidence is not material for the decision of petition or that the party tendering such witness or witnesses is doing so on frivolous grounds or with a view to delay the proceedings.

(8) The Provisions of the Indian Evidence Act, 1872 (Central Act 1 of 1872), shall subject to the provisions of this Act be deemed to apply in all respects to the trial of an election petition.

(9) Notwithstanding anything in any enactment to the contrary, no document shall be inadmissible in evidence at the trial of the election petition on the ground that it is not duly stamped or registered.

(19) Decision of the prescribed authority.— (1) At the conclusion of the trial of an election petition, the prescribed authority shall make an order,—

(a) dismissing the election petition; or

(b) declaring the election of all or any of the returned candidates to be void; or

(c) declaring the election of all or any of the returned candidates to be void and the petitioner or any other candidates to have been duly elected.

(2) At the time of making an order under sub-section (1), the prescribed authority shall also make an order,—

(a) where any charge is made in the petition of any corrupt practice having been committed at the election, recording,-

(i) a finding whether any corrupt practice has or has not been proved to have been committed at the election and the nature of that corrupt practice; and

(ii) the names of all persons, if any, who have been proved at the trial to have been guilty of any corrupt practice and the nature of that practice; and

(b) fixing the total amount of costs payable and specifying the persons by and to whom costs shall be paid:

Provided that a person who is not a party to the petition shall not be named in the order under sub-clause (ii) of clause (a) unless-

(i) he has been given notice to appear before the prescribed authority and to show-cause why he should not be so named; and

(ii) if he appears in pursuance of the notice he has been given an opportunity of cross examining any witness who has already been examined by the prescribed authority and has given evidence against him, of calling evidence in his defence and of being heard.

20. Grounds for declaring election to be void.— (1) Subject to the provisions of sub-section (2), if the prescribed authority is of opinion,—

(a) that on the date of his election a returned candidate was not qualified, or was disqualified, to be chosen as member under this Act; or

(b) that any corrupt practice has been committed by a returned candidate or his agent or by any other person with the consent of a returned candidate or his agent; or

(c) that any nomination paper has been improperly rejected; or

(d) that the result of the election, in so far as it concerned a returned candidate, has been materially affected,—

(i) by the improper acceptance of any nomination; or

(ii) by any corrupt practice committed in the interests of the returned candidate by an agent; or

(iii) by the improper reception, refusal or rejection of any vote or reception of any vote which is void; or

(iv) by any non-compliance with the provisions of this Act or of any rules or order made thereunder;

the prescribed authority shall declare the election of the returned candidate to be void.

(2) If in the opinion of the prescribed authority, any agent of a returned candidate has been found guilty of any corrupt practice, but the prescribed authority is satisfied,—

(a) that no such corrupt practice was committed at the election by the candidate and every such corrupt practice was committed contrary to the orders and without the consent of the candidate;

(b) that the candidate took all reasonable measures for preventing the commission of corrupt practices at the election; and

(c) that in all other respects the election was free from any corrupt practice on the part of the candidate or any of his agent; then the prescribed authority may decide that the election of the returned candidate is not void.

21. Grounds on which a candidate other than the returned candidate may be declared to have been elected.— (1) If any person who has filed an election petition has, in addition to calling in question the election of the returned candidate claims a declaration that he himself or any other candidate has been duly elected and the prescribed authority is of opinion,—

(a) that in fact the petitioner or such other candidate received a majority of the valid votes; or

(b) that but for the votes obtained by the returned candidate by corrupt practices the petitioner or such other candidate would have obtained a majority of the valid votes; the prescribed authority shall after declaring the election of the returned candidate to be void, declare the petitioner or such other candidate, as the case may be, to have been duly elected.

(2) The decision of the prescribed authority shall be final.

22. Procedure in case of equality of votes.— If during the trial of an election petition it appears that there is an equality of votes between any candidates at the election and that

the addition of a vote would entitle any of these candidates to be declared elected, then the prescribed authority shall decide between them by lot and proceed as if the one on whom the lot falls has received an additional vote.

23. Corrupt practices.— The following shall be deemed to be corrupt practices for the purposes of this Act, namely:—

(i) bribery as defined in clause (1) of section 123 of the Representation of the People Act, 1951 (Central Act 43 of 1951), for the time being in force;

(ii) undue influence as defined in clause (2) of section 123 of the Representation of the People Act, 1951 (Central Act 43 of 1951), for the time being in force;

(iii) the appeal by a candidate or his agent or by any other person with the consent of a candidate or his agent to vote or refrain from voting for any person on the ground of his religion, race, caste, community or language or the use of, or appeal to religious symbols or the use of or appeal to national symbols, such as the National flag or the National emblem, for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate;

(iv) the promotion of or attempt to promote, feelings of enmity or hatred between different classes of the citizens on grounds of religion, race, caste, community or language, by a candidate or his agent or any other person with the consent of a candidate or his election agent for the furtherance of the election of that candidate or for prejudicially affecting the election of any candidate;

(v) the publication by a candidate or his agent or by any other person, with the consent of candidate or his agent of any statement of fact which is false, and which he either believes to be false or does not believe to be true in relation to the personal character or conduct of any candidate, or in relation to the candidature or withdrawal of any candidature, being a statement reasonably calculated to prejudice the prospects of the candidate's election;

(vi) the hiring or procuring, whether on payment or otherwise, any vehicle, or vessel by a candidate or his agent or by any other person with the consent of a candidate or his agent, or the use of such vehicle or vessel for the free conveyance of any voter (other than the candidate himself, the members of his family or his agent) to or from any polling station provided in accordance with the rules made under this Act:

Provided that the use of any public transport vehicle or vessel or railway carriage by any voter at his own cost for the purpose of going to or coming from any such polling station or place fixed for the poll shall not be deemed to be a corrupt practice under this clause.

Explanation:— In this clause, the expression “vehicle” means any vehicle used or capable of being used for the purpose of road transport, whether propelled by mechanical power or otherwise, whether used for the drawing of other vehicles or otherwise.

(vii) the holding of any meeting at which intoxicating liquors are served;

(viii) the issuing of any circular, placard or poster having reference to the election which does not bear the name and address of the printer and publisher thereof;

(ix) any other practice which the Government may by rule specify to be a corrupt practice.

24. Order as to corrupt practices.— The corrupt practices referred to in section 23 shall entail disqualification for membership of any local authority for a period of five years counting from the date on which the finding of the prescribed authority as to such practices takes effect under this Act.

25. Communication of orders.— The prescribed authority shall after announcing the orders made under sections 20 and 21 send a copy thereof to the Government.

26. Fresh election if a seat becomes vacant.— If the seat of any member has become vacant or is deemed to have become vacant under section 12, a fresh election for the vacancy caused shall be held in accordance with the provisions of this Act.

27. Prohibition of canvassing in or near polling station.— (1) No person shall, on the date or dates on which a poll is taken in any polling station, commit any of the following acts within the polling station or in any public or private place within a distance of one hundred meters of the polling station, namely:—

- (a) canvassing for votes; or
- (b) soliciting the vote of any voter; or
- (c) persuading any voter not to vote for any particular candidate; or
- (d) persuading any voter not to vote at the election; or
- (e) exhibiting any notice or sign (other than an official notice relating to the election).

(2) Any person who contravenes the provision of sub-section (1) shall, on conviction, be punished with fine which may extend to rupees five hundred.

(3) An offence punishable under this section shall be cognizable.

28. Penalty for disorderly conduct in or near polling stations.— (1) No person shall on the date or dates on which a poll is taken at any polling station,—

(a) use or operate within or at the entrance of the polling station or in any public or private place in the neighbourhood thereof, any apparatus for amplifying or reproducing the human voice, such as a megaphone or a loudspeaker; or

(b) shout, or otherwise act in a disorderly manner, within or at the entrance of the polling station or in any public or private place in the neighbourhood thereof, so as to

cause annoyance to any person visiting the polling station for the poll, or so as to interfere with the work of the officers and other persons on duty at the polling station.

(2) Any person who contravenes or willfully aids or abets the contravention of the provision of sub-section (1) shall, on conviction, be punished with imprisonment which may extend to three months or with fine or with both.

(3) If the presiding officer of a polling station has reasons to believe that any person is committing or has committed an offence punishable under this section, he may direct any police officer to arrest such person, and thereupon the police officer shall arrest him.

(4) Any police officer may take such steps and use such force as may be reasonably necessary for preventing any contravention of the provisions of sub-section (1) and may seize any apparatus used for such contravention.

29. Penalty for misconduct at polling station.— (1) Any person who during the hours fixed for the poll at any polling station misconducts himself or fails to obey the lawful directions of the presiding officer may be removed from the polling station by the presiding officer or by any police officer on duty or by any person authorized in this behalf by such presiding officer.

(2) The powers conferred by sub-section (1) shall not be exercised so as to prevent any voter who is otherwise entitled to vote at a polling station from having an opportunity of voting at that station.

(3) If any person who has been so removed from a polling station re-enters the polling station without the permission of the presiding officer, he shall, on conviction, be punished with imprisonment for a term which may extend to three months, or with fine, or with both.

(4) An offence punishable under sub-section (3) shall be cognizable.

30. Maintenance of secrecy of voting.— (1) Every officer, clerk, agent or other person who performs any duty in connection with the recording or counting of votes at any election shall maintain and aid in maintaining, the secrecy of the voting and shall not (except for some purpose authorized by or under any law) communicate to any person any information calculated to violate secrecy.

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

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

(2) No such person as aforesaid, and no member of a police force shall endeavour,—

- (a) to persuade any person to give his vote at an election; or
- (b) to dissuade any person from giving his vote at an election;
- (c) to influence the voting of any person at an election in any manner.

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

(4) An offence punishable under sub-section (2) shall be cognizable.

32. Breaches of official duty in connection with elections.— (1) If any person to whom this section applies is without reasonable cause guilty of any act or omission in breach of his official duty he shall, on conviction, be punished with fine which may extend to five hundred rupees.

(2) An offence under sub-section (1) shall be cognizable.

(3) No suit or other legal proceedings shall lie against any such person for damages in respect of any such act or omission as aforesaid.

(4) The person to whom this section applies are the returning officers, presiding officers, polling officers and any other person appointed to perform any duty in connection with the receipt of nominations or withdrawal of candidature, or the recording or counting of votes at an election; and the expression “official duty” shall for the purpose of this section be construed accordingly, but shall not include duties imposed otherwise than by or under this Act.

33. Removal of ballot papers from polling stations to be an offence.— (1) Any person who at any election fraudulently takes, or attempts to take, a ballot paper out of a polling station, or willfully aids or abets the doing of any such act, shall on conviction, be punished with imprisonment for a term which may extend to one year or with fine or with both.

(2) If the presiding officer of a polling station has reason to believe that any person is committing or has committed an offence punishable under sub-section (1) such officer may before such person leaves the polling station, arrest or direct a police officer to arrest such person and may search such person or cause him to be searched by a police officer:

Provided that when it is necessary to cause a woman to be searched, the search shall be made by another woman with strict regard to decency.

(3) Any ballot paper found upon the person arrested on search shall be made over for safe custody to a police officer by the presiding officer, or when the search is made by a police officer, shall be kept by such officer in safe custody.

(4) An offence punishable under sub-section (1) shall be cognizable.

34. Other offences and penalties thereof.— (1) A person shall be guilty of an offence if at any election, he,—

- (a) fraudulently defaces, or fraudulently destroys any nomination paper; or
- (b) fraudulently defaces, destroys or removes any list, notice or other documents affixed by or under the authority of returning officer; or
- (c) fraudulently defaces or fraudulently destroys any ballot paper or the official mark on any ballot paper; or
- (d) without due authority supplies any ballot paper to any person or receives any ballot paper from any person or is in possession of any ballot paper; or
- (e) fraudulently puts into any ballot box anything other than the ballot paper which he is authorized by law to put in; or
- (f) without due authority destroys, takes, opens or otherwise interferes with any ballot box or ballot papers then in use for the purpose of the election; or
- (g) fraudulently or without due authority, as the case may be, attempts to do any of the foregoing acts or willfully aids or abets the doing of any such acts.

(2) Any person guilty of an offence under this section shall,—

(a) if he is a returning officer or presiding officer of a polling station or any other officer or clerk employed on official duty in connection with the election, on conviction, be punished with imprisonment for a term which may extend to two years or with fine or with both;

(b) if he is any other person, on conviction, be punished with imprisonment for a term which may extend to six months or with fine or with both.

(3) For the purpose of this section, a person shall be deemed to be on official duty if his duty is to take part in the conduct of an election or part of an election including the counting of votes or to be responsible after an election for the used ballot papers and other documents in connection with such election, but the expression “official duty” shall not include any duty imposed otherwise than by or under this Act in connection with such election.

(4) An offence punishable under clause (b) of sub-section (2) shall be cognizable.

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

36. Prohibition of public meetings on the day preceding the election day and on the election day.— (1) No person shall convene, hold or attend any public meeting, within any polling area within forty eight hours before the commencement of the poll or the date or dates on which poll is taken for an election in that polling area.

(2) Any person who contravenes the provision of sub-section (1) shall, on conviction, be punished with fine which may extend to two hundred and fifty rupees.

37. Powers of Collector to prohibit fairs etc. on election day.— The Collector may, in order to ensure free and fair election prohibit any fair (including cattle fairs) in a Panchayat area on the day of election to the Panchayat of such area.

38. Disturbance of election meetings.— (1) Any person who at a public meeting held in connection with an election under this Act, acts or incites others to act, in a disorderly manner for the purpose of preventing the transaction of the business for which the meeting was called shall, on conviction be punished with fine which may extend to five hundred rupees.

(2) If any police officer reasonably suspects any person of committing an offence under sub-section (1), he may, if requested so to do by the Chairman of the meeting, require that person to declare to him immediately his name and address and, if that person refuses or fails to so declare his name and address, or if the police officer reasonably suspects him of giving a false name or address, the police officer may arrest him without warrant.

39. Restrictions on the printing of pamphlets, posters etc.— (1) No person shall print or publish, or cause to be printed or published any election pamphlet or poster which does not bear on its face the names and addresses of the printer and the publisher thereof.

(2) No person shall print or cause to be printed any election pamphlet or posters:—

(a) unless a declaration as to the identity of the publisher thereof, signed by him and attested by two persons to whom he is personally known is delivered by him to the printer in duplicate; and

(b) unless within a reasonable time after the printing of the documents, one copy of the declaration is sent by the printer, together with one copy of the document to the District Magistrate.

(3) For the purposes of this section,—

(a) any process for multiplying copies of a document, other than copying it by hand, shall be deemed to be printing and the expression 'printer' shall be construed accordingly; and

(b) election pamphlet or poster means any printed pamphlet, hand bill or other document distributed for the purpose of promoting or prejudicing the election of a candidate or group of candidates or any placard or poster having reference to an election but does not include any hand bill, placard or poster merely announcing the date, time, place and other particulars of an election meeting or routine instructions to election agents or workers.

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

40. Penalty for illegal hiring or procuring of conveyance at election.— If any person is guilty of any such corrupt practice as is specified in clause (vi) of section 23 at or in connection with an election, he shall, on conviction, be punished with fine which may extend to five hundred rupees.

41. Prosecution in certain offences.— No court shall take cognizance of an offence punishable under clause (a) of sub-section (2) of section 34, unless there is a complaint made by an order of or under authority from the Director.

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

43. Commencement of term of office.— The term of office of the members elected at a general election shall commence on the date appointed for the first meeting of the Panchayat.

(2) The term of office of a member elected to fill a casual vacancy shall commence on the date of publication of his name under sub-section (8) of section 7.

(3) As soon as may be after the first meeting of the Panchayat, every member thereof shall take the oath of office before such Officer as may be prescribed. No member who has not taken such oath shall vote or take part in the proceedings of any meeting nor shall he be included as a member of any committee constituted by the Panchayat.

44. Resignation of member.— A member of a Panchayat may resign his membership in writing under his hand addressed to the Sarpanch and his seat shall become vacant on the expiry of seven days from the date of the receipt of such resignation, unless within the said period of seven days he withdraws such resignation by writing under his hand addressed, to the Sarpanch:

Provided that no such resignation shall be taken cognizance of by the Sarpanch unless presented either by the resigning member himself or his signature duly attested by Notary Public or Gazetted Officer and he is satisfied about the genuineness of signature and voluntariliness of resignation.

45. Reservation of office of Sarpanch and Deputy Sarpanch.— The Government may by general or special order reserve,—

(a) such number of offices of Sarpanch and Deputy Sarpanch of Panchayats in the State for the Scheduled Castes and Scheduled Tribes and the number of such offices bearing as nearly as may be the same proportion to the total number of the offices in the State as the population of the Scheduled Castes in the State or the Scheduled Tribes in the State bears to the total population of the State.

(b) such number of offices of Sarpanch and Deputy Sarpanch of the Panchayats, which shall as nearly as may be, one-third of the total number of offices of Sarpanch and Deputy Sarpanch in the State for the persons belonging to the Backward Classes;

(c) not less than one-third of the total number of offices of Sarpanch and Deputy Sarpanch of Panchayats in the State from each of the categories which are reserved for persons belonging to the Scheduled Castes, Scheduled Tribes and Backward Classes and of those which are non-reserved for women:

Provided that the offices reserved under this sub-section shall be allotted by rotation to different Panchayats.

Explanation:— For the removal of doubts it is hereby declared that the principle of rotation for purposes of reservation of offices under this section shall commence from the first election to be held after the commencement of this Act.

46. Procedure for Election of Sarpanch and Deputy Sarpanch.— (1) At the first meeting of the Panchayat to be called on a day fixed by the Government the members of the Panchayat shall elect, from amongst themselves a Sarpanch and a Deputy Sarpanch.

(2) Such officer as may be specified in this behalf by the Government shall preside at such meeting but shall not have the right to vote.

(3) No business other than the election of the Sarpanch and Deputy Sarpanch shall be transacted at such meeting.

(4) In case of equality of votes, the result of the election shall be decided by lots drawn in the presence of the Officer aforesaid in such manner as he may determine.

(5) In the event of a dispute arising as to the validity of the election of the Sarpanch or the Deputy Sarpanch, the dispute shall be referred to such authority as may be specified by notification by the Government and the decision of such authority thereon shall be final.

¹⁷[(6) The procedure for the election of Sarpanch and Deputy Sarpanch shall be such as may be prescribed.]

¹⁸[**47. Executive powers and functions of the Secretary.—** Notwithstanding anything contained in this Act and the rules framed thereunder, the Secretary shall also exercise the powers on the following matters, namely:—

(i) to issue the licences for construction, repairs, modification, alteration, so also occupancy certificate in pursuance of the resolution of the Panchayat;

¹⁷ Inserted by the Amendment Act 1 of 1997.

¹⁸ Substituted by the Amnedment Act 1 of 1997.

(ii) to initiate action for stopping and or demolishing an unauthorized structure/ building constructed without the permission of the Panchayat after resolution is passed to that effect;

(iii) to execute the resolution passed by the Panchayat body.”.]

¹⁹[**47-A. Executive powers of the Sarpanch.**— Notwithstanding anything contained in this Act and the rules framed thereunder, the Sarpanch shall exercise the powers on the following matters, namely:—

(i) to implement the programme of welfare schemes and other developmental works;

(ii) to execute and implement the resolution passed by the Panchayat on the matters not specified in section 47.]

²⁰[**47-B. Execution of order by the Secretary.**— Notwithstanding anything contained in section 47, the Secretary shall execute the order passed by any Authority in any appeal or petition made before such Authority under the provisions of this Act or Rules framed thereunder, if the Panchayat fails to execute the same within the time limit as specified in such order and in case no time limit has been specified, within one month of passing of such order.]

²¹[**48. Term of office and conditions of service of Sarpanch, Deputy Sarpanch, elected and co-opted members of the Panchayat.**— (1) The term of office of every Sarpanch and every Deputy Sarpanch of the Panchayat shall, save as otherwise provided in this Act, cease on the expiry of his term of office as a member of the Panchayat.

²³(2) Salary and other conditions of service of the Sarpanch, Deputy Sarpanch, elected and co-opted members of the Panchayat shall be as prescribed.]

49. Appointment of Sarpanch during vacancy in the office.— During a vacancy in the office of the Sarpanch of the Panchayat, the Deputy Sarpanch and when there is no Deputy Sarpanch an officer appointed by the Director shall exercise the powers and perform the duties of the Sarpanch until a Sarpanch is duly elected.

50. Resignation or Removal of Sarpanch or Deputy Sarpanch.— (1) The Sarpanch of the Panchayat may resign his office by writing under his hand addressed to the Director and the Deputy Sarpanch of the Panchayat may resign his office by writing under his hand addressed to the Sarpanch and in the absence of the Sarpanch to the Director.

(2) Every Sarpanch or Deputy Sarpanch of the Panchayat shall be deemed to have vacated his office forthwith if he ceases to be a member of the Panchayat.

¹⁹ Inserted by the Amendment Act 1 of 1997.

²⁰ Inserted by the Amendment Act, 2010.

²¹ Substituted by the Amendment Act 20 of 2002.

²² Substituted by the Amendment Act 26 of 2003.

²³ Substituted by the Amendment Act 26 of 2003.

(3) Every resignation under sub-section (1) shall take effect on the expiry of ten days from the date of its receipt by the Director or the Sarpanch as the case may be, unless within the period of ten days he withdraws such resignation by writing under his hand.

²⁴[(4) Every Sarpanch or Deputy Sarpanch of a Panchayat shall, after an opportunity is afforded for hearing him, be removable from his office as Sarpanch or Deputy Sarpanch by the Director for being persistently remiss in the discharge of his duties or misconducting himself or misuses or abuses the powers or exercising the powers not expressly vested in him by or under the Act or the rules framed thereunder and the Sarpanch or Deputy Sarpanch so removed who does not cease to be a member under sub-section (2) shall not be eligible for re-election as Sarpanch or Deputy Sarpanch for such period not exceeding five years as the Director may specify in his order.]

(5) A Sarpanch or Deputy Sarpanch removed from his office under sub-section (4) may also be removed by the Director from the membership of the Panchayat for such period not exceeding five years as the Director may specify in his order.]

51. Motion of no confidence against Sarpanch and Deputy Sarpanch.— ²⁵[(1)] Every Sarpanch or Deputy Sarpanch shall forthwith be deemed to have vacated his office if a resolution expressing want of confidence in him is passed by a majority of a total members of the Panchayat at a meeting specially convened for the purpose:

Provided that no such ²⁶[notice of motion of no-confidence] shall be taken into consideration unless it is signed by the majority of the Members:

²⁷[Provided further that no notice of motion of no confidence shall be moved within six months after the meeting of Panchayat defeating the motion of no confidence.]

²⁸[(2) The notice of no confidence motion shall be delivered to the Block Development Officer who shall convene a special meeting of the Panchayat to consider the no confidence motion within fifteen days from the receipt of the notice thereof.]

(3) A copy of notice of no confidence motion shall also be delivered to the Secretary of the Panchayat.

(4) The procedure to be followed for such a special meeting shall be such as may be prescribed.]

52. Procedure at meeting.— The procedure at a meeting of the Panchayat shall be as prescribed.

53. Casual Vacancies.— ²⁹[(1)] A casual vacancy in the office of Sarpanch or Deputy Sarpanch or member of the Panchayat shall be filled by election of Sarpanch or Deputy

²⁴ Sub-sections (4) and (5) substituted by the Amendment Act 1 of 1997.

²⁵ Existing section numbered as sub-section (1).

²⁶ Substituted by the Amendment Act No.1 of 1997.

²⁷ Added by the Amendment Act No. 1 of 1997.

²⁸ Sub-section (2) to (4) inserted by the Amendment Act 1 of 1997.

Sarpanch or member who shall hold office so long as the Sarpanch, Deputy Sarpanch or member in whose place he has been elected would have held office, if the vacancy had not occurred.

³⁰[(2) The procedure for filling up casual vacancies of Sarpanch or Deputy Sarpanch shall be such as may be prescribed.

(3) The date for calling the election to fill up the casual vacancy in the office of Sarpanch or Deputy Sarpanch shall be fixed by the Director within a period of sixty days from the date of occurrence of such vacancy or from the date of intimation to the Directors, whichever is earlier.]

54. Meeting of the Panchayat.— (1) A Panchayat shall meet for transaction of business at least once in ³¹[fifteen days] at the office of the Panchayat and at such time as the Sarpanch may determine.

(2) The Sarpanch may, whenever he thinks fit, and shall, upon the written request of not less than one-third of the total number of members and on a date within fifteen days from the receipt of such request ³² [hold] a special meeting.

(3) Seven clear days notice of an ordinary meeting and three clear days notice of a special meeting specifying the place, date and time of such meeting and the business to be transacted thereat, shall be given by the Secretary of the Panchayat to the members and such officers as the Government may prescribe, and affixed on the notice board of the Panchayat.

(4) The officers to whom notice is given under sub-section (3) and other Government officers having jurisdiction over the Panchayat area or any part thereof shall be entitled to attend every meeting of the Panchayat and take part in the proceedings, but shall not be entitled to vote.

³³[(5) If the Sarpanch fails to hold a special meeting as provided in sub-section (2), the Block Development Officer shall hold such a meeting within seven days upon the receipt of the written request of not less than one-third of the total number of members of the Panchayat.]

³⁴[**Explanation:**— For the purpose of this section, the date of presentation of written request in the office of the Panchayat or the Block Development Officer, as the case may be shall be the date from which the period is to be counted.]

55. Quorum and Procedure.— (1) The quorum for a meeting of the Panchayat shall be one-third of the total number of members. If at the time appointed for the meeting a

²⁹ Existing section numbered as sub-section (1).

³⁰ Sub-section (2) and (3) inserted by the Amendment Act 1 of 1997.

³¹ Substituted by the Amendment Act 1 of 1997.

³² Substituted by the Amendment Act 1 of 1997.

³³ Substituted by the Amendment Act 1 of 1997.

³⁴ Inserted by the Amendment Act 1 of 1997.

quorum is not present, the presiding authority shall wait for thirty minutes, and if within such period there is no quorum, the presiding authority shall adjourn the meeting to such time on the following day or such future day as he may fix. He shall similarly after waiting for thirty minutes adjourn the meeting, if at any time, after it has begun, attention is drawn to the want of a quorum. A notice of the meeting so fixed shall be pasted in the office of the 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 any subsequent adjourned meeting at which there is a quorum.

(2) Save as otherwise provided by or under this Act, at every meeting of Panchayat, the Sarpanch or in his absence the Deputy Sarpanch shall preside, and in the absence of both, the members present shall choose one from amongst themselves to preside over the meeting.

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

(4) No member of a Panchayat shall vote on, or take part in the discussion of, any question coming up for consideration at a meeting of a Panchayat, if the question is one in which, apart from its general application to the public, he has any pecuniary interest, and if the person presiding has such an interest, he shall not preside over the meeting when such question comes up for consideration.

(5) If the person presiding is believed by any member present at the meeting to have any such pecuniary interest in any matter under discussion, and if a motion to that effect be carried, he shall not preside at the meeting during such discussion or vote on or take part in it. Any member of the Panchayat may be chosen to preside at the meeting during the continuance of such discussion.

(6) Such sitting fees as may be prescribed shall be paid to each member for attending the meeting of the Panchayat or any committee thereof.

56. Modification or cancellation of resolution.— No resolution of a Panchayat shall be modified or cancelled within six months after the passing thereof, except by a resolution passed by not less than one-half of the total number of members at an ordinary or special meeting, notice whereof shall have been given fulfilling the requirements of sub-section (3) of section 54 setting forth fully the resolution which is proposed to be modified or cancelled at such meeting and the motion or proposition for the modification or cancellation of such resolution.

57. Minutes.— (1) Minutes shall be kept of the names of the members and of the officers, if any present, and of the proceedings at each meeting of the Panchayat and if any members 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 and after they are read over and agreed to shall be signed by the Sarpanch or Deputy Sarpanch

or person presiding at such meeting and shall at all reasonable times be open to inspection by any member of the Panchayat. Any person may inspect the copy of the minutes of the meeting. The minutes book shall always be kept in the office of the Panchayat and shall be in the custody of the Secretary of the Panchayat.

(2) A copy of the minutes of every meeting of Panchayat shall within ten days from the date of the meeting, be forwarded by the Secretary to the ³⁵[Block Development Officer.]

58. Interpellations and resolutions.— (1) Any member may call the attention of the Sarpanch to any neglect in the execution of the Panchayat work or to any waste of Panchayat property or to the wants of any locality and may suggest any improvements which may appear desirable.

(2) Every member shall have a right to move resolution and to interpellate the Sarpanch on matters connected with the administration of the Panchayat, subject to such rules as may be prescribed.

59. Validity of proceeding.— (1) No disqualification of or defect in the election or appointment of any person acting as member, or as the Sarpanch of the Panchayat or Chairman or member of a Committee of a Panchayat constituted under this Act shall be deemed to vitiate any act or proceeding of the Panchayat or any such committee, as the case may be, in which such person has taken part whenever the majority who were parties to such act or proceeding were entitled to act.

(2) No resolution of a Panchayat or of any Committee of a Panchayat constituted under this Act shall be deemed invalid on account of any irregularity in the service of notice upon any member, provided that the proceedings of the Panchayat or Committee were not prejudicially affected by such irregularity.

(3) Until the contrary is proved, every meeting of a Panchayat or of a Committee of a Panchayat constituted under this Act in respect of proceedings whereof a minute has been made and signed in accordance with this Act, shall be deemed to have been duly convened and held and all the members of the meeting shall be deemed to have been duly qualified, and where the proceedings are the proceedings of a committee, such committee shall be deemed to have been duly constituted and to have had the power to deal with matter referred to in the minute.

(4) During any vacancy in a Panchayat or Committee of a Panchayat, the continuing members may act as if no vacancy had occurred.

CHAPTER III

Functions, Duties and Powers of Panchayats, Sarpanch and Deputy Sarpanch

60. Functions of the Panchayat.— (1) Subject to such conditions as may be specified by the Government from time to time, the Panchayat shall perform the functions specified in Schedule-I.

³⁵ Substituted by the Amendment Act 1 of 1997.

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

(3) The Panchayat may, by a resolution passed at its meeting and supported by two-thirds of its total number of members and with prior approval of the ³⁶[Director],—

(a) make provision for or make contribution towards, any exhibition, conference or seminar without or outside the Panchayat area but within the district; or

(b) make contribution to any medical, educational or charitable institutions or any other institutions of public utility, within the Panchayat area which are registered under the Societies Registration Act, 1860 (Central Act 21 of 1860) or under any other law for the time being in force.

61. Assignments of functions.— (1) The Government may, by notification and subject to such conditions as may be specified therein,—

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

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

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

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

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

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

(2) The Government may, by notification, withdraw or modify the functions assigned under this section.

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

63. Standing Committees.— (1) Every Panchayat may constitute the following committees by election:-

³⁶ Substituted by the Amendment Act 1 of 1997.

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

(ii) a Social Justice Committee for performing functions relating to,

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

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

(c) welfare of women and children;

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

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

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

(b) Each Committee shall be competent to co-opt in such manner as may be prescribed, members of farmers clubs, mahila mandals, yuvak mandals and other similar bodies recognized by the Government. A representative of co-operative societies in the Panchayat area shall be co-opted to the Production Committee. The rights and liabilities of the co-opted members shall be such, as may be prescribed.

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

64. Powers and duties of the Sarpanch and Deputy Sarpanch.— (1) The Sarpanch of the Panchayat shall, in addition to the power exercisable under any other provision of this Act or rules made thereunder,—

(a) convene meeting of the Panchayat;

(b) have access to the records of the Panchayat;³⁷[...]

(c) exercise supervision and control over the acts of the officers and employees of the Panchayat;

³⁷ The word “and” omitted by the Amendment Act 1 of 1997.

³⁸[(d) incur expenditure not exceeding ³⁹[rupees five thousand] per month on any matter in an emergency and in public interest;

(e) recommend or not, the sanction of any kind of leave to all the officers and employees of the Panchayat including the Gram Sevak;

(f) place all the correspondence received from the Government, Director, Chief Executive Officer, before the meeting of the Panchayat;

(g) hold regular Gram Sabha and other meetings of the Panchayat;

(h) recover the tax, fees and other dues from the defaulters of the Panchayat;

(i) place the audit report before the meeting of the Panchayat and ensure its due compliance;

(j) stop any unauthorized construction erected in the Panchayat area notwithstanding anything contained in sub-section (3) of section 66 of this Act and place the matter immediately before the ensuing meeting of the Panchayat for taking suitable decision;

(k) remove encroachment and obstruction upon public property, street, drains and open sites not being private property;

(l) ensure due compliance of the provisions of the Act; and

(m) comply with the directions/instructions issued by the Director, Chief Executive Officer, Deputy Director or Block Development Officer.]

(2) The Sarpanch may, if in his opinion the immediate execution of any work or doing of any act which requires the sanction of a committee or of the Panchayat, is necessary in public interest convene a meeting for the purpose with a notice of twenty four hours.

⁴⁰[(3) The Deputy Sarpanch of the Panchayat shall exercise all the powers and perform all the duties and functions of the Sarpanch of the Panchayat, whenever the Sarpanch is absent or is on leave or resigns from office or expires or is disqualified or is incapacitated from functioning or if a motion of no confidence is passed against him under section 51 of this Act, until the Sarpanch resumes his office or the post of Sarpanch is filled by election, as the case may be.].

65. Power of Panchayat as to roads, bridges, etc.— All village roads and bridges thereon, cart tracks, drain, well and other public places in the Panchayat area not being private property and not being under the control or management of Zilla Panchayat, or Municipal Council, or the Government shall vest in the Panchayat and the Panchayat may do all things necessary for the maintenance and repair thereof, and may,-

³⁸ The clause (d) to (m) inserted by Amendment Act I of 1997.

³⁹ Substituted by the Amendment Act, 2010.

⁴⁰ Sub-section (3) substituted by the Amendment Act, 2010.

- (a) layout and make new roads;
- (b) construct new bridges;
- (c) widen, open, enlarge or otherwise improve any such roads or bridges;
- (d) with the previous sanction of the Zilla Panchayat divert, discontinue or close any road or bridge; and
- (e) deepen or otherwise improve any water way:

Provided that no road or bridge shall be diverted, discontinued or closed before the Panchayat publishes its intention of doing so and calls for objections and obtains the approval of the Zilla Panchayat to which a copy of the resolution of the Panchayat and the objections thereto shall be forwarded.

66. Regulation of the erection of buildings.— (1) Subject to such rules as may be prescribed, no person shall erect any building or alter or add to any existing building or reconstruct any building without the written permission of the Panchayat. The permission may be granted on payment of such fees as may be prescribed.

⁴¹[(2) If a Panchayat does not, within thirty days from the date of receipt of application, determine whether such permission should be given or not and communicate its decision to the applicant, the applicant may file an appeal within thirty days from the date of expiry of aforesaid period, to the Deputy Director who shall dispose of the same within thirty days from the date of filings of such appeal. If the Deputy Director fails to dispose of the appeal within thirty days, such permission shall be deemed to have been given and the applicant may proceed to execute the work, but not so as to contravene any of the provisions of this Act or any rules or bye-laws made under this Act.]

(3) Whenever any building is erected, added to or reconstructed without such permission or in any manner contrary to the rules prescribed under sub-section (1) or any conditions imposed by the permission granted, the Panchayat may,—

- (a) direct that the building, alteration or addition be stopped; or
- (b) by written notice require within a reasonable period to be specified therein, such building alteration or addition to be altered or demolished ⁴² [].

(4) In the event of non-compliance with terms of any notice under clause (b) of sub-section (3) within the period specified in the notice, it shall be lawful for the Panchayat to take such action as may be necessary for the completion of the act thereby required to be done, and all the expenses therein incurred by the Panchayat shall be paid by the person or persons upon whom the notice was served and shall be recoverable as if it were a tax imposed under this Act.

⁴³[(5) Where the Panchayat fails to demolish the building which is erected, added to or reconstructed without the permission of the Panchayat, or in any manner contrary to

⁴¹ Substituted by the Amendment Act 1 of 1997.

⁴² The words omitted by the Amendment Act 1 of 1997.

⁴³ Existing sub-section (5) omitted and thereafter new sub-section (5) to (7) inserted by the Amendment Act 1 of 1997.

the rules made under the Act or any conditions imposed in the permission, within a month from the date of the knowledge, the Deputy Director shall assume the powers of the Panchayat under sub-sections (3), (4) and (5) and take such steps as may be necessary for the demolition of such building.

(6) Notwithstanding anything contained in the foregoing provisions, the Block Development Officer concerned may, by notice addressed to the person responsible, stop any construction which is being constructed in violation of the provisions of the Act or rules or bye-laws made thereunder and refer the case to the Deputy Director of Panchayat. On receipt of the notice, such person shall forthwith stop the same.

(7) An appeal shall lie to the Director, within a period of thirty days from any order of direction or notice issued under any of the provisions of this section and the decision of the Director on such appeal shall be final.

Explanation:— For the purpose of this section, failure to communicate the decision by the Panchayat under sub-section (2) and failure to demolish the building under sub-sections (3) and (4) shall be deemed to be ‘remiss’ in the performance of duties by the Panchayat.]

67. Power of Government to prohibit and regulate the erection of building in certain areas without permission.— (1) Notwithstanding anything contained in section 66 the Government may, in the interest of the general public and after consulting the Panchayat concerned, prohibit by notification the erection of any building within a specified area within the jurisdiction of a Panchayat except with the permission granted by the Government or any officer authorized by the Government in this behalf (hereinafter in this section referred to as the “authorized officer”):

Provided that such prohibition shall not be made in respect of land which has been set apart as a building site by the Government or the Panchayat prior to the date of such notification.

(2) Subject to the provisions of sub-section (3), the grant of any permission under sub-section (1) may be subject to such conditions as may be imposed by the Government or the authorized officer in each case or specified generally.

(3) The Government may publish a development plan in respect of the area notified under sub-section (1) after following such procedure as may be prescribed, and on the publication in such plan, no building shall be erected or constructed in such area except in accordance with the specifications and conditions specified in such development plan.

(4) Whoever erects any buildings contrary to the provisions of sub-section (2) or (3) shall, on conviction, be punished with fine, which may extend to five thousand rupees.

(5) The Government or the authorized officer, as the case may be, may demolish any building erected contrary to the provisions of sub-section (1) or (3) or in violation of the conditions imposed under sub-section (2).

68. Permission for the construction of factories and the installation of machinery.— ⁴⁴[(1)] No person shall, without the permission of the Panchayat and except in accordance with the condition specified in such permission,—

(a) construct or establish any factory, workshop or workplace in which it is proposed to employ steam power, water power; or other mechanical power or electrical power; or

(b) install in any premises, any machinery or manufacturing plant driven by any power as aforesaid, not being machinery or manufacturing plant exempted by rules made by the Government under this Act.

⁴⁵[(2) The provisions of sub-sections (2), (3), (4), (5), (6) and Explanation to section 66 of the Act shall apply *mutatis mutandis*, to this section.]

69. Prohibition of offensive or dangerous trades without licence.— No place within the jurisdiction of Panchayat shall be used for the purpose of any trade, business or industry which the Government may, by notification declare to be offensive or dangerous, except under a licence granted or renewed by the Panchayat and subject to such conditions as may be imposed in the licence.

70. Control of hotels etc.— No place within the jurisdiction of a Panchayat shall be used as a hotel, restaurant, eating house, coffee house, sweetmeat shop, bakery, boarding house or lodging house (other than a hostel recognized by the Government), or a dharmashala or for manufacturing ice or aerated water except under a licence granted or renewed by the Panchayat and except in accordance with condition specified therein.

71. Licensing of shops.— No place within the jurisdiction of a Panchayat shall be used as a shop whether permanently or temporarily, except under a licence granted or renewed by the Panchayat and except in accordance with the conditions specified therein.

72. Provisions applicable to permission and licences.— (1) A permission shall be granted under section 68 and the licence under sections 69, 70 and 71 shall be granted or renewed, only on payment in advance of such fee as may be prescribed.

(2) The Panchayat may, for reasons to be recorded in writing refuse to grant the permission under section 68 or to grant or renew a licence or suspend or cancel a licence granted or renewed, under sections 69, 70 and 71 for default of any of the conditions subject to which the licence was granted.

(3) Any person aggrieved by the refusal to grant permission under section 68 or to grant or renew licence, or by the suspension or cancellation of a licence under sub-section (2) may, within thirty days of the date of communication of the order, appeal to the ⁴⁶[Director] and his decision on such appeal shall be final.

73. Obstructions and encroachments upon public streets and open sites.— (1) whoever not being duly authorized in this behalf within limits of a Panchayat area,—

⁴⁴ Existing provisions numbered as sub-section (1) by the Amendment Act 1 of 1997.

⁴⁵ Inserted by the Amendment Act 1 of 1997.

⁴⁶ Substituted by the Amendment Act 1 of 1997.

(a) have built or set up, or shall build or set up any wall, fence, rail, post, stall, verandah, platform, plinth, step or any projecting structure or other encroachment or obstruction; or

(b) deposit or cause to be placed or deposited any box, bale, package, or merchandise, or any other thing in any public street or place or in or over or upon any open drain, gutter, sewer or aquaduct in such street or places;

shall, on conviction, be punished with fine which may extend to five hundred rupees and with further fine which may extend to ten rupees for every day on which such projection, encroachment, obstruction or deposit continues after the date of first conviction for such offence.

(2) The Panchayat shall have power to remove any such obstruction or encroachment, and shall have the like power to remove any unauthorized obstruction or encroachment of the like nature in any open site not being private property, whether such site is vested in the Panchayat or not. The expense of such removal shall be paid by the person who has caused the said obstruction or encroachment and shall be recoverable as if it were a tax imposed under this Act.

(3) Whoever, not being duly authorized in that behalf, removes earth, sand other than sand used for domestic purpose by residents of the Panchayat area or other materials 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 five hundred rupees, and

(i) in the case of an encroachment, with further fine which may extend to ten rupees for every day on which the encroachment continues after the date of first conviction;

(ii) in the case of removal of earth, sand or other materials, twice the value of such earth, sand or other material shall also be recoverable as a fine.

(4) Nothing contained in this section shall prevent the Panchayat from allowing any temporary occupation of or erection in any public street on occasions of festivals and ceremonies or the piling of fuel in by-streets and sites in such manner as not to inconvenience the public or any individual.

74. Transfer of any work or institutions to Panchayat.— The Government may entrust to the Panchayat, the execution, maintenance or repair of any work or the management of any institution on behalf of the Government or any local authority:

Provided that the funds necessary for the execution, maintenance or repair of the work or the management of the institution shall be placed at the disposal of the Panchayat by the Government or such local authority.

75. Power to name streets and number buildings.— (1) The Panchayat may cause a name to be given to any street and may also cause a number to be affixed to any building or part of a building and may, from time to time, cause such name and number to be altered.

(2) No person shall destroy, remove, deface or in any way injure or alter any such name or number or put up or paint any name or number different from that put up or painted by the order of the Panchayat.

(3) Any person who destroy, removes, injures, alters or defaces any such name or number or puts any name or number different from that put up by order of the Panchayat and any owner of any premises who does not at his own expense keep such number in good order after it has been put up shall, on conviction, be punished with fine which may extend to one hundred rupees.

76. Removal of structures, trees, etc., which are in ruins or likely to fall.— (1) If it appears at any time to the Panchayat that any building, or any part thereof or any tree or branch of a tree is in a ruinous state or is 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 the branch of the tree, the Panchayat may by written notice require the owner or occupier of such building or tree, as the case may be,—

- (i) to pull down, lop or cut down; or
- (ii) to secure; or
- (iii) to remove; or
- (iv) 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 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 danger.

(3) Any expenses incurred by the Panchayat in this behalf may be recovered from the owner or occupier of the building or tree, as the case may be, as if it was a tax imposed under this Act.

(4) The Panchayat shall issue a notice under sub-section (1) after giving the owner or occupier, as the case may be, a reasonable opportunity of stating any objection, adducing evidence, if any and after being satisfied that the objection, which is raised, is invalid or insufficient.

77. Power as to sanitation, conservancy and drainage.— (1) If it appears necessary to improve the sanitary condition of any area within its jurisdiction, a Panchayat may by written notice, require within a reasonable period to be specified therein,—

- (i) the owner or occupier of any building or any hut or the owner of any privy to remove such hut or privy either wholly or in part;
- (ii) the owner or the occupier of any building to construct private drains thereof or to alter or to remove private drains thereof;

(iii) the owner or occupier of any land or building which needs to be cleansed, to cause the same to be cleansed to the satisfaction of the Panchayat;

(iv) 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 off to take such other action therewith, as may be deemed necessary by the Panchayat;

(v) the owner or occupier of any land overgrown with vegetation, undergrowth, prickly pear, 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, prickly pear 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 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) as if it were a tax imposed under this Act.

78. Contribution from persons having control over places of pilgrimage, etc.— (1) Where a church, mosque, temple, mutt or any place of religious worship or institution or any place which is used for holding fairs, or festivals or for other like purposes is situated within the limits of a Panchayat or in the neighbourhood thereof and attracts either throughout the year or on particular occasion a large number of persons, any special arrangements necessary for public health, safety or convenience, whether permanent or temporary, shall be made by the Panchayat. The Panchayat may after providing sufficient opportunity to the person or persons having control over such place require him or them to make such recurring or non-recurring contribution to the funds of the Panchayat as he may determine in such manner as may be prescribed.

(2) A person required to make a contribution under sub-section (1) may appeal to the prescribed authority against any determination made by the Panchayat.

(3) Any contribution directed to be paid under sub-section (1) shall be recoverable as an arrear of land revenue.

79. Power for providing adequate water supply.— (1) For providing the area under its control or any part thereof with a supply of water pure and sufficient for public and private purposes, the Panchayat may,—

(a) construct, repair and maintain tanks or wells and clear stream 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 utilize, 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; or

(e) do any other act for carrying out the purpose of this section.

(2) The Panchayat may, by order published at such place as it may think fit, set apart for the supply of water to the public for drinking or culinary purpose, 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 Panchayat.

(3) The Panchayat may, by order published at such place as it may think fit, 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 purpose under sub-section (2); and

(b) the use of any source of water supply for drinking or culinary purposes or for the washing of clothes during epidemics.

80. Power of Panchayat to make bye-laws regarding provisions of water supply.—

Subject to such rules as the Government may make in this behalf, a Panchayat may make bye-laws for conserving and preventing injury to sources and means for water supply and appliances for the distribution of water whether within or without the limits of the Panchayat, and for regulating all matters connected with the supply and use of water, and turning on, or turning off, and preventing the waste of water, and construction, maintenance and control of Panchayat water works and pipes and fittings in connection therewith whether the property is of the Panchayat or not.

81. Appointment of Joint Committee.— (1) A Panchayat may, and if so required by the Zilla Panchayat shall, join with one or more than one other local authority or statutory body for any purpose in which they are jointly interested or for any matter for which they are jointly responsible and may or shall constitute, as the case may be a joint committee to be in charge of the work.

(2) The joint committee, may include persons who are not members of the local authorities or statutory bodies concerned but who may in their opinion possess special qualifications or special interest for serving on such Committee:

Provided that the number of such persons on the Committee shall not exceed one third of the total number of members of the joint committee;

(3) The constitution of a joint committee and its proceedings shall be governed by regulations made by the Zilla Panchayat.

(4) Without prejudice to the generality of the power to make regulations under sub-section (3) such regulations may provide for the following matters, namely:—

(a) the total number of members on the Committee;

- (b) the number of members to be appointed under sub-section (2), if any;
- (c) the manner of election or appointment;
- (d) the term of office;
- (e) the power of the Committee which shall not be in excess of the powers which can be exercised by the local authorities or statutory bodies concerned;
- (f) the provision of funds to and the administration of funds by the joint committee;
- (g) the procedure of the joint committee.

(5) The joint committee may be dissolved after serving the purpose for which it was constituted.

(6) The Zilla Panchayat may issue such direction as it thinks necessary in regard to the distribution of its assets and liabilities when the Committee is dissolved.

82. Power of entry.— Any officer or servant of a Panchayat may enter into or upon any building or land with or without assistants or workmen, in order to make any inspection or execute any work for any of the purposes of this Act:

Provided that –

- (a) no such entry shall be made between sunset and sunrise;
- (b) unless the entry be with the consent of its occupier, no dwelling house shall be so entered without giving reasonable previous notice signed by the Sarpanch or by a person duly authorised by him in this behalf of the intention to make such entry; and
- (c) due regard shall be had in making such entry to the social and religious usages of the occupants of the premises entered;

83. Filthy buildings, etc.— Whoever, being the owner or occupier of any building or land, whether tenable or otherwise, suffers the same to be in a filthy or unwholesome state, or in the opinion of the Panchayat is a nuisance to persons residing in the neighbourhood or overgrown with prickly pear or vegetation, and who shall not, within a reasonable time after notice in writing from any person authorized by the Panchayat in this behalf to cleanse, clear or otherwise put the same in a proper state, have complied with the requisition contained in such notice, shall on conviction, be punished with fine which may extend to one hundred 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 the first conviction.

84. Powers and duties in regard to sources of water supply.— The Secretary or any officer authorized by the Panchayat 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,—

- (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 Panchayat may direct, 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 sources of water supply, which not being a stream in its natural flow, is in the opinion of the 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 Panchayat, be otherwise prevented, close either temporarily or permanently, or fill up or enclose or fence in such manner as the Panchayat considers sufficient to prevent such use, such source of water 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 Panchayat considers as 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 Panchayat may direct or approve any 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 source of water supply is, in the opinion of the Panchayat, dangerous to the health or safety of the public or of any persons having occasion to use or to pass by or approach the same.

85. Remedy for non-compliance with directions issued.— If the owner or the person having control as aforesaid fails or neglects to comply with any such requisition within the time required by or under the provisions of section 84, the Panchayat may, and, if in the opinion of the Secretary immediate action is necessary to protect the health or safety of any person, he 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 source of water supply, and shall be recovered in the same manner as an amount claimed on account of any tax recoverable under this Act:

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 the person having control may, if the Panchayat so directs, be paid from the Panchayat fund.

86. Power to set apart public springs, etc., for certain purposes.— The Panchayat may by public notice which shall be put up at the spring, tank, or other places concerned and otherwise as required by this Act, set apart public springs, tanks, wells and other places and parts of public water sources for drinking purposes or for bathing or for convenience of the inhabitants, and with the consent of the owners, may also set apart any private springs, tanks, wells or other places for any of the aforesaid purposes.

87. Power to prohibit use of water from certain sources.— The Panchayat may, during epidemics on receipt of a certificate from any medical officer of the Government stating that such action is desirable, summarily by notice prohibit the use of water from any source to which the public have access. Such notice shall be served by putting up a copy thereof near the source of water supply stating the number of days during which such prohibition shall last. The Panchayat may from time to time extend or modify the period of prohibition without the production of a further certificate;

88. Penalty for using water for certain purposes.— Whoever,—

(a) bathes in or defiles, the water in any place set apart for drinking purposes by the Panchayat, or, in the case of private property, by the owner thereof; or

(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 substances, 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 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 87; 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 ten rupees for every day during which the said offence is continued after the date of first conviction.

89. Abatement of nuisance from foul water.— When any pool, ditch, tank, pond, 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 shall appear to the Secretary to be likely to prove injurious to the health of the inhabitants or offensive to neighbourhood, the Secretary, may by written notice require the owner of the same to cleanse, fill up, drain off or remove the same, or to take such measures as shall in his opinion be necessary to abate or remove the nuisance.

90. Closing of places for the disposal of the dead.— (1) If the Panchayat is of opinion that any place in the Panchayat area which is used for the disposal of the dead is in such a state as to be, or to be likely to become injurious to health, it may forward its opinion with the reasons therefore to the Collector. The Collector may thereupon, after such further inquiry, if any, as he shall deem fit, by notification direct that such place shall cease to be so used from such date as may be specified in that behalf in the notification.

(2) A copy of the said notification shall be displayed at the Panchayat office and in one or more conspicuous spots on or near the place to which it relates.

(3) Any person who buries or otherwise disposes of any corpse in any such place after the date specified in the said notification for closure thereof or buries any corpse in any unoccupied Government land not set apart for the burial of the dead under the provisions of any law for the time being in force or by established usage, shall, on conviction, be punished with fine which may extend to one hundred rupees.

91. Power of entry into building, etc.— Where infectious disease exists, the Secretary or any person authorized by the Panchayat in this behalf may enter at any time after reasonable notice, any building or premises in which any infectious disease is reported or suspected to exist, for the purpose of inspecting such building or premises. No such inspection shall be made except between sunrise and sunset.

92. Disinfection of buildings etc.— If the Secretary is of the opinion that the cleansing or disinfecting of a building or a premises or a part thereof or of any articles therein is likely to retain infection, would tend to prevent or check the spread of any infectious diseases, he may by notice require the owner or occupier to cleanse or disinfect the same within a time to be specified in such notice:

Provided that if the Secretary considers that immediate action is necessary or that the owner or occupier is by reason of poverty or otherwise, unable effectively to comply with his requisition, he may himself cause such building or premises or articles to be cleansed or disinfected and for this purpose may cause such articles to be removed from such building or premises and the expenses incurred under this section shall be recoverable from the said owner or occupier as if it were a tax imposed under this Act unless he was, by reason or poverty unable effectively to comply with the requisition.

93. Articles exposed to infection.— (1) The Secretary shall, from time to time, notify places at which articles of clothing or bedding or other articles which have been exposed to infection from any dangerous or infectious disease may be washed or disinfected.

(2) The Secretary may direct the destruction of clothing, bedding, or other articles likely to retain such infection.

(3) Whoever washes such clothing or bedding or other articles at any place other than those set apart for such purposes under sub-section (1), shall, on conviction, be punished with fine which may extend to fifty rupees.

94. Registration of burial and burning grounds.— (1) Every owner or person having the control of any place used at the commencement of this Act, as a public place for burying, burning or otherwise disposing of the dead in a Panchayat area, shall, if such place be not already registered under any law applicable thereto, apply to the Panchayat to have such place registered under this Act.

(2) If it appears to such Panchayat that there is no owner or person having control of such place, the Panchayat shall assume such control, and register such place or may close it.

95. Licensing of places for disposal of the dead.— (1) No new place for the disposal of the dead whether private or public, shall be opened, formed, constructed or used in a Panchayat area unless after an application for the purpose is made and a licence is obtained from the Panchayat.

(2) Such application for a licence shall be accompanied by a plan of the place to be licensed showing the locality, boundary and extent thereof, the name of the owner or person or community interested therein, the system of management and such other particulars as the Panchayat may require,-

(3) The Panchayat to which an application is made, may after giving due notice to the public in general,—

(a) grant or refuse a licence; or

(b) postpone the grant of a licence until objections, if any, to the site, considered reasonable by the Panchayat have been removed or any particulars called for by it have been furnished.

96. A book to be kept of places registered, licensed, as provided.— (1) A book shall be kept at the office of every Panchayat in which the places registered, licensed or provided under section 94 or section 95 shall be recorded.

(2) A notice that such place has been registered, licensed, or provided as aforesaid, shall be affixed at or near the entrance to such place conspicuously.

97. Prohibition against burying or burning, in unauthorized places.— No person shall in any Panchayat area bury, burn or otherwise dispose off or cause or suffer to be buried, burnt or otherwise dispose off any corpse in any place within hundred meters of a dwelling place or any source of drinking water-supply other than a place registered under section 94 or licensed under section 95, or provided by the Panchayat.

98. Notice of burials, etc. to be given to Panchayat.— The person having control of a place for disposing of the dead in a Panchayat area shall give information of every burial, burning or other disposal, of a corpse at such place to any person appointed by the Panchayat.

99. Public landing places, cart stands, etc.— Save as otherwise provided in this Act and subject to such rules as may be prescribed, a Panchayat may,—

(a) provide public landing places, halting places and cart stands and levy fees for their use; and

(b) where any such place or stand has been provided, prohibit the use for the same purpose by any person within such distance thereof, of any public place or the sides of any public road, as the Panchayat may, subject to the control of the Collector, specify.

100. Regulation of huts.— ⁴⁷[(1)] No person shall erect any hut, shed, or range or block of huts or sheds or add to any hut or shed already existing in Panchayat area

⁴⁷ Existing provisions numbered as sub-section (1) by the Amendment Act, 1 of 1997.

without obtaining previous permission. The Panchayat may require such huts or sheds to be built so that they may stand in regular lines with a free passage or way in front of and between every two lines of such width as the Panchayat may think proper for ventilation and to facilitate scavenging and at such a level as will admit of sufficient drainage. If any hut or shed is build without obtaining previous permission of the Panchayat, the Panchayat may give written notice to the owner or builder thereof, or to the owner or occupier of the land on which the same is erected or is being erected requiring him within such reasonable time as may be specified in the notice, to remove the same or to make such alterations therein or additions thereto as having regard to the sanitary considerations, the Panchayat may think fit.

⁴⁸[(2) The provisions of sub-sections (2), (3), (4), (5), (6), and Explanation to section 66 shall, *mutatis mutandis*, apply to this section.]

101. Power for making drains.— (1) In order to carry out any drainage scheme, it shall be lawful for a Panchayat to carry any drain, sewer, conduit tunnel, culvert, pipe or water course through, across or under any cellar or vault which may be under any street and after giving reasonable notice in writing to the owner or occupier, into through or under any land whatsoever within the Panchayat area.

(2) The Panchayat or any officer authorized by it for such purpose may enter upon and construct any new drain in the place of an existing drain in any land wherein any drain vested in the Panchayat has been already constructed or may repair or alter any drain vested in the Panchayat.

102. Sufficient drainage of houses.— (1) If any building or land in a Panchayat area is at any time, untrained or not drained to the satisfaction of the Panchayat, the Panchayat may, by written notice call upon the owner to construct or lay from such building or land a drain or pipe of such size and materials, at such level, and with such fall as it thinks necessary for the drainage of such building or land into,—

(a) some drain or sewer, if there is a suitable drain or sewer within sixteen meters of any part of such building or land;

(b) a covered cess pool to be provided by such owner.

(2) It shall not be lawful to erect any building or to rebuild any building or to occupy any building newly erected or rebuilt in a Panchayat area unless and until,—

(a) a drain is constructed, of such size, materials and description at such level, and with such fall, as shall appear to the Panchayat to be necessary for the effectual drainage of such building; or

(b) there have been provided for and set up in such building and in the land appurtenant thereto all such appliances and fittings as may appear to the Panchayat to be necessary for the purposes of gathering and receiving the drainage from, and

⁴⁸ Inserted by the Amendment Act I of 1997.

conveying the same of, the said building and the said land and of effectually flushing the drain of the said building and every fixture connected therewith.

(3) The drain to be constructed as aforesaid shall empty into a Panchayat drain, or into some place legally set apart for the discharge of drainage situated at a distance, then such drain shall empty into such cess pool as the Panchayat directs.

103. Power of owner or occupier of buildings or lands to drain into Panchayat drains.— The owner or occupier of any building or land within a Panchayat area shall be entitled to cause his drain to empty into sewers of the Panchayat, provided that he first obtains the written permission of the Panchayat and that he complies with such conditions as the Panchayat prescribes as to the mode in which and the superintendence under which the communications are to be made between drains not vested in the Panchayat and drains which are so vested.

104. Right to carry drain through land or into drain belonging to other persons.—

(1) If the owner or occupier of any building or land within a Panchayat area desires to connect the same with any Panchayat drain, by means of a drain to be constructed through any land or connected with a drain belonging to or occupied by or in the use of some other person, he may make an application in that behalf to the Panchayat.

(2) Thereupon, the Panchayat after giving to such other person a reasonable opportunity of stating any objection, may, if no objection is raised or if the objection raised is insufficient authorize the applicant to carry his drain into or through or under the land or into the said drain, as the case may be, in such manner and on such conditions as to the payment of rent or compensation, and as to the respective responsibilities of the parties for maintenance and repair as may appear to it to be adequate and equitable.

(3) Every such order shall be a complete authority to the person in whose favour it is made, or to any agent or other person employed by him for this purpose after giving or tendering to the owner, occupier or user of the said land or drain the compensation and rent, if any, specified in the said order, and otherwise fulfilling as far as possible the conditions of the said order, and after giving to the said owner, occupier or user reasonable notice in writing, to enter upon the land specified in the said order with assistants and workmen at any time between sunrise and sunset and, subject to the provision of this Act, to do all such work as may be necessary,—

(a) for the construction or connection of the drain as may be necessary from time to time; or

(b) for renewing, repairing, or altering the same as may be necessary from time to time; or

(c) for discharging any responsibility attaching to him under the terms of the order as to maintaining, repairing, flushing, cleaning or emptying the said drain or any part thereof.

(4) In executing any work under this section, as little damage as possible shall be done and the owner or occupier of the building or land for the benefit of which the work is done shall cause the work to be executed with the least practicable delay and fill in, reinstate and make good at his own cost the ground or any portion of the building or other construction opened, broken up or removed for the purpose of executing the said work and pay compensation to any person who sustains damage by the execution of the said work.

105. Rights of owner of land through which drain is carried in regard to subsequent building thereon.— If the owner of any land into, through or under which a drain has been carried under section 104 whilst such land was not build upon, shall at any subsequent time desires to construct a building thereon, the Panchayat shall, if it sanctions the construction of such building or land, by written notice require the owner to demolish or close any privy for the benefit of which such drain was constructed, to close, remove or divert the same, and to fill in, reinstate and make good the land in such manner as it may deem to be necessary in order to admit of the construction or safe enjoyment of the proposed building.

106. Provision of privies, etc.— (1) In case a Panchayat is of the opinion that any privy or cesspool or additional privies or cesspools should be provided in or on any building or land, are shifted or removed from any building or land or in any area in which a water closet system has been introduced that water closets should be substituted for the existing privies in or on any building or land or that additional water closets should be provided therein or thereon, the Panchayat may, by written notice call upon the owner of such building or land to provide such privies, cess pools or water-closets as the Panchayat may deem proper.

(2) A Panchayat may, by written notice, require any person or persons employing workmen or labourers exceeding twenty in number or owning or managing any market, school or theatre or other place of public resort, to provide such latrines and urinals as the Panchayat may direct and to cause the same to be in proper order to be daily cleansed.

(3) A Panchayat may by written notice, require the owner or occupier of any land upon which there is a privy or urinal to have such privy or urinal shut out by a sufficient roof and a wall or fence, from the view of persons passing by or resident in the neighbourhood or to alter as it may direct any privy door or trap-door which opens on to any street, and which it deems to be a nuisance.

107. Cost of altering, repairing and keeping in proper order privies, etc.— (1) All sewers, drains, privies, water-closets, house-gullies and cesspools within a Panchayat area shall, unless constructed at the cost of the Panchayat be altered, repaired, and kept in proper order at the cost and charges of the owners of the land and building to which the same belong, or for the use of which they are constructed or continued, and the Panchayat may, by written notice, require such owner to alter, repair and put the same in good order in such manner as it thinks fit.

(2) The Panchayat may, by written notice, require the owner to demolish or close any privy or cesspool whether constructed before or after the coming into force of this Act, which in the opinion of the Panchayat, is a nuisance, or is so constructed as to be inaccessible for the purpose of scavenging or incapable of being properly cleansed or kept in good order.

108. Inspection of drains, etc.— (1) A Panchayat or any officer appointed by it for such purpose, may inspect any sewer, drain, privy, water-closet, house-gully or cesspool, and for that purpose, at any time between sunrise and sunset may enter upon any lands or buildings, with assistants and workmen and cause the ground to be opened where he or it may think fit, doing as little damage as may be.

(2) The expenses of such inspection and of causing the ground or structure to be closed and made good as before, shall be born by the Panchayat unless the sewer, drain, privy, water-closet, house-gully or cesspool is found to be in bad condition, or was constructed in contravention of the provisions of any enactment or of any bye-law of the Panchayat in force at the time, in which case such expenses shall be paid by the owner of such sewer, drain, privy, water-closet, house-gully or cesspool and shall be recoverable in the same manner as a tax or fee due to the Panchayat.

109. Dangerous quarrying.— If in the opinion of a Panchayat, the working of any quarry or the removal of a stone, earth or other material, from the soil in any place, is dangerous to persons residing in or having legal access to the neighbourhood thereof or creates or is likely to create a nuisance, the Panchayat may, by written notice, require the owner of the said quarry or place or the person responsible for such quarry or place or the person responsible for such working or removal, not to continue or permit the working of such quarry or the removing of such material or to take such other measures in respect of such quarry or place as the Panchayat may direct for the purpose of preventing danger or of abating the nuisance arising or likely to arise therefrom:

Provided that if such quarry or place is vested in the Government or if such working thereof or removal therefrom as aforesaid, is being carried on by or on behalf of the Government or any person acting with the permission or under the authority of the Government or any officer of the Government acting as such, the Panchayat shall not take such action unless and until the Director of Mines and Geology or the person authorized by him in this behalf has consented to its so doing:

Provided further that the Panchayat shall immediately cause a proper hoarding or fence to be put up for the protection of passerby near such quarry or place, if in any case referred to in this section it appears to it to be necessary in order to prevent imminent danger, and any expense incurred by the Panchayat in taking action under this section shall be paid by such owner or other person as aforesaid and shall be recoverable in the same manner as an amount claimed on account of any tax due to the Panchayat.

110. Using offensive substance, etc.— Whoever, except with the written permission of a Panchayat and except in the manner, if any, enjoined in such permission, stores or uses night soil or other substances emitting an offensive smell other than cattle manure shall, on conviction, be punished with fine which may extend to one hundred rupees.

111. Emission of smoke.— (1) It shall be lawful for a Panchayat to direct by public notice that every furnace employed or to be employed, in any works or building used, for the purpose of any trade or manufacture whatsoever, within the limits of the Panchayat, whether a steam engine is or is not used or employed therein shall in all cases be constructed, supplemented or altered as to consume or burn or reduce as far as may be practicable, the smoke arising from such furnace.

(2) If any person shall, after such direction, use or permit to be used, any such furnace not so constructed, supplemented or altered or shall so negligently use or permit to be used any such furnace that the smoke arising therefrom shall not be effectually consumed or burnt as far as may be practicable, every person so offending being the owner or occupier of the said works or buildings or being an agent or other person employed by such owner or occupier for managing the same, shall on conviction, be punished with fine which may extend to one hundred rupees and upon any subsequent conviction, with fine which may extend to five hundred rupees:

Provided that nothing in this section shall be held to apply to locomotive engines used for the purpose of traffic upon any railway or any other engines, for the repair of roads.

112. Prohibition of nuisance.— Whoever, within a panchayat area,—

(a) in any public street or public place,-

(i) eases himself; or

(ii) loiters or begs importunately for alms; or

(iii) expose or exhibits, with the object of exciting charity, any deformity or disease or any offensive sore or wound; or

(iv) carries meat exposed to public view; or

(v) without proper authority defaces or writes upon or otherwise marks any building monument, post, wall, fence, tree or other thing; or

(vi) without proper authority affixes upon any building, monument, post, wall, fence, tree or other thing any bill, notice or other document; or

(vii) without proper authority removes, destroys, defaces or otherwise obliterates any notice or other document put up or exhibited under this Act or the rules or bye-laws made thereunder; or

(b) at any time or place at which the same has been prohibited by the Panchayat by public or special notice, beats any drum or tom-tom or blows a horn or trumpet or beats any utensil or sounds any brass or other instrument or plays any music; or

(c) without proper authority disturbs the public peace or order by singing, screaming or shouting or by using any apparatus for amplifying or reproducing the human voice, such as megaphone or a loudspeaker; or

(d) lets loose any animal so as to cause, or negligently allows any animal to cause injury, danger, alarm or annoyance to any person; or

(e) uses or permits to be used as a latrine any place not intended for that purpose; shall, on conviction, be punished with fine which may extend to one hundred rupees.

⁴⁹[**112-A. Stray cattle's.**— Notwithstanding anything contained in section 112 or in any other law for the time being in force, every Panchayat shall establish cattle pounds and may appoint pound keepers with the approval of the Director. The duties of pound keepers shall be such as may prescribed. Every pound keeper so appointed shall, in the performance of his duties, be subject to the directions and control of the Panchayat.

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

(i) for the first offence, with a fine which may extend to rupees two hundred;

(ii) for a second or subsequent offence, with a fine which may extend to five hundred rupees.

(2) An offence under this section shall be cognizable.

112-C. Impounding of cattles.— (1) It shall be the duty of every police officer and a Panchayat or the Block Development Officer to seize and take to any pound for confinement therein, any cattle found straying in any street or trespassing upon any private or public property or causing damage thereto within the limits of the Panchayat.

(2) Whoever forcibly opposes the seizure of cattle liable to be seized under the Act and whoever rescues the same after the seizure, either from a pound or from any person taking or about to take them to a pound, shall, on conviction, be punished with imprisonment for a term not exceeding six months, or with a fine of Rs. 1,000/-, or with both.

112-D. Delivery of cattle claimed.— If the owner of cattle which are impounded under section 112 C or his agent appears and claims the cattle, the Panchayat or Block Development Officer, as the case may be, shall deliver them to him on payment of the pound fees and expenses chargeable in respect of such cattle as the Government may, from time to time, by notification in the Official Gazette, specify for each kind of cattle.

112-E. Sale of cattle not claimed.— (1) If, within seven days after any cattle has been impounded, no person claiming to be the owner of such cattle, offers to pay the pound fee and expenses chargeable under section 112 D, such cattle shall be forthwith sold by auction in the prescribed manner and the surplus remaining after deducting the fee and expenses aforesaid from the proceeds of the sale, shall be paid to any person who within

⁴⁹ Section 112-A to section 112-F inserted by the Amendment Act I of 1997.

fifteen days after the sale, proves to the satisfaction of such officer as the Panchayat authorities appoint in the behalf or the Block Development Officer that he was the owner of such cattle and shall, in any other case, form part of the Panchayat fund.

(2) No police officer or any officer or official from the office of the Block Development Office or Zilla Panchayat or member or an employee or servant of the Panchayat including the pound keeper, shall, directly or indirectly, purchase any cattle at a sale under sub-section (1).

112-F. Complaint of illegal seizure or detention.— (1) Any person whose cattle has been seized under the Act or having been so seized, have been detained in contravention of the Act, may, at any time, within seven days from the date of seizure, make a complaint to the Deputy Director.

(2) The complaint shall be made by the complainant in person, or by an agent personally acquainted with the circumstances. If the Deputy Director on examining the complainant or the agent sees reasons to believe the complaint to be well founded, he shall summon the person complained against, and make an enquiry into the case.

(3) If the seizure or detention be adjudged illegal, the Deputy Director shall award to the complainant for the loss caused by the seizure or detention, reasonable compensation not exceeding two hundred rupees to be paid by the person who made the seizure or detained the cattle, together with all fees paid and expenses incurred by the complainant procuring the release of the cattle, and if the cattle have not been released the Deputy Director shall, besides awarding such compensation, order their release.

(4) The compensation, fees and expenses mentioned in this section may be recovered as arrears of land revenue.

(5) An appeal shall lie to the Director within a period of 30 days from any order or direction of the Deputy Director under sub-sections (2), (3), or (4) and his decision, on such appeal, shall be final.

(6) The Government may sanction grants to the Panchayat for establishment of cattle pounds and or towards the expenses incurred by the Panchayat for the maintenance of cattle, on such conditions as may be prescribed.

Explanation:— For purpose of section 112 A to 112 F, “cattle” means and includes, tamed animals such as bulls, bullocks, heifers, cows, and their young, elephants, camels, buffaloes, horse, mares, geldings, ponies, colts, fillies, mules, asses, swine, sheep, rams, lambs, goats and kids.]

CHAPTER IV

Staff of Panchayats

113. Secretary.— (1) Every Panchayat shall have a whole time Secretary who shall be an officer of the Government, and shall draw his salary and allowances from the Panchayat Fund.

(2) The Secretary shall perform all the duties and exercise all the powers imposed or conferred upon him by or under this Act or any rules or bye-laws made thereunder.

⁵⁰[113-A. **Duties, powers and responsibilities of Panchayat Secretary.**— Notwithstanding anything contained in this Act and the rules framed thereunder, the Panchayat Secretary shall also exercise and perform the below mentioned duties and shall be responsible for omissions in such duties:-

(i) attend every meeting of the Panchayat including Gram Sabha meeting, unless he is precluded from attending the meeting due to unavoidable circumstance;

(ii) write the proceeding of every meeting in the minutes book;

(iii) place all the correspondence received by him, specially various schemes of the Government, instructions issued by the Director and other authorities (except those of confidential nature) before the Sarpanch and also for the information of all members during the meeting;

(iv) receive all correspondence, scrutinize the same and dispose off after having satisfied that the same are complete in all respects;

(v) finalize the agenda of every meeting in consultation with the Sarpanch;

(vi) report within seven days to the Block Development Officer any vacancy in the office of the Sarpanch or Deputy Sarpanch or a member caused due to death, resignation or continuous absence for more than three consecutive ordinary meeting of the Panchayat;

(vii) report to the Block Development Officer any illegal act or misconduct or misuse or abuse of powers any infringement of the provisions of this Act by the Sarpanch or Deputy Sarpanch or the members of the Panchayat as soon as the same comes to his knowledge;

(viii) report, as soon as possible, to the Block Development Officer, if any member of the Panchayat attracts disqualification under section 10 of this Act;

(ix) maintain all the registers prescribed under various Rules and other Registers as may be directed by the Block Development Officer;

(x) responsible for safe custody of Panchayat funds, assets of Panchayat and all the Registers maintained by the Panchayat;

(xi) comply with the instruction issued by the Block Development Officers and superior authorities from time to time;

(xii) maintain cordial relations with the elected representative;

(xiii) ensure that the grants released by the Government under Grant-in-Aid for specific purpose is not spent by the Panchayat for any purpose other than the purpose for which it is sanctioned.

⁵⁰ Section (113-A) and (113-B) inserted by the amendment Act 1 of 1997.

113-B. Duties and functions of Gram Sevak.— The Gram Sevak shall perform the duties and functions entrusted to him from time to time by the Block Development Officer or the Director.”].

114. Staffing pattern and schedule of employees.— The Government may, by order, specify the staffing pattern, the scales of pay and mode of recruitment of staff of Panchayats.

115. Appointment and control of employees.— (1) Subject to the provisions of section 113 and 114, the Panchayat may, with the prior approval of the Chief Executive Officer, appoint other employees of the Panchayat and pay their salaries from the Panchayat Fund:

Provided that in making appointments, the appointing authority shall reserve posts for the Scheduled Castes, the Scheduled Tribes and other socially and educationally Backward Classes of citizens in the same manner and to the same extent as is applicable for the recruitment to posts in the State Civil Services.

(2) The Secretary may, with the approval of the Panchayat by order, fine, suspend or withhold, the increment of any employee appointed by the Panchayat.

(3) The Panchayat may reduce in rank, remove or dismiss any employee appointed by it.

(4) An appeal shall lie against an order passed by the Secretary under sub-section (2) and against an order passed by the Panchayat under sub-section (3), to the Chief Executive Officer whose decision shall be final.

⁵¹[CHAPTER IV A

Constitution of Taluka Panchayats

115-A. Establishment of Taluka Panchayat and its incorporation.— (1) For each Taluka, there shall be a Taluka Panchayat having jurisdiction over the entire Taluka excluding such portions of the Taluka as are included in a Municipal Council constituted under the Goa Municipalities Act, 1968 (Act No. 7 of 1969).

(2) Every Taluka Panchayat shall be a body corporate by the name specified by the Government in this behalf, and shall have perpetual succession and a common seal and may by the said name sue or be sued through its corporate name subject to such restrictions as are imposed by or under this or any other enactment, and shall have power to acquire, hold and dispose of any property, movable or immovable, whether without or within limits of the area over which it has jurisdiction and to enter into contracts and of doing all things necessary, proper and expedient for the purpose for which it is constituted.

115-B. Composition of Taluka Panchayats.— (1) Save as otherwise provided by this Act, every Taluka Panchayat shall consist of,—

⁵¹ Chapter IV-A to IV-G contains section 115-A to 115 Z-E inserted by the Amendment Act 8 of 1999.

- (i) one member each elected by the voters from every Village Panchayat;
- (ii) members of the House of the People and the members of the Council of States who are registered as electors within the Taluka;
- (iii) the members of the State Legislative Assembly who are registered as electors within the Taluka;
- (iv) Sarpanch of Panchayats in each Taluka elected from amongst themselves in the ratio of one Sarpanch for a Taluka having upto 15 Panchayats and two Sarpanchas for a Taluka having more than 15 Panchayats, so long as he continues to be the Sarpanch of the Panchayat;
- (v) the Block Development Officer of the respective Block/Taluka shall be the Member-Secretary of the Taluka Panchayat:

Provided that no such member shall be a Minister or the Speaker or the Deputy Speaker of the Legislative Assembly or the Leader of Opposition or Adhyaksha or Upadhyaksha of Zilla Panchayat or a member of Zilla Panchayat.

(2) If any member of the Taluka Panchayat is elected as a Member of the Village Panchayat or Zilla Panchayat, he shall exercise option to retain the membership of the Village Panchayat or the Taluka Panchayat or the Zilla Panchayat within 10 days of his election failing which he shall cease to be a member of the Taluka Panchayat.

(3) Members falling in the category in clauses (ii), (iii), (iv) and (v) of sub-section (1) shall have no right to be elected as Chairperson or Vice-Chairperson, as the case may be.

115-C. Reservation of seats.— The reservation of seats as applicable for an election to the Panchayat under the provisions of sub-sections (4), (5) and (6) of section 7 shall, *mutatis-mutandis*, apply to the election of members referred to in clause (i) of sub-section (1) of section 115-B.

115-D. Territorial Constituencies of Taluka Panchayats.— The Panchayat as notified by the Government under section 7 of the Act, shall be a single territorial Constituency for the purpose of election to Taluka Panchayat.

115-E. List of voters.— The ward-wise list of voters prepared under section 13 of the Act, shall form the voters list of the respective Panchayat territorial Constituencies.

115-F. Right to vote.— (1) Every person whose name is in the list of voters relating to a ward of Panchayat shall, subject to the other provisions of the Act, be entitled to vote at any election which takes place in that Panchayat territorial Constituency.

(2) No person shall vote at any election under this Act in more than one Panchayat territorial Constituency or more than one in the same Panchayat territorial Constituency.

115-G. Qualification of a Candidate.— (1) A person shall not be qualified to be chosen to fill a seat in a Taluka Panchayat unless his name is included in the voters list of the Village Panchayat territorial Constituency for the time being in force.

(2) A person shall not be qualified to be chosen from a territorial Constituency to fill a seat in a Taluka Panchayat in the case of a seat reserved for women or backward classes, unless such person is a member of these classes or is a woman.

115-H. Disqualification for members.— The provisions of section 10 of the Act shall, *mutatis mutandis*, apply to the members of the Taluka Panchayat subject, however, that the expression ‘Panchayat’ wherever it appears in that section, shall be construed as a reference to “Taluka Panchayat”.

115-I. Vacation of seats by members.— The provisions of sub-section (1) of section 12 shall, *mutatis mutandis*, apply to the members of the Taluka Panchayat, subject, however, that the expression ‘Panchayat’, wherever it appears in that section, shall be construed as a reference to “Taluka Panchayat”.

115-J. Decision on question as to disqualification and on vacation of seats by members.— If any question arises as to whether a member of a Taluka Panchayat has become subject to any disqualification referred to in section 115 H or in section 115 I, it shall be decided by the State Election Commissioner whose decision thereon shall be final.

115-K. Application of certain sections relating to elections.— (1) The provisions of sections 15 to 41, 125 and 126 shall apply *mutatis mutandis*, in respect of election to the Taluka Panchayats, subject, however, that the expressions ‘Panchayat’ or ‘Zilla Panchayat’, wherever they appear, shall be construed as a reference to “Taluka Panchayat”.

2) The deposit as security for costs as provided under section 16, so far as Taluka Panchayat is concerned, shall, be Rs. 1000/-.

115-L. Publication of names of members, term of office, resignation of members and casual vacancies.— The provisions of section 128, 129, 130 and 132 shall, *mutatis mutandis*, apply in respect of all members of Taluka Panchayats, subject, however, that the expressions “Zilla Panchayat” and “Adhyaksha”, wherever they appear in those sections, shall be construed as “Taluka Panchayat” and “Chairperson” respectively.

115-M. Application of certain sections relating to election of Chairperson or Vice-Chairperson and other matters.— The provisions of sections 133, 135, 136, 137, 138, and 139 shall apply *mutatis mutandis*, in respect of election of Chairperson or Vice-Chairperson and other matters of Taluka Panchayats, subject, however, that the expressions “Zilla Panchayat”, “Chief Executive Officer”, and “Adhyaksha” or “Upadhyaksha”, wherever they appear in these sections, shall be construed as “Taluka Panchayat”, “Block Development Officer”, “Chairperson” and “Vice-Chairperson” respectively.

115-N. Removal of Chairperson, Vice-Chairperson or member for misconduct.— (1) The Chairperson, Vice-Chairperson or member of a Taluka Panchayat shall, after an opportunity is afforded for hearing, be removable by an order passed by the State Election

Commissioner, on the ground of remiss in the discharge of duties or for any disgraceful conduct or if he has become incapable or misuses or abuses the power or exercise the powers which are not expressly vested in him by or under the Act, Rules or bye-laws framed thereunder.

(2) The Chairperson or Vice-Chairperson or member so removed under sub-section (1) shall not be eligible for re-election for a period not exceeding 5 years, as the State Election Commissioner may specify in his order. The Chairperson or Vice-Chairperson removed from office may also be removed from the membership by the State Election Commissioner for such period as may be specified in his order.

115-O. Liability and accountability of members.— Any member who has held the Office of Chairperson or Vice-Chairperson or as a Member of Taluka Panchayat at any time and has committed any acts and misdeeds or any disgraceful conduct or has caused monetary loss to the Taluka Panchayat or to the Government or committed breach of trust as a Chairperson or Vice-Chairperson or a member of Taluka Panchayat, as the case may be, shall, on removal from such office by the State Election Commissioner from the membership of the Taluka Panchayat, be personally liable for the loss, waste or misapplication of any money or other property of the Taluka Panchayat to which he has been a party and the State Election Commissioner, after giving the Chairperson or Vice-Chairperson or member concerned a reasonable opportunity for show cause to the contrary shall, by order in writing, direct to such person to pay to the Government or to the Taluka Panchayat, as the case may be, before a fixed date such amount as deems fit.

115-P. Salaries and allowances to the Chairperson, Vice-Chairperson and other members.— (1) The salary and allowances of the Chairperson and the Vice-Chairperson shall be payable from the Taluka Panchayat funds.

(2) Every member of a Taluka Panchayat, other than the Chairperson or the Vice-Chairperson, shall be entitled to receive from the funds of the Taluka Panchayat such sitting fees and allowances as may be prescribed.

CHAPTER IV B

Functions, Duties and Powers of Taluka Panchayat, Chairperson and Vice-Chairperson

115-Q. Functions of the Taluka Panchayat.— (1) Subject to such conditions as may be specified by the Government from time to time, the Taluka Panchayat shall perform the functions specified in Schedule IA.

115-R. Assignment of functions.— (1) The Government may assign to a Taluka Panchayat functions in relation to any matters to which the executive authority of the Government extends.

(2) The Government may, by notification, withdraw or modify the functions assigned under this section.

(3) The Zilla Panchayat may, by order, assign to Taluka Panchayat any functions relating to any matters to which the executive authority of the Zilla Panchayat extends.

115-S. Standing Committees.— (1) The Taluka Panchayat shall have the following Committees (hereinafter called the ‘Standing Committees’), namely:—

- (a) General Standing Committee;
- (b) Finance, Audit and Planning Committee;
- (c) Social Justice Committee;
- (d) Education and Health Committee;
- (e) Agriculture and Industries Committee;
- (f) Taluka Development Committee.

(2) Each Standing Committee shall consist of such number of members not exceeding five, elected by the members of the Taluka Panchayat from amongst themselves.

(3) The Chairperson shall be the ex officio Member and Chairman of the General Standing Committee and the Finance, Audit and Planning Committee. The Vice-Chairperson shall be the ex officio Member and Chairman of the Social Justice Committee. The other Standing Committees shall elect the Chairman from amongst their members.

(4) No member of the Taluka Panchayat shall be eligible to serve on more than two Standing Committees.

(5) The Block Development Officer shall be the ex officio Secretary of all the Standing Committees.

(6) The Standing Committees shall perform such functions as may be specified in the regulations made by the Taluka Panchayat.

115-T. Delegation of powers.— The Taluka Panchayat may by notification, delegate to the Block Development Officer or other Officer, any of the powers conferred by or under this Act on the Taluka Panchayat.

115-U. General powers of Taluka Panchayat.— (1) The Taluka Panchayat shall have powers to do acts necessary for or incidental to, the carrying out of the functions entrusted or delegated to it and, in particular, and without prejudice to the foregoing powers, to exercise all powers specified under this Act.

(2) Subject to the general or special order of the Government or Zilla Panchayat, a Taluka Panchayat may,—

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

(b) contribute to associations of all India, State or Inter-State level, concerned with the promotion of local Government and to exhibitions, seminars and conferences within the district related to the activities of the Panchayat and Taluka Panchayat;

(c) ensure that the grant-in aid released to the Panchayats are properly utilized and utilisation certificates sent to the sanctioning authority for the purpose for which it is sanctioned;

(d) supervise any works undertaken by any Panchayat and make recommendations, if any to the work if not properly carried on;

(e) call for any return, statement, account or report from any Panchayat.

115-V. Powers and duties of the Chairperson.— The Chairperson of the Taluka Panchayat shall,—

(a) convene, preside and conduct meetings of the Taluka Panchayat;

(b) discharge all duties imposed and exercise all the powers conferred on him by or under this Act or perform such functions entrusted to him, by the Government from time to time;

(c) exercise administrative supervision and control over the acts of the Block Development Officer, other Officers and staff of the Taluka Panchayat for securing implementation of resolutions or decisions of the Taluka Panchayat or of the Standing Committees which are not inconsistent with the provisions of this Act or rules or any general or specific directions issued under this Act;

(d) exercise overall supervision over the financial and executive administration of the Taluka Panchayat and place before the Taluka Panchayat all questions connected therewith which shall appear to him to require its order and for this purpose may call for records of the Taluka Panchayat;

(e) have power to accord sanction up to a total sum of Rs. 5,000/- in each case for meeting the unforeseen expenditure provided that the Chairperson shall place at the next meeting of the Taluka Panchayat for its ratification, the details of such sanctions.

115-W. Powers and duties of the Vice-Chairperson.— The Vice-Chairperson of the Taluka Panchayat shall,—

(a) exercise the powers and perform the functions of the Chairperson when he is absent on leave or incapacitated from functioning; and

(b) in the absence of the Chairperson, preside over the meetings of the Taluka Panchayat.

115-X. Power of making contracts.— (1) Every contract or agreement entered into on behalf of the Taluka Panchayat, shall be binding on the Taluka Panchayat only if the

said contract or agreement is executed in accordance with the provisions of this section.

(2) The Member-Secretary shall execute contract or agreement on behalf of the Taluka Panchayat in respect of matters which he is empowered to carry out under the provisions of this Act. He may execute such contract or agreement on behalf of the Taluka Panchayat upto such amount of value of contract or agreement as may be specified by the Government from time to time. In the other cases, he shall execute a contract or agreement only with the sanction of the Taluka Panchayat.

CHAPTER IV C

Staff of Taluka Panchayat

115-Y. Staff of Taluka Panchayat.— The Government may, by order, specify the staffing pattern and scales of pay of the Officers and other staff of the Taluka Panchayat.

115-Z. Member-Secretary.— The Block Development Officer of the respective Block/Taluka shall be the ex officio Member-Secretary of the Taluka Panchayat and shall carry out the functions and duties as are assigned under the Act and Rules made thereunder.

115Z-A. Functions, powers and duties of the Member-Secretary.— (1) Save as otherwise expressly provided by or under this Act, the Member Secretary shall,—

(a) exercise all the powers specially imposed or conferred upon him by or under this Act or under any other law for the time being in force;

(b) lay down the duties of and supervise and control the officers and official of, or holding office under the Taluka Panchayat in accordance with rules made by the Government;

(c) supervise and control the execution of all works of the Taluka Panchayat;

(d) take necessary measures for the speedy execution of all works and developmental Schemes of the Taluka Panchayat;

(e) have custody of all papers and documents connected with the proceedings of the meetings of the Taluka Panchayat and its Committees.

(f) draw and disburse moneys out of the Taluka Panchayat fund; and

(g) exercise such other powers and discharge such other functions as may be prescribed.

(2) The Member-Secretary shall attend every meeting of the Taluka Panchayat and any committees thereof and take part in the discussion but shall not have the right to move any resolution or to vote. If, in the opinion of the Member-Secretary, and proposal

before the Taluka Panchayat is violative of or inconsistent with the provisions of this Act or any other law or the rules or orders made thereunder, it shall be his duty to bring the same to the notice of the Taluka Panchayat.

(3) The Member-Secretary shall within fifteen days from the date of the meeting of the Taluka Panchayat or of any of its committees, submit to the Government every resolution of the Taluka Panchayat or any of its committees which in his opinion is inconsistent with the provisions of this Act or any other law; and shall not implement such resolution otherwise than as decided by the Government.

(4) All Officers of the Taluka Panchayat shall assist the Member-Secretary in the performance of his duties.

115.Z-B. Member-Secretary's right to requisition records etc.— (1) Every person in possession of moneys, accounts, records or other property pertaining to a Panchayat or Taluka Panchayat shall, on the requisition in writing of the Member-Secretary for this purpose, forthwith hand over such moneys or deliver up such accounts, records or other property to the Member-Secretary or the person authorised in the requisition to receive the same.

(2) Every person knowing where any moneys, accounts, records or other property appertaining to a Panchayat or Taluka Panchayat are concealed, shall be bound to give information of the same to the Member-Secretary.

(3) An Appeal shall lie to the Director from an order of the Member-Secretary under this Section.

CHAPTER IV-D

Financial control and audit

115Z-C. Application of certain sections relating to accounts and budget of the Taluka Panchayat.— The provisions of sections 182, 183, 184, 185, 186, 187, 188, 189, 190, 197 and 198 shall, *mutatis mutandis*, apply in respect of financial matters of Taluka Panchayat, subject, however, that the expressions “Secretary” “Chief Executive Officer”, “Block Development Officer”, “Panchayat” or “Zilla Panchayat”, wherever they appear in those sections, shall be construed with reference to “Member-Secretary” and “Taluka Panchayat.”

CHAPTER IV-E

Properties and funds of Taluka Panchayats

115Z-D. Application of certain sections relating to properties and funds of the Taluka Panchayat.— The provisions of sections 164, 165, 166, 167, 168, 170, 171 and 172 shall apply, *mutatis mutandis*, in respect of Taluka Panchayat, subject however, that the expressions “Panchayat” and “Zilla Panchayat”, wherever they appear in those sections, shall be construed with reference to “Taluka Panchayat” and the expressions “Adhyaksha”, and “Upadhyaksha” wherever they appear shall be construed as “Chairperson” and “Vice-Chairperson” respectively.

CHAPTER IV-F
Inspection, Supervision, etc.

115Z-E. Application of certain sections relating to inspection, supervision etc.— The provisions of sections 173, 174, 175, 176, 177, 178, 179 and 180 contained in Chapter X shall, *mutatis mutandis*, apply to the Taluka Panchayat, subject, however that expressions “Panchayat” or “Zilla Panchayat” wherever they appear in those sections, shall be construed with reference to “Taluka Panchayat” and for the expression “Sarpanch or the Deputy Sarpanch”, the expressions “Chairperson or Vice-Chairperson” shall be construed.

CHAPTER IV-G
Miscellaneous

115Z-F. Application of certain section relating to miscellaneous matters to Taluka Panchayat.— The provisions of sections 200, 202, 203, 204, 205, 206, 207, 208, 209, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 241, 242, 243, 244 and 246, shall apply, *mutatis mutandis*, in respect of matters relating to Taluka Panchayat, subject, however, that the expressions “Panchayat” or “Zilla Panchayat” wherever they appear, shall be construed as “Taluka Panchayat” the expressions “Chief Executive Officer” and “Secretary” wherever they appear, shall be construed as Member Secretary and the expressions “Adhyaksha or Upadhyaksha”, “Sarpanch or Deputy Sarpanch”, wherever they appear, shall be construed as “Chairperson” or “Vice-Chairperson” of the Taluka Panchayat.]

CHAPTER V
Constitution of Zilla Panchayats

116. Establishment of Zilla Panchayat and its incorporation.— (1) There shall be constituted for each district a Zilla Panchayat having jurisdiction over the entire district excluding such portions of the district as are included in a municipal council or a notified area constituted under any law for the time being in force.

(2) Every Zilla Panchayat shall, by the name specified by the Government in this behalf, be a body corporate having perpetual succession and a common seal and subject to the provisions of this Act have powers to acquire, hold or dispose off the properties both movable and immovable and shall by the said name sue or be sued.

⁵²[**117. Constitution of Zilla Panchayats.—** (1) There shall be two Zilla Panchayats for the State of Goa namely, North Goa Zilla Panchayat and South Goa Zilla Panchayat.

(2) The North Goa Zilla Panchayat shall consist of thirty elected members.

(3) The South Goa Zilla Panchayat shall consist of twenty elected members.

⁵² Section substituted by the Amendment Act 11 of 2000.

(4) In addition to the elected members, every Zilla Panchayat shall have the following ex officio members:-

(i) members of Parliament who are registered as the electors within the district;

(ii) such number of members of the State Legislative Assembly as may be prescribed:

Provided that no such members shall be a Minister or the Speaker or the Deputy Speaker of the Legislative Assembly or the Leader of Opposition:

Provided further that the total number of such members shall not exceed the number of Talukas in the Zilla Panchayat, and such members shall be elected from amongst themselves;

(iii) Chairperson of Panchayat in each taluka of the district elected from amongst themselves in the ratio of one such Chairperson for a Taluka having upto 15 Panchayats and two such Chairpersons for a taluka having more than 15 Panchayats who shall be a member of Zilla Panchayat so long as he continues to be the Chairperson of the Panchayat.

(5) The term of the members of the Zilla Panchayats other than the elected members shall be co-terminus with the term of member of Parliament or members of the State Legislative Assembly or Chairperson of Panchayat, as the case may be.]

118. Reservation of seats.— Reservation of seats as are applicable for an election to the Panchayat under the provisions of sub-sections (4) to (6) of section 7 shall, *mutatis mutandis*, apply to the elections of the members referred to in clause (i) of section 117.

119. Delimitation of territorial constituencies.— The Government shall, by notification,—

⁵³[(a) divide the area within the jurisdiction of North Goa Zilla Panchayat and South Goa Zilla Panchayat into 30 and 20 single member territorial constituencies respectively, for the purpose of election, to such Zilla Panchayat.]

(b) determine the territorial constituencies or constituencies in which seats are reserved for the Scheduled Castes, Scheduled Tribes, Backward Classes and Women.

120. Right to vote.— (1) Every person whose name appears in the electoral roll relating to a constituency of a Zilla Panchayat shall, subject to the other provisions of this Act, be entitled to vote at any election which takes place in that constituency while the electoral roll remains in force and no person whose name does not appear in such electoral roll shall vote at any such election.

(2) No person shall vote at an election under this Act in more than one constituency or more than once in the same constituency and if he does so all his votes shall be invalid.

⁵³ Clause (a) substituted by the Amendment Act 11 of 2000.

121. Electoral Roll.— The electoral roll of Zilla Panchayat shall be prepared subject to the superintendence, direction and control of the State Election Commission:

Provided that the electoral roll of the State Legislative Assembly for the time being in force for such part of the district as is included in any constituency of the Zilla Panchayat may be adopted for the purpose of preparation of electoral roll of the Zilla Panchayat for such constituency:

Provided further that the electoral roll for such constituency of the Zilla Panchayat shall not include any amendment, transposition, inclusion or deletion of any entry made after the last date for making nomination for the election to such constituency and before the completion of such election.

122. Qualification of a candidate.— (1) A person shall not be qualified to be chosen to fill a seat in a Zilla Panchayat unless his name is included in the electoral roll of the Zilla Panchayat for the time being in force in the district.

(2) A person shall not be qualified to be chosen from a territorial constituency to fill a seat in a Zilla Panchayat unless in the case of a seat reserved for the Scheduled Castes or Scheduled Tribes or Backward Classes or Women such person is a member of these castes or tribes or classes or is a woman.

123. Disqualification for members.— (1) The provision of section 10 shall apply for a person for being chosen as, and for being a member of a Zilla Panchayat subject, however, that the expression 'Panchayat' in clauses (d) and (f) of that section shall be construed as a reference to 'Zilla Panchayat'.

(2) If a person who has been chosen as a member of the Zilla Panchayat is or becomes a member of the House of the People, the Council of States, the State Legislative Assembly, a Municipal Council or a Panchayat then at the expiration of a period of 15 days of such election, his seat in the Zilla Panchayat shall become vacant, unless he has previously resigned from his seat in the House of the People, the Council of States, the State Legislative Assembly, the Municipal Council or the Panchayat, as the case may be.

124. Vacancy of seat.— (1) If any member of a Zilla Panchayat,—

(a) is or becomes subject to any of the disqualification specified in section 123; or

(b) votes or takes part in the discussion of any question coming up for consideration at a meeting of the Zilla Panchayat or any Committee, if the question is one in which, apart from its general application to the public, he has any pecuniary interest; or

(c) being an elected member, absents himself, for more than three consecutive ordinary meetings of the Zilla Panchayat unless leave so to absent himself which shall not exceed six months, had been granted by the Zilla Panchayat, or absents himself from the State of Goa for over four consecutive months, his seat shall be deemed to be or have become, as the case may be vacant:

Provided that where an application is made by a member to the Zilla Panchayat for leave to absent himself and the Zilla Panchayat fails to inform the applicant of its decision on the application within a period of one month from the date of the application, the leave applied for shall be deemed to have been granted by the Zilla Panchayat.

(2) The Government on a report made to it and after giving a reasonable opportunity to the person concerned of being heard, shall declare whether the seat of the person concerned is or has become vacant.

125. Method of voting and procedure for election.— (1) Every elector shall have one vote and no elector shall give more than one vote to any one candidate.

(2) Subject to the provisions of this Act, elections to the Zilla Panchayat shall be held by ballot in accordance with such rules as may be prescribed.

(3) The provisions of sections 27 to 41 shall apply in respect of elections to Zilla Panchayat as they apply to elections to Panchayat.

⁵⁴[**125-A. Use of electronic voting machine.**— Notwithstanding anything contained in this Act or the rules framed thereunder, the State Election Commission may put in use the electronic voting machine in lieu of ballot paper for the election of members of Panchayats or Zilla Panchayats, as may be deemed necessary and in the manner specified by the State Election Commissioner in this regard.]

126. Prohibition of simultaneous membership.— (1) If a person is elected by more than one Zilla Panchayat constituency, he shall by notice in writing signed by him and delivered to the Director or any other officer authorised by the Government, within the prescribed time, choose any one of the constituencies which he shall serve, and the choice shall be final.

(2) If the person does not make the choice referred to in sub-section (1), the Director or the authorised officer shall determine by lot and notify the constituency which such person shall serve.

(3) Such person shall be deemed to have been elected only for the constituency so chosen or notified, as the case may be, and the vacancy or vacancies thereby arising in respect of the other constituency or constituencies shall be filled by election.

127. Application of certain sections relating to elections.— The provisions of sections 16, 17, 18, 19, 20, 21, 22, 23, 24, and 25 shall apply, *mutatis mutandis*, in respect of election of Zilla Panchayat, the deposit as security for costs being two thousand rupees.

128. Publication of names of members.— The names of members elected to any Zilla Panchayat shall be reported to the Government which shall notify the same in the Official Gazette.

⁵⁴ Inserted by the Amendment Act 11 of 2000.

129. Term of office of member.— (1) Except as is otherwise provided in this Act, members of a Zilla Panchayat elected at general election shall hold office for a term of five years.

(2) The term of office of members elected at a general election shall commence on the date appointed for the first meeting of the Zilla Panchayat.

(3) The term of office of a member elected to fill a casual vacancy shall commence on the date of publication of his name under section 128.

⁵⁵[(4) As soon as may be after the first meeting of the Zilla Panchayat, every member thereof shall take the oath of Office before the Director of Panchayats].

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

131. Removal of Members for misconduct.— The prescribed authority if it thinks fit on the recommendations of the Zilla Panchayat, may remove any member after giving him an opportunity of being heard and after such enquiry as it deems necessary if such member has been guilty of misconduct in the discharge of his duties or any disgraceful conduct, or has become incapable of performing his duties as a member.

132. Casual vacancy.— A Casual vacancy of a member or a Zilla Panchayat shall be filled up, as soon as may be, by the election of a person thereto who shall, hold office so long only as the member in whose place he is elected could have held office if the vacancy had not occurred.

133. Election of Adhyaksha and Upadhyaksha and term of office.— (1) The elected members of the Zilla Panchayat referred to in clause (i) of section 117 shall as soon as may be, choose two members from amongst them to be respectively Adhyaksha and Upadhyaksha thereof and so often as there is a casual vacancy in the office of the Adhyaksha or Upadhyaksha, they shall choose another member from amongst them to be Adhyaksha or Upadhyaksha within a period of ⁵⁶[sixty] days of occurrence of such vacancy as the case may be.

(2) Save as otherwise provided in this Act, the Adhyaksha or Upadhyaksha shall hold office for the term of office of the members of the Zilla Panchayat.

(3) The election of the Adhyaksha or the Upadhyaksha of a Zilla Panchayat and filling up of vacancies in the said offices and the determination of disputes relating to such election shall be in accordance with such rules as may be prescribed.

(4) There shall be reserved by the Government one office of Adhyaksha and one office of Upadhyaksha of the Zilla Panchayat to be filled by women:

⁵⁵ Inserted by the Amendment Act No. 10 of 2003.

⁵⁶ Substituted by the Amendment Act 11 of 2002.

Provided that the office reserved under this sub-section shall be allotted by rotation to different Zilla Panchayat.

⁵⁷[134. **Salary and Allowances to the Adhyaksha, Upadhyaksha** ⁵⁸[, **elected and co-opted] members of the Zilla Panchayat.**— The salary and allowances of the Adhyaksha, Upadhyaksha ⁵⁹[, elected and co-opted] members of the Zilla Panchayat shall be as prescribed].

135. Resignation or removal of Adhyaksha and Upadhyaksha.— (1) A member holding office as Adhyaksha of Zilla Panchayat may resign his office at any time by writing under his hand addressed to the Director and the Upadhyaksha of Zilla Panchayat may resign his office at any time by writing under his hand addressed to the Adhyaksha and in the absence of Adhyaksha to the Director and the office shall become vacant on the expiry of fifteen days from the date of such resignation unless within the said period of fifteen days he withdraws such resignation by writing under his hand addressed to the Director or the Adhyaksha, as the case may be.

(2) Every Adhyaksha or Upadhyaksha of Zilla Panchayat shall be deemed to have vacated his office forthwith if he ceases to be a member of the Zilla Panchayat.

(3) Every Adhyaksha and every Upadhyaksha of Zilla Panchayat shall be deemed to have vacated his office forthwith if a resolution expressing want of confidence in him is passed by a majority of the total number of elected members of the Zilla Panchayat at a meeting specially convened for this purpose:

Provided that no such resolution shall be moved within six months from the date of moving earlier resolution.

(4) Every Adhyaksha and Upadhyaksha of Zilla Panchayat shall, after an opportunity is afforded for hearing him, be removable from his office by the Government for misconduct in the discharge of his duties, or for being persistently remiss in the discharge of his duties and the Adhyaksha or Upadhyaksha so removed who does not cease to be a member under sub-section (5), shall not be eligible for re-election as Adhyaksha or Upadhyaksha during the remaining term of office as member of such Zilla Panchayat.

(5) An Adhyaksha or Upadhyaksha removed from his office under sub-section (4), may also be removed by the Government from membership of the Zilla Panchayat.

136. Meeting of Zilla Panchayat.— (1) A Zilla Panchayat shall hold a meeting for the transaction of business at least once in two months (hereinafter in this section referred to as the ordinary meeting), and shall subject to the provisions of the following sub-sections, make regulations not inconsistent with this Act or with any rules made thereunder with respect of the day, hour, notice, management and adjournment of its meetings and generally with respect to the transaction of business thereto. Every meeting of the Zilla Panchayat shall ordinarily be held at the headquarters of the Zilla Panchayat.

⁵⁷ Section substituted by the Amendment Act 20 of 2002.

⁵⁸ Substituted by the Amendment Act, 2010.

⁵⁹ Substituted by the Amendment Act, 2010.

(2) (a) The date of the first meeting of the Zilla Panchayat after the first constitution or reconstitution shall be fixed by the Director, who shall preside at such meeting, and the date of such subsequent ordinary meeting shall be fixed at the previous meeting of the Zilla Panchayat, provided that the Adhyaksha of Zilla Panchayat, may for sufficient reasons, alter the date of the meeting to a subsequent date. The Adhyaksha may, whenever he thinks fit, and shall, upon the written request of not less than one-third of the total number of members and on a date within fifteen days from the receipt of such request, call a special meeting. Such request shall specify the object for which the meeting is proposed to be called. If the Adhyaksha fails to call a special meeting, the Upadhyaksha or one-third of the total number of members of the Zilla Panchayat may call the special meeting for a day not more than fifteen days after presentation of such request and require the Chief Executive Officer to give notice to the members and to take such action as may be necessary to convene the meeting.

(b) Ten clear days notice of an ordinary meeting and seven clear days notice of a special meeting specifying the time at which such meeting is to be held and the business to be transacted thereat, shall be sent to the members and pasted up at the office of the Zilla Panchayat. Such notice shall include, in the case of a special meeting, any motion or proposition mentioned in the written request made for such meeting.

(c) One-third of the total number of members of the Zilla Panchayat shall form a quorum for transacting business at a meeting of the Zilla Panchayat. If, at the time appointed for the meeting a quorum is not present, the person presiding shall, wait for thirty minutes and if within such period there is a quorum, proceed with the meeting; but if within such period there is no quorum, the person presiding shall adjourn the meeting to such hour on some future day as he may fix. He shall similarly adjourn the meeting at any time after it has begun if his attention is drawn to the want of a quorum. At such adjourned meetings at which there is quorum, the business which would have been brought before the original meeting shall be transacted.

(d) Every meeting shall be open to the public unless the presiding authority considers that any enquiry or deliberation pending before the Zilla Panchayat should be held in camera and the said authority may at any time cause any person who interrupts the proceedings to be removed.

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

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

(g) No member of the Zilla Panchayat shall vote on, or take part in the discussion of any question coming up for consideration at a meeting of a Zilla Panchayat or any Committee, if the question is one in which apart from its general application to the public, he has any pecuniary interest.

(h) If the person presiding is believed by any member present at the meeting to have any such pecuniary interest in any matter under discussion and if a motion to that effect be carried, he shall not preside at the meeting during such discussion, or vote on, or take part in it. Any member of the Zilla Panchayat may be chosen to preside at the meeting during the continuance of such discussion.

(i) No proposition shall be discussed at any ordinary meeting unless it has been entered in the notice convening such meeting or in case of a special meeting, in the written request for such meeting. A member may propose any resolution connected with or incidental to the subjects in the list of business. The Adhyaksha may propose any urgent subject of a routine nature not included in the list of business if no member objects to it. No permission shall be given in the case of a motion or proposition to modify or cancel any resolution within three months after the passing thereof except in accordance with clause (k). The order in which any business or proposition shall be brought forward at such meeting shall be determined by the presiding authority who, in case it is proposed by any member to give priority to any particular item of such business or to any particular proposition, shall put the proposal to the meeting and be guided by the majority of votes given for or against the proposal.

(j) Any ordinary meeting may, with the consent of a majority of the members present be adjourned from time to time, but no business shall be transacted at any adjourned meeting other than that left undisposed at the meeting from which the adjournment took place.

(k) No resolution of the Zilla Panchayat shall be modified or cancelled within six months after the passing thereof except by a resolution passed by not less than two-thirds of the total number of members at an ordinary or special meeting, and notice whereof shall have been given fulfilling the requirements of clause (b) and setting forth fully the resolution which it is proposed to modify fully or cancel at such meeting and motion or proposition for the modification or cancellation of such resolution.

(3) The proceeding of every meeting shall be recorded in the minutes book immediately after the deliberations of the meeting and shall, after being read over by the Adhyaksha of the meeting, be signed by him. The action taken on the decisions of the Zilla Panchayat shall be reported at the next meeting of the Zilla Panchayat. The minutes book shall at all reasonable times be open to inspection by any member of the Zilla Panchayat. The minutes book shall always be kept in the office of the Zilla Panchayat and it shall be in the custody of the Chief Executive Officer.

(4) A copy of every resolution passed by a Zilla Panchayat at a meeting shall, within ten days from the date of meeting, be forwarded to the Director.

(5) During any vacancy in a Zilla Panchayat or any Committee thereof, the continuing members may act as if no vacancy occurred.

137. Interpellations and Resolution.— (1) A member of Zilla Panchayat may move resolutions and interpellate the Adhyaksha of Zilla Panchayat on matters connected with the administration of the Zilla Panchayat, subject to such regulations as may be made by the Zilla Panchayat.

(2) A member of the Zilla Panchayat may also call the attention of the Adhyaksha to any neglect in the execution of the work of the Zilla Panchayat, to any waste of property belonging to of the Zilla Panchayat, or to the wants of any locality within the district and may suggest any improvements, which may appear desirable.

138. Zilla Panchayat may require the presence of Government officer at meetings.— If it shall appear to a Zilla Panchayat that the attendance of any officer of the Government having jurisdiction over an area of a division or circle or less than a division or circle and not working under the Zilla Panchayat, is desirable at a meeting of the Zilla Panchayat, the Chief Executive Officer shall by a letter addressed to such officer not less than fifteen days before the intended meeting, request that officer to be present at the meeting and the officer shall, unless prevented by sickness or other reasonable cause, attend the meeting:

Provided that the officer on receipt of such letter may, if he, for any of the cause aforesaid, is unable to be present thereat himself, instruct his deputy or other competent subordinate officer to represent him at the meeting.

139. Validity of proceedings.— (1) No disqualification or defect in the selection or appointment of any person acting as member, or as the Adhyaksha of Zilla Panchayat or presiding authority of a special or general meeting or a Adhyaksha or members of Committee appointed under this Act, shall be deemed to vitiate any act or proceedings of the Zilla Panchayat or of any such Committee, as the case may be, in which such person has taken part, whenever the majority who were parties to such act or proceedings, were entitled to act.

(2) No resolution of a Zilla Panchayat or of any Committee appointed under this Act shall be deemed invalid on account of any irregularity in the service of notice upon any member, provided that the proceedings of the Zilla Panchayat or committee, were not prejudicially affected by such irregularity.

(3) Until the contrary is proved, every meeting of a Zilla Panchayat or of a Committee appointed under this Act in respect of proceedings whereof a minute has been made and signed in accordance with this Act, shall be deemed to have been duly convened and held all the members of the meeting shall be deemed to have been duly qualified, and where the proceedings are the proceedings of a Committee, such Committee shall be deemed to have duly constituted and to have had the power to deal with the matters referred to in the minute.

(4) During any vacancy in the Zilla Panchayat or Committee, the continuing member or members may act as if no vacancy has occurred.

CHAPTER VI

Functions, Duties and Powers of Zilla Panchayat Adhyaksha and Upadhyaksha

140. Functions of the Zilla Panchayat.— Subject to such conditions as may be specified by the Government from time to time, the Zilla Panchayat shall perform the functions specified in Schedule-II.

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

(2) The Government may, by notification, withdraw or modify the functions assigned under this section.

142. Standing Committees.— (1) The Zilla Panchayat shall have the following Committees (hereinafter called the ‘Standing Committees’), namely:—

- (a) General Standing Committee;
- (b) Finance, Audit and Planning Committee;
- (c) Social Justice Committee;
- (d) Education and Health Committee;
- (e) Agriculture and Industries Committee;
- (f) Taluka Development Committee.

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

(3) The Adhyaksha shall be the Ex-officio Member and Chairman of the General Standing Committee and the Finance, Audit and Planning Committee. The Upadhyaksha shall be the Ex-officio Member and Chairman of the Social Justice Committee. The other Standing Committees shall elect the Chairman from amongst their members.

(4) No member of the Zilla Panchayat shall be eligible to serve on more than two Standing Committees.

(5) The Chief Executive Officer shall be the Ex-officio Secretary of all the Standing Committees.

(6) The Standing Committees shall perform such functions as may be specified in the regulations made by the Zilla Panchayat.

143. Delegation of powers.— The Zilla Panchayat may by notification, delegate to the Chief Executive Officer or other officer, any of the powers conferred by or under this Act on the Zilla Panchayats.

144. Power to divert, discontinue or close road.— (1) The Zilla Panchayat may, by notification, turn, divert, discontinue or permanently close any road which is under the control and administration of, or is vested in the Zilla Panchayat.

(2) Before issuing a notification under sub-section (1), the Zilla Panchayat shall publish in such manner as may be prescribed, a notice of its proposal inviting objections and shall take into consideration any objections received.

145. General powers of Zilla Panchayat.— (1) The Zilla Panchayat shall have powers to do all acts necessary for or incidental to, the carrying out of the functions entrusted or delegated to it and, in particular, and without prejudice to the foregoing powers, to exercise all powers specified under this Act.

(2) Subject to the general or special orders of the Government, a Zilla Panchayat may,—

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

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

(c) contribute to associations of All India, State or Inter-State level, concerned with the promotions of local Government and to exhibitions, seminars and conferences within the district related to the activities of Panchayat and Zilla Panchayat; and

(d) render financial or other assistance to any person for carrying on in the district any such activity which is related to any of the functions of the said bodies.

146. Control of unwieldy traffic.— A Zilla Panchayat may subject to such rules as may be prescribed and to the regulations framed by the Zilla Panchayat, notify that any road vested in it shall not be used by any vehicle of such form, construction, weight or size, or laden with such machinery or other unwieldy objects as may be deemed likely to cause injury to the roadway or to any construction thereon or risk or obstructions to other vehicles or to pedestrians except under the license issued by the Chief Executive Officer and in accordance with the regulations framed from time to time as regards speed, time, fees, mode of traction or locomotion, use of appliances for protection of the roadway, number of lights and assistants and other general precautions.

147. Powers and duties of the Adhyaksha.— The Adhyaksha of the Zilla Panchayat shall,—

(a) convene, preside at and conduct meetings of the Zilla Panchayat;

(b) discharge all duties imposed and exercise all the powers conferred on him by or under this Act or perform such functions entrusted to him by the Government from time to time;

(c) exercise such administrative supervision and control over the Chief Executive Officer for securing implementation of resolutions or decisions of the Zilla Panchayat or of the Standing Committees which are not inconsistent with the provisions of this Act, or any general or specific directions issued under this Act;

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

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

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

148. Powers and duties of the Upadhyaksha.— The Upadhyaksha of the Zilla Panchayat shall,—

(a) exercise the powers and perform the functions of the Adhyaksha when he is absent on leave or incapacitated from functioning; and

(b) in the absence of the Adhyaksha, preside over the meetings of the Zilla Panchayat.

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

(2) The Chief Executive Officer shall execute contract or agreement on behalf of the Zilla Panchayat in respect of matter which he is empowered to carry out under the provisions of this Act. He may execute such contract or agreement on behalf of the Zilla Panchayat upto such amount of value of contract or agreement as may be specified by the Government from time to time. In the other cases, he shall execute a contract or agreement only with the sanction of the Zilla Panchayat.

CHAPTER VII

Staff of Zilla Panchayat

150. Chief Executive Officer and other Officers.— (1) The Government shall appoint an officer not below the rank of the Collector of a district as Chief Executive Officer of the Zilla Panchayat.

(2) The Government shall also appoint a Chief Accounts Officer and such other officers as considered necessary.

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

(4) The Government may, as from the specified day, constitute such services for Zilla Panchayats as may be prescribed.

151. Functions, powers and duties of the Chief Executive Officer and other Officers.— (1) Save as otherwise expressly provided by or under this Act, the Chief Executive Officer shall,—

(a) exercise all the powers specially imposed or conferred upon him by or under this Act or under any other law for the time being in force;

(b) lay down the duties of and supervise and control the officers and officials of, or holding office under the Zilla Panchayat in accordance with rules made by the Government;

(c) supervise and control the execution of all works of the Zilla Panchayat;

(d) take necessary measures for the speedy execution of all works and development Schemes of the Zilla Panchayat;

(e) have custody of all papers and documents, connected with the proceedings of the meetings of the Zilla Panchayat and its Committees;

(f) draw and disburse moneys out of the Zilla Panchayat Fund; and

(g) exercise such other powers and discharge such other functions as may be prescribed.

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

(3) The Chief Executive officer shall within fifteen days from the date of the meeting of the Zilla Panchayat or of its Committees, submit to the Government every resolution of the Zilla Panchayat or any of its Committees which in his opinion is inconsistent with the provisions of this Act or any other law; and he shall not implement such resolution otherwise than as decided by the Government.

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

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

(6) All Officers of the Zilla Panchayat shall assist the Chief Executive Officer in the performance of his duties.

152. Chief Executive officer's right to requisition records, etc.— (1) Every person in possession of moneys, accounts, records or other property pertaining to a Panchayat shall on the requisition in writing of the Chief Executive Officer for this purpose,

forthwith handover such moneys or deliver up such accounts, records or other property to the Chief Executive Officer or the person authorized in the requisition to receive the same.

(2) Every person knowing where any moneys, accounts, records or other property appertaining to a Panchayat, or Zilla Panchayat are concealed, shall be bound to give information of the same to the Chief Executive Officer.

(3) An appeal shall lie from an order of the Chief Executive Officer under this section to the Director.

CHAPTER VIII

Taxes and Fees

153. Levy of taxes, rates etc. by Panchayat.—⁶⁰[(1) Every Panchayat shall, in such manner and subject to such exemptions as may be prescribed and not exceeding the maximum rate specified in Schedule – III, levy tax upon building and lands which are not subject to agricultural assessment, within the limits of the Panchayat area and shall revise rate of such tax once in every three years by minimum increase of 10% thereon:

Provided that where an owner of the building or land has left the Panchayat area or cannot otherwise be found, the occupier of such building or land shall be liable for the tax leviable on such owner.]

(2) A Panchayat may levy water rate for supply of water for drinking and other purposes.

(3) A Panchayat may also levy all or any of the following tax and fees at such rates as the Panchayat ⁶¹[shall] determine but not exceeding the maximum specified in Schedule III and in such manner and subject to such exemptions as may be prescribed, namely:—

- (a) tax on entertainment other than cinematograph shows;
- (b) tax on vehicles, other than motor vehicles;
- (c) tax on advertisement and hoarding;
- (d) pilgrim fee on persons attending the jatras, festivals, etc., where necessary arrangement for water supply, health and sanitation are made by the Panchayat;
- (e) market fee on persons who expose their goods for sale in any market place;
- (f) fee on the registration of cattle brought for sale in any market place;
- (g) fee on buses and taxies and auto-stands provided adequate facilities are provided for the travellers by the Panchayat ⁶²[...]

⁶⁰ Substituted by the Amendment Act 43 of 2001.

⁶¹ Substituted by the Amendment Act 43 of 2001.

⁶² Word "and" omitted by the Amendment Act 1 of 1997.

- (h) fees on grazing cattle in the grazing lands ⁶³[;]
- ⁶⁴[(i) lighting tax;
- (j) drainage tax;
- (k) tax on profession, trades, calling and employment;
- (l) fees for sale of goods in melas, fairs and festivals;
- (m) ⁶⁵{garbage disposal tax;}]
- ⁶⁶[(n) octroi other than on petroleum products].

154. Recovery of taxes and other dues.— (1) When any tax, cess, rate or fee becomes due, a Panchayat shall, with the least practicable delay, cause to be presented to the person liable for the payment thereof, a bill for the amount due from him, specifying the date on or before which the amount shall be paid.

(2) If any person fails to pay any tax or fee or any other sum due to the Panchayat under this Act or the rules or bye-laws on or before the specified date of payment, the Panchayat shall cause a notice of demand in the prescribed form to be served on the defaulter.

(3) The presentation of every bill under sub-section (1) and the service of every notice of demand under sub-section (2), shall be effected by the Secretary or an officer duly authorized by him in this behalf,—

(a) by giving or tendering the bill or notice to the person to whom it is addressed; or

(b) if such person is not found, by leaving the bill or notice at his last known place of abode, if within the limits of the Panchayat area or by giving or tendering the bill or notice to some adult member or servant of his family; or

(c) if such person does not reside within the limits of the Panchayat area and his address elsewhere is known to the person directing the issue of the bill or notice then by forwarding the bill or notice to such person by registered post, under cover bearing the said address; or

(d) if none of the means as aforesaid be available then by causing the bill or notice to be affixed on some conspicuous part of the building or land, if any, to which the bill or notice relates.

(4) If the tax, rate, fee or other amounts for which a notice of demand has been served is not paid within thirty days from the date of such service, the Panchayats may recover the amount due alongwith a penalty of ten percent of the sum due, by distraint and sale of the movable property of the defaulter in the prescribed manner.

⁶³ Substituted by the Amendment Act 1 of 1997.

⁶⁴ Clause (i) to (m) inserted by the Amendment Act 1 of 1997.

⁶⁵ Substituted by the Amendment Act 43 of 2001.

⁶⁶ Clause inserted by the Amendment Act 43 of 2001.

(5) Fees for,—

- (a) every distraint made under sub-section (4);
- (b) every notice of demand issued under sub-section (2);
- (c) the cost of maintaining any live-stock seized under sub-section (4),

shall be chargeable at such rates as may be prescribed.

(6) Notwithstanding anything contained in the foregoing sub-section, any tax, rate or fee payable to a Panchayat shall be recoverable as an arrear of land revenue.

155. Appeal against assessment etc.— Subject to such rules as may be prescribed, any person aggrieved by the assessment, levy or imposition of any tax, rate or fees under section 153, may appeal to the prescribed authority, whose decision shall be final.

156. Composition of taxes in factory areas.— (1) Subject to such rules as may be prescribed, when the owner of any industry or factory established in any Panchayat area provides sanitary and other amenities for the building and land used for the industry or as factory quarters for employees and for other purposes connected with undertaking, the Panchayat may in lieu of the taxes, rates or fees payable under this Act in respect of such buildings and lands receive such amount annually as may be agreed upon between the Panchayat and such owner.

(2) Where no such agreement as is referred to in sub-section (1) can be reached, the matter may be referred to the Zilla Panchayat and the Zilla Panchayat may, after giving to the Panchayat and the owner concerned an opportunity of being heard, determine the amount payable by such owner and such determination shall be binding on the Panchayat and such owner.

(3) The Zilla Panchayat may by notification direct that the provision of sub-section (1) shall be applicable to such other establishments as may be specified in such notification.

157. Agency for collection.— The tax, rate, fee or other amount payable to the Panchayat may be collected by such agency as the Panchayat may appoint in this behalf, provided that it shall be lawful for a Panchayat to lease the right to collect any tax, rates, fees or other amount that may be imposed under this Act, by public auction or by tender, subject to the rules prescribed and the amount due under such lease shall be recoverable in the manner provided in this Chapter.

CHAPTER IX

Properties and Funds of Panchayats

158. Panchayat may acquire, hold and dispose of property, etc.— The power of a Panchayat to acquire, hold and dispose of property both movable and immovable whether within or without the limits of the area over which it has authority, to lease, sell or otherwise transfer any movable or immovable property which may have become vested in

or been acquired by it, and to contract and to do all other things necessary for the purpose of this Act, shall be subject to the rules made by the Government in this behalf:

Provided that no lease of immovable property for a term exceeding five years and no sale or other transfer of such property shall be valid unless such lease, sale or other transfer shall have been made with the previous sanction of the Zilla Panchayat.

159. Vesting of property in Panchayat.— (1) It shall be competent for the Government, or Zilla Panchayat with the concurrence of the Panchayat from time to time, to direct that any property vesting in the Government or Zilla Panchayat as the case may be, shall vest in the Panchayat either conditionally or otherwise:

Provided that no lease, sale or other transfer of any such immovable property by the Panchayat shall be valid without the previous sanction of the Government or the Zilla Panchayat, as the case may be.

(2) Every work constructed by a Panchayat out of the Panchayat fund shall vest in such Panchayat:

Provided that the Government may, if it deems fit, declare by order that such road, building or other works vested in the Panchayat, shall stand transferred to and vest in, the Zilla Panchayat or the Government, as the case may be.

(3) All rubbish, sewage, filth and other matter collected by a Panchayat under this Act shall belong to it.

160. Grants to a Panchayat or a Zilla Panchayat.— (1) The Government may, subject to such conditions as it deems fit, make grants to a Panchayat or a Zilla Panchayat for general purposes or for improvement of the area within its jurisdiction and welfare of the residents therein:

⁶⁷[Provided that no grants shall be made to a Panchayat which fails to cause its accounts to be so audited for more than three consecutive years].

(2) The Government may sanction such loans as may be prescribed to the Panchayat or a Zilla Panchayat for taking up such Scheme, as may be prescribed within its jurisdiction.

161. Panchayat Fund.— (1) There shall be for each Panchayat, a fund called Panchayat Fund.

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

(a) the amount which may be granted or passed on to the Panchayat by the Government or the Zilla Panchayat under the provisions of this Act or any other Act, or on any other account;

(b) the proceeds of any tax, rate and fee imposed by the Panchayat;

⁶⁷ Inserted by the Amendment Act 43 of 2001.

(c) all sums received by the Panchayat by way of loans or contributions from the Government or any other authority or person or by way of gift;

(d) the rent or other income from, or sale proceeds of any immovable or movable property owned by or vesting in the Panchayat; and

(e) all other sums received from any source whatsoever.

(3) The amounts at the credit of the Panchayat Fund shall be kept in any Scheduled Bank or a Co-operative Bank situated in the Panchayat area or the neighbouring Panchayat area.

162. Application of Panchayat Fund and property.— (1) Subject to the provisions of this Act and rules made thereunder and such general or special orders of the Government, all property owned by, or vested in the Panchayat under this Act and all funds received by it and all sums accruing to it under the provisions of this Act or any other law for the time being in force, shall be applied for the purposes for which by or under this Act, or any other law for the time being in force, powers are conferred or duties are imposed upon the Panchayat:

Provided that no expenditure shall be incurred out of the Panchayat fund unless provisions therefore has been made in the budget of the Panchayat or funds are obtained by reappropriation duly approved except in such cases as may be prescribed.

(2) The Panchayat Fund shall also be utilized for the following purposes:—

⁶⁸[(i) payment of salaries and allowances to the Sarpanch, Deputy Sarpanch, elected and co-opted members of the Panchayat, or members of any committee thereof and the staff of the Panchayat, subject to such rules as may be prescribed].

(ii) any amount falling due on any loan raised by the Panchayat;

(iii) with the previous sanction of the Chief Executive Officer, for any other purpose for which the application of such property or fund is necessary in public interest:

Provided that any amount granted to the 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 specify, either generally or specially in this behalf.

163. Panchayat may raise loans and form a sinking fund.— A Panchayat may, with the previous sanction of the Government and subject to the conditions imposed by it from time to time and subject to the execution of any work or for the purpose of carrying out any of the provisions of this Act and form a sinking fund in the prescribed manner for the repayment of such loans.

⁶⁸ Substituted by the Amendment Act 20 of 2002 and thereafter by the Amendment Act 26 of 2003.

164. Zilla Panchayat may acquire, hold and dispose of property, etc.— The power of every Zilla Panchayat to acquire, hold and dispose of property both movable and immovable whether within or without the limits of the area over which it has authority, to lease, sell or otherwise transfer any movable or immovable property which may have become vested in or been acquired by it, and to contract and to do all other things necessary for the purposes of this Act, which shall be subject to the rules made by the Government in this behalf:

Provided that no lease of immovable property for a term exceeding five years and no sale or other transfer of any such property shall be valid unless such lease, sale or other transfer shall have been made with the previous sanction of the Government.

165. Vesting of property in Zilla Panchayat.— (1) It shall be competent for the Government with the concurrence of the Zilla Panchayat from time to time, to direct that any property vesting in the Government shall vest in the Zilla Panchayat:

Provided that no lease, sale or transfer of such immovable property by the Zilla Panchayat shall be valid without the previous sanction of the Government.

(2) Every work constructed by the Zilla Panchayat out of Zilla Panchayat Fund shall vest in such Zilla Panchayat:

Provided that the Government may, if it deems fit, declare by order that such road, buildings or other works vested in the Zilla Panchayat, shall stand transferred to, and vest in the Government.

166. Zilla Panchayat Fund.— There shall be for each Zilla Panchayat, a fund called Zilla Panchayat Fund and the following shall form part of or be paid into the Zilla Panchayat Fund, namely:—

- (i) the amounts transferred to the Zilla Panchayat Fund by appropriation from and out of the Consolidated Fund of the State;
- (ii) all grants, assignments, loans and contributions made by the Government;
- (iii) all fees and penalties paid to or levied by or on behalf of the Zilla Panchayat under this Act and all fines imposed under this Act
- (iv) all rents from lands or other properties of the Zilla Panchayat;
- (v) all interests, profits and other moneys accruing by gifts, grants, assignments or transfers from private individuals or institutions;
- (vi) all proceeds of land, securities and other properties sold by the Zilla Panchayat;
- (vii) all sums received by or on behalf of the Zilla Panchayat by virtue of this Act:

Provided that sums received by way of endowments for any specific purpose shall not form part of or be paid into the Zilla Panchayat Fund.

167. Custody and investment of Zilla Panchayat Fund.— (1) The amounts at the credit of the Zilla Panchayat Fund shall be kept in the Government Treasury.

(2) It shall be lawful for the Zilla Panchayat to deposit with the sanction of the Government, in any Scheduled Bank or Co-operative Bank in the State, any surplus funds in its hands which may not be required for current charges and with like sanction, to invest such funds in securities of the Government of India or the State Government or in such other securities as the Government may, from time to time, approve in this behalf and to vary such investment or dispose of such securities with like sanction.

168. Application of Zilla Panchayat Fund and property.— (1) Subject to the provisions of this Act and the rules made thereunder and such general or special orders as the Government may make, all property owned by or vested in the Zilla Panchayat under this Act and all funds received by it and all sums accruing to it under the provisions of this Act or any other law for the time being in force shall be applied for the purposes for which by or under this Act or any other law for the time being in force, powers are conferred or duties are imposed upon the Zilla Panchayat:

Provided that no expenditure shall be incurred out of the Zilla Panchayat Fund unless provision therefore has been made in the budget of the Zilla Panchayat or funds are obtained by re-appropriation duly approved except in such cases as may be prescribed.

(2) The Zilla Panchayat Fund and all property held or vested in the Zilla Panchayat under this Act shall be applied, subject to the provisions of this Act, for the payment of,—

⁶⁹[(a) salaries and allowances to the Adhyaksha, Upadhyaksha ⁷⁰[, elected and co-opted] members of the Zilla Panchayat or members of any committee thereof and travelling and daily allowances to the Adhyaksha and Upadhyaksha or tours outside the district, subject to such rules as may be made in this behalf by the Government].

(b) the salaries, allowances, pensions and gratuities of its officers and employees other than those whose salaries and allowances are paid from the Consolidated Fund of the State;

(c) any amounts falling due on any loans contracted by the Zilla Panchayat;

(d) for the purposes specified in this Act;

(e) all other purposes for which by or under this Act or the rules or regulations made thereunder or by or under any other law for the time being in force, powers are conferred or duties are imposed upon the Zilla Panchayat;

(f) with the previous sanction of the Government, for any other purpose for which the application of such property or fund is necessary in public interest:

⁶⁹ Clause (a) of sub-section (2) of section 168 substituted by the Amendment Act 20 of 2002.

⁷⁰ Substituted by the Amendment Act, 2010.

Provided that any fund granted to the Zilla 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 instruction as the Government may specify, either generally or specially in this behalf.

169. Rents and Fees.— Save as otherwise provided in this Act and subject to the regulations made in this behalf, a Zilla Panchayat may charge fee for any licence or permission issued by it under this Act, and the rules made thereunder and levy rent and fee for the occupation or use of land or other property placed under its control or vested in it or maintained out of the Zilla Panchayat Fund.

170. Zilla Panchayat may raise loans and form a sinking fund.— A Zilla Panchayat may, with the previous sanction of the Government and subject to the conditions imposed by it from time to time, raise loans for the execution of any work or for the purpose of carrying out any of the provisions of this Act and form a sinking fund for the repayment of such loans.

171. Prohibition of expenditure not covered by the Budget.— Except as hereinafter provided no payment of any sum shall be made out of the Zilla Panchayat fund, unless the expenditure of the same is covered by a budget grant except in the following cases, namely:—

(a) refund of money which the Zilla Panchayat is authorised to make under this Act or the rules or regulations made thereunder;

(b) repayment of moneys belonging to the contractors or other persons held in deposit and of moneys credited to the Zilla Panchayat fund by mistake;

(c) sums which the Zilla Panchayat is required or empowered by this Act to pay by way of compensation.

(d) every sum; payable,—

(i) under this Act by order of the Director or the Government;

(ii) under a decree or order of a Civil Court; and

(iii) under a compromise of any suit or other legal proceedings or claim.

172. Government may place roads and other property under Zilla Panchayat.— (1) It shall be lawful for the Government from time to time to direct, by notification, that any road, bridge, channel, building or other property, movable or immovable, which is vested in the Government and which is situated in the district, shall with the consent of the Zilla Panchayat and subject to such exceptions and conditions as the Government may make and impose, be placed under the control and administration of the Zilla Panchayat for the purposes of this Act and thereupon such road, bridge, channel, buildings or other property shall be under the control and administration of the Zilla Panchayat, subject to all exceptions and conditions so made and imposed and to all charges and liabilities affecting the same.

(2) It shall be competent for the Government by notification, to resume any property placed under the control of a Zilla Panchayat under sub-section (1), on such terms as the Government may determine.

CHAPTER X

Inspection, Supervision, etc.

173. Power of inspection and supervision.— The Secretary to the Government in charge of Panchayat Raj Department in case of the Zilla Panchayat, and the Chief Executive Officer ⁷¹[and the Director, or any other Officer authorised by him in this behalf] in case of the Panchayat may,-

(a) inspect the offices or premises of or works taken up by any Zilla Panchayat, or Panchayat and for this purpose examine or cause to be examined the books of accounts, registers and other documents concerned and the Zilla Panchayat or Panchayat concerned shall comply with the instructions issued after such inspections;

(b) call for any return statement, account or report which he may think fit to require the Zilla Panchayat or Panchayat concerned to furnish.

174. Technical supervision and inspections.— (1) The Heads of Departments concerned and the Officers in-charge of the Department at the Divisional level, may inspect works or developmental schemes relating to their Department under the control of any Zilla Panchayat or Panchayat and also to inspect relevant documents pertaining to such work or development scheme in the manner specified by the Government.

(2) The scope of such inspections may cover technical aspects including feasibility, economic viability, the technical quality of the work and the expenditure being incurred.

(3) A report of inspections by such Officers after such inspection shall be forwarded to the Chief Executive Officer, or the Secretary, as the case may be, for appropriate action.

175. Director and Chief Executive Officer's powers in respect of Panchayat and Zilla Panchayat.— (1) The Chief Executive Officer may in respect of a Panchayat exercise the following powers:-

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

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

(c) order a duty to be performed within a specified period, if a Panchayat has made default in the performance of any duty and if such duty is not performed within the

⁷¹ Inserted by the Amendment Act I of 1997.

specified period, to appoint a person to perform such duty and direct that the expenses thereof shall be paid by the defaulting Panchayat within such period as he may fix;

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

(e) call for meetings of the Panchayat, or any of its Committees if no meeting of the Panchayat or its Committees has been held as per the provisions of this Act or rules.

(2) The Panchayat may appeal to the Director against any order under clause (c) of sub-section (1), within thirty days from the date of the order.

(3) The Director may, in respect of Zilla Panchayat, exercise the following powers:-

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

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

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

(d) call for meetings of the Zilla Panchayat or any of its Committees if no meeting of the Zilla Panchayat or its Committees has been held as per the provisions of this Act or rules.

(4) A Zilla Panchayat may appeal to the Government against any order under clause (c) of sub-section (3), within thirty days from the date of the order.

176. Power of Government, Director and Chief Executive Officer to provide for performance of duties in default of Panchayat or Zilla Panchayat.— When the Government in case of a Zilla Panchayat, or the Director in case of a Panchayat, is informed on complaint made or otherwise, that any Zilla Panchayat or Panchayat has made default in performing any duty imposed upon it, by or under this Act, or by or under any law for the time being in force and if satisfied, after due enquiry that any Zilla Panchayat or Panchayat has failed in the performance of such duty, it or he may fix a period for the performance of that duty:

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

177. Inquiry into affairs of Panchayat, or Zilla Panchayat by the Government.—

(1) The Government may, at any time for reasons to be recorded, cause an inquiry to be made by any of its officers in regard to any Panchayat, or Zilla Panchayat on matters concerning it or any matters with respect to which the sanction, approval, consent or orders of the Government are required under this Act.

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

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

178. Power of suspending execution of unlawful orders or resolution.— (1) If in the opinion of the Director, the execution of any order or resolution of a Panchayat or Zilla Panchayat or any order of any authority or officer of the Panchayat or the Zilla Panchayat or the doing of anything which is about to be done, or is being done, by or on behalf of a Panchayat or a Zilla Panchayat is unjust, unlawful or improper or is causing or is likely to cause injury or annoyance to the public or to lead to a breach of peace, he may by order suspend the execution or prohibit the doing thereof.

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

Provided that no order of the Director passed under sub-section (1) shall be confirmed, revised or modified by the Government without giving the Panchayat or the Zilla Panchayat concerned a reasonable opportunity of showing cause against the proposed order.

179. Purchase of stores and equipments.— (1) The Government may by general or special order provide for all or any of the following matters, namely:—

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

(b) the manner in which tender for works, contracts and supplies shall be invited and examined and accepted;

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

(d) constitution of Committee for the purpose of this section.

(2) Save as otherwise expressly provided in sub-section (1), in respect of all other matters relating to drawl of funds, form of bills, incurring of expenditure, maintenance of

accounts, rendering of accounts and such other matters, the rules of implementation as applicable to the Departments of the Government shall *mutatis mutandis* apply.

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

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

(b) all the members or more than ⁷²[one half] of the members of a Zilla Panchayat have resigned; ⁷³[or]

⁷⁴[(c) any new Panchayat or deemed Panchayat or any new Zilla Panchayat established in accordance with the provisions of this Act;] ⁷⁵[or]

⁷⁶[(d) on the expiry of the term of the members of any Panchayat or any Zilla Panchayat, general elections to such Panchayat or to such Zilla Panchayat cannot be held;]

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

(2) Notwithstanding anything contained in this Act, on the appointment of an Administrator under sub-section (1), and during the period of such appointment, the Zilla Panchayat and the Committees thereof and the Adhyaksha or Upadhyaksha of such Panchayat, ⁷⁷[the Sarpanch or the Deputy Sarpanch or members] charged with carrying out the provisions of this Act, or of any other law, shall cease to exercise any powers and perform and discharge any duties or functions conferred or imposed on them by or under this Act or any other law and all such powers shall be exercised and all such duties and functions shall be performed and discharged by the Administrator.

181. Director's power to specify the role of Panchayats.— (1) The Director may, by general or special order, specify from time to time, the role of Panchayat ⁷⁸[Taluka Panchayat] and Zilla Panchayat in respect of the programmes, Schemes and activities related to the functions specified in ⁷⁹[Schedules I, IA and II] in order to ensure properly coordinated and effective implementation of such programmes, schemes and activities.

(2) When the Director makes an order under sub-section (1), he shall forthwith forward to the Government and the Panchayat ⁸⁰[Taluka Panchayat] or Zilla Panchayat affected thereby a copy of the order with a statement of the reasons for making it, and the

⁷² Substituted by the Amendment Act 1 of 1997.

⁷³ Inserted by the Amendment Act 13 of 2001.

⁷⁴ Inserted by the Amendment Act 13 of 2001.

⁷⁵ Inserted by the Amendment Act 4 of 2007.

⁷⁶ Inserted by the Amendment Act 4 of 2007.

⁷⁷ Inserted by the Amendment Act 1 of 1997.

⁷⁸ Inserted by the Amendment Act 8 of 1999.

⁷⁹ Substituted by the Amendment Act 8 of 1999.

⁸⁰ The words "Taluka Panchayat" have been inserted vide Amendment Act 8 of 1999.

Government may confirm or rescind the order or direct that it shall continue to be in force with or without modification permanently or for such period as it thinks fit:

Provided that no order of the Director passed under sub-section (1) shall be confirmed, revised or modified by the Government without giving the Panchayat ⁷⁴["Taluka Panchayat"] or the Zilla Panchayat concerned a reasonable opportunity of showing cause against the proposed order.

Chapter XI

Financial Control and Audit

182. Presentation of accounts and budget of Panchayat.— (1) The Secretary shall prepare and lay before the Panchayat at a meeting, which shall be held between the first day of February and the tenth day of March, a complete account of the actual or expected receipts and expenditure for the financial year ending on the thirty-first day of March next following together with a budget estimate of the income and expenditure, of the Panchayat for the financial year to commence on the first day of April next following.

(2) The Panchayat shall thereupon decide upon the appropriations and the ways and means contained in the budget of the year to commence on the first day of April next following. The budget as passed by the Panchayat shall be sent to the Zilla Panchayat ⁸¹[and the Block Development Officer] before such date as may be fixed by the Government.

(3) In such budget estimate, the Panchayat shall among other things,—

(a) make adequate and suitable provision for such services as may be required for the fulfillment of the several duties imposed on the Panchayat by this Act, or any other law;

(b) allow for a balance at the end of the year of not less than such sum or percentage of income as may from time to time be fixed by the Government either generally for all Panchayats or specially for any Panchayat;

(c) provide for the payment, as they fall due, of all installments of principal and interest for which the Panchayat may be liable in respect of loans contracted by it.

(4) If such budget estimate is not in accordance with the provisions of this Act or the rules and orders issued thereunder, the Zilla Panchayat may within two months from the date of receipt of the budget, modify the same to secure compliance with this Act, the rules or the orders:

Provided that the Zilla Panchayat shall not have power to direct that total proposed expenditure shall exceed the total of the estimated income of the Panchayat for the following year and the opening balance.

(5) If the Panchayat fails to pass the budget estimate on or before the date mentioned in sub-section (1) the Secretary shall forward the budget estimate to the Zilla Panchayat and

⁸¹ Inserted by the Amendment Act I of 1997.

it shall approve it with or without modification. The budget as approved by the Zilla Panchayat shall be certified by the Chief Executive Officer and thereupon shall be deemed to have been duly approved by the Panchayat.

183. Revision of budget.— If, in the course of the financial year, the Panchayat finds it necessary to modify the provision made in the budget with regard to the receipts or to the distribution of the amounts to be expended on the different services it undertakes, it may make such modifications:

Provided that no diversion of grants transferred by the Government out of the Consolidated Fund of the State can be made for a purpose or programme or Scheme not covered under such grants:

Provided further that, without the approval of the Chief Executive Officer,—

(a) no reduction of over ten percent shall be made in the grants approved for any developmental functions of the Panchayat; and

(b) the closing balance shall not be reduced below the sum fixed under clause (b) of sub-section (3) of section 182.

184. Maintenance of accounts and restriction of expenditure.— (1) Accounts of the income and expenditure of a Panchayat shall be kept in accordance with such rules as may be prescribed.

(2) Expenditure from the Panchayat Fund shall, save as otherwise expressly provided for in this Act, be incurred subject to such sanctions, conditions and limitations as may be prescribed.

(3) A Panchayat shall, within a period not exceeding three months after the close of the financial year, pass the accounts of that year.

185. Transmission of accounts.— The Panchayat shall as soon as the annual accounts have been finally passed by it, transmit a copy thereof to the Zilla Panchayat ⁸²[and the Block Development Officer] in the form prescribed and shall furnish such details and vouchers relating to the same as the Zilla Panchayat ⁸³[and the Block Development Officer] may, from time to time, direct.

186. Power to write off irrecoverable amounts.— Subject to such restriction as may be prescribed; a Panchayat may write off any tax, fee, rate or other amount whatsoever due to it, whether under a contract or otherwise, or any sum payable in connection therewith if, in its opinion, such tax, fee, rate or other amount or sum is irrecoverable.

187. Audit of accounts.— (1) The accounts of every Panchayat shall be audited each year by such officer as may be authorised by the Director of Accounts of the Government (hereinafter referred to as the 'auditor').

⁸² Inserted by the Amendment Act 1 of 1997.

⁸³ Inserted by the Amendment Act 1 of 1997.

(2) The auditor shall, for the purpose of audit have access to all the accounts and other records of the Panchayat.

(3) The auditor may,—

(a) require in writing the production before him of such voucher, statements, returns, correspondence, notes or other documents which he may consider necessary for the proper conduct of his audit;

(b) require in writing any person accountable for, or having the custody or control of, any such vouchers, statements, returns, correspondence notes or documents or any person having directly or indirectly by himself or his partner, any share or interest in any contract with or under the Panchayat, to appear in person before him;

(c) require any person so appearing before him to make and sign a declaration with respect to such vouchers, statements, returns, correspondence, notes or documents or to answer any statements;

(d) in the event of an explanation being required from the Sarpanch or other member of the Panchayat, in writing invite such person to meet him and shall in writing specify the point on which explanation is required.

(4) Any person who wilfully neglects or refuses to comply with any requisition lawfully made under sub-section (3), shall on conviction, be punished with fine which may extend to one hundred rupees:

Provided that no proceedings under this sub-section shall be instituted without the sanction of the Chief Executive Officer.

(5) The auditor shall, within one month after the completion of audit, forward a copy of the audit report to the Panchayat ⁸⁴[the Chief Executive Officer and Director].

(6) On receipt of the audit report, the Panchayat shall either remedy any defects or irregularities which have been pointed out in the report and send to the Executive Officer within three months an intimation of its having done so, or shall within the same period furnish to the Chief Executive Officer any further explanation in regard to such defects or irregularities.

(7) On receipt of such intimation or explanation in respect of all or any of the matters discussed in the audit report, the Chief Executive Officer may, in consultation with the auditor,—

(a) accept the intimation or explanation given by the Panchayat and order the withdrawal of the objection; or

(b) direct that the matter be re-investigated at the next audit or at any earlier date; or

(c) direct that the defects or irregularities pointed out in the audit report or any of them shall be removed or remedied by the Panchayat.

⁸⁴ Inserted by the Amendment Act I of 1997.

(8) The Chief Executive Officer may, after making such enquiry as he may consider necessary, disallow any item of expenditure which appears to him to be contrary to law and surcharge the amount thereof on the person making or authorising the illegal payment and after taking the explanations of the person concerned, the Chief Executive Officer may direct by an order in writing that such person shall pay to the Panchayat the amount surcharged along with interest at fifteen percent per annum on the amount due, from the date from which it became due and if the amount is not paid within two months from the date of such order, the Chief Executive Officer shall take steps to recover it as an arrear of land revenue and credit it to the Panchayat Fund.

(9) Any person aggrieved by the order of the Chief Executive Officer under sub-section (8), may, within thirty days of the receipt by him of a copy of the decision, appeal to the Director who shall pass such orders as he may deem fit.

(10) The Director of Accounts shall submit a summary of observations made in the audit report and rectifications made by the Panchayats to the Government which shall be laid on the table of the House.

188. Presentation of accounts and budget of Zilla Panchayat.— (1) The Finance, Audit and Planning Committees shall cause to be prepared and laid before the Zilla Panchayat at a meeting which shall be held between the first day of February and the tenth day of March a complete account of the actual and expected receipts and expenditure for the financial year ending on the thirty-first day of March next following together with a budget estimate of the income and expenditure of the Zilla Panchayat for the financial year to commence on the first day of April next following.

(2) The Zilla Panchayat shall thereupon decide upon the appropriations and the ways and means contained in the budget of the year to commence on the first day of April next following. The budget as passed by the Zilla Panchayat shall be sent to the Government before such date as may be fixed by the Government.

(3) In such budget estimate, the Zilla Panchayat shall among other things,—

(a) make adequate and suitable provision for such services as may be required for the fulfillment of the several duties imposed on the Zilla Panchayat by this Act or any other law;

(b) provide for the payment, as they fall due, of all instalments of principal and interest for which the Zilla Panchayat may be liable in respect of loans contracted by it;

(c) allow for a balance at the end of the said year of not less than such sum or percentage of income as may from time to time, be fixed by the Government either generally for all Zilla Panchayats or specially for any Zilla Panchayat.

(4) If such budget estimate is not in accordance with the provisions of this Act or the rules and orders issued thereunder, the Government may, within two months from the date of receipt of the budget, modify the same to secure compliance with this Act, the rules or the orders:

Provided that the Government shall not have power to direct that total proposed expenditure shall exceed the total of the estimated income of the Zilla Panchayat for the following year and the opening balance.

(5) If the Zilla Panchayat fails to approve the budget estimate on or before the date mentioned in sub-section (1), the Chief Executive Officer shall forward the budget estimate to the Government and the Government shall approve it with or without modification. The budget as approved by the Government shall be certified by the Government and thereupon shall be deemed to have been duly approved by the Zilla Panchayat.

189. Revision of budget.— If in the course of the financial year, the Zilla Panchayat finds it necessary to modify the provisions made in the budget with regard to the receipts or to the distribution of the amounts to be expended of the different services it undertakes, it may make such modification:

Provided that no diversion of grants transferred by the Government out of the consolidated funds of the State may be made for a purpose, programmes or Scheme not covered under such grants:

Provided also that, without the approval of the Government,—

(a) no reduction of over ten percent is made in the grants approved for any developments, functions of the Zilla Panchayat;

(b) the closing balance shall not be reduced below the sum fixed under clause (c) of sub-section (3) of section 188.

190. Supplementary budget.— Supplementary budget may be prepared and submitted whenever necessary. The Zilla Panchayat may at any time during the year for which a budget has been sanctioned by the Government, cause a supplementary budget to be prepared and submitted to the Government. Every such supplementary budget shall be considered and approved by the Zilla Panchayat and submitted to the Government for approval.

191. Maintenance of accounts and restrictions of expenditure.— (1) Accounts of the income and expenditure of the Zilla Panchayat Fund shall be kept in accordance with such rules as may be prescribed.

(2) Expenditure from the Zilla Panchayat Fund shall, save as otherwise expressly provided for in this Act be incurred subject to such sanctions, conditions and limitations as may be prescribed.

(3) The Zilla Panchayat shall within a period not exceeding three months after the close of the financial year, pass the accounts of that year.

192. Transmission of accounts.— The Zilla Panchayat shall as soon as the annual accounts have been finally passed by it, transmit to the Government an account in the

form prescribed in this behalf and shall furnish such details and vouchers relating to the same as the Government may, from time to time direct.

193. Power to write off irrecoverable sums.— Subject to such restrictions as may be prescribed a Zilla Panchayat may write off any sum due to it, whether any sum payable in connection therewith, if in its opinion, is irrecoverable.

194. Audit of Accounts.— (1) The accounts of the Zilla Panchayat Fund shall be audited by the Comptroller and Auditor-General of India (hereinafter referred to as auditor), in accordance with the provisions of the Comptroller and Auditor-General's (Duties, Powers and Conditions of Services) Act, 1971 (Central Act 56 of 1971).

(2) The auditor shall, for the purpose of audit, have access to all the accounts and other records of the Zilla Panchayat.

(3) The Government shall on receipt of the audit report of the Zilla Panchayats lay them before the State Legislature.

195. Action by Zilla Panchayat on audit report.— (1) The Zilla Panchayat shall on the report of the auditor or may on its own motion and after taking the explanation of the person concerned or making such further enquiry as it may consider necessary charge any person responsible for irregular expenditure pointed out by the auditor or the amount of any deficiency or loss caused by the negligence or misconduct of such person or any sum received which ought to have been, but is not brought into account by such person, and shall in every such case, certify the amount due from such person.

(2) The Zilla Panchayat shall in writing state the reasons for its decision in respect of every charge and send a copy thereof to the person against whom it is made.

196. Recovery of amounts disallowed.— (1) Every sum certified by Zilla Panchayat, to be due from any person under sub-section (1) of section 196 shall be paid by such person to the Zilla Panchayat within thirty days from the date of the receipt by him of a copy of the decision.

(2) Such sum, if not duly paid alongwith interest at fifteen percent per annum on the amount due from the date from which it became due, shall be recoverable as an arrear of land revenue alongwith the necessary expenses of such recovery and shall be credited to the Zilla Panchayat Fund.

197. Procedure for recovery of dues of Zilla Panchayat.— (1) when any sum payable on demand,-

(a) which by or under the provisions of this Act, is declared to be recoverable in the manner provided by this Chapter; or

(b) which is claimable as a fee, tax or other amount due to the Zilla Panchayat under this Act, or under any rules or regulations made thereunder, shall have become payable and remains unpaid for fifteen days after the same is due the Chief Executive

Officer or an officer duly authorised by him in writing in this behalf (hereinafter referred to as the authorised officer), may serve upon the person or persons liable to pay such sum, a notice in writing in the prescribed form.

(2) If such person does not, within fifteen days, from the service of such notice of demand upon him, pay the sum due, or show cause to the satisfaction of the Chief Executive Officer as to why the same should not be paid, the Chief Executive Officer or the Executive Officer may recover such sum, with all costs, by distraint and sale of the movable property of the defaulter.

(3) In order to effect the distraint and sale of property under sub-section (2), the Chief Executive Officer or the authorised officer concerned, shall issue a warrant in the prescribed form and a warrant fee of one rupee shall be leviable for each such warrant.

(4) The Chief Executive Officer or the authorised officer concerned shall make an inventory of the property distrained, a copy of which shall on demand be delivered to the defaulter or any person on his behalf, and if the amount due is not paid within fifteen days after distraint, the property may be sold.

(5) The Chief Executive Officer or the authorised officer concerned shall give or cause to be given to every person making payment of the amount due, a receipt thereof signed by him. Such receipt shall specify,—

- (a) the date of the payment thereof;
- (b) the name of the person by whom it is paid;
- (c) the amount due in respect of which the payment has been made;
- (d) the period for which the payment has been made; and
- (e) the amount in respect of which it is granted.

(6) Any sum due to Zilla Panchayat under this Act, shall without prejudice to any other mode of collection, be recoverable as an arrear of land revenue.

198. Conditions of distraint and sale.— (1) Whenever, under section 197 any property is distrained, seized or sold in consequence of the non-payment of any amount due, such distraint, seizure and sale shall be effected subject to the provisions of the following sub-sections and of section 62 of the Code of Civil Procedure, 1908 (Central Act 5 of 1908).

(2) All such property as is by the Code of Civil Procedure, 1908 (Central Act 5 of 1908), exempt from attachment or sale in execution of the decree shall be exempt from distraint or sale under this section.

(3) The distress shall not be excessive. The value of the property distrained shall be, as nearly as possible, proportionate to the amount due on account of the fee, rent or the other amount due, and the distraint fee and the probable expenses incidental to the detention and sale of the said property.

(4) When the property seized is subject to speedy and/or natural decay, or if in the opinion of the person seizing the property, the expenses of keeping it in custody together with amount due, exceeds the value of the property, the said person shall immediately after seizure of such property, give notice to the person from whose possession it was seized, to the effect that it will be sold at once and shall sell it accordingly unless the amount due is paid forthwith.

(5) Any surplus amount that may remain after deducting the amount due and of the said expenses, including the expenses of the sale, shall be paid to the owner of the property.

(6) If any claim be set up by a third person to movable property distrained under section 197, the Chief Executive Officer shall after a summary enquiry held, after giving reasonable notice to the claimant admit or reject the claim. If the claim is admitted wholly or partly, the property shall be disposed of/dealt with accordingly. Except in so far as it is admitted, the property shall be sold and the title of the purchaser shall hold good for all purposes, and the proceeds shall be disposed as hereinbefore directed.

Provided that nothing in this sub-section shall be deemed to bar the claimant or any person having any interest in the property distrained from seeking relief in a Civil Court having jurisdiction.

199. Finance Commission.— (1) The Government shall as soon as may be, within one year from the date of commencement of this Act and thereafter at the expiration of every fifth year, constitute a Finance Commission to review the financial position of the ⁸⁵[Zilla Panchayats, Taluka Panchayats and Panchayats] and to make recommendation to the Government as to,—

(a) the principles which should govern,—

(i) the distribution between the State and the Zilla Panchayats, and Panchayats and the net proceeds of the tax, duties, tolls and fees leviable by the Government which may be divided between them and allocation between the ⁸⁶[Zilla Panchayats, Taluka Panchayats and Panchayats] of their respective shares of such proceeds;

(ii) the determination of the taxes, duties, tolls and fees which may be assigned to or appropriated by the ⁸⁷[Zilla Panchayats, Taluka Panchayats and Panchayats];

(iii) the grants-in-aid to the ⁸⁸[Zilla Panchayats, Taluka Panchayats and Panchayats] from the consolidated fund of the State.

(b) the measures needed to improve the financial position of the ⁸⁹[Zilla Panchayats, Taluka Panchayats and Panchayats];

⁸⁵ Substituted by the Amendment Act 8 of 1999.

⁸⁶ Substituted by the Amendment Act 8 of 1999.

⁸⁷ Substituted by the Amendment Act 8 of 1999.

⁸⁸ Substituted by the Amendment Act 8 of 1999.

⁸⁹ Substituted by the Amendment Act 8 of 1999.

(c) any other matter referred to the Finance Commission by the Governor in the interest of sound finance of the ⁹⁰[Zilla Panchayats, Taluka Panchayats and Panchayats].

(2) The Finance Commission shall consist of a Chairman and two other members.

(3) The Chairman and members of Finance Commission shall possess such qualification and shall be appointed in such manner as may be prescribed.

(4) The Finance Commission shall determine its procedure.

(5) The Chairman or a member of the Finance Commission may resign his office by writing under his hand and addressing to the Finance Secretary to the Government, but he shall continue in office until his resignation is accepted by the Government.

(6) The casual vacancy created by the resignation of the member or Chairman under sub-section (5) or for any other reason, may be filled by fresh appointment and a member or Chairman so appointed shall hold office for the remaining period for which the member or Chairman in whose place he was appointed would have held office.

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

- (a) to call for any record from any officer or authority;
- (b) to summon any person to give evidence or produce records;
- (c) such other power as may be prescribed.

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

CHAPTER XII

Miscellaneous

200. Dissolution of Panchayats.— (1) If, in the opinion of the Government, a Panchayat exceeds or abuses its powers or is not competent to perform or makes persistent default in the performance of the duties imposed on it under this Act or any other law for the time being in force, the Government may, after ⁹¹[conducting an enquiry] by an order published in the Official Gazette dissolve such Panchayat.

(2) If in the opinion of the Government, a Zilla Panchayat exceeds or abuses its power or is not competent to perform or makes persistent default in the performance of the duties imposed on it under this Act or any other law for the time being in force, the Government may after conducting an inquiry under section 177, by an order published in the Official Gazette, dissolve such Zilla Panchayat.

⁹⁰ Substituted by the Amendment Act 8 of 1999.

⁹¹ Substituted by the Amendment Act 1 of 1997.

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

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

(5) When a Panchayat or Zilla Panchayat is dissolved it shall be reconstituted in the manner provided in this Act before the end of six months from the date of such dissolution:

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

(6) A Zilla Panchayat or Panchayat constituted upon dissolution before the expiration of its duration, shall continue only for the remainder of the period of which the dissolved Zilla Panchayat or Panchayat would have continued had it not been so dissolved.

(7) If a Panchayat or Zilla Panchayat is dissolved,-

(a) all the powers and duties of the Zilla Panchayat or Panchayat shall, during the period of its dissolution be exercised and performed by such person or persons as the ⁹²[Government] may from time to time appoint in this behalf;

(b) all property vested in the Panchayat or Zilla Panchayat dissolved shall during the period of dissolution vest in the Government;

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

201. Appeals.— (1) Any person aggrieved by original order of the Panchayat under section 76, 77, 84, ⁹³[...] 104 and 105 of the Act, may, within such period as may be prescribed, appeal to the Director.

(2) The Appellate Authority may, after giving an opportunity to the appellant to be heard and after such enquiry as it deems fit, decide the appeal and its decision shall be final.

⁹⁴**[201-A. Appeal on miscellaneous matter dealt by the Panchayats.**— (1) Where no appeal has been specifically provided in this Act on any miscellaneous matters which is dealt with by the Panchayat or the Village Panchayat Secretary or the Sarpanch, an appeal shall lie to the Block Development Officer within a period of thirty days from the date of

⁹² Substituted by the Amendment Act 1 of 1997.

⁹³ Omitted word (100) by the Amendment Act 1 of 1997.

⁹⁴ Inserted by the Amendment Act 1 of 1997.

refusal of any request by the said authority and his decision on such appeal, subject to the provision of sub-section (2), shall be final.

Explanation:— For the purpose of this section, “refusal” means rejecting of any request in writing or non conveying of any reply to the application within a period of fifteen days from the receipt of application in his office.

(2) A revision shall lie to the Deputy Director against any order passed by the Block Development Officer under sub-section (1) within a period of thirty days from the date of the order.].

⁹⁵[**201B. Revision.**— (1) Save as otherwise provided in this Act, a revision shall lie against any order passed by any authority under this Act to the District Court within whose jurisdiction the subject matter of the dispute lies.

(2) Every revision application shall be filed within thirty days from the date of the order.

(3) The decision of the District Court shall be final and binding on the parties to the revision.

(4) Every such revision shall be decided as expeditiously as possible and endeavour shall be made to decide the same within a period of three months from the date on which it is filed.].

202. Power over decisions of committees.— Every Zilla Panchayat or Panchayat concerned shall have power to revise or modify any decision taken by any of its Committees.

203. Requisition of premises, vehicles, etc., for election purposes.— (1) If it appears to an officer authorised by the State Election Commission for conduct of elections to the Zilla Panchayat or a Panchayat under this Act (hereinafter referred to as “the requisitioning authority”) that in connection with an election under this Act,—

(a) any premises is needed or is likely to be needed for the purpose of being used as a polling station or for the storage of ballot boxes after a poll has been taken; or

(b) any vehicle or vessel is needed or is likely to be needed for the purpose of transport of ballot boxes to or from any polling station or transport of members of the police force for maintaining order during the conduct of such election, or transport of any officer or other person for performance of any duties in connection with such election, the requisitioning authority may by order in writing requisition such premises, such vehicle or vessel as the case may be, and may make such further orders as may appear to it to be necessary or expedient in connection with the requisitioning:

Provided that no vehicle or vessel which is being lawfully used by a candidate or his agent for any purpose connected with the election of such candidate shall be requisitioned under this sub-section, until the completion of the poll in such elections.

⁹⁵ Inserted by the Amendment Act, 2010.

(2) The requisitioning shall be effected by an order in writing addressed to the person deemed by the requisitioning authority, and such order shall be served in the manner prescribed on the person to whom it is addressed.

(3) Whenever any property is requisitioned under sub-section (1), the period of such requisitioning shall not extend beyond the period for which such property is required for any of the purposes mentioned in this sub-section.

Explanation:—

(4) In this section,—

(a) “premises” means any land, building or part of building and includes a hut, shed or other structure or part thereof;

(b) “vehicle” means any vehicle used or capable of being used for the purposes of road transport, whether propelled by mechanical power or otherwise.

204. Payment of compensation.— (1) Whenever in pursuance of section 203, the requisitioning authority requisitions any premises, the Panchayat or Zilla Panchayat concerned shall pay to the persons interested compensation the amount of which shall be determined by the requisitioning authority by taking into consideration the following factors that is to say,-

(i) the rent payable in respect of the premises, if no rent is so payable, the rent payable for similar premises in the locality;

(ii) if in consequence of the requisitioning of premises the person interested is compelled to change his residence or place of business, the reasonable expense, if any, incidental to such change:

Provided that, when any person interested being aggrieved by the amount of compensation so determined makes an application to the requisitioning authority within thirty days of the order under sub-section (1), the matter shall be referred by the requisitioning authority to the Court having jurisdiction in the locality and the amount of compensation to be paid shall be such as the Court may determine.

Explanation:— In this sub-section, the expression “person interested” means the person who was in the actual possession of the premises requisitioning under section 203 immediately before the requisitioning or where no person was in such actual possession, the owner of such premises.

(2) Whenever in pursuance of section 203, the requisitioning authority requisitions any vehicle or vessel, the Panchayat, or Zilla Panchayat shall pay to the owner thereof compensation, the amount of which shall be determined by the requisitioning authority on the basis of fair rates prevailing in the locality for the hire of such vehicle or vessel:

Provided that where the owner of such vehicle or vessel being aggrieved by the amount of compensation so determined, makes an application within thirty days to the

requisitioning authority, the matter shall be referred to the Court having jurisdiction in the locality and the amount of compensation to be paid shall be such as the Court may determine:

Provided further that where immediately before the requisitioning, the vehicle or vessel was, by virtue of hire purchase agreement, in the possession of a person other than the owner, the amount determined under this sub-section as the total compensation shall be apportioned between that person and the owner in such manner as they may agree upon and in default of agreement, in such manner, as an arbitrator appointed by the requisitioning authority in this behalf may decide.

205. Power to obtain information.— The requisitioning authority may, with a view to requisitioning any property under section 203 or determining the compensation payable under section 204, by order, require any person to furnish to such authority as may be specified in such order, information in his possession relating to such property as may be specified.

206. Power of entry into and inspection of premises, etc.— (1) Any person authorised in this behalf by the requisitioning authority may enter into any premises and inspect such premises and any vehicle or vessel therein for the purpose of determining whether and if so in what manner an order under section 205 should be made in relation to such premises, vehicle or with a view to securing compliance with any order made under that section.

(2) In this section, the expression “premises” and “vehicle” have the same meaning as in section 203.

207. Eviction from requisitioned premises.— (1) Any person remaining in possession of any requisitioned premises in contravention of any order made under section 203, may be summarily evicted from the premises by any officer empowered by the requisitioning authority in this behalf.

(2) Any officer so empowered may, after giving to any woman not appearing in public, reasonable warning and facility to withdraw, remove or open any lock or bolt or break open any door of any building or do any other act necessary for effecting such eviction.

208. Release of premises from requisitioning.— (1) When any premises requisitioned under section 203 are to be released from requisition, the possession thereof shall be delivered to the person from whom possession was taken at the time of the requisition or if there was no such person, to the person deemed by the requisitioning authority to be the owner of such premises and such delivery of possession shall be a full discharge of the requisitioning authority from all liabilities in respect of such delivery but shall not prejudice any rights in respect of the premises which any other person may be entitled by due process of law to enforce against the person to whom possession of the premises is so delivered.

(2) Where the person to whom possession of any premises requisitioned under section 203 is to be given under sub-section (1) cannot be found or is not readily ascertainable or

has no agent or any other person empowered to accept delivery on his behalf, the requisitioning authority shall cause a notice declaring that such premises are released from the requisition to be affixed on some conspicuous part of such premises and on the notice board of the Office of the Mamlatdar of the Taluka.

(3) When a notice is affixed on the notice board as provided in sub-section (2), the premises specified in such notice shall cease to be subject to requisition on and from the date of such affixing of the notice and be deemed to have been delivered to the person, entitled to possession thereof and the requisitioning authority or the Zilla Panchayat or Panchayat shall not be liable for any compensation or other claim in respect of such premises for any period after the said date.

209. Penalty for contravention of any order regarding requisition.— If any person contravenes any order made under section 203 or section 205 he shall, on conviction, be punished with imprisonment for a term which may extend to one year or with fine or with both.

210. Liability of Members of Panchayats and Zilla Panchayats for loss, waste or misapplication.— (1) Every Member of Panchayat and Zilla Panchayat shall be personally liable for the loss, waste or misapplication of any money or other property of the Panchayat and Zilla Panchayat, respectively, to which he has been a party or which has been caused or facilitated by his misconduct or willful neglect of his duty as a member amounting to fraud.

(2) If, after giving the member concerned a reasonable opportunity for showing cause to the contrary, the Chief Executive Officer is satisfied that the loss, waste or misapplication of any money or other property of the Panchayat or Zilla Panchayat, as the case may be, is a direct consequence of misconduct or willful neglect on the part of such member, he shall, order in writing, direct such member, to pay to the Panchayat or Zilla Panchayat, as the case may be, before a fixed date, the amount required to get reimbursed from such loss, waste or misapplication:

Provided that no such order shall be made for bonafide or technical irregularities or mistakes of a member.

(3) If the amount is not so paid, the Chief Executive Officer shall recover it as an arrear of Land Revenue and credit it to the respective Panchayat or Zilla Panchayat fund, as the case may be.

(4) The order of the Chief Executive Officer shall be subject to an appeal to the Chief Secretary, if made within thirty days from the date of the order.

⁹⁶**[210-A. Liability of members for removal.**— A member of a Panchayat shall, after an opportunity is afforded for hearing him, be removable from his office as a member by an order passed by the Director, for persistent remiss in the discharge of his duties, or if such member acts detrimental to the interest of the Panchayat or misuses or abuses the

⁹⁶ Inserted by the Amendment Act I of 1997.

powers or exercises powers which are not expressly vested in him by or under this Act or rules or bye-laws framed thereunder and the member so removed shall not be eligible for re-election for a period not exceeding five years as the Director may specify in his order.].

211. Penalty for acting as a member, Sarpanch or Deputy Sarpanch of Village Panchayat and Adhyaksha or Upadhyaksha of Zilla Panchayat when disqualified.—

(1) Whoever acts as a member of Panchayat or Zilla Panchayat when he knows that under this Act or the rules made thereunder, he is not entitled to or has ceased to be entitled to hold office as such, shall, on conviction, be punished with fine of one hundred rupees for every day on which he sits or votes as member.

(2) Whoever acts as the Sarpanch or Deputy Sarpanch of Panchayat or Adhyaksha or Upadhyaksha of Zilla Panchayat or exercises any of his functions when he knows that under this Act or the rules made thereunder, he is not entitled to or has ceased to be entitled to hold office as such, or to exercise such functions shall, on conviction, be punished with fine of two hundred rupees for every day on which he acts or functions as such.

(3) Any person who has been the Sarpanch or Deputy Sarpanch of a Panchayat, or Adhyaksha or Upadhyaksha of Zilla Panchayat fails to hand over any document or any moneys or other properties vested in, or belonging to, the Panchayat or the Zilla 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 Sarpanch or Deputy Sarpanch of Panchayat and Adhyaksha or Upadhyaksha of Zilla Panchayat expires; and

(b) in the case of a person who was Deputy Sarpanch on demand by the Sarpanch of the Panchayat and Upadhyaksha of the Zilla Panchayat;

shall, on conviction, be punished with a fine which may extend to one hundred rupees.

212. Penalty for interested member voting.— Whosoever votes as member of a Panchayat or Zilla Panchayat in contravention of the provisions of sub-section (4) of section 55 or clause (g) of sub-section (2) of section 136, shall on conviction, be punished with fine which may extend to five hundred rupees.

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

Provided that no person shall, by reason of being a shareholder, in or member of, any company, be held to be interested in any contract entered into between such company and the Panchayat or Zilla Panchayat unless he is a Director of such company:

Provided further that nothing in this section shall apply to any person who, with the sanction of the Director enters into a contract with a Panchayat or Zilla Panchayat.

214. Wrongful obstruction of certain officers.— Any person who prevents the Chief Executive Officer or the Secretary or any person to whom such officer has lawfully delegated his powers from entering on or into any place, building or land, from exercising his lawful power of entering thereon or, therein shall, on conviction, be punished with simple imprisonment for a term which may extend to one month or with fine which may extend to five hundred rupees or with both.

215. Prohibition against obstruction of Sarpanch or Deputy Sarpanch, etc.— Any person obstructing a Sarpanch, Deputy Sarpanch, Secretary or member of a Panchayat, Adhyaksha, Upadhyaksha, Chief Executive Officer or member of a Zilla Panchayat or any person employed by the Panchayat or Zilla Panchayat or any person with whom a contract has been entered into by or on behalf of a Panchayat or Zilla Panchayat in the discharge of his duty of anything which he is empowered or required to do by virtue, or in consequence of this Act or any rules, bye-laws, regulation or order made thereunder, shall, on conviction, be punished with fine which may extend to five hundred rupees.

216. Prohibition against removal or obliteration of notice.— Any person, who without authority in the 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 Zilla Panchayat or its executive authority, shall, on conviction, be punished with fine which may extend to one hundred rupees.

217. Penalty for not furnishing information or giving false information.— Any person who is required by this Act or by any notice or by other proceedings issued thereunder to furnish any information, fails to furnish any information or knowingly furnishes false information, shall, on conviction, be punished with fine which may extend to one hundred rupees.

218. Bidding prohibited.— (1) No member or employee of the Panchayat or Zilla 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 sub-section (1) shall, on conviction, be punished with fine which may extend to five hundred rupees, and if he is an officer or employee of the Panchayat or Zilla Panchayat, shall also be liable for dismissal from service.

219. Application of the term “public servant” to members of Panchayats and their officers and servants.— Every member of Panchayat, or Zilla Panchayat and every officer and servant, employee under the Panchayat, or Zilla Panchayat shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code and the Prevention of Corruption Act, 1988 (Central Act 49 of 1988), for the time being in force.

220. Damage to any property of Panchayats and how made good.— 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 or Zilla

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 Court having jurisdiction. The person incurring such penalty shall be convicted, and on non-payment of such value on demand, the same shall be levied by distress, and the Court shall issue a warrant accordingly.

221. Restrictions with respect to institution of suits against a Panchayat or Zilla Panchayat.— (1) No suit for damages or compensations shall be instituted against any Panchayat or Zilla Panchayat or any of its officers, or any person acting under its directions, for anything done or purporting to be done under this Act or any rule, bye-law, regulation or order made thereunder until the expiration of two months next after notice in writing shall have been delivered or left at the office of the Panchayat or Zilla Panchayat concerned or at the place of abode of such officer or person; such notice shall state the cause of action, the relief sought, the amount of compensation, if any, claimed and the name and the place of abode of the intending plaintiff.

(2) If any person to whom any notice is given under sub-section (1), tenders the amount to the plaintiff before the suit is instituted and if the plaintiff does not recover in any such action more than the amount so tendered, he shall not recover any costs incurred after such tender and the defendant shall be entitled to costs as from the date of tender.

(3) When the defendant in any suit is a member, Officer or servant of such Panchayat, or Zilla Panchayat or any person acting under its direction, the Secretary or Chief Executive Officer, as the case may be, shall determine whether defence shall be undertaken by such Panchayat or Zilla Panchayat and be paid for out of its fund.

(4) Nothing in this section shall be deemed to apply to any suit instituted under section 38 of the Specific Relief Act, 1963 (Central Act 47 of 1963).

222. Injunctions not to be granted in election proceedings.— Notwithstanding anything in any law for the time being in force no court shall grant any permanent or temporary injunction or make any interim order restraining any proceeding which is being or about to be taken under this Act for the conduct of any election under this Act.

223. Punishment for disobedience or orders and notices not punishable under any other section.— Whoever disobeys or fails to comply with any lawful direction given by way of written notice issued by or on behalf of a Panchayat, or Zilla Panchayat under any power conferred by this Act or fails to comply with the conditions subject to which any permission was given to him by the Panchayat, or Zilla Panchayat concerned under any power so conferred, shall, on conviction, if the disobedience or failure is not an offence punishable under any other section, be punished with fine which may extend to one hundred rupees and with further fine which may extend to five rupees for every day during which the said disobedience or failure continues after the date of first conviction:

Provided that when the notice fixes a time within which a certain act is to be done, and no time is specified in this Act, the Magistrate shall determine whether the time so fixed was reasonable.

224. In default of owner or occupier, Panchayat may execute works and recover expenses.— (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 Panchayat, or Zilla Panchayat concerned 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 Chapter VIII either in one sum or by instalments, as the Panchayat or the Zilla Panchayat concerned may deem fit.

(2) If the defaulter is the owner of the building or land, the Panchayat or the Zilla Panchayat concerned may, by way of additional remedy, whether a suit or proceeding has been brought or taken against such owner or not, require such owner subject to the provisions of sub-section (3), to make the payment of all or any part of the expenses payable by the owner for the time being from the person who then or at 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 Chapter VIII. 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 the purpose by a Panchayat or Zilla Panchayat truly to disclose the amount of his rent, and the name and address of the person to whom the 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 expenses of any such works as aforesaid.

225. Expenses or costs how determined and recovered.— If a dispute arises with respect to any expenses or costs which are by this Chapter directed to be paid, the amount, and if necessary the apportionment of the same, shall, save where it is otherwise expressly provided in this Act, be ascertained and determined by the Panchayat or Zilla Panchayat concerned and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VIII.

226. Bar of suits, etc.— (1) No civil Court shall entertain a suit objecting to an assessment, demand or charge made or imposed under this Act, or for the recovery of any sum or money collected under the authority of this Act, or for damages on account of any

assessment or collection of money under the said authority, if the provisions of this Act have been in substance and effect complied with.

(2) No suit or other legal proceeding shall lie against the Chief Executive Officer or Secretary or any other officer of the Government or a Panchayat or Zilla Panchayat concerned or any member, officer, servant or agent of such Panchayat, or Zilla Panchayat acting under its direction in respect of anything done or purporting to have been lawfully done and in good faith under this Act or any rule, regulation, bye-law or order made thereunder except with the previous sanction of the Zilla Panchayat or such officers as the Zilla Panchayat may specify.

(3) No suit or other legal proceeding shall lie against the Government in respect of anything done under this Act, or any rule, regulations or bye-laws made thereunder.

⁹⁷[(4) No suit shall lie against the Government for carrying out any development activities specified in Schedules I and II to the Act or any other development work.]

227. Alternative programme by suit.— In lieu of any process of recovery allowed by or under this Act, in case of failure to release by such process the whole or any part of any amount recoverable under the provision of chapter VIII or of any compensation, expenses, charges or damage awarded under this Act, the Panchayat, or Zilla Panchayat, concerned may sue in any court of competent jurisdiction the person liable to pay the same as also any other person who may have in any way caused any injury to any property, rights or privileges of the Panchayat or Zilla Panchayat.

228. Punishment for offences under this Act and powers to compound.—
(1) Whoever,—

(a) rents, alters, adds to or reconstructs a building without the written permission required by section 66 or in contravention of any of the conditions imposed by it;

(b) uses any place without a licence required by sections 68, 69, 70 and 71 or in contravention of any of the conditions or during the suspension of the licence; or

(c) contravenes any other provision of this Act, shall on conviction, be punished with fine which may extend to five hundred rupees, and in the case of a continuing offence with a fine which may extend to five rupees for every day after the first conviction during which the offence continues.

(2) Upon a conviction under clause (b) of sub-section (1) in respect of any place, the Magistrate shall, on the application of the Panchayat, or Zilla Panchayat as the case may be, but not otherwise, order such place to be closed, and thereupon appoint such persons or take such other steps to prevent such place being so used; and every person who so uses or permits the use of a place after it has been ordered to be closed, shall be punished with fine which may extend to five rupees for each day during which he continues to use or permits such use of the place after it has been so ordered to be closed.

(3) A Panchayat or Zilla Panchayat or such officer as the Zilla Panchayat may authorise in this behalf, may, accept by way of composition a sum of money as may be

⁹⁷ Inserted by the Amendment Act I of 1997.

prescribed from any person, who, in the opinion of the Panchayat or Zilla Panchayat or the authorised Officer, as the case may be, has committed.—

(i) any of the aforesaid offences referred to in sub-section (1) other than under section 66 or section 68.

(ii) any other offence under this Act or under any rule, regulation or bye-law made thereunder and on such composition, no proceedings shall be taken against such person in respect of such offence.

229. Annual administration report.— (1) As soon as may be after the first day of April in every year and not later than such date as may be fixed by the Government, the Secretary of the Panchayat shall place before the Panchayat, a report of the administration of the Panchayat during the preceding financial year in such form and with such details as Government may direct and shall forward the report with the resolution of the Panchayat thereon to the Zilla Panchayat.

(2) The Zilla Panchayat shall on receipt of the report under sub-section (1), review the working of the Panchayats and shall submit a consolidated report in this behalf to the Government.

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

(4) The report submitted under sub-sections (2) and (3) to the Government shall together with a memorandum by the Government reviewing the working of the Panchayats and Zilla Panchayats shall be laid before the House of the State Legislature.

230. Adjustment of Government dues, etc.— If a Panchayat, Zilla Panchayat makes default in the payments of any amounts, loan instalment or interest due to the Government or the salaries, allowances or leave and pensionary contributions of Government servants deputed for service under such Panchayats the Government may make an order directing the person having the custody of the Fund of the Panchayats concerned to pay the amount due in priority to any other charge against such fund and such person shall so far as the amounts to the credit of such Fund admit, be bound to comply with the order.

231. Power of Government to dissolve and reconstitute Panchayats on the alteration, of limits of Panchayat area and districts.— (1) When on account of the reason that the limits of a panchayat area or district are, during the term of office of the members of a Panchayat or Zilla Panchayat, altered, the Government may by order published in the Official Gazette, dissolve such Panchayat or Zilla Panchayat from a date specified in the order and direct that a Panchayat or Zilla Panchayat.

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

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

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

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

(4) The Sarpanch and Deputy Sarpanch of Panchayat or Adhyaksha and Upadhyaksha of Zilla Panchayat shall be elected in the manner provided in this Act.

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

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

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

(7) A Panchayat or Zilla Panchayat constituted under sub-section (6), shall continue only for the remainder of the period for which the dissolved Panchayat or Zilla Panchayat would have continued had it not been so dissolved.

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

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

(10) Any appointment, notification, notice, tax, order, Scheme, licence, permission, rule, regulation or form made, issued, imposed or granted by the Panchayat or Zilla

Panchayat which has been dissolved in respect of any part of the area subject to the authority of the Panchayat or Zilla Panchayat which has been reconstituted or established, shall be deemed to have been made, issued, imposed or granted by such Panchayat, or Zilla Panchayat unless and until it is superseded by any appointment, notification, notice, form, order, Scheme, licence, permission, rule, regulation or form, made, issued, imposed or granted by such Panchayat or Zilla Panchayat.

(11) If any difficulty arises in giving effect to the provisions of the preceding sub-sections, the Government may by order published in the Official Gazette, as the occasion may require, do anything which appears to it to be necessary to remove the difficulty.

232. Transfer of property may be subject to conditions.— The grant, lease, sale or other transfer of movable or immovable property by a Panchayat or Zilla Panchayat may be subject to such conditions as the Panchayat or Zilla Panchayat may specify.

233. Saving of acts and proceedings.— No act done or proceedings taken under this Act shall be questioned on the ground merely of any defect or irregularity not affecting the merits of the case.

234. Procedure for consultation.— Whenever any action has to be taken under this Act after consultation with any authority or body, such consultation shall be deemed to have been made if the authority or body concerned had been informed of the proposed action and given a reasonable time to furnish its views.

235. Method of serving notices etc.— (1) Save as otherwise provided in this Act, the service of any notice or other document under this Act 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; or

(d) if none of the means aforesaid be available, by affixing such notice or document on 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 an 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 case not otherwise specially 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 anyone 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 Panchayat, or Zilla 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 office of the Panchayat or Zilla Panchayat, as the case may be 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 Panchayat or Zilla Panchayat 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, regulations, bye-laws or orders 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, regulations, bye-laws or orders thereunder, be calculated from the date of such service.

(6) When any notice under this Act, or any rule, regulation, bye-law 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 Panchayat, or Zilla Panchayat or an 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, or Zilla Panchayat shall be paid by the person or persons upon whom the notice was served and shall be recoverable in the manner provided under Chapter VIII.

236. Official display of flag.— (1) No person shall fly any flag other than the National Flag or flag approved by the Government on the office of the Panchayat or Zilla Panchayat.

(2) Whoever contravenes the provisions of sub-section (1), shall be punished with imprisonment for a term which may extend to three months or with fine which may extend to rupees five thousand or with both and in the case of continuing contravention, with a further fine which may extend to rupees five hundred for each day during which the contravention continues.

237. State Election Commission.— (1) The superintendence, direction and control of the preparation of election rolls for, and the conduct of, all elections to the Panchayat or Zilla Panchayat shall be vested in the State Election Commission consisting of a State Election Commissioner to be appointed by the Governor.

(2) The conditions of service and tenure of office of the State Election Commissioner shall be such as the Governor may by rules determine:

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

(3) The Governor shall when so requested by the State Election Commission, make available to the State Election Commission, such staff as may be necessary for the discharge of the functions conferred on the State Election Commission under subsection (1).

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

(2) Every Zilla Panchayat shall prepare every year, a development plan of the district after including the development plans of Panchayats and submit it to the District Planning Committee constituted under section 239.

239. District Planning Committee.— (1) Government shall constitute in every district, a District Planning Committee to consolidate the plans prepared by the Zilla Panchayat, Panchayats, and Municipal Councils in the district as a whole.

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

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

(b) the members of the Council of States who are registered as electors in the district;

(c) Adhyaksha of the Zilla Panchayat;

(d) the President of the Municipal Council having jurisdiction over the headquarters of the district;

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

(3) All the members of the State Legislative Assembly whose constituencies lie within the district shall be permanent invitees of the Committee.

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

(5) The Adhyaksha of Zilla Panchayat shall be the ex officio Chairman of the District Planning Committee.

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

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

(a) have regard to,

(i) the matters of common interest between the Zilla Panchayats, Panchayats and Municipal Councils in the district including special planning, sharing of water and other physical and natural resources, the integrated development of infrastructures and environmental conservation;

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

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

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

⁹⁸**239-A. Powers of officers.**— The Officers appointed under this Act, viz, the Director, the Chief Executive Officer, the Deputy Director and the Block Development Officer, shall have the same powers in making inquiries under this Act and the rules framed thereunder as are vested in courts in respect of the following matter under the Code of Civil Procedure, 1908, in trying any petition or appeal, namely:—

(a) proof of facts by affidavit;

(b) summoning and enforcing the attendance of any person and examining him on oath;

(c) compelling the production of documents;

(d) awarding costs.

239-B. Limitation and Court fees.— (1) Every appeal or petition made under the provisions of this Act or the rules made thereunder shall be filed within the limitation period provided therein and the provisions of sections 4, 5, 12 and 14 of the Limitation Act, 1963 (Central Act 36 of 1963), shall apply to the filing of such appeal or petition.

(2) Notwithstanding anything contained in the Court Fees Act, 1870 (Central Act 7 of 1870), every appeal or petition made under this Act to the Officers appointed under this Act shall bear a court fee stamp of such value as may be prescribed.

239-C. Procedure.— (1) Subject to the other specific provisions in this behalf, the procedure to be followed by the Officer in all inquiries, appeals and proceedings under this Act and the rules framed thereunder shall be such as may be prescribed.

⁹⁸ Section 239-A to 239-C inserted by the Amendment Act 1 of 1997.

(2) Every decision or order passed under this Act shall be recorded in the form of an order which shall state the reasons thereof.

(3) All inquiries and proceedings before the Officers shall be deemed to be judicial proceedings within the meaning of section 193, 219 and 228 of the Indian Penal Code, 1860 (Central Act 45 of 1860).]

240. Power of Government to make rules.— (1) The Government may, subject to previous publication, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(2) In making a rule under this section, the Government may provide that a person guilty of breach thereof shall, on conviction, be punished with fine which may extend to five hundred rupees and where the breach is continuing one with further fine which may extend to twenty-five rupees for every day on and after first day on which the breach continues.

241. Amendment of ⁹⁹[Schedules I, IA, II and III].— The Government may by notification, in the Official Gazette, omit, amend or add any activity, programme or Scheme covered by or mentioned in ¹⁰⁰[Schedules I, IA, II and III]. On the issue of such notification, the Schedule shall be deemed to have been amended accordingly. Every such notification shall be placed before the State Legislature.

¹⁰¹[241-A. Delegation of powers.— (1) The Government may by notification in the Official Gazette, delegate all or any of its powers and duties under the Act, except the power to make rules under section 240, to any Officer subject to such conditions, if any, as may be specified in the notification.

(2) The Director, with the previous approval of the Government, may delegate any of his powers conferred upon him under the Act to any Officer subordinate to him subject to such conditions, if any, as may be specified in the notification:

Provided that nothing shall prevent the Government or the Director to exercise any of the powers on such matters which are assigned under sub-sections (1) and (2), as the case may be.]

242. Power of Zilla Panchayat to make regulations.— (1) A Zilla Panchayat may, subject to the provisions of this Act and the rules made under section 240 and with the previous sanction of the Government, by notification, make regulations to carry out the purposes of this Act in so far as it relates to its powers and duties.

(2) The regulations made under sub-section (1), shall be subject to the condition of previous publication.

243. Power of Panchayat to make bye-laws.— (1) A Panchayat may, subject to the provisions of this Act and the rules made under section 240 and the regulations made

⁹⁹ Substituted by the Amendment Act 8 of 1999.

¹⁰⁰ Substituted by the Amendment Act 8 of 1999.

¹⁰¹ Inserted by the Amendment Act 1 of 1997.

under section 242 and with the previous sanctions of the Zilla Panchayat, make bye-laws to carry out the purposes of this Act in so far as it relates to its powers and duties.

(2) In particular and without prejudice to the generality of the foregoing power, a Panchayat may make bye-laws,—

(a) for the purification and protection from pollution of all sources of water used for drinking purposes;

(b) for the prohibition of the removal or use for drinking purposes of any water from any stream, tank, well or other source, where such removal or use causes, or is likely to cause disease or injury to health and for the prevention of such removal or use by the filling in or covering over of such tank or well, or by any other method which may be considered advisable;

(c) for the prohibition of the deposit or storage of manure, refuse or other offensive matter in a manner or in places prejudicial to the public health, comfort or convenience;

(d) for the regulation of dangerous or offensive calling or trade;

(e) for the disposal of corpses by burning or burial;

(f) for excavation of earth and filling up of, excavations and depressions injurious to health or offensive to the neighbourhood;

(g) for the removal of noxious vegetation;

(h) for the repair and removal of dangerous or ruinous buildings;

(i) for the prevention of the erection of buildings without adequate provisions for ventilation or the laying out and location of streets;

(j) for specifying fees payable under section 73;

(k) for the control of fairs and bazaars and the regulation of markets, slaughter houses and cart stands;

(l) for the inspection and destruction of unfit food and drink exposed for sale;

(m) for general regulation of sanitation and conservancy;

(n) the management and maintenance of cattle pounds; and

(o) performance of other duties assigned by the Government, the Zilla Panchayat or Panchayat.

(3) In making any bye-laws under sub-sections (1) and (2), the Panchayat may provide that a contravention thereof shall be punishable,—

(a) with fine which may extend to twenty-five rupees;

(b) with fine which may extend to twenty-five rupees and in case of continuing contravention, with an additional fine which may extend to two rupees for every day during which such contravention continues after conviction for the first such contravention; or

(c) with fine which may extend to two rupees for every day during which the contravention continues, after receipt of a notice from the Panchayat or any officer duly authorised in this behalf, by the person contravening the bye-laws requiring such person to discontinue such contravention.

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

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

244. Power of Government to make model regulations and bye-laws and adoption of such regulations and bye-laws by the Panchayat.— (1) The Government may subject to the provisions of this Act and the rules made under section 240, and previous publication of the draft for not less than one month, make model regulations and bye-laws for Panchayats and Zilla Panchayats.

(2) A Panchayat or Zilla Panchayat may by resolution adopt the model bye-laws or regulations, as the case may be, made under sub-section (1), and such bye-laws and regulations shall come into force within the jurisdiction of the Panchayat or Zilla Panchayat from such date as the case may be, it may specify in a notice published in the prescribed manner.

(3) The Government may, by order, direct any Panchayat, or Zilla Panchayat to adopt the model bye-laws and regulations in respect of any matter within such period not being less than three months from the date of, receipt of the direction by the Panchayat or Zilla Panchayat concerned.

(4) If any Panchayat, or Zilla Panchayat, fails to take any action for adopting the model bye-laws or regulations, as the case may be, the Government may, by notification, declare that the said model bye-laws or regulations, as the case may be, shall come into force within the jurisdiction of the Panchayat or Zilla Panchayat from such date as may be specified in such notification, and such bye-laws or regulations, as the case may be, shall come into force accordingly.

(5) The provisions of this section shall have the effect notwithstanding anything contained in sections 242 and 243.

¹⁰²[**244-A. Power of Government to exercise any function.**— Notwithstanding anything contrary contained in the Act the Government may, in the public interest, exercise any of the functions enumerated in Schedules I and II appended to the Act, for the purpose of carrying out any developmental work in the jurisdiction of the Panchayat without consultation with the Panchayat or Zilla Panchayat.]

¹⁰³[**244-B. Power of Government to allow to carry out any developmental works in any Panchayat area.**— Notwithstanding anything contained in this Act, the Government, in the public interest, may issue directions to the Panchayats to carry out any developmental works, or such other functions as the Government deems fit, including to permit construction of a structure/building in the following cases:—

- (i) Promotion of information technology;
- (ii) Promotion of co-operative movement;
- (iii) Self-employment schemes for all categories.]

¹⁰⁴[**244C. Transfer of proceedings.**— (1) The Director may, either on his own or on an application from any affected person, transfer any proceedings from one Chief Executive Officer to another Chief Executive Officer, one Deputy Director to another Deputy Director and from one Block Development Officer to another Block Development Officer.

(2) The Government may, either on its own or on an application from any affected person, transfer any proceedings pending before the Director or Additional Director to another Additional Director and vice-versa.]

245. Repeal and savings.— The Goa, Daman and Diu Village Panchayats Regulation, 1962 (9 of 1962) and the Goa Panchayat Raj Ordinance, 1994 (Ordinance No. 2 of 1994) is hereby repealed:

Provided that such repeal shall not affect —

(a) the previous operation of the Goa, Daman and Diu Village Panchayats Regulation, 1962 (9 of 1962) or the said Ordinance or anything duly done or suffered thereunder; or

(b) any right, privilege, obligation or liability acquired, accrued or incurred under the said Regulation; or

(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against the said Regulation; or

(d) any investigation, legal proceedings or remedy in respect of such right, privilege, obligations, liability, forfeiture or punishment as aforesaid and any such investigation,

¹⁰² Inserted by the Amendment Act 1 of 1997.

¹⁰³ Inserted by the Amendment Act 43 of 2001.

¹⁰⁴ Inserted by the Amendment Act, 2010.

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 —

(a) subject to the preceding provisions, anything done or any action taken (including any appointment or delegation made, tax, fee or cess imposed, notification, order, instrument or direction issued, rules, regulation, forms, bye-laws or schemes framed, certificates obtained, permits, or licences granted or registration effected) under the said Regulation or the said Ordinance shall be deemed to have been done or taken under the corresponding provisions 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;

(b) every officer and servant of a Panchayat other than such class of servants as the Government may specify by order, shall until other provisions are made, receive the salary and allowances and be subject to the conditions of service to which they were entitled immediately before the commencement of this section;

(c) it shall be competent to the 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 requirements of the Panchayat, after giving 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 Panchayat in the employ of which he was, had not ceased to exist;

(d) any reference in any enactment or in any instrument to any provision of the repealed Regulation or the said Ordinance shall, unless a different intention appears, be construed as a reference to the corresponding provisions of this Act:

Provided further that notwithstanding anything contained in any other law for the time being in force all Panchayats continued in terms of proviso to Article 243 N of the Constitution of India, shall continue to exercise the power under this Act until the Panchayats are duly constituted under this Act.

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

SCHEDULE - I

FUNCTIONS AND RESPONSIBILITIES OF VILLAGE PANCHAYAT

I. General functions:

- (1) Preparation of annual plans for the development of the Panchayat area.
- (2) Preparation of annual budget.

- (3) Providing reliefs in natural calamities.
- (4) Removal of encroachments on public properties.
- (5) Organising voluntary labour and contribution for community works.
- (6) Maintenance of essential statistics of the village.
- ¹⁰⁵[(7) Demolition of unauthorised construction”.]

II. Agriculture, including agricultural extension:

- (1) Development of waste lands.
- (2) Development and maintenance of grazing lands and preventing their unauthorised alienation and use.

III. Animal Husbandry, Dairying and Poultry:

- (1) Promotion of dairy farming, poultry and piggery.
- (2) Grass land development.

IV. Fisheries:

- (1) Development of fisheries in the villages.

V. Social and Farm Forestry, minor Forest Produce Fuel and Fodder:

- (1) Planting and preservation of trees on the sides of roads and other public lands under its control.
- (2) Fuel plantation and fodder development.
- (3) Promotion of farm forestry.
- (4) Development of Social forestry.

VI. Khadi, Village and Cottage Industries:

- (1) Promotion of rural and cottage industries.
- (2) Organisation of conferences, seminars and training programmes, agricultural and industrial exhibitions for the benefit of the rural areas.

VII. Rural Housing:

- (1) Distribution of house sites within Village Panchayat limits.
- (2) Maintenance of records relating to the house, sites and other private and public properties.

VIII. Drinking water:

- (1) Construction, repairs and maintenance of drinking water well, tanks and ponds.
- (2) Prevention and control of water pollution.
- (3) Maintenance of rural water supply schemes.

¹⁰⁵ Inserted by the Amendment Act 1 of 1997.

IX. Roads, buildings, culverts, bridges, ferries, waterways and other means of communication.

- (1) Construction, and maintenance of village roads, drains and culverts.
- (2) Maintenance of buildings under its control or transferred to it by the Government or any public authority.

X. Rural electrification:

Providing for and maintenance of lighting of public streets and other places.

XI. Non-conventional energy source:

- (1) Promotion and Development of non-conventional energy schemes.
- (2) Maintenance of community non-conventional energy devices, including bio-gas plants.
- (3) Promotion of approved chulhas and other efficient energy devices.

XII. Poverty alleviation programmes:

- (1) Promotion of public awareness and participation in poverty alleviation programmes for fuller employment and creation of productive assets, etc.
- (2) Selection of beneficiaries under various programmes.
- (3) Participation in effective implementation and monitoring.

XIII. Education including Primary Schools:

- (1) Promotion of Public awareness and participation in primary education.
- (2) Ensuring full enrolment and attendance in primary schools.

XIV. Adult and non formal education:

Promotion of adult literacy.

XV. Libraries:

Village libraries and reading rooms.

XVI. Cultural activities:

Promotion of social and cultural activities

XVII. Markets and fairs:

Regulation and fairs (including cattle fairs) and festivals.

XVIII. Rural sanitation:

- (1) Maintenance of general sanitation.
- (2) Cleaning of public roads, drains, tanks, wells and other public places.
- (3) Maintenance and regulation of burning and burial grounds.
- (4) Construction and maintenance of public latrines.
- (5) Disposal of unclaimed corpses and carcasses.
- (6) Management and control of washing and bathing gaits.

XIX. Public Health and Family Welfare:

- (1) Implementation of Family Welfare Programmes.
- (2) Prevention and remedial measures against epidemics.
- (3) Regulation of sale of meat, fish and other perishable food articles.
- (4) Participation in programmes of human and animal vaccination.
- (5) Licensing of eating and entertainment establishments.
- (6) Destruction of stray dogs.
- (7) Regulation of offensive and dangerous trades.
- (8) Regulation of curing, tanning and dyeing of skins and hides.

XX. Women and Child Development:

- (1) Participation in the implementation of women and child welfare programme.
- (2) Promotion of schools, health and nutrition programmes.

XXI. Social welfare, including welfare of the handicapped and mentally retarded:

- (1) Participation in the implementation of the school welfare programmes, including welfare of the handicapped, mentally retarded and destitutes.
- (2) Monitoring of old age and widows pension schemes.

XXII. Welfare of the Weaker Sections and in particular the Scheduled Castes and Scheduled Tribes:

- (1) Promotion of public awareness with regard to welfare of Scheduled Castes, Scheduled Tribes and other weaker sections.
- (2) Participation in the implementation of the specific programmes for the welfare of the weaker sections.

XXIII. Maintenance of community assets:

- (1) Maintenance of community assets.
- (2) Preservation and Maintenance of other community assets.

XXIV. Construction and maintenance of cattle sheds, ponds, cart stands.**XXV. Construction and maintenance of slaughter houses.****XXVI. Maintenance of Public Parks, playgrounds, etc.****XXVII. Regulation of manure pits in public places.****XXVIII. Establishment and control of Shandies.****XXIX. Such other functions as may be entrusted.**

¹⁰⁶ [SCHEDULE - I-A**FUNCTIONS AND RESPONSIBILITIES OF TALUKA PANCHAYAT****I. General function:**

Overall supervision over the developmental works undertaken by village Panchayats in respect of the matters devolved under schedule I, co-ordination and integration of development schemes, at Taluka and preparing the plan for the development of the taluka.

II. Agriculture (including Agricultural Extension) and Horticulture:

- (1) Promotion of measures to increase agricultural production and to popularise the use of improved agricultural practices.
- (2) Opening and maintenance of agricultural and horticultural farm and commercial farms.
- (3) Conducting agricultural fairs and exhibitions.

III. Land improvement and soil conservation:

Implementation of land improvement and soil conservation programmes entrusted by the Government/Zilla Panchayat.

IV. Minor Irrigation, Water Management and Watershed Development:

- (1) Construction, renovation and maintenance of minor irrigation works.
- (2) Watershed development programmes.

V. Animal Husbandry, Dairying and Poultry:

- (1) Establishment and maintenance of taluka and village veterinary hospitals, first-aid centres and mobile veterinary dispensaries.
- (2) Improvement of breed of cattle, poultry and other livestock.
- (3) Promotion of dairy farming, poultry and piggery.
- (4) Prevention of epidemics and contagious diseases.

VI. Fisheries:

- (1) Development of fisheries in irrigation works vested in the Taluka Panchayat.
- (2) Implementation of fishermen's welfare programmes.

VII. Khadi, Village and Cottage Industries:

- (1) Promotion of rural and cottage Industries:
- (2) Implementation of Schemes of State Boards and All India Boards and Commissions for development of rural and cottage industries.

VIII. Small Scale industries Including Food Processing industries:

Promotion of Small Scale Industries.

¹⁰⁶ Schedule-I-A inserted by the Amendment Act 8 of 1999.

IX. Rural Housing:

Promotion of rural housing programmes.

X. Drinking Water:

Promotion of drinking water and rural sanitation.

XI. Minor forest products and Fuel and Fodder:

- (1) Promotion of social and farm forestry, fuel plantation fodder development.
- (2) Management of minor forest produce of the forest raised community lands.
- (3) Development of waste lands.

XII. Roads, Buildings, Bridges, Ferries, Waterways and other means of communication:

- (1) Construction and maintenance of Taluka roads and culverts cause-ways and bridges (excluding State Highways and Village roads) within the Taluka.
- (2) Construction of administrative and other buildings, connected with the requirement of the Taluka Panchayat.

XIII. Non-Conventional, Energy sources:

Awareness programme for the promotion and development of on conventional energy sources.

XIV. Poverty Alleviation Programmes:

Planning, supervision and monitoring the implementation of poverty alleviation programmes in the villages.

XV. Education including primary schools:

- (1) Promotion of educational activities in the Taluka including the establishment and maintenance of primary schools;
- (2) Establishment and maintenance of Ashram School and orphanages;
- (3) Survey and evaluation of educational activities;
- (4) Construction and maintenance of Secondary Schools.

XVI. Technical Training and Vocational Education:

- (1) Establishment and maintenance of rural artisan vocational training centres;
- (2) Encouraging and assisting rural Vocational Training centre.

XVII. Adult and Non-formal Education:

Implementation of programmes of adult literacy and non-formal education programme entrusted by Zilla Panchayat.

XVIII. Markets and Fairs:

Regulation of important fairs and festivals in the Taluka.

XIX. Health and Family Welfare:

- (1) Management of rural sub-health centres and dispensaries excluding in those under the management of the Government or any local authority;
- (2) Implementation of maternity and child health programmes;
- (3) Implementation of family welfare programmes;
- (4) Implementation of immunisation and vaccination programme.

XX. Women and Child Development:

- (1) Promotion of programme relating to development of Women and Children;
- (2) Promotion of school health and nutrition programmes.

XXI. Welfare of the weaker sections and in particular of handicapped and mentally retarded:

Promotion of Social Welfare Programmes including welfare of handicapped, mentally retarded and destitutes.

XXII. Welfare of the weaker sections and in particular of the Scheduled Castes and Scheduled Tribes:

- (1) Promotion of educational, economic, social, cultural and other interests of the Scheduled Castes, Scheduled Tribes and Backward Classes;
- (2) Protecting such Castes, Tribes and Classes from social injustice and all forms of exploitation;
- (3) Establishment and Management of hostels for such Castes, Tribes and Classes.

XXIII. Maintenance of community assets:

- (1) Maintenance of community assets vested in it or transferred to it by the Government or any local authorities or organisations;
- (2) Assisting the Government in the preservation and maintenance of other community assets.

XXIV. Cultural activities:

Promotion of social and cultural activities.

XXV. Rural Electrification:

XXVI. Co-operation:

Promotion of co-operative activities.

XXVII. Libraries:

Promotion of libraries.

XXVIII. Such other functions as may be entrusted.".]

¹⁰⁷ [SCHEDULE – II

Functions and Responsibilities of Zilla Panchayat

I. General functions:

Overall supervision, co-ordination and integration of development schemes at District levels and preparing the plan for the development of the District.

II. Agriculture (including Agricultural Extension) and Horticulture:

- (1) Establishment and maintenance of godown.
- (2) Management of agricultural and horticultural extensions and training centres.
- (3) Training of farmers.

III. Land improvement and soil conservation:

Planning and implementation of land improvement and soil conservation programmes entrusted by the Government.

IV. Minor Irrigation, Water Management and Watershed Development:

- (1) Providing for the timely and equitable distribution and full use of water under irrigation schemes under the control of the Zilla Panchayat.
- (2) Development of ground water resources.
- (3) Supervision over the minor irrigation works undertaken by Taluka Panchayat.

V. Animal Husbandry, Dairying and Poultry:

- (1) Supervision over the Village Veterinary Hospitals, first-aid Centres and Mobile Veterinary dispensaries;
- (2) Training for farmers of dairy farming, Poultry and Piggery.

VI. Fisheries:

- (1) Development of fisheries in irrigation works vested in the Zilla Panchayat;
- (2) Promotion of inland, brackish water and marine fish culture.

VII. Khadi, Village and Cottage Industries:

- (1) Establishment and Management of Training-cum-Production Centre;
- (2) Organisation of marketing facilities for products of cottage and village industries.

VIII. Small-Scale industries including Food Processing Industries:

Educating youth for establishment of Small-Scale Industries.

IX. Rural Housing:

Guidance to the Taluka Panchayat for Promotion of Rural Housing Programme.

¹⁰⁷ Substituted by the Amendment Act 8 of 1999.

IX. Drinking Water:

Guidance for promotion of drinking water and rural sanitation to Taluka Panchayat and Village Panchayat.

XI. Minor forest produce and Fuel and Fodder:

Guidance for the management of minor forest produce of the forest raised community lands.

XII. Roads, Buildings, Bridges, Ferries, Waterways and other means of communication:

- (1) Construction and maintenance of District roads and culverts, causeways and bridges (excluding State Highways and Village roads);
- (2) Construction of administrative and other buildings connected with the requirements of the Zilla Panchayat;
- (3) Supervision over the works undertaken by Village Panchayat and Taluka Panchayat as regards the construction of roads.

XIII. Non-Conventional Energy sources:

Promotion and development of non-conventional energy sources.

XIV. Poverty Alleviation Programmes:

Supervision over the implementation of poverty alleviation programmes in the Village Panchayat.

XV. Education including primary schools:

- (1) Promotion of educational activities in the District including the establishment and maintenance of Higher Secondary Schools;
- (2) Establishment and maintenance of Ashram School and orphanages.
- (3) Survey and evaluation of education activities;
- (4) Construction and maintenance of Higher Secondary Schools.

XVI. Technical training and Vocational Education:

- (1) Encouraging and assisting rural vocational training.

XVII. Adult and Non-formal Education:

Supervision over the implementation of programmes of Adult Literacy and Non-formal Education Programme.

XVIII. Health and Family Welfare:

- (1) Management of Hospitals and dispensaries excluding those under the management of Government or any local authority;
- (2) Supervision over the implementation of maternity and Child Health Programme;
- (3) Supervision over the implementation of family welfare programme;
- (4) Supervision over the implementation of immunisation and vaccination programme.

XIX. Women and Child Development:

- (1) Supervision over the promotion of programme relating to development of Women and Children;
- (2) Supervision over the promotion of school health and nutrition programme;
- (3) Supervision over the promotion of participation of voluntary organisations in Women and Child Development Programmes.

XX. Welfare of the weaker sections and in particular of handicapped and mentally retarded:

Promotion of Social Welfare Programme including Welfare of handicapped, mentally retarded and destitutes.

XXI. Welfare of the weaker sections and in particular of the Scheduled Castes and Scheduled Tribes:

- (1) Supervision and management of hostels in the District, distribution of grants, loans and subsidies to individuals and other Schemes for the welfare of Scheduled Castes, Scheduled Tribes and Backward Classes.

XXII. Maintenance of Community assets:

Supervision and guidance over the community assets maintained by Taluka Panchayats and Panchayats.

XXIII. Cultural activities:

Promotion of social and cultural activities.

XXIV. Rural electrification:

Supervision over electrification by Taluka Panchayat and Village Panchayat.

XXV. Libraries:

Supervision over the construction of libraries by Taluka Panchayat and Village Panchayat.

XXVI. Such other functions as may be entrusted.".]

SCHEDULE - III

TAXES AND THEIR MAXIMUM RATES

A. Tax on property:	Maximum Rate of Tax
1. Tax on buildings	¹⁰⁸ [Such rate of tax as may be prescribed.]
¹⁰¹ [...]	
2. Tax on lands not subject to agricultural assessment	For every one hundred square metre, one rupee per annum.

¹⁰⁸ Substituted by the Amendment Act 1 of 1997.

¹⁰¹ Deleted by the Amendment Act 1 of 1997.

- B. Tax on Entertainments:** Twenty rupees per Entertainment.
- C. Fees on bus stands:** Two rupees per bus per day.
- D. Fee on Markets:**
- (i) For every plot measuring not more than one square metre. Fifty paise per day.
 - (ii) For every additional plot of one square metre or part thereof. Twenty five paise per day, eight rupees per month.
 - (iii) Per basket or bag of any commodity. One rupee.
 - (iv) Per cart load bag of any commodity. Twenty rupees per month.
- E. Tax on advertisement and Hoarding:**
- For every square metre or part thereof. Five rupees per month
- F. Fee on Registration of cattle:**
- For every head of cattle brought for sale in shandies or fairs. One rupee
- G. (i) Sand extraction for M3. One rupee**
(ii) Laterite stones or other Stone extracted for M3. One rupee

Secretariat Annexe,
Panaji.
Dated: 13-7-1994.

B. S. SUBBANNA,
Secretary to the Government
of Goa, Law Department,
(Legal Affairs).

Department of Panchayati Raj and Community Development

Directorate of Panchayats

—
Notification

25/DP/ELT-PET-DISPT/97

Whereas, the draft of the Goa Panchayat Raj (Election Petition Dispute Procedure) Rules, 1997 was published as required by sub-section (1) of section 240 of the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994), in the Official Gazette, Series I No. 40 dated 1-1-1998 of the Directorate of Panchayat Raj and Community Development, inviting objections and suggestions from all persons likely to be affected thereby before the expiry of 10 days from the date of publication of the said Notification in the Official Gazette;

And whereas, the said Gazette was made available to the public on 1st January, 1998;

And whereas no objections/suggestions have been received from the public on the said rules by the Government;

Now, therefore, in exercise of the powers conferred by **sections 17 and 23** read with sub-section (1) of section 240 of the Goa Panchayat Raj Act, 1994 (Act 14 of 1994), the Government of Goa hereby makes the following rules, namely:—

1. Short title and commencement.— (1) These rules may be called the Goa Panchayat Raj (Election Petition Dispute Procedure) Rules, 1998.

(2) They shall come into force at once.

2. Definition.— In these rules, unless the context otherwise requires,—

(a) “Act” means the Goa Panchayat Raj Act, 1994 (Act 14 of 1994);

(b) “Administrative Tribunal” means Administrative Tribunal constituted under section 3 of the Goa Administrative Tribunal Act, 1965 (Act No. 6 of 1965);

(c) “Candidate” means a person who has been or claimed to have been duly nominated as a candidate at any Village Panchayat election, and any such person shall be deemed to have been a candidate as from the time when, with the election is prospect, he began to hold himself as a prospective candidate;

(d) “Costs” means all costs, charges and expenses of or incidental to a trial of election petition;

(e) “Pleader” means any person entitled to appear and plead for another in a civil court within the State of Goa;

(f) “Registrar” means Registrar of Goa Administrative Tribunal constituted under the Goa Administrative Tribunal Act, 1965 (Act No. 6 of 1965);

(g) “Returned candidate” means a candidate declared elected at Village Panchayat election;

(h) “Words and expressions” used but are not defined in these rules shall have the same meaning as assigned to them under the Act.

3. Election Petition.— No election shall be called in question except by a election petition which shall contain such concise statement and contents as specified under section 17 of the Act and shall be accompanied by an affidavit in the form appended to these rules in support of the allegations of such corrupt practices indulged by the returned candidate, and shall be presented in accordance with the provisions of these rules.

4. Processing fee.— At the time of process or election petition, the petitioner or his pleader shall pay a fee of Rs. 100/- in court fee stamp and deposit the amount to cover the cost of preparing certified copies according to the scale of copying fees as specified below. The amount so calculated according to the amount of fee shall be deposited with the Registrar, as copying fees and the amount if any, paid and the amount deposited exceeds the amount of copying fees so deposited, it shall be refunded to the applicant at the time of delivering the copies:

Provided that the applicant shall, if the amount deposited by him is not found to be sufficient to cover the amount of copying fee, to pay the deficient arrears at the time of taking delivery of the copies.

(i) For obtaining a certified copy of the document for the first 200 words or less -Rs. 5/-.

(ii) For every additional 100 words -Rs. 3/-.

5. Presentation of Petitions.— (1) The election petition calling the question of election may be presented in person or through the pleader to the President of Goa Administrative Tribunal to hear and to decide the election dispute thereof.

(2) As soon as the election petition is received by the Registrar, he shall endorse thereon, the date of its receipt, if he is satisfied that—

(a) the person presenting has authority to do so.

(b) it conforms to the provisions of section 17 and the rules.

(3) If the Registrar has found that the election petition so presented does not conform to any of the provisions of section 17 and the rules, he shall—

(i) Where the defects to be remedied are not of a minor nature, with the approval of the President of Goa Administrative Tribunal, return the election petition without endorsement specifically pointing out such defects and;

(ii) where the election petition contains defects of minor nature, the Registrar, may, with the approval of the President of Goa Administrative Tribunal, by a separate letter, specifically point out such defects and shall call upon the petitioner or his pleader to remedy or to explain such defects within the period of 15 days from the date of receipt of such letter. If the appellant or his pleader fails to remedy or explain satisfactorily the

defects within the said period, the Registrar shall place the petition before the President of Goa Administrative Tribunal for his decision on merits and the defects remedying so unremedied shall be taken into consideration by the President of Goa Administrative Tribunal at the time of hearing the petition.

6. Furnishing additional copies of documents.— The Registrar, may, with the approval of the President of Goa Administrative Tribunal, call upon the petitioner to furnish within specified period as many additional copies of petition together with its accompaniments, as he may consider necessary for supply to the respondent or other person if any, or if required otherwise. If the petitioner does not furnish the additional copies of the documents called upon thereof the President of Goa Administrative Tribunal may reject the petition.

7. “Corrupt practices”.— Save as otherwise provided under section 23 of the Act, corrupt practice means and includes—

(i) movement of candidate, his agent/s, or another person on his behalf to solicit the voters for voting of a particular candidate and distribution cards/names/symbols before forty-eight hours of the poll;

(ii) using any Government vehicle, Panchayat premises and any machinery for organising any meeting or parties; and

(iii) to solicit voters by any means such as offerings in kind or cash.

FORM OF AFFIDAVIT

(See rule 3)

Before the Election Petition Authority (President of Goa Administrative Tribunal) At Panaji

Election Petition No.

Shri/Smt.

ProfessionofAge — Petitioner

Indian National.

H. No.Waddo

Village

(Specify detailed address)

V/s.

Shri/Smt.

Profession of Age — Respondent

Indian National.

H. No. Waddo

Village

(Specify detailed address)

AFFIDAVIT

I, the above named petitioner do hereby state and declare on solemn affirmation as under:

1. (1) I say that I am a voter enrolled at Sr. No.of Ward No..... of..... Village Panchayat of of..... TalukaofGoa. (District)

OR

(Write whichever is applicable)

(2) I say that I was a candidate contesting from Ward No. of.....Village Panchayat of Taluka and that the Respondent No.has been duly elected from the said ward.

(3) I say that the Respondent No. was indulged in the following corrupt practices.

I.

II.

III. (and so on)

4. That the contents of paratoare true to my personal knowledge. Solemnly affirmed aton thisday of.....

DEPONENT

Identified by me:

Explained in Konkani/Marathi in the language known to the deponent by Shri
.....

By order and in the name of the Governor of Goa.

G. G. Kambli, Director of Panchayats and Ex-Officio Joint Secretary.

Panaji, 21st April, 1998.

Department of Panchayat Raj and Community Development

Directorate of Panchayats

Notification

34/DP/PAN/ZDF/99

Whereas the draft of the Goa Panchayat Raj (Application of Panchayat Fund and Zilla Panchayat Fund) Rules, 2000, was published as required under sub-section (1) of section 240 Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994), in the Official Gazette, Series I, No. 52 dated 23rd March, 2000, under Notification No. 34/DP/PAN/ZDF/99 dated 28-2-2000, of the Department of Panchayati Raj and Community Development, inviting objections and suggestions from all persons likely to be affected thereby before the expiry of fifteen days from the date of publication of this Notification in the Official Gazette;

And whereas the said Gazette was made available to the public on 23-3-2000;

And whereas no objections and suggestions have been received from the public on the said draft by the Government.

Now, therefore, in exercise of the powers conferred by **sub-section (1) of section 240** of the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994), the Government of Goa hereby makes the following rules, namely:—

1. Short title and commencement.— (1) These rules may be called the Goa Panchayat Raj (Application of Panchayat Fund and Zilla Panchayat Fund) Rules, 2000.

(2) They shall come into force at once.

2. Definitions.— In these rules, unless the context otherwise requires,—

(a) “Act” means the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994);

(b) “section” means a section of the Act;

(c) “Panchayat Fund” means the Panchayat Fund constituted under section 161 of the Act;

(d) “Zilla Panchayat Fund” means the Zilla Panchayat Fund constituted under section 166 of the Act;

(e) words and expressions used but are not defined in these rules, shall have the same meaning as assigned to them in the Act.

3. Restrictions, conditions and limitations on expenditure from the Panchayat Fund or the Zilla Panchayat Fund.— Subject to the provisions of the Act and the rules made thereunder and such general or special orders as the Government may from time to time make, the village or the Zilla Panchayat, shall incur expenditure out of the Panchayat Fund or the Zilla Panchayat Fund, as the case may be, for which provision has been made in the budget or funds are obtained by reappropriation duly approved, on the items

specified in column (2) of the Schedule hereto the extent as specified in the corresponding entries in column (3a) and (4a) of the Schedule:

Provided that no expenditure shall be incurred beyond the amounts specified in column 3(b) of the Schedule by the Village Panchayat and column 4(b) of the Schedule by the Zilla Panchayat, without the previous sanction of the Zilla Panchayat or the Government, as the case may be.

SCHEDULE

(See Rule 3)

(Expenditure to be incurred from Panchayat Fund or Zilla Panchayat Fund)

Sr. No.	Particulars of expenditure	Expenditure that may be incurred by the Village Panchayat	Expenditure that may be incurred by the Village Panchayat with previous sanction of the Government	Expenditure that may be incurred by the Zilla Panchayat	Expenditure that may be incurred by the Zilla Panchayat with previous sanction of the Government
	(1)	(2)	(3a)	(3b)	4(a) 4(b)
(1)	Payment of rent for occupation of building	Rs. 1000/- per month	Rs. 5000/- per month	Rs. 52,000/- per month	No limit.
(2)	Purchase of furniture	Rs. 50,000/- per annum	Rs. 50,000/- per annum	Rs. 50,000/- per annum	No limit.
(3)	Purchase of Stationery	Rs. 5,000/- per annum	Rs. 20,000/- per annum	Rs. 25,000/- per annum	No limit.
(4)	Expenditure for provisions of tea or light refreshment in the meeting of Panchayat or Zilla Panchayat or Committees thereof	Rs. 100/- per meeting	Rs. 2,000/- per meeting	Rs. 2,000/- per meeting	Not exceeding Rs. 5,000/- per month.
(5)	Legal charges to the Advocates	Rs. 500/- in each case subject to a maximum of Rs. 5,000/- per annum to those Panchayats. Whose income is below one lakh & Rs. 10,000/- whose income exceeds one lakh per annum	Rs. 500/- in each case subject to a maximum of Rs. 10,000/- per annum	Rs. 500/- in each case subject to a maximum of Rs. 10,000/- per annum	Rs. 1,000/- in each case subject to a maximum of Rs. 20,000/- per annum.
(6)	Expenditure in connection with celebration of national festivals like Republic Day, Independence day, etc.	Rs. 500/- in each case limited to Rs. 5,000/- per annum	Rs. 2,500/- in each case limited to Rs. 12,000/- per annum.	Rs. 2,500/- in each case limited to Rs. 12,000/- per annum.	Rs. 5,000/- in each case.

(1)	(2)	(3a)	(3b)	4(a) 4(b)	(1)
(7)	Expenditure for receptions, presentation for addresses and laying of foundation stones including advertisement	Rs. 1,000/- in each occasion limited to Rs. 3,000/- per annum	Rs. 6,000/- in each occasion limited to Rs. 20,000/- per annum.	Rs. 6,000/- in each occasion limited to Rs. 20,000/- per annum	Rs. 10,000/- in each case limited to Rs. 30,000/- per annum
(8)	Financial assistance to the families affected by natural calamities like fire, flood, heavy rains, coastal winds, cyclone earthquake, etc.	Maximum Rs. 500/- per family subject to availability of funds in annual budget	Maximum Rs. 25,000/- per family	Maximum Rs. 20,000/- per family subject to availability of funds in annual budget	Rs. 25,000/- in each case.
(9)	Grants for reading room and libraries for purchase of newspaper, periodicals and books, etc.	Rs. 1,000/- in each case limited to Rs. 10,000/- per annum	Rs. 3,000/- in each case limited to Rs. 50,000/- per annum	Rs. 5,000/- in each case limited to Rs. 50,000/- per annum	No limit.
(10)	Grants to Mahila mandals and balwadi	Rs. 500/- per institution limited to Rs. 6,000/- per annum	Rs. 1,500/- per annum per institution	Rs. 2,000/- per annum per institution	Rs. 5000/- per annum per institution.
(11)	Grants to educational service institution or organization	Rs. 1,000/- per annum per institution	Rs. 3,000/- per annum per institution	Rs. 5,000/- per annum per institution	Rs. 10,000/- per annum per institution.
(12)	Awarding prizes to crop competition, sports competition, etc.	Not exceeding Rs. 5,000/- per annum	Rs. 15,000/- per annum	Not exceeding Rs. 25,000/- per annum	Not exceeding Rs. 50,000/- per annum.
(13)	Contribution to exhibitions, conferences or seminars, training camps, workshop within or outside the jurisdiction of P.R.I.	Rs. 500/- in each case limited to Rs. 10,000/- per annum	Rs. 2,000/- in each case limited to Rs. 20,000/- per annum	Rs. 5,000/- in each case limited to Rs. 30,000/- per annum	Not exceeding Rs. 5000/- in each case limited to Rs. 50,000/- per annum.
(14)	Donations to registered Clubs, Societies, etc.	Not exceeding Rs. 5,000/- per annum	Not exceeding Rs. 15,000/- per annum	Not exceeding Rs. 20,000/- per annum	Not exceeding Rs. 25,000/- per annum.
(15)	Payment of wages to the labourers engaged for immediate development work	Not exceeding the rates fixed by the Government for skilled workers/ labourers limited to Rs. 5,000/- per annum	Not exceeding Rs. 100/- per labourer limited to Rs. 15,000/- per annum	Not exceeding Rs. 100/- per labourer limited to Rs. 20,000/- per annum	—
(16)	Advertisement on greetings, etc.	Rs. 2,000/- per annum	Rs. 8,000/- per annum	Rs. 10,000/- per annum	Rs. 10,000/- per annum.

(1)	(2)	(3a)	(3b)	4(a)	4(b)	(1)
(17)	Purchase of Electrical goods	Rs. 10,000/- per annum to those Panchayats whose income is below one lakh and Rs. 25,000/- whose income exceeds one lakh per annum	—	—		No limit.
(18)	Purchase of pesticides/germicides for sanitation, cleanliness	Rs. 10,000/- per annum to those Panchayats whose income is below one lakh and Rs. 25,000/- whose income exceeds one lakh per annum	—	—		No limit.

By order and in the name of the Governor of Goa.

G. G. Kambli, Director of Panchayats and Ex-Officio Joint Secretary.

Panaji, 27th July, 2000.

(Published in the Official Gazette, Series I No. 17 dated 28-7-2000-Extraordinary).

Notification

I/DP/DR-EP/96

Whereas the draft of the Goa Panchayat and Zilla Panchayat (Election Procedure) Rules, 1996, was published as required by sub-section (1) of section 240 of the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994), at pages 211 to 230 of the Official Gazette (Extraordinary) Series I, No. 19 dated 8-8-1996, under Notification No. I/DP/DR-EP/96 dated 26-7-1996 of the Department of Community Development and Panchayats, inviting objections and suggestions from all persons likely to be affected thereby before the expiry of fifteen days from the date of publication of the said Notification in the Official Gazette;

And Whereas the said Gazette was made available to the public on 8th August, 1996;

And Whereas vide subsequent Notification No. I/DP/DR-EP/96 dated 5-9-1996, the time limit for filing objections/suggestions to the said draft rules was extended upto 9-9-1996;

And Whereas objections/suggestions received from the public on the said draft have been considered by the Government.

Now, Therefore, in exercise of the powers conferred by **section 15 and sub-section (2) of section 125** read with sub-section (1) of section 240 of the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994), the Government of Goa hereby makes the following rules, namely:—

CHAPTER I

1. Short title and commencement.— (1) These rules may be called the Goa Panchayat and Zilla Panchayat (Election Procedure) Rules, 1996.

(2) They shall come into force at once.

2. Definitions.— In these rules, unless the context otherwise requires,—

- (a) “Act” means the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994);
- (b) “Constituency” means a Constituency of Zilla Panchayat;
- (c) “Commissioner” means the State Election Commissioner appointed under section 237;
- (d) “Election” means an election to fill a seat or seats in a Panchayat or Zilla Panchayat;
- (e) “Returning Officer” or “Assistant Returning Officer” means an Officer duly appointed by the State Election Commissioner;
- (f) “Section” means a section of the Act;
- (g) “Voter” means a person entitled under section 14 of the Act to vote at an election;

(h) “Ward” means a ward of Village Panchayat;

(i) Words and expression used but not defined in these rules, shall have the meaning as respectively assigned to them in the Act.

CHAPTER II

Election

3. Formation of wards/constituencies.— (1) For dividing a Panchayat area into wards the population or the number of voters of each ward shall, as far as may be practicable be equal and be in the same proportion as the number of members fixed under section 7 of the Act bears to the total population or the number of voters of the Panchayat.

(2) In dividing a Panchayat area into wards under section 7, the Director shall ensure that the geographical contiguity of all the areas in a ward is maintained.

(3) Each ward shall be assigned a separate serial number.

(4) The Government shall divide the area of Zilla Panchayat into territorial constituencies in accordance with the provisions of section 119 of the Act.

(5) Each Constituency shall be assigned a separate serial number.

4. Publication of wards/constituencies.— The wards/constituencies formed under rule 3 be notified by affixing a statement thereof in Form No. 10 or Form No. 11, as the case may be, to the Notice Board of the Director’s Office, Office of Chief Executive Officer, Mamlatdar’s Office, Office of the Block Development Officer and the Panchayat Office or in any conspicuous place at the Head Quarters of the Panchayats, where no Panchayat Office is established. The Statement shall also be published in the Official Gazette.

Preparation, Maintenance and Custody of Voters List

5. Preparation of electoral roll.— The electoral roll of the Goa Legislative Assembly prepared under the provisions of the Representation of the People Act, 1950 (Central Act 43 of 1951), and for the time being in force on such date as the Commissioner may, by general or special order notify in this behalf (being a date not earlier than one month from such notification), for such Constituency of the Assembly or any part thereof as is included in the area within the jurisdiction of the Panchayat, shall be divided by the Director into different sections corresponding to the different wards of Constituencies of a Panchayat or Zilla Panchayat by the Government as the case may be. The ward-wise or constituencywise list so obtained shall collectively form the electoral roll of the concerned Panchayat or Zilla Panchayat as the case may be until the Commissioner notifies a different list under this rule.

6. Custody of the electoral rolls.— A printed copy of such section of the roll as divided under rule 5, shall be signed by the Returning Officer and sealed with the common seal of the Returning Officer and the copy so authenticated shall be kept by him in his personal custody.

7. Availability of voters list.— The Returning Officer shall at least five days before the date fixed for the nomination of the candidates for every general election of the Panchayat/Zilla Panchayat give a notice in Form No. 12 of the places where copies of the relevant list of voters are kept open for public inspection. Such notice shall be affixed at the notice of his office as well as the Village Panchayat Office, and if there be no Panchayat Office, at any other conspicuous public-place in the Village.

Qualification For Reserved Seat

8. Qualification for candidate for reserved seat.— Where any seat in a ward of Panchayat or Constituency of Zilla Panchayat is reserved for Schedule Caste, Scheduled Tribe or Backward Class or a woman only such member of Scheduled Caste or Scheduled Tribe or Backward Class or a woman, shall be qualified to be chosen to fill such seat.

Election of Panchayat and Zilla Panchayat

9. Appointment of Election Staff.— (1) The Returning Officer shall appoint a Presiding Officer for each place fixed for recording of votes (hereinafter referred to as Polling station). He may also appoint one or more Polling Officers to assist the Returning Officer and Presiding Officer in election work. Such Officers may be appointed either by name or designation. The First Polling Officer shall perform the duties of the Presiding Officer in the absence of the Presiding Officer.

(2) If any Polling Officer is absent from the Polling station, the Presiding Officer may appoint any person to act in place of such absentee and inform the Returning Officer accordingly.

(3) No person who has been employed by or on behalf of or has been otherwise working for a candidate in or about the election shall be appointed as a Presiding or Polling Officer.

(4) The Presiding and the Polling Officer shall perform such duties and exercise such powers as are imposed and conferred on them by these rules or as may be entrusted to them by the Returning Officer.

(5) The Assistant Returning Officer shall, subject to the control of the Returning Officer, be competent to perform all or any of the functions of the Returning Officer:

Provided that no Assistant Returning Officer shall perform any of the functions of the Returning Officer which relates to the scrutiny of the nomination papers ¹[...] unless the Returning Officer is prevented from performing the said functions by circumstances beyond his control.

10. Power of the Government to appoint dates etc. for holding elections.— (1) The Government, in consultation with the Commissioner, or, shall, after it is decided to hold an election in the Village Panchayats or Zilla Panchayats concerned, by notification in the Form I or Form I-A as the case may be, appoint the date(s) for holding election thereof.

¹ The words “or to the counting of votes” have been omitted vide 4th Amendment Rules, 2000 published in O. G., Series I No. 44 dated 1-2-2000.

(2) The Commissioner shall take such necessary steps for fixing the dates and hours for following stages of an election namely:—

- (i) The nomination of candidates;
- (ii) The scrutiny of nomination;
- (iii) The withdrawal of nomination;
- (iv) The counting of votes;

Provided that:—

(i) between the date fixed for the nomination of candidate and the date fixed for the recording of votes, there is at least an interval of 15 days; and

(ii) the date(s) for the scrutiny of nominations shall be the date(s) immediately following the date(s) fixed for the nomination of candidates.

(3) On the issue of notification under sub-rule (1), the Commissioner shall give public written notice in Form No. 2 or 2-A as the case may be, of the intended election not less than ²[seven] days before the last date fixed for the nomination of candidates inviting nominations of candidates for such election and specifying the place where nomination papers are to be delivered. Copies of notice shall be published by affixing at the Village Panchayat Office, Office of the Mamlatdar, Office of the Block Development Officer, Office of Chief Executive Officer and if necessary, at any other place in the Panchayat area appointed by the Commissioner.

(4) The date(s) and hours appointed under sub-rules (1), (2) and (3) shall not be changed except with the previous sanction of the Commissioner:

Provided that if the Government is of the opinion that it is necessary in the public interest to change the date(s) so fixed and if there is no sufficient time for obtaining the previous sanction of the Commissioner to such change, the Government may, for reasons to be recorded in writing, change such a date(s). In every such case, the Government shall forthwith forward a copy of its order and the reasons so recorded to the Commissioner.

(5) The Government shall also publish in the said notice in Form No.1, the date(s) and hours of poll may be notified by it under section 15 of the Act.

11. Appointment of election Agent.— A candidate at an election may appoint an election agent in Form No. 17 and notice of such appointment shall be given by forwarding the same in duplicate, to the Returning Officer, who shall return one copy thereof to the election agent after affixing thereon his seal and signature in token of his approval for the appointment.

12. Presentation of nomination paper.— (1) On the date appointed for the nomination of candidates and during the hours appointed by the Commissioner under rule 10 in this behalf, each candidate shall make an application in writing in Form No. 3 signed by him and present either in person or through a seconder authorised in writing in

² The word “seven” has been substituted for the word “fifteen” by 1st Amendment Rules, 1999, published in O. G., Series I No. 31 dated 30-10-1999.

this behalf by such candidate to the Returning Officer signifying his willingness to serve as a member of the Panchayat or Zilla Panchayat, as the case may be.

(2) On receiving a nomination paper under sub-rule (1), the Returning Officer shall write on the nomination paper its serial number, and shall sign thereon a certificate stating the date on which and exact time at which the application was delivered to him.

(3) Any nomination paper not delivered as provided in sub-rule (1) shall be rejected.

(4) Not more than two nomination papers shall be presented by any candidate or accepted by the Returning Officer for election in the same ward or Constituency, as the case may be.

(5) When an election is held at or about the same time for two or more wards in a village, one and the same person may stand for election in all or any number of such wards or Constituencies, as the case may be.

13. Procedure upon delivery of nomination paper.— Upon delivery of a nomination paper under rule 12, the Returning Officer shall inform the person delivering the same of the day, hour and place appointed for the scrutiny thereof and shall endorse thereon:—

(i) the serial number of the ward/constituency from which the candidate proposes to seek election;

(ii) the serial number of the nomination paper for such ward/constituency;

(iii) the name of the person delivering the nomination;

(iv) the date which and the hour at which nomination paper was delivered to him.

14. Deposit of Nomination.— (1) On or before the date appointed for the nomination of candidates, each candidate shall deposit or cause to be deposited with the Returning Officer a sum of Rs. 100/- (Rupees one hundred only) in cash with the first paper for each ward of the Village Panchayat and in the case of Zilla Panchayat, each candidate shall deposit or cause to be deposited a sum of Rs. 500/- (Rupees five hundred only), in cash with the first nomination paper for each Constituency:

Provided that in a ward of Village Panchayat or a Constituency of Zilla Panchayat in which a seat is reserved for women or for Scheduled Caste/Scheduled Tribe or for backward classes, the sum to be deposited by or on behalf of such a candidate in case of Village Panchayat shall be Rs. 50/- (Rupees fifty only) and in the case of Zilla Panchayat, the sum to be deposited shall be Rs. 300/- (Rupees three hundred only):

Provided further that no candidate shall be deemed to be duly nominated unless the deposit referred to in this sub-rule has been made.

(2) Where a candidate by whom or on whose behalf such deposit has been made, withdraws, his candidature in the manner and within the time specified in rule 18 or where the nomination paper of such candidate is rejected, the deposit shall be returned to the candidate or any other person who made the deposit, as the case may be, and, if any candidate dies before the commencement of the poll, such deposit shall be returned (a) if made by him, to his legal representative or (b) if not made by the candidate, to the person by whom it was made.

(3) If a candidate by whom or on whose behalf such deposit has been made is not elected and the number of votes polled by him does not exceed one-eighth of the total number of votes polled divided by the number of members to be elected, the deposit shall be forfeited to the Government.

(4) For the purpose of sub-rule (3), the total number of votes polled shall be deemed to be the total number of counted voting papers, other than spoilt voting papers.

(5) A deposit made under sub-rule (1), if it is not returned under sub-rule (2), or is forfeited under sub-rule (3), shall be returned to the candidate or any other person who made the deposit, as the case may be, as soon after the publication of the result of the election under rule 56 as may be practicable.

15. Scrutiny of nomination paper.— (1) At the time and place appointed for the scrutiny of nomination, intending candidates or in their absence any other person duly authorised in writing by each such intending candidate, shall alone be entitled to be present. The Returning Officer shall allow such persons reasonable facilities for examining the nomination papers of intending candidates.

(2) The Returning Officer shall scrutinise the nomination papers and decide all objections which may be made before him to any nomination and may, either on such objection or on his own motion, after such summary enquiry, if any, as he may consider necessary, reject a nomination paper on any of the following grounds, namely:—

(i) that the candidate is disqualified or is not qualified under the Act or these rules for election; or

(ii) that the candidate has failed to comply with any of the provisions required by these rules or the Act;

(iii) that the nomination of candidate has been seconded by any voter of the ward in case of Panchayat or Constituency in case of Zilla Panchayat in which the candidate has filed his nomination paper;

(iv) that he or the seconder is not identical with the person whose number or name on the voters list as stated in the nomination paper to be the number or name of the candidate or seconder; or

(v) that the signature of the candidate or a seconder is not genuine or has been obtained by fraud, coercion or undue influence.

(3) The Returning Officer shall not reject any nomination paper on the ground of any defect which is not of substantial character.

(4) For the purpose of sub-rule (2), the production of a certified copy of an entry made in the list of voters shall be conclusive evidence of the right of any voter named in that entry to stand for election unless it is proved that the candidate is disqualified.

16. Completion of scrutiny.— (1) The scrutiny shall be completed on the day(s) appointed by the Commissioner in this behalf.

(2) The Returning Officer shall, on the same day, endorse on each nomination paper his decision accepting or rejecting the same, and, if the nomination paper is rejected, shall record a brief statement of his reason for such rejection.

17. Preparation and displaying of list of validly nominated candidates.— (1) Immediately after the scrutiny is completed under rule 16, the Returning Officer shall, for each ward cause to be prepared a list in Form No. 4 showing the names of the candidates whose nomination papers have been accepted.

³[(2) The name should be arranged alphabetically in Roman script commencing with the proper name followed by father's/mother's/husband's name and surname. The name shall also be written in Devnagri script. The list so prepared shall be displayed on the notice board in the Office of the Returning Officer and the Office of the Panchayat'.]

18. Withdrawal of Candidature.— (1) Any candidate may withdraw his candidature by a notice in writing in Form No. 13 subscribed by him and delivered to the Returning Officer between the hours of ten o'clock in the forenoon and two o'clock in the afternoon on the day immediately following the day of completion of the scrutiny, such notice may be delivered either by the candidate in person or by a person authorised in writing by him in this behalf. Any notice of withdrawal which is given after the expiry of the period specified in this rule, shall not have any effect.

(2) No person who has given a notice of withdrawal of his candidature under sub-rule (1) shall be allowed to cancel the notice.

(3) The Returning Officer, on receiving notice of withdrawal under sub-rule (1), shall as soon as may be thereafter, cause a notice of withdrawal in Form No. 14 to be fixed at the Office of the Returning Officer.

19. Uncontested election and failure to elect.— (1) In any ward or Constituency in which no seat is reserved for Scheduled Caste/Scheduled Tribe or for women or for Backward Class.

(i) where there is only one candidate duly nominated and qualified to be chosen to fill the seat in a ward or Constituency the Returning Officer shall declare the candidate so nominated to be duly elected without any votes being taken. Such declaration shall be in Form No. 24;

(ii) where there is no candidate duly nominated in respect of the seat in a ward or Constituency it shall be deemed to be that the election has not resulted in the return of the required number of qualified person(s) willing to take Office within the meaning of section 7;

(iii) if the number of candidates duly nominated exceeds the number of seat(s) to be filled in a ward or Constituency, votes shall be taken for filling the vacancies in the manner provided by these rules.

³ Para (2) substituted by the 4th Amendment Rules, 2000 published in Official Gazette, Series I No. 44 dated 1-2-2000.

(2) In any ward or Constituency in which a seat is reserved for Scheduled Caste/Scheduled Tribe or women, the Returning Officer shall ascertain the number of candidates qualified to fill such reserved seat and thereafter proceed as follows:—

(i) where there is one candidate qualified to be chosen to fill the reserved seat, the candidate qualified shall be declared by the Returning Officer to be elected to fill the reserved seat. Such declaration shall be in Form No. 25;

(ii) where there is no candidate qualified to be chosen to fill any of the reserved seat, it shall be deemed that the election has not resulted in the return of the required number of qualified persons willing to take office within the meaning of section 7.

⁴**[20. Assignment of symbol.]—** (1) In the case of every contested election, the Returning Officer shall assign to each candidate one symbol in the following order after arranging their names as required under rule 21. (1) Aeroplane (2) Almirah (3) Baby Doll (4) Ball (5) Camera (6) Car (7) Desk (8) Door (9) Envelope (10) Fire Engine (11) Flute (12) Frying Pan (13) Gas Cylinder (14) Gas Stove (15) Hanger (16) Hat (17) Ink Pot and Pen (18) Jeep (19) Kite (20) Lock and Key (21) Pressure Cooker (22) Railway Engine (23) Road Roller (24) Sewing Machine (25) Stool (26) Table Lamp (27) Television (28) Violin (29) Walking Stick (30) Whistle.]

(2) If the list of symbols in sub-rule (1) is exhausted, the Returning Officer may at his discretion, allot to the candidate or candidates concerned any symbol other than those specified in the list but no symbol reserved for a political party by the Election Commission of India, shall be allotted.

21. Preparation and displaying of list of contesting candidates.— (1) The Returning Officer shall supply to each candidate or his election agent:—

- (a) A copy of the list of contesting candidates, and
- (b) Specimen of the picture of the symbol allotted.

(2) Immediately after the expiry of the time fixed under sub-rule (1) of rule 18, the Returning Officer shall for each Panchayat or Constituency and also for each ward cause to be prepared, a list of contesting candidates in Form No. 5 arranging the names in the alphabetical order in Roman and Devnagri script as appearing in Form No. 4 alongwith the symbol assigned to them in the manner specified under rule 20 and display the list on the notice board in the Office of the Panchayat, Office of Chief Executive Officer and in the Office of the Returning Officer.

(3) On the day of poll, a copy of list of contesting candidates shall be pasted outside the polling stations for the guidance of voters before the polling commences.

22. Form of voting paper.— The voting paper shall be in Form No. 6 appended to these rules and printed in Roman and Devnagri script. It shall contain the names of all contesting candidates in alphabetical order as arranged in Form No. 5 together with the distinguishing symbol assigned to each candidate by the Returning Officer under rule 20.

⁴ Sub-rule (1) of rule 20 substituted by 2nd Amendment Rules, 1999 published in O. G., Series I No. 32 dated 8-11-99.

23. Polling Station.— (1) If a poll is to be held, the Returning Officer, with the prior approval of the Commissioner, shall locate a polling station or stations in Office of the Panchayat and or other public buildings such as a school and Government Offices within the concerned Panchayat limits or the Zilla Panchayat as the case may be.

(2) A list specifying the place(s) of polling station(s) as also the serial numbers of voters attached to it shall be prepared Panchayatwise or Constituencywise as the case may be, and displayed by the Returning Officer on the notice board in the Office of the Mamlatdar, Block Development Officer and the Office of the Panchayat or the Office of Chief Executive Officer at least 7 days before the day of poll.

(3) Two copies of such list shall be supplied free of cost to each of the contesting candidates.

24. Death of Candidate before the poll.— If a candidate whose nomination has been found valid on scrutiny under rules 15 and 16 and who has not withdrawn his candidature under rule 18, dies and a report of his death is received before the publication of the list of contesting candidate under rule 21, or if a contesting candidate dies and a report of his death is received before the commencement of the poll, the Returning Officer shall, upon being satisfied of the fact of the death of the candidate countermand the poll and report the fact to the Commissioner and all proceedings with reference to the Election shall be commenced anew in all respect as if for a new election:

Provided that no further nomination shall be necessary in the case of a person who was a contesting candidate at the time of the countermanding of the poll:

Provided further that no person who has given a notice of withdrawal of his candidature under sub-rule (1) of rule 18 before the countermanding of the poll shall be ineligible for being nominated as a candidate for the election after such countermanding.

25. Supply of election material.— (1) Each polling station shall be provided with Ballot papers serially numbered equal to the number of voters assigned to the polling station rounded upto next ten, copies of voters list, ballot boxes sufficient for the purpose of enabling electors to cast their votes and such other materials for the purposes of the polling as may be necessary.

(2) In supplying the material mentioned in sub-rule (1) regard shall be had to the number of electors entitled to vote at the polling station and the number of polling station and the number of polling booths established therein.

26. Ballot Boxes.— (1) Every ballot box at the polling station shall bear the name of the Panchayat or Zilla Panchayat and the numbers of the ward(s) or constituency(s) of the Panchayat or Zilla Panchayat.

(2) Every ballot box shall be so constructed that Ballot papers may be introduced therein but cannot be withdrawn therefrom without the box being unlocked and without breaking the seal.

27. Appointment of Polling agents.— (1) A contesting candidate or his election agent may appoint one polling agent and two relief agents to act as such on his behalf in each polling station.

(2) Every such appointment shall be made in Form No. 15 and shall be made over to the polling agent for production at the polling station.

28. Sealing of ballot box before the commencement of the poll.— The poll shall commence at the hour appointed for such commencement. Immediately, before the commencement of the poll, the Presiding Officer shall show the ballot box to the candidates or their agents as may be present at the polling station, thereafter lock the same, place a seal thereupon in such a manner as to prevent it being opened or unlocked without breaking the seal and place it within his view.

29. Admission to Polling Booths.— (1) On the day of elections every Presiding Officer, shall admit to the anteroom of the polling booth at which he presides:—

(a) The candidates and such polling agents as may be selected by the candidates to assist in the identification of voters; and

(b) Persons authorised by the Commissioner;

(c) Polling Officers and other public servants on duty:

Provided that there shall be present at any time in lieu of candidates not more than one polling agent of each candidates in every polling station.

(2) Besides the candidates and their polling agents, only voters and such persons, if any, may be admissible under special directions given by the Presiding Officer in this behalf, shall be admitted in the polling booth:

Provided further that each candidate shall be allowed to appoint in Form No. 15 one polling agent and two relief agents at each polling station.

30. Candidates and agents not to communicate with voters.— (1) The candidates and their agents shall not speak to or address any voter in any part of the polling station, but may address to the Presiding Officer objection to a voter on any one of the following three grounds, namely:—

(i) That the voters name does not appear in the list as entitled to vote in the ward or constituency in respect of which the election is being held;

(ii) That his claim to be a certain voter, whose name is entered in the voters list is false;

(iii) That he has already voted at the election.

(2) Any person contravening the provisions of sub-rule (1) may be expelled from the polling station by the Presiding Officer, and a person so expelled shall not be re-admitted during the elections.

31. Voters to attend polling station.— Every voter desirous of recording his vote shall attend for the purpose, at the polling station for the ward or constituency for which he is entered in the voter's list on such date and between such hours as have appointed by the Government and Commissioner in this behalf under rule 10.

32. Voting to be personal and by Ballot in polling station or booth previously directed.— (1) At every polling station vote shall be casted by Ballot and in person and the Presiding Officer shall not allow any votes to be cast by proxy.

(2) No elector shall be admitted to cast his vote elsewhere than in the polling station and the polling booth attached thereto.

(3) Every voter shall be entitled to give only one vote.

33. Arrangements for secrecy of voting.— (1) Each polling station shall contain a separate compartment in which electors shall cast their votes screened from observations.

(2) While an elector is in such compartment, no other person shall, subject to the provisions contained in rule 29 enter it but the Presiding Officer may occasionally enter it alongwith the candidates if they so desire.

34. Identity of Elector.— Immediately before the Ballot paper is delivered to an elector, the Presiding Officer shall satisfy himself as to the identity of the elector with reference to the entry relating to that elector in the voters list. He shall also hear and decide then and there any objections raised in this behalf. He may refuse to issue a Ballot paper or papers to any person who declines to answer any reasonable question put to him for the purpose of ascertaining such identity or whose identity is not established to his satisfaction. But issue of Ballot papers shall not be refused merely on the ground of any typographical error or omission in the relevant entries of the voters list if the identity of the elector is otherwise established.

⁵[**34 A. Safeguard against personation.**— (1) With a view to preventing personation of voters, every voter about whose identity the Presiding Officer, is satisfied, shall allow his left forefinger to be inspected by the Presiding Officer or the polling officer and an indelible ink mark to be put on it.

(2) If any voter refuses to allow his left forefinger to be inspected or marked in accordance with sub-rule (1) or has already such a mark on his left forefinger or does any act with a view to removing the ink mark, he shall not be supplied with any Ballot paper or allowed to vote.

(3) Any reference in this rule to the left forefinger of a voter shall, in the case where the voter has his left forefinger missing, be construed as a reference to any other finger of his left hand and shall, in the case where all the fingers of his left hand are missing, be construed as a reference to the forefinger or any other finger of his right hand, and shall in the case where all his fingers of both the hands are missing, be construed as reference to such extremity of his left or right arm as he possesses.”]

35. Issue of Ballot papers to electors.— (1) Every Ballot paper before it is issued to an elector and the counterfoil attached thereto shall be stamped on the back with such distinguishing mark as the Commissioner may direct, and every Ballot paper, before it is issued, shall be signed in full on its back by the Presiding Officer and shall be marked with the distinguishing mark on its back at the top of the left hand corner.

(2) Before the issue of Ballot paper to an intending voter,—

(a) his name and serial number in the voters list shall be called out so that all present can hear them;

⁵ Inserted vide 3rd Amendment Rules, 2000 published in O. G., Series I No. 42 dated 14-1-2000.

(b) record on its counterfoil the electoral roll, number of the elector as entered in the marked copy of the electoral roll;

(c) obtain the signature or thumb impression of that elector on the said counterfoil;

(d) mark the name of the elector in the marked copy of the electoral roll to indicate that a Ballot paper has been issued to him, therein the serial number of the Ballot paper issued to that elector.

(3) Where objections are raised by candidates and/or their agents, the Presiding Officer shall dispose of such objections as provided in rule 40 and when satisfied that the intending voter is entitled to vote and has not yet voted, shall direct the Polling Officer to issue him a Ballot paper as provided in this rule.

(4) Save as provided in sub-rule (2) no person in the Polling Station shall note down the serial number of the Ballot paper issued to particular elector.

36. Manner of casting votes.— An elector shall, on receiving the Ballot paper issued to him under rule 35, forthwith proceed to the polling compartment, there, mark his Ballot paper by affixing a seal containing an arrow mark opposite the name and symbol (or on the name or symbol) of the candidate in whose favour he desires to cast his vote, fold up the Ballot paper and put the Ballot papers so folded up into the ballot box which shall be placed within the view of the Presiding Officer and without undue delay, leave the polling station.

37. Assistant to blind and infirm electors.— If an elector owing to blindness or other physical infirmity is unable to record his vote in the manner laid down in rule 36, the Presiding Officer shall do so according to the direction of the elector and fold it so as to conceal the vote and insert it into the ballot box and make a brief note against the entry relating to such elector in the copy of voters list referred to in rule 35, the reason for such action.

38. Spoiled Ballot Papers.— An elector who has inadvertently dealt with his Ballot paper in such a manner that it cannot conveniently be used as such, may, on delivering it to the Presiding Officer and satisfying him of the inadvertence, obtain another Ballot paper in place of the spoilt Ballot paper and such spoilt Ballot paper shall be marked by the Presiding Officer as cancelled and kept in a separate cover.

39. Return of Ballot paper.— If any elector, after obtaining a Ballot paper for the purpose of casting his vote, decides not to use the same or to cast his vote, he shall return the Ballot paper so issued to him, to the Presiding Officer and the Ballot paper so returned shall then be marked by the Presiding Officer as “cancelled” on account of such return and kept in a separate cover.

40. Challenged Votes.— (1) Where any candidate, election agent or polling agent challenges a voter’s identity and undertakes to prove that any person claiming to be a particular voter has committed the offence of personation, the Presiding Officer shall hold summary enquiry and require such person to enter in the list of challenged voters in Form No. 7 his name and address or, if he is unable to write, to affix his thumb impression thereto, and may further require such person to produce evidence of identification:

Provided that no action shall be taken by the Presiding Officer under this sub-rule unless a sum of rupees ten has been deposited in cash with the Presiding Officer by the candidate or such agent for each challenge he makes.

(2) Where the person so challenged refuses to comply with such requisition, he shall not be permitted to vote. But if such person does so comply and on being questioned gives unqualified answer in the affirmative to a question put to him whether he is the person named in the list and in the negative to a question whether he has voted at the said election in the ward or in any ward, he shall be allowed to vote after he has been warned of the penalty for personation.

(3) Where the Presiding Officer, after such enquiry on the spot as he thinks necessary, is of the opinion that the challenge made by the candidate or his agent under sub-rule (1) is frivolous and has not been made in good faith, shall direct the deposit made under sub-rule (1) to be forfeited to the Government and his order in this respect shall be final.

(4) Where the deposit made under sub-rule (1) is not forfeited under sub-rule (3), it shall be returned to the person by whom it was made after the close of the poll on the day on which it is made.

(5) The Presiding Officer shall in every case, whether or not the person challenged is allowed to vote, make a note of the circumstances in the list of challenged votes.

41. Tender voting papers.— (1) If a person representing himself to be particular elector applies for a Ballot paper after another person has already voted as such elector, he shall, on satisfactorily answering such question relating to his identity as the Presiding Officer may ask, be entitled subject to the following provisions of this rule, to make a Ballot paper (hereinafter in these rules referred to as a “tendered Ballot Paper”), in the same manner as any other elector.

(2) Every such person shall, before being supplied with a tendered Ballot paper, sign his name against the entry relating to him in a list in Form No. 8.

(3) A tendered Ballot paper shall be the same as the other Ballot paper used at the polling booth except that it shall be:—

(a) serially the last in the bundle of Ballot papers issued for use at the polling station;

(b) endorsed on the back with the words “tendered Ballot Paper” by the Presiding Officer in his own hand and signed by him.

(4) The elector, after making a tendered Ballot paper in the voting compartment, and folding it, shall instead of putting it into the ballot box, give it to the Presiding Officer, who shall place it in a cover specially kept for the purpose.

42. Closing the Poll.— (1) The Presiding Officer shall close a polling station at the hour fixed in that behalf under section 15 and shall not thereafter admit any elector into the polling station:

Provided that all electors present at the polling station before it is closed shall be allowed to cast their votes.

(2) If any question arises whether an elector was present at the polling station before it was closed, it shall be decided by the Presiding Officer and his decision shall be final.

43. Removal from the polling station for misconduct.— (1) If any person misconducts himself at a polling station, or fails to obey the lawful orders of the Presiding Officer, the Presiding Officer shall immediately remove or order any police officer present there, to remove from the polling station the person so misconducting himself, and such person shall not be allowed again to enter the polling station without the permission of the Presiding Officer.

(2) No removal from a polling station shall be ordered under sub-rule (1) so as to prevent an elector, entitled to cast his vote thereat, of having an opportunity of casting the vote.

44. Duties of Presiding and other Polling Officer.— (1) It shall be the duty of the Presiding Officers and their assistants to see, (i) that votes are recorded with absolute secrecy (ii) that only such persons as may be admitted to the polling booth under these rules are admitted thereto; and (iii) that persons who have recorded their votes, or against whom objections have been heard and upheld, leave immediately. It shall also be their duty to see that these rules and any special directions given by the Returning Officer thereunder are strictly observed in all respects.

(2) The Presiding Officer shall keep the ballot box under his own observation for the purpose of preventing malpractices and securing the observance of the rules.

45. Supervision of the conduct of Election.— The Election shall be conducted under the general supervision of the Commissioner.

46. Voting by Officer on duty at polling station.— (1) A Presiding Officer or Polling Officer or a public servant who is on election duty at a polling station at which he/she is not entitled to vote at the election in connection with which he/she is employed shall send an application in Form No. 18 to the Returning Officer so as to reach him at least 4 days or such shorter period as the Returning Officer may allow before the date of poll, and if the Returning Officer is satisfied that the applicant is a voter on election duty, he shall issue a "Postal Ballot" paper to him.

(2) A postal Ballot paper shall be the same as that of the ordinary Ballot paper in Form No. 6.

(3) (i) A postal Ballot paper shall be sent by post under certificate of posting to the voter together with

- (a) a declaration in Form No.19;
- (b) a cover in Form No. 20;
- (c) a large cover addressed to the Returning Officer in Form No. 21;
- (d) instructions for the guidance of the elector in Form No. 22:

Provided that the Returning Officer may, in any case of a voter on election-duty, deliver the Ballot paper and forms or cause them to be delivered to such voter personally.

(ii) The Returning Officer shall at the same time record the serial number of each Ballot paper against the entry relating to that voter in the marked copy of the voters list.

(iii) The Returning Officer shall ensure that the voter is not allowed to vote at any Polling Station.

(4) Every Officer under whose care or through whom a postal Ballot paper is sent shall ensure its delivery to the addressees without delay.

(5) After the Ballot papers have been issued to all voters entitled to vote by post, the Returning Officer, shall, at an election to the Village Panchayat or Zilla Panchayat or the case may be, seal up in a packet that part of the marked copy of the voters list and record on the packet a brief description of its contents and the date on which it was sealed and send to the Presiding Officers for recording the serial numbers of the Ballot papers issued to voters at the polling station.

(6) Any voter who has received a postal Ballot paper and desires to vote shall record his vote on the Ballot paper in accordance with the direction contained in Form No. 22 and then enclosed it in cover in Form No. 20.

(7) The voter shall sign the declaration in Form No. 19 in the presence of, and have signature attested by a Magistrate of such other Gazetted Officer or the Presiding Officer of the Polling Station at which he is on election duty as may be appropriate, to whom he is personally known and to whose satisfaction he has been identified.

(8) (i) When a postal Ballot paper and any other papers sent under sub-rule (3), are for any reasons returned undelivered the Returning Officer may reissue them by post under certificate of posting or deliver them or cause them to be delivered to the voter personally on a request being made by him.

(ii) If any voter has inadvertently dealt with the Ballot paper or any of the other papers sent to him under sub-rule (3) in such manner that cannot conveniently be used, a second set of paper shall be issued to him after he has returned the spoiled papers and satisfied the Returning Officer of the inadvertence.

(iii) The Returning Officer shall cancel the spoiled papers so returned and keep them in a separate packet after noting thereon the particulars of the Panchayat or Zilla Panchayat Election and the serial numbers of the cancelled Ballot papers.

(9) (i) After the voter has recorded his vote and made his declaration under sub-rule (7), shall return the Ballot paper and declaration to the Returning Officer in accordance with the instructions communicated to him in Form No. 22 so as to reach the Returning Officer before the close of the poll of the Panchayat or Zilla Panchayat.

(ii) If any cover containing the postal Ballot paper is received by the Returning Officer after the expiry of the time fixed under sub-rule (9) (i), he shall note thereon the date and time of its receipt and shall keep all such covers together in a separate packet.

(iii) The Returning Officer shall keep in safe custody until the commencement of the counting of votes all covers containing postal Ballot papers received by him.

47. Sealing of Ballot Boxes, etc. after Poll.— (1) As soon as practicable after the closing of the poll, the Presiding Officers shall close the slit of the ballot box and where the box does not contain any mechanical device for closing the slit, he shall seal up the slit and also allow any polling agent or candidate present to affix his seal.

(2) The ballot box shall thereafter be sealed and secured.

(3) The Presiding Officer shall then make up into separate packets:—

- (1) Unused voting papers;
- (2) Tendered voting papers;
- (3) Spoiled or returned cancelled voting papers;
- (4) Marked copy of the voter's list;
- (5) Tendered voter's list;
- (6) List of challenged votes;
- (7) Unused paper seals.

He shall seal with his own seal and the seal of any candidate or his agent who may desire to affix his seal, all the packets prepared under this rule.

(4) The ballot box and the packets shall be forwarded by the Presiding Officer to the Returning Officer or any other person appointed by the Returning Officer to take charge of them till the votes are counted. He shall also forward with them a Ballot paper account prepared in Form No. 9 appended to these rules and enclose it in a separate sealed cover with the words "Ballot Paper Account" subscribed thereon.

(5) He shall also forward a statement showing the number of paper seals entrusted to him and accounting them under the following heads:—

- (i) paper seals entrusted;
- (ii) paper seals used;
- (iii) paper seals spoiled or damaged;
- (iv) paper seals unused.

48. Adjournment of poll in emergencies.— (1) Where, at an election, the proceedings at any polling station for the poll are interrupted or obstructed by any riot or open violence, or where, at any election, it is not possible to take the poll at any polling station on account of any natural calamity, or any other sufficient cause, the Returning Officer or the Presiding Officer for such polling station shall announce an adjournment of the poll to a date to be appointed later on and where the poll is so adjourned by the Presiding Officer, he shall forthwith inform the Returning Officer concerned.

(2) Whenever a poll is adjourned under sub-rule (1), the Returning Officer shall immediately report the circumstances to the Commissioner or who shall as soon as may be practicable, publish under rule 10, the day to be notified by the Government under section 15 of the Act on which poll shall recommence and the hours during which, the

poll shall be taken. The Returning Officer shall not count the votes at such election until such adjourned poll shall have been completed.

(3) The provisions of these rules *mutatis mutandis* apply to the adjourned poll taken under this rule as they apply to the original poll.

49. Time and place of counting of Votes.— The Commissioner shall at least 5 days before the date fixed for the poll, notify in the Official Gazette, the place or places where the counting of votes will be done and the date and time at which the counting will commence and copies of notice shall be published by affixing at the Village Panchayat Office, Office of the Chief Executive Officer, Office of the Mamlatdar and if necessary, at any other place in the Panchayat area/Zilla Panchayat and as the case may be appointed by the Director:

Provided that if for any reason the Commissioner find it necessary so to do, he may alter the date, time and place or places so fixed, or any of them after notifying the same in the Official Gazette and copies of notices shall be affixed at the Village Panchayat Office, Office of the Chief Executive Officer or Office of the Mamlatdar and wide publicity may be given in local dailies.

50. Appointment of counting agent.— ⁶[(1) The candidate may appoint such number of counting agents as may be determined by the Returning Officer from time to time.]

(2) Every such appointment shall be made in Form No. 16.

(3) No counting agent shall be admitted into the place fixed for counting unless he has delivered to the Returning Officer not later than one hour before the time fixed for counting under rule 49, his appointment in Form No. 16 made under sub-rule (2).

51. Admission to the place fixed for counting.— (1) The Returning Officer shall exclude from the place fixed for counting of votes all persons except,—

- (a) such persons to be known as counting supervisors and counting assistants as he may appoint to assist him in the counting;
- (b) persons authorised by the Commissioner;
- (c) public servants on duty in connection with the election;
- (d) candidates and their counting agents.

(2) No person who has been employed by or on behalf of or has been otherwise working for a candidate in or about the election shall be appointed under clause (a) of sub-rule (1).

(3) The Returning Officer shall decide which counting agent or agents shall watch the counting at any particular counting table or group of counting tables.

⁶ Substituted by 4th Amendment Rules, 2000 published in O. G., Series I No. 32 dated 1-2-2000.

(4) Any person who during the counting of votes misconducts himself or fails to obey the lawful directions of the Returning Officer, may be removed from the place where the votes are being counted by the Returning Officer or by any police officer on duty or by any person authorised in this behalf by the Returning Officer.

52. Maintenance of secrecy of voting.— The Returning Officer shall, before he commences the counting, read out the provisions of section 128 of the Representation of the People Act, 1951, to such persons as may be present.

53. Counting of votes received by post.— (1) The Returning Officer shall first deal with the postal Ballot paper in the manner hereinafter provided.

(2) No cover in Form No. 21 received by the Returning Officer after the expiry of the time fixed in that behalf shall be opened and no vote contained in any such cover shall be counted.

(3) The other covers shall be opened one after another and as each cover is opened, the Returning Officer shall first scrutinise the declaration in Form No. 19 contained therein.

(4) If the said declaration is not found or has not been duly signed and attested, or is otherwise substantially defective, or if the serial number of the Ballot paper as entered in it differs from the serial number endorsed on the cover in Form No. 20, that cover shall not be opened, and after making an appropriate endorsement thereon, the Returning Officer shall reject the Ballot paper therein contained.

(5) Each cover so endorsed and the declaration received with it, shall be replaced in the cover in Form No. 21 and all such covers in Form No. 21 shall be kept in a separate packet which shall be sealed and on which shall be recorded the name of the Panchayat or Zilla Panchayat, as the case may be, the number or the name of the ward or constituency and the date of counting.

(6) The Returning Officer shall then place all the declarations in Form No. 19 which he has found to be in order in a separate packet which shall be sealed before any cover in Form No. 20 is opened on which shall be recorded the particulars referred to in sub-rule (5).

(7) The covers in Form No. 20 not already dealt with under the foregoing provisions of this rule shall then be opened one after another and the Returning Officer shall scrutinise each Ballot paper and decide the validity of the vote recorded thereon.

(8) Postal Ballot paper shall be rejected:-

(a) if it bears any mark (other than the mark to record the vote) or writing by which the elector be identified; or

(b) if no vote is recorded thereon; or

(c) if votes are given on it in favour of more candidates than one; or

(d) if it is spurious Ballot paper; or

(e) if it is so damaged or mutilated that its identity as a genuine Ballot paper cannot be established; or

(f) if it is not returned in the cover sent alongwith it to the elector by the Returning Officer.

(9) A vote recorded on a postal Ballot Paper shall be rejected if the mark indicating the vote is placed on the Ballot paper in such manner as to make it doubtful to which candidate the vote has been given.

(10) A vote recorded on a postal Ballot paper shall not be rejected merely on the ground that the mark indicating the vote is indistinct or made more than once, if the intention that the vote shall be for a particular candidate clearly appears from the way the paper is marked.

(11) The Returning Officer shall count all the valid votes, given by postal Ballot in favour of each candidate, record the total thereof in the result sheet in Form No. 23 and announce the same.

(12) Thereafter, all the valid Ballot papers and all the rejected Ballot papers shall be separately bundled and kept together in a packet which shall be sealed with the seals of the Returning Officer and of such of the candidate their counting agents as may desire to affix their seals thereon and on packet so sealed shall be recorded the following particulars, namely:—

- (a) the name of the Panchayats/Zilla Panchayat; or
- (b) the number or the name of the ward or constituency and
- (c) the date of counting.

54. Counting of votes.— (1) The counting of votes shall be done by and under the supervision of the Returning Officer with the assistance of such persons as he may appoint to assist in the counting of votes.

(2) On the day and at the time and place appointed under rule 10 for the counting of votes, the Returning Officer shall with respect of Ballot Boxes used at the poll, proceed as follows:—

(i) All the Ballot boxes placed for the counting of votes shall be counted and checked and the Returning Officer shall satisfy himself that all such boxes containing the voting papers are received and accounted for.

(ii) The Returning Officer shall then allow the candidate and counting agents present at the counting, an opportunity to inspect the ballot boxes and their seals for satisfying themselves that they are in order.

(iii) The Returning Officer shall also satisfy himself that none of the boxes has in fact been tampered with.

(iv) If the Returning Officer is satisfied that all such ballot boxes as containing the voting papers which are to be counted at such place have been received and are in order, he shall take up the counting of voting papers contained in the ballot boxes.

(v) After each ballot box is opened for counting, clearly valid voting papers shall be separated from invalid and doubtful voting papers. The invalid and doubtful voting papers shall be submitted to the Returning Officer for his decision. The valid voting papers shall thereafter be taken for counting and the votes recorded in favour of each candidate shall be counted with the aid of person appointed to assist in the counting of votes.

(vi) The Returning Officer shall allow the candidates and counting agents, who may be present, reasonable opportunity to inspect all ballot papers which, in the opinion of the Returning Officer, are liable to be rejected but shall not allow them to handle these or any other Ballot papers. The Returning Officer shall on every Ballot paper which is rejected endorse the word "rejected". If any candidate or his counting agent questions the correctness of the rejection of any Ballot paper, the Returning Officer shall also record briefly on such Ballot paper the ground for its rejection.

(vii) After counting of all Ballot papers contained in all ballot boxes used at the polling station has been completed, all the valid Ballot papers shall be bundled together and kept alongwith the bundle of rejected. Ballot papers in a separate packet which the Returning Officer shall cause to be sealed up and on which shall be recorded the following particulars, namely:—

- (a) the name of the Panchayat or Zilla Panchayat;
- (b) the number or name of the ward or constituency;
- (c) the particulars of the polling station where the Ballot papers have been used; and
- (d) the date of counting.

(3) The Returning Officer shall, as far as practicable proceed continuously with the counting of the votes, and shall during the intervals when the counting has to be suspended, keep the Ballot papers, packet and other documents relating to the election sealed with his own seal and the seal of such candidates or counting agents as may desire to affix their seal and shall cause adequate precautions to be taken for their safe custody.

(4) After the counting of Ballot papers contained in all ballot boxes at all the polling stations has been completed, the Returning Officer shall prepare consolidate statement recording therein the total number of votes polled by each candidate, in Form No. 23.

55. Grounds for rejecting Ballot papers.— (1) A Ballot paper shall be liable for rejection:—

- (i) if it bears any mark by which the elector may be identified;
- (ii) if the number of votes recorded thereon exceeds the number of members to be elected;
- (iii) if no vote is recorded thereon;
- (iv) if the Ballot paper or the vote recorded thereon is void for uncertainty;
- (v) if it is so damaged or mutilated that its identity as a genuine Ballot paper may not be established.

(2) No Ballot papers shall be rejected otherwise than on any of the grounds enumerated in sub-rule (1).

(3) The Returning Officer shall record on every Ballot paper which he rejects, a brief statement of the reasons for such rejection.

(4) The decision of the Returning Officer as to the validity or otherwise of the Ballot paper shall be final.

56. Result of election.— (1) On completion of the statement showing the number of votes recorded, the Returning Officer shall from amongst the candidates qualified to be chosen to fill a reserved seat, if any, declare, subject to the provisions of rule 8, the candidate who has secured the largest number of votes to be elected to fill such reserved seat. Such declaration shall be in Form No. 26.

(2) The Returning Officer shall then declare from among all other candidates, contesting an election in a ward or constituency other than the reserved ward, the candidate or candidates who have secured the largest number of votes to be elected to fill the seat in a ward or constituency. Such declaration shall be in Form No. 27.

(3) Where an equality of votes is found to exist between any candidates either for the reserved or the unreserved seats and the addition of one vote will entitle any of the candidates to be declared elected, the determination of the person or persons to whom such an additional vote be deemed to have been given shall be made by lots to be drawn in the presence of the Returning Officer and the candidates or their agents who may desire to be present, and in such manner as the Returning Officer may determine.

57. Recount of votes.— (1) After such declaration has been made, a candidate or in his absence, his agent, may apply in writing to the Returning Officer for a recount of all or any of the Ballot papers already counted stating the ground on which he demands such recount.

(2) On such application being made, the Returning Officer shall decide the matter and may allow the application in whole or in part, or may reject it in *toto* if it appears to him to be frivolous or unreasonable.

(3) Every decision of the Returning Officer under sub-rule (2) shall be in writing and contain the reasons therefore.

(4) If the Returning Officer decides under sub-rule (2) to allow an application, whether in whole or in part, he shall,—

(a) count the Ballot papers again in accordance with his decision.

(b) amend the statement showing the number of votes recorded to in sub-rule (4) of rule 54 to the extent necessary after such recount; and

(c) announce the amendments so made by him and the result of the election.

58. Pasting of results of election by Returning Officer.— (1) The Returning Officer shall cause the names of the elected candidates to be pasted at the Panchayat Office and

the Mamlatdar's Office and shall report such name immediately to the Commissioner, who shall in turn forward the list of elected members to the Director for publication in the Official Gazette:

Provided that the Commissioner shall, before forwarding of the names of the elected members, be competent to correct mistakes, if any, in the names of elected members.

(2) So far as election to Zilla Panchayat is concerned, the Returning Officer shall report the names of elected candidates to the Commissioner who shall in turn forward the list of elected members to the Government for publication in the Official Gazette.

59. Grant of certificate of election to returned candidates.— As soon as may be after a candidate, has been declared by the Returning Officer under the provision of rule 56 or clause (i) of sub-rule (1) of rule 19 to be elected, the Returning Officer shall grant to such candidate a Certificate of election in Form No. 28 and obtain from the candidate an acknowledgement of its receipt duly signed by him.

60. Record of proceedings.— The Returning Officer shall keep a record of the proceedings of every election and a copy of such record shall be kept in a separate packet in the sealed trunk alongwith the bundles of valid and invalid Ballot papers.

61. Fresh poll in case of destruction, etc. of ballot boxes.— (1) If at any election,—

(a) any ballot box used at a polling station is unlawfully taken out of the custody of the Presiding Officer or the Returning Officer, or is accidentally or intentionally destroyed or lost or damaged or tampered with to such an extent, that the result of the poll at that polling station cannot be ascertained, or

(b) any such error or irregularity in procedure which is likely to vitiate the poll, is committed at a polling station,

the Returning Officer shall forthwith report the matter to the Commissioner.

(2) Thereupon, the Commissioner shall, after taking all material circumstances into account, either,—

(a) declare the poll at the polling station to be void, report to Government to appoint a day and fix the hours, for taking a fresh poll at that polling station and notify the day so appointed and the hours so fixed in such manner as he may deem fit, or

(b) if satisfied that the result of a fresh poll at that polling station will not, in any way, affect the result of the election or that the error or irregularity in procedure is not material, issue such directions to the Returning Officer as he may deem proper for further conduct and completion of the election.

(3) The provisions of the Act and rules or orders made thereunder shall apply to every such fresh poll as they apply to the original poll.

62. Multiple Election.— (1) If a person is elected to more than one seat in a Panchayat or Zilla Panchayat, as the case may be he shall by notice in writing signed by him and delivered to the Director or any other Officer authorised by the Government, within 7 days from the grant of Certificate under rule 59, choose anyone of the ward or constituency which he shall serve and the choice so made shall be final.

(2) If the person does not make the choice referred to in sub-rule (1) the Director or the Authorised Officer shall determine by lot and notify the ward or constituency which such person shall serve.

(3) Such person shall be deemed to have been elected only for the ward or constituency so chosen or notified, as the case may be, and the vacancy or vacancies thereby arising in respect of the other wards or constituencies shall be filled by election.

63. Custody of papers relating to election.— The Returning Officer shall keep in custody of the Commissioner, the statements, packets and other documents referred to in rules 47 and 56 and all other papers relating to the election.

64. Production and inspection of election papers.— (1) While in the custody of the Returning Officer,—

(a) the packets of unused ballot papers;

(b) the packets of used Ballot papers whether valid, tendered or rejected with counterfoils attached thereto;

(c) the packets of marked copies of the list of voters, shall not be counted and their contents shall not be inspected, by, or produced before any person or authority except under order of a competent court.

(2) All other papers relating to the election shall be open to public inspection.

65. Destruction of Ballot papers and other papers.— (1) On the expiry of two months from the date of publication of the result of the election or whether an application challenging the validity of an election has been made, on the expiry of two months from the date of the decision on such application whichever is later, the Commissioner shall destroy the Ballot papers.

(2) All other papers relating to the election shall be retained until the termination of the next election of the Panchayat or Zilla Panchayat as the case may be and shall, thereafter, be destroyed, subject to any direction to the contrary given by the Commissioner or a competent court.

66. Bye-Election.— (1) In case of any events resulting into casual vacancy, namely:

(i) Whenever a member is removed from membership;

(ii) Whenever a member makes his choice under sub-rule (1) of rule 62 the provision of rules 10 to 65 shall *mutatis mutandis* apply, so far as may be, to every such bye-election.

(2) Whenever a member is disqualified for being a member under section 11 or whenever a member dies, a bye-election shall be held under the provisions of section 15.

67. General duty of the Returning Officer.— It shall be the general duty of the Returning Officer at any election to do all such acts and things as may be necessary for effectually conducting the election in the manner provided by the Act and these rules.

⁷[68. **Removal of difficulties.**— Notwithstanding anything contained in these Rules, the State Election Commissioner may, with the previous approval of the Government, issue such orders or instructions, as deemed necessary, to the Returning Officers and/or the Assistant Returning Officers for effectively conducting the elections.]

NOTICE OF ELECTION AND PUBLIC NOTICE

FORM No. 1

[See rule 10 (1)]

Notice is hereby given that:—

An election will be held to elect the members of the Panchayat in Block/taluka on
Nomination paper may be delivered by a candidate to a Returning Officer in his office between such hours as to be fixed by the State Election Commissioner between 11 a. m. on.....

By order and in the name of the Governor of Goa.

Secretary, Panchayat Deptt.

NOTICE OF ELECTION AND PUBLIC NOTICE

FORM No.1 A

[See rule 10 (1)]

Notice is hereby given that:—

An election will be held to elect the members of the..... Zilla Panchayat from the Constituencies viz. (1)..... (2)..... of Block/Taluka on
Nomination paper may be delivered by a candidate to a Returning Officer in his office between such hours as to be fixed by the State Election Commissioner between 11.00 a.m. on.....

By order and in the name of the Governor of Goa.

Secretary (Panchayats).

FORM No. 2

[See rule 10(2)]

Election to elect the members of Panchayat/Zilla Panchayat..... Block/Taluka.....

The programme of Election is as under:—

- (1) Last date and time for receiving the nomination paper.
- (2) Date and time for scrutiny of the nomination paper.

⁷ Inserted by 4th Amendment Rules, 2000 published in O. G., Series I No. 44 dated 1-2-2000.

- (3) Date and time of withdrawal of nomination paper.
- (4) Date and time of Poll.
- (5) Date and time of counting.

(1) A voter in a ward is entitled to cast only one vote.

(2) Form of nomination paper will be available in the office of the Returning Officer during office hours.

(3) In case of a general seat, a sum of Rs. 100/- and in the case of a seat reserved for a woman or a person belonging to Scheduled Caste/Scheduled Tribe/Backward Class a sum of Rupees Fifty is required to be deposited with the Returning Officer on or before the date fixed for receiving the nomination paper.

STATE ELECTION COMMISSIONER

Copy for publication at the office of:

1. The Chief Executive Officer.....
2. Mamlatdar Taluka.
3. Block Development Officer..... Taluka.
4. The Village Panchayat at.....

FORM No. 2 A

[See rule 10 (2)]

Election to elect the members of Zilla Panchayat from the constituencies viz..... (1)..... (2) of Block/Taluka.

The programme of Election is as under:—

- (1) Date and time for receiving nomination paper.
- (2) Date and time for scrutiny of nomination paper.
- (3) Date and time of withdrawal of nomination paper.
- (4) Date and time of Poll.
- (5) Date and time of counting.

(1) A voter in a Constituency is entitled to cast only one vote.

(2) Form of nomination paper will be available in the office of the Returning Officer during office hours.

(3) In case of a general seat, a sum of Rs. 500/- and in the case of a seat reserved for a woman or a person belonging to Scheduled Caste/Scheduled Tribe or Backward Class, a sum of Rs. 300/- is required to be deposited with the Returning Officer on or before the date fixed for receiving the nomination paper.

STATE ELECTION COMMISSIONER

Copy for publication at the office of:

- 1. Chief Executive Officer.....
- 2. Mamlatdar..... Taluka.
- 3. Block Development Officer Taluka.
- 4. The Village Panchayat at

FORM No. 3

(See rule 12)

Election to..... Panchayat

(To be filled by the candidate)

I hereby give notice that I propose myself as a candidate for election as member to the above Panchayat/Zilla Panchayat from ward /constituency No.....

(1) Full name of the candidate.....
(Surname) (Name) (Father's/Husband's name)

(2) Sex

(3) Age

(4) Address

(5) No. of ward/constituency and serial No. of his/her name in the voter's list

(6) I further declare that:—

(a) I am qualified to be member under the provisions of the Goa Panchayat Raj Act, 1994.

(b) I am not subject to any disqualifications specified in section 10 of the Goa Panchayat Raj Act, 1994.

(c) I am willing to serve as a member, if elected, and

(d) I am a member of caste/tribe which is a Scheduled Caste/Scheduled tribe/Backward Class of the State of Goa. A copy of certificate issued in my favour by the competent authority is enclosed (In case of reserved only).

(e) I am seconded by Shriaddress..... who is registered as a voter at Sr. No. in ward/constituency No.

Place :

Date :

Signature of Seconder

Signature of Candidate

Note:- Strike out which is not applicable.

(To be filled in by Returning Officer)

S. No. of the ward/constituency from which the candidate proposes to seek election

S. No. of the nomination paper for such ward/seat.

This nomination paper was presented to me at.....(hrs.) on (date) by Shri/Smt..... (Candidate/authorised representatives). I have examined the nomination paper in accordance with the provisions of these rules (decision accepting or rejecting the nomination paper) and decide as follows:

Date : Returning Officer
Place : Panchayat

RECEIPT FOR NOMINATION AND NOTICE OF SCRUTINY

S. No. of the ward/constituency (Name of seat) from which the candidate proposes to seek election

S. No. of the nomination paper for such ward/constituency/seat The nomination paper of a candidate for election as member was delivered to me at (hrs.) on : (date) by Shri/Smt The nomination paper will be taken up for scrutiny at (hrs.) on

Date : Returning Officer
Place : Panchayat

FORM No. 4
(See rule 17)

List of validly nominated candidates whose nomination papers have been accepted and have not been withdrawn.

Election to the Panchayat/Zilla Panchayat Taluka
ward/constituency No. Block

Table with 3 columns: Sr. No. of the ward/constituency, Sr. No. and name of the candidate, Address. Row 1: 1, 2, 3

Date :
Place : Returning Officer
..... Panchayat Election

FORM No. 5

(See rule 21)

LIST OF CONTESTING CANDIDATES

Election to the Panchayat/Zilla Panchayat Taluka
ward/constituency No. Block

Sr. No.	Name of the contesting Candidate	Address	Symbol allotted
---------	----------------------------------	---------	-----------------

Date :

Place :

Returning Officer

.....Panchayat Election

FORM No. 6

(See rule 22)

Panchayats/Zilla Panchayat

Ward/constituency No.

Seal No.

FORM No. 6

(See rule 22)

BALLOT PAPER

Serial No.

1.	Name of Candidate	Symbol
	V.P.	Ward No
2.	Name of Candidate	Symbol
3.	Name of Candidate	Symbol
4.	Name of Candidate	Symbol

FORM No. 7

(See rule 40)

LIST OF CHALLENGED VOTERS

Election to the Panchayat/Zilla Panchayat Polling station.....

Name of Voter	Sr. No. of Voter in the list of voters	Signature or thumb impression of voter and his address	Name of identifier, if any	name of person challenging	Amount of deposit made	Order of Presiding Officer in each case	Signature of the challenger acknowledging the receipt of deposit where deposit is returned
1	2	3	4	5	6	7	8

Place :

Date :

Signature of Presiding Officer

FORM No. 8

[(See rule 41(21))]

LIST OF TENDERED VOTERS

Election to the Panchayat...../Zilla Panchayat

Ward/Constituency No.

Sr. No. of Ward/Constituency	Sr. No. and name of elector	Address of elector	Sr. No. of tendered Ballot paper	Sr. No. of Ballot paper issued to the person who has already voted	Signature or thumb impression of person tendering vote
1	2	3	4	5	6

Place :

Date :

Signature of Presiding Officer

FORM No. 9

[See rule 47 (4)]

BALLOT PAPER ACCOUNT

Election to the Panchayat/Zilla Panchayat ward/constituency No.

Polling station

Serial No.	From..... to	Total Nos.
1	2	3

- 1) Number of Ballot papers received by the Presiding Officer at the Polling station.
- 2) Number of Ballot papers issued to voters.
- 3) Number of unused Ballot papers returned.
- 4) Number of Ballot papers cancelled.
- 5) Number of Ballot papers used as Tendered Ballot Papers.
- 6) Number of Ballot papers in Ballot Box.

Place :

Date :

Signature of Presiding Officer

FORM No. 10

(See rule 4)

This is to notify for information of the public that it is proposed to hold General Elections to the Village Panchayats in Block/Taluka. The Division of Village Panchayats into wards, extent, limits of each ward and reservation of seats are per the provisions of section 7 of the Goa Panchayat Raj Act, 1994 (Goa Act No. 14 of 1994) is as shown below:—

Name of Village Panchayat	Ward No.	Extent and limits of the Ward		Whether reserved for women Scheduled Caste/Backward class
		Village/Wado	House Nos.	
(1)	(2)	(3)	(4)	(5)

Place :

Date :

DIRECTOR OF PANCHAYATS

Copy for publication at the office of:—

1. The Collector District.
2. The Chief Executive Officer

- 3. The Mamlatdar Taluka.
- 4. The Block Development Officer Taluka.
- 5. The Village Panchayat.
- 6. The Manager, Government Printing Press, Panaji for publication in the special supplement of the Gazette.

FORM No. 11

(See rule 4)

This is to notify for information of the public that it is proposed to hold General Elections to the Zilla Panchayats. The Division of Zilla Panchayat into Constituencies, extent and limits of each Constituency and reservation of seats are as per the provisions of section 118 and 119 of the Goa Panchayat Raj Act, 1994 (Goa Act No. 14 of 1994) is as shown below:—

No. of Constituency	Name of Constituency	Extent and limits of the Constituency		Whether reserved for women /Scheduled Caste/Backward class
		Name of Village Panchayat	No. of wards of Panchayat	
(1)	(2)	(3)	(4)	(5)

By order and in the name of the Governor of Goa.

Secretary (Panchayat).

Place :

Date :

Copy for publication at the office of:—

- 1. The Collector District.
- 2. The Chief Executive Officer
- 3. The Mamlatdar Taluka.
- 4. The Block Development Officer Taluka.
- 5. The Village Panchayat.
- 6. The Manager, Government Printing Press, Panaji for publication in the special supplement of the Gazette.

FORM No. 12

(See rule 7)

This is to notify for information of the public that it is proposed to hold the General Election of Block/Taluka/Constituency. A Voters list has been prepared

wardwise/constituencywise for the purpose and it is kept open for public inspection in my office and in the office of Panchayats/Zilla Panchayat during office hours.

Place :

Date :

RETURNING OFFICER

Note :— Strike out which is not applicable.

FORM No. 13

[See rule 18 (1)]

NOTICE OF WITHDRAWAL

Election to the Panchayat/Zilla Panchayat Taluka ward/constituency No.

To,

The Returning Officer,
Election to

I, a candidate nominated at the above election, do hereby give notice that I withdraw my candidature.

Place :

Date :

Signature of Candidate

This notice was delivered to me at my office at (hours) on (date) by..... (name) the

Returning Officer

Date :

..... Panchayat

RECEIPT FOR NOTICE OF WITHDRAWAL

(To be handed over to the person delivering the notice)

The notice of withdrawal of candidature bycandidate at the election to thewas delivered to me by the at my office at (hours) on (date).

Returning Officer

..... Panchayat Election.

FORM No. 14

[See rule 18(3)]

NOTICE OF WITHDRAWAL OF CANDIDATURE

Election to the Panchayat/Zilla Panchayat Block/Taluka. Ward/Constituency No. Notice is hereby given that the following candidate (s) at the above election withdrew his candidature/their candidatures today.

Sr. No.	Name of candidate	Address of candidate	Remarks
(1)	(2)	(3)	(4)

Place : Returning Officer
Date : Panchayat.

FORM No. 15

[See rule 27(2) and rule 29(2)]

APPOINTMENT OF POLLING AGENT

Election to thePanchayat/Zilla Panchayat Ward/Constituency No.

To,
The Returning Officer,
Election to

I,of.....the candidate at the above election do hereby appoint Shri/Smt. of as a polling agent to attend polling station No.at..... place fixed for poll on

I hereby attest the signature of Shri the polling agent.
Signature of Candidate

Signature of polling agent
Attested by the Candidate

Place :
Date :

FORM No. 16

[See rule 50 (2)]

APPOINTMENT OF COUNTING AGENTS

Election to the.....Panchayat/Zilla Panchayats. Ward/Constituency No.....

To,
The Returning Officer,
Election to Panchayat,
Ward/Constituency No.

I,..... of the candidate at the above election do hereby appoint Shri/Smt of as a counting agent to attend counting of votes at on

I hereby attest the signature of Shri/Smt..... the counting agent.

Signature of Candidate

Signature of counting agent

Attested by the Candidate

Place :

Date :

FORM No.17

(See rule 11)

APPOINTMENT OF ELECTION AGENT

Election to Panchayat/Zilla Panchayat Ward/Constituency No.



To,

The Returning Officer,
Election to

I, of a candidate in the above election do hereby appoint Shri/Smt. of (address) as my election agent from this day at the above election.

I hereby attest the signature of Shri

Signature of Candidate

Signature of election agent

(Attested)

Signature of Candidate

Place :

Date :

I accept the appointment.

Signature of Returning Officer with seal.

FORM No. 18

[See rule 46 (1)]

LETTER OF INFORMATION TO RETURNING OFFICER

To

The Returning Officer,
..... Panchayat.

Sir,

I have been appointed as at the polling station to the Panchayat/Zilla Panchayat Elections. I intend to cast my vote by post at the ensuing Panchayat

Election to the Ward/Constituency No. of Panchayat/Zilla Panchayat.

My name is entered at Sr. No. in ward No. of the Panchayat/Zilla Panchayat voters list.

The ballot paper may be sent to me at the following address.

.....
.....
.....

Place :

Dated :

Yours faithfully,

FORM No. 19

[See rule 46 (3) (a)]

DECLARATION BY VOTER

Election to the Panchayat/Zilla Panchayat

(This side is to be used only when the voter signs the declaration himself)

I hereby declare that I am a voter to whom the Postal Ballot paper bearing serial number..... has been issued at the above election.

Signature of Voter

Attestation of Signature

The above has been signed in my presence by Shri voter who is personally known to me/has been identified to my satisfaction by Shri (identifier) who is personally known to me.

Signature of identifier, if any.

Signature of Attesting Officer

Designation

Address

Date

(This side is to be used when the voter cannot sign himself)

I hereby declare that I am a voter to whom the postal ballot paper bearing serial No.has been issued at the above election.

Signature of Attesting Officer

Designation

Address of voter

Date

CERTIFICATE

I hereby certify that:—

(1) the above named voter is personally known to me/has been identified to my satisfaction by Shri(identifier) who is personally known to me.

(2) I am satisfied that the voter is illiterate/suffers from (infirmity) and is unable to record his vote himself or sign his declaration.

(3) I was requested by him to mark the Ballot Paper and to sign the above declaration on his behalf and

(4) The Ballot Paper was marked and the declaration signed by me on his behalf in his presence and in accordance with his wishes.

Signature of identifier, if any,

Address

Signature of Attesting Officer

Designation

Address

Date

FORM No. 20

[See rule 46 (3) (b)]

SMALL COVER

NOT TO BE OPENED BEFORE COUNTING

A

Election to :
.....Panchayat/Zilla
Panchayat, Ward/Constituency
No.

Postal Ballot Paper
Serial No. of Ballot Paper

FORM No. 21

[See rule 46 (3) (c)]

LARGE COVER

Every Officer under whose care or through whom a postal ballot paper is sent shall ensure its delivery to the addressee without delay [rule 46 (4)]

Service unpaid

Election immediate

Postal Ballot Paper

..... Panchayat

(Not to be opened before counting)

The Returning Officer and

..... Panchayat/Zilla Panchayat, Ward/Constituency No.

Signature of sender.

FORM No. 22

[See rule 46(3) (d)]

INSTRUCTIONS FOR THE GUIDANCE OF VOTERS

(To be used at an election to the Panchayat/Zilla PanchayatElection to thePanchayat/Zilla Panchayat).

The persons whose names are printed on the Ballot paper sent herewith are candidates at the above election. If you desire to vote, you should record your vote in accordance with the directions given in Part-I below and then follow the instructions detailed in Part-II.

PART-I—DIRECTIONS

- (1) The number of member to be elected is one.
- (2) You have only one vote.
- (3) You must not vote for more than one candidate and if you do, your Ballot paper will be rejected.
- (4) Record the vote by placing clearly a mark opposite the name of the candidate to whom you wish to give that vote.
- (5) The mark should be so placed as to indicate clearly and beyond doubt as to which candidate you are giving your vote. If the mark is so placed so as to make it doubtful as to which candidate you have given the vote, that vote will be invalid.
- (6) A voter shall obtain the attestation of his signature on the declaration in Form No. 19 by the Magistrate or such other Gazetted Officer or Presiding Officer of the Polling station at which he is on election duty.

PART-II—INSTRUCTIONS FOR ELECTORS

- (a) After you have recorded your vote on the Ballot paper, place the Ballot paper in the smaller cover marked "A" sent herewith. Close the cover and secure it by seal or otherwise.
- (b) You have then to sign the declaration in Form No. 19 also sent herewith in the presence of a Magistrate or any other Officer competent to attest your signature [See direction (6) above]. Take the declaration to any such officer and sign it in his presence after he has been satisfied about your identity.

The Officer will attest your signature and return the declaration to you. You must neither show your Ballot paper to the Attesting Officer (nor) tell him for whom you have voted.

- (c) If you are unable to mark the Ballot paper and sign the declaration yourself in the manner indicated above by reason of illiteracy, blindness, or other infirmity, you are entitled to have your vote marked and the declaration signed on your behalf by any officer referred to in item(b). Such

an Officer will at your request mark the Ballot paper in your presence and in accordance with your wishes. He will also complete the necessary certificate in this behalf.

(d) After your declaration has been signed and your signature has been attested in accordance with item (b) or item (c) place the declaration in Form No. 19 as also the smaller cover marked "A" containing the Ballot paper, in the larger cover, send it to the Returning Officer by post or by messenger. You have to give your full signature in the space provided on the cover marked "B" but no postage stamp need be affixed by you.

(e) You must ensure that the cover reaches the Returning Officer beforep.m. on.....

(f) Please note that:—

(i) if you fail to get your declaration attested or certified in the manner indicated above, your Ballot paper will be rejected, and

(ii) if the cover reaches the Returning Officer afterp.m. on your vote will not be counted.

FORM No. 23

[See rule 53(11)]

FINAL RESULT SHEET

Election to the Panchayat/Zilla Panchayat ward/constituency No Taluka Block

Sr. No.	Polling station	Number of valid votes cast in favour					Total No. of valid votes	Number of rejected votes	Total	Number of tendered votes
		Names	1	2	3	4					5
Total number of votes recorded At Polling Station										
Number of votes recorded on Postal ballot papers										
Total votes polled										

Place :

Returning Officer

Date :

..... Panchayat/Zilla Panchayat

FORM No. 24

(For unreserved seat)

[See rule 19(1) (i)]

DECLARATION OF THE RESULT WHEN THERE IS NO ELECTION

Election toPanchayat/Zilla Panchayat Ward No...../ Constituency

(No. and name)

In pursuance of the provisions contained in section 15 of the Goa Panchayat Raj Act, 1994 (Goa Act No.14 of 1994), read with sub-rule (1) (i) of rule 19 of the Goa Panchayat and Zilla Panchayat (Election Procedure) Rules, 1996, I declare that:-..... (Name) (Address) has been duly elected to fill the unreserved seat in Ward No. /Constituency Panchayat.
 (No. and name)

Place:

Date:

Returning Officer,
 Panchayat/Zilla
 Panchayat.

FORM No. 25

(For reserved seat)

[See rule 19(2) (i)]

DECLARATION OF THE RESULT WHEN THERE IS NO ELECTION

Election toPanchayat/Zilla Panchayat
 Ward No. /Constituency
 (No. and name)

In pursuance of the provisions contained in section 15 of the Goa Panchayat Raj Act, 1994 (Goa Act No. 14 of 1994), read with sub-rule (2)(i) of rule 19 of the Goa Panchayat and Zilla Panchayat (Election Procedure) Rules, 1996, I declare that:- (Name) (Address) has been duly elected to fill the reserved seat in Ward No. 1 Constituency Panchayat/Zilla Panchayat.
 (No. and name)

Place :

Date :

Returning Officer,
 Panchayat/Zilla
 Panchayat.

FORM No. 26

(For reserved seat)

[See rule 56(1)]

DECLARATION OF THE RESULT WHEN THERE IS NO ELECTION

Election to Panchayat/Zilla Panchayat
 Ward No. /Constituency
 (No. and name)

In pursuance of the provisions contained in section 15 of the Goa Panchayat Raj Act, 1994 (Goa Act No. 14 of 1994), read with sub-rule (1) of rule 56 of the Goa Panchayat and Zilla Panchayat (Election Procedure) Rules, 1996, I declare that:- (Name)

..... (Address) has been duly elected to fill the reserved seat in Ward No.1
Constituency Panchayat/Zilla Panchayat.
(No. and name)

Place :

Date :

Returning Officer,
..... Panchayat/Zilla
Panchayat.

FORM No. 27

(For unreserved seat)

[See rule 56(2)]

DECLARATION OF THE RESULT WHEN THERE IS NO ELECTION

Election to Panchayat/Zilla Panchayat
Ward No. /Constituency
(No. and name)

In pursuance of the provisions contained in section 15 of the Goa Panchayat Raj Act, 1994
(Goa Act No. 14 of 1994), read with sub-rule (2) of rule 56 of the Goa Panchayat and Zilla
Panchayat (Election Procedure) Rules, 1996, I declare that:- (Name)
..... (Address) has been duly elected to fill the unreserved seat in
Ward No. Constituency Panchayat/Zilla Panchayat.
(No. and name)

Place :

Date :

Returning Officer,
..... Panchayat/Zilla
Panchayat.

FORM No. 28

(See rule 59)

CERTIFICATE OF ELECTION

I, Returning Officer for the..... Panchayat/Zilla
Panchayat, hereby certify that I have on the day of 19declared Shri/Smt.
..... of to have been duly elected to be a member
of the..... Panchayat/Zilla Panchayat from Ward/Constituency No.and
that in token thereof I have granted to him this certificate of Election.

Place :

Date :

Returning Officer
Seal

By order and in the name of the Governor of Goa.

G. G. Kambli, Director of Panchayats & Ex-Officio Jt. Secretary to the Government.

Panaji, 1st November, 1996.

Notification

15/DP/P/AN/RD/97

Whereas the draft of the Goa Panchayats and Zilla Panchayats (Removal of Disqualification of Membership) Rules, 1997 were published as required by sub-section (1) of section 240 of the Goa Panchayat Raj Act, 1994 (Goa Act No.14 of 1994), in the Extraordinary Official Gazette Series I No.1, dated 19th June, 1997, under Notification No. 15/DP/PAN/RD/97 dated 16-6-97, of the Department of Panchayat Raj and Community Development, inviting objections and suggestions from all persons likely to be affected thereby before the expiry of ten days from the date of publication of the said Notification in the Official Gazette.

And Whereas the said Gazette was made available to the public on 19-6-1997.

And Whereas no objections/suggestions have been received from the public on the said draft rules;

Now, therefore, in exercise of the powers Conferred by Clause (C) of section 10 read with **sub-section (1) of section 123** and sub-section (1) of section 240 of the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994), the Government of Goa hereby makes the following rules, namely:—

1. Short title and commencement.— (1) These rules may be called the Goa Panchayats and Zilla Panchayats (Removal of Disqualification of Membership) Rules, 1997.

(2) They shall come into force at once.

2. Definitions.— In these rules, unless the Context otherwise requires,—

(a) “Act” means the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994);

(b) “member” means a member of the Panchayat or Zilla Panchayat and includes a co-opted member;

(c) “School” means a Primary School or High School or Higher Secondary School;

(d) “section” means a section of the Act; and

(e) Words and expressions used but not defined in these rules shall have the same meaning as respectively assigned to them in the Act.

3. Removal of certain disqualifications.— A person shall not be disqualified for being chosen as, or for being, a member of the Panchayat or Zilla Panchayat merely by reason of the fact that he holds any of the Offices specified in the Schedule appended to these Rules.

SCHEDULE

(1) The offices of the Chairman of Corporations, either wholly or partly owned by the Government, Central Government or any other State Government;

(2) Employees of any Co-operative Society established under the Maharashtra Co-operative Societies Act, 1960 as extended to the State of Goa;

(3) Teaching or non-teaching staff of any school or college which receives grants-in-aid from the Government;

(4) Members of the Goa Legislative Assembly; and

(5) The Office of the Chairman or any member of any Committee or body appointed by the Government. Provided that the Chairman or any member of such Committee or body does not receive any remuneration other than compensatory allowance.

Explanation.— For the purpose of this entry, “compensatory allowance” shall mean the travelling allowance, the daily allowance or such other allowance which is paid to the holder of the office for the purpose of meeting the personal expenditure in attending the meeting of the Committee or body or in performing any other function as the holder of the said office.

By order and in the name of the Governor of Goa.

G. G. Kambli, Director of Panchayats and Ex-Officio Joint Secretary.

Panaji, 4th March, 1998.

(Published in the Official Gazette, Series I No. 2 dated 9-4-1998).

Notification

1/15(23) 94-CDP

In exercise of the powers conferred by **sub-section (2) of section 237** of the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994), the Governor of Goa hereby makes the following rules, namely:—

PART-I

Preliminary

1. Short title and commencement.— These rules may be called the Goa Panchayat Raj (Conditions of Service of State Election Commissioner) Rules, 1997.

(2) They shall come into force with immediate effect.

2. Definitions.— In these rules, unless there is anything repugnant in the subject or context,—

(a) “Act” means the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994);

(b) “Commission” means the State Election Commission constituted under section 237 of the Act;

(c) “Commissioner” means the State Election Commissioner appointed under section 237 of the Act;

(d) “Government” means the Government of Goa;

3. ¹[Qualifications for appointment as Commissioner.— A person shall not be qualified for appointment as Commissioner unless:—

(a) He is a citizen of India;

(b) He has completed forty years of age; and

(c) He has held any Group ‘A’ post under the Government or Government of India or any other State Government for not less than five years and preferably holds a degree in Law from any recognized University.]

PART -II

4. Term of Office.— The Commissioner shall hold office for a period of ²[six years] from the date on which he assumes his office or until he attains the age of ³[sixty five years,] whichever is earlier.

5. ⁴[Pay and Allowances.— ⁵“The Commissioner shall be entitled to a monthly salary in the scale of Rs. 75700-80000 with the annual increment @ 3% and other allowances, emoluments and benefits like L.T.C. etc., as admissible under the Central Civil Services (Revised Pay) Rules, 2008].

¹ Rule 3 Substituted by the (Second Amendment) Rules, 2001.

² substituted by the (Forth Amendment) Rules 2008.

³ Substituted by the (Third Amendment) Rules 2006.

⁴ Substituted by the (Second Amendment) Rules 2001.

⁵ Substituted by the (Fifth Amendment) Rules 2010.

Provided that a person who was holding a post under the Government of India or any State Government at the time of his appointment as Commissioner shall, receive pay including personal pay which he would have drawn from time to time under the relevant rules in the scale of pay of the post which he was holding at the time of such appointment or shall receive the pay mentioned in this rule, whichever is higher:

Provided further that in the case of appointment as commissioner of a person who has retired from service under the Government, University or any other body wholly or substantially owned or controlled by the Government and who is in receipt of or has received or has become entitled to receive any retirement benefits by way of pension, gratuity, Contributory Provident Fund (CPF) or otherwise, the pay specified in this rule shall be reduced by the gross amount of pension including any portion of the pension which may have been commuted and the pension equivalent or other forms of retirement benefits, if any:

Provided further that in case of appointment as Commissioner of a person who holds any other statutory post in addition to being Commissioner, he will have the option to draw pay and other allowances either as Commissioner or as the other statutory authority.

6. Accommodation.— The Commissioner may, if he does not own a house at the headquarters of the Commission and if he so desires, be provided with an unfurnished residence subject to the payment of rent and other conditions in accordance with the rules applicable to Government buildings used as residence.

PART-III

7. Leave.— (1) A person who at the time of his appointment as Commissioner, was in the service of the Central or any State Government, may be granted leave by the Governor under the Rules which were applicable to him immediately before his appointment and his service as Commissioner shall count for such leave and the leave at the credit of any such person in his leave account shall not lapse on the date of his appointment as Commissioner but shall be carried forward and may be availed of during his tenure as Commissioner. Out of the leave so carried forward, the Commissioner may be paid cash equivalent of leave salary in respect of the earned leave at his credit, to the extent permissible under the Rules applicable to him had he retired on superannuation on the date of his appointment as Commissioner.

(2) Any person who at the time of his appointment as Commissioner, was not in the service of the Central or any State Government may be granted leave as admissible to the Officers Grade I of the Government:

Provided that commuted leave on full pay not exceeding half the amount of half pay leave due, may be granted if the leave is taken on Medical Certificate and the authority Competent to sanction leave has reasons to believe that the Commissioner will return to duty on its expiry.

PART-IV

8. Travelling and Daily Allowance.— (1) The Commissioner shall be entitled to travelling and daily or other allowances admissible to Officers Grade I of the Government, while touring on duty connected with his office:

Provided that no daily allowance shall be admissible for days of halt exceeding thirty days at a time unless specially permitted by the Governor.

(2) No mileage or daily allowance shall be admissible for journeys within the State.

(3) The Commissioner who, on the date immediately prior to the date of entering on his duties as such, was in the service of, or held a post under the Government of India or the Government of any State, may draw travelling allowance at the rates as laid down for journey on transfer by the rules which were applicable to him immediately before his appointment.

(4) Travelling allowance bills of the Commissioner shall not require counter signatures by any other authority. He shall be his own controlling officer.

(5) The Commissioner shall be entitled to advance of travelling and daily allowance in respect of the journey undertaken by him in the performance of his functions whether by road, rail, air, or steamer etc.

(6) An advance shall be adjusted in the appropriate travelling allowance bill before the end of the month following the month in which the advance is drawn.

9. Conveyance allowance.— There shall be paid to the Commissioner a conveyance allowance at the rate of one thousand and two hundred rupees per mensem inclusive of all allowances in no official chauffeur driven vehicle is provided for conveyance:

Provided that no conveyance allowance shall be admissible for days of journey for which road mileage has been claimed under Rule 8:

Provided further that during the period of leave, the Commissioner shall be paid conveyance allowance not exceeding two hundred and fifty rupees per mensem if he certifies that he continued to maintain a vehicle during the period of such leave.

10. Sumptuary Allowance.— The Commissioner shall be paid sumptuary allowance of rupees two hundred per month.

PART -V

11. Medical Attendance.— The Commissioner shall be entitled to the same medical attendance benefits as are laid down from time to time to Grade I Officers of the Government under the Central Civil Services (Medical Attendance) Rules, 1944, as in force.

12. Pension.— Where a serving Government Officer is appointed as Commissioner, no pension for its previous service shall be payable during the period he holds the office of the Commissioner and on his ceasing to hold that office, the pension to which he was entitled shall be paid.

By order and in the name of the Governor of Goa.

G. G. Kambli, Director of Panchayats and Ex-Officio Joint Secretary.

Panaji, 6th January, 1998.

Notification

19/DP/PAN/AAR/97

In exercise of the powers conferred by sub-section (1) of section 229 of the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994), the Government of Goa hereby directs that the report of the administration of the Panchayat during the preceding financial year shall be placed before the Panchayat not later than the 25th day of April every year in the Form and with details as specified below.

FORM

[See section 29 (1) of the Goa Panchayat Raj Act, 1994 (Act 14 of 1994)]

Report of Administration for the preceding financial year ending 31st March

Name of Village Panchayat..... Name of Taluka Name of District

PART-I

Source of Income and efforts made to achieve the target

Particulars of sources of Income of Village Panchayat	Balance as on 1 st April of preceding year	Demand during the preceding year	Total (Col 2+3)	Amount received/recovered during preceding year (from April to March)	Balance amount to be recovered during the reporting year
(1)	(2)	(3)	(4)	(5)	(6)

- (a) Balance amount as per cash book as on 31st March (ending of preceding year).
- (b) Tax on Entertainment other than Cinematograph.
- (c) Tax on Vehicle.
- (d) Tax on Advertisement and Hoarding.
- (e) Tax on Houses/Buildings/Structures.
- (f) Tax on Lighting.
- (g) Tax on Drainage.
- (h) Tax of Profession/Trade/Callings/Employment.
- (i) Tax on land not subject to Agricultural Assessment.
- (j) Fees on Pilgrim.
- (k) Fees on markets/Fairs/Melas
- (l) Fees on registration of Cattles/Cattle pounds.
- (m) Fees on buses/Taxies/Auto stands.

(1)	(2)	(3)	(4)	(5)	(6)
(n)	Fees on Grazing Cattles.				
(o)	Fees on construction to repairs/licences for Houses/ /development of land.				
(p)	Fees on extraction of sand/ /stones.				
(q)	Fees on various N.O.Cs/ /Certificates.				
(r)	Fees on licences to shops/ /establishments/factories.				
(s)	Fees on issue of certified copies.				
(t)	Fees on Octroi.				
(u)	Any other Fees.				
(v)	Public/Popular contribution				
(w)	G.I.A.				
(x)	Loan.				
Grand Total					

Efforts made: (specify the efforts made by Village Panchayat)

(I) During the year under report the Village Panchayat has issued demand notices, warrants of distrainments, cases of attachment/seizure and the amount involved therein is Rs.

(II) During the year under report the Village Panchayat has increased/decreased its income by
(specify the amount)

(III) During the year under report, out of the loan amount of Rs. the Village Panchayat has refunded an amount of Rs. as principal and an interest of Rs. to the Government/Bank (This is applicable to the Village Panchayat which has taken loan from Government/Bank/Z.P.

(IV) Specify any other efforts.

PART-II

Progress of Development achieved in brief with expenditure made under each item from V.P. Funds only

Items	Particulars of progress in brief
(1)	(2)
(a)	Roads/Culverts/Foot bridges and other means of communication.
(b)	Health and Sanitation.
(c)	Social Welfare and Family Welfare.
(d)	Education and Sports.

(1)	(2)
(e) Donations and Advertisements.	
(f) Rural Housing.	
(g) Drinking Water.	
(h) Rural Electrification.	
(i) Libraries.	
(j) Cultural activities.	
(k) Markets and Fairs.	
(l) Welfare of weaker sections like S. C./B. C.	
(m) Maintenance of Community Assets.	
(n) Construction and maintenance of cattle pounds/stands/slaughter /houses.	
(o) Any other items.	

Efforts made: (specify the efforts made by Village Panchayats)

(I) During the year under report the Village Panchayat has issued demand notices,..... warrants of distrains, cases of attachment/seizure and the amount involved therein is Rs.

(II) During the year under report, the Village Panchayat has increased/decreased its income by
(specify the amount)

(III) During the year under report, out of the loan amount of Rs. the Village Panchayat has refunded an amount of Rs. as principal and an interest of Rs. to the Government/Bank: (This is applicable to the Village Panchayat which has taken loan from Government/Banks/Z. P.

(IV) Specify any other efforts.

PART-III

Miscellaneous

- (a) Audit Paras:
 - (I) No. of audit paras complied=
 - (II) No. of audit paras not complied =
 - (III) No. of audit paras to be complied =
- (b) Losses and Misappropriation cases:
- (c) Administration:
- (d) Works undertaken under R. D. A. scheme
(furnish information schemewise).

PART-IV
Savings in Panchayat Funds

- Details of Saving: (a) Fixed deposits in BankRs.
 (b) Unutilised amount of G. I. A.Rs.
 (c) Unutilised amount of Remunerative loan Rs.
 (d) Unutilised Public Contribution Rs.
 (e) Any Other (specify itemwise) Rs..

**Grand Total:. Rs.

- * Amount spent by Government Department in the Village need not be shown.
- * The figure should tally with the amount shown in cash book of Panchayat.

Above report of administration of the Panchayat was placed before the Panchayat meeting and the same has been accepted by the Panchayat members under resolution No. dated

Countersigned by:

Signature of the Sarpanch
of Village Panchayat

Signature of Secretary of
Village Panchayat

Submitted alongwith the copy of the resolution to the Chief Executive Officer of Zilla Panchayat.

By order and in the name of the Governor of Goa.

R. P. Pal, Director of Panchayats and Ex-Officio Joint Secretary.

Panaji, 17th April, 1997.

(Published in the Official Gazette, Series I No. 15 dated 10-7-1997).

Notification

44/DP/PAN/RM/1999

Whereas the draft of the Goa Panchayat Raj (Removal of members by prescribed authority) Rules, 1999 was published as required by sub-section (1) of section 240 of the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994), in the Official Gazette, Series I No. 28 dated 7-10-1999 under Notification No. 44/DP/PAN/RM/1999 dated 30-9-1999 of the Department of Panchayat Raj and Community Development, inviting objections and suggestions from all persons likely to be affected thereby before the expiry of fifteen days from the date of publication of the said Notification in the Official Gazette;

And Whereas the said Gazette was made available to the public on 7-10-1999;

And Whereas no objections and suggestions have been received from the public on the said draft by the Government.

Now, Therefore, in exercise of the powers conferred by **section 131**, read with sub-section (1) of section 240 of the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994), the Government of Goa hereby makes the following rules, namely:—

1. Short title and commencement.— (1) These rules may be called the Goa Panchayat Raj (Removal of member by prescribed authority) Rules, 1999.

(2) They shall come into force at once.

2. Definitions.— In these rules, unless the context otherwise requires,—

(a) “Act” means the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994);

(b) “Member” means a member of the Zilla Panchayat;

(c) “State Election Commissioner” means the State Election Commissioner appointed under section 237 of the Act;

(d) Words and expressions used and not defined under these rules shall have the same meaning as assigned to them under the Act;

3. Removal of member by the prescribed authority.— The State Election Commissioner shall be the prescribed authority for the removal of a member under section 131 of the Act.

By order and in the name of the Governor of Goa.

G. G. Kambli, Ex-Officio Jt. Secretary and Director of Panchayats.

Panaji, 7th December, 1999.

(Published in the Official Gazette, Series I No. 39 dated 23-12-1999-Extraordinary).

Notification

10/DP/ZP/96

Whereas the draft of the Goa Zilla Panchayat (Election of Adhyaksha and Upadhyaksha) Rules, 1996 was published as required by sub-section (1) of section 240 of the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994), at pages 479 to 482 of the Official Gazette, Extraordinary, Series I, No. 37 dated 13-12-1996, under Notification No. 10/DP/ZP/96 dated 13-12-1996 of the Department of Panchayat Raj and Community Development, inviting objections and suggestions from all persons likely to be affected thereby before the expiry of fifteen days from the date of publication of the said Notification in the Official Gazette;

And whereas the said Official Gazette was made available to the public on 13th December, 1996;

And whereas no objections/suggestions have been received from the public on the said draft Rules by the Government.

Now therefore, in exercise of the powers conferred by **sub-section (3) of section 133** read with sub-section (1) of section 240 of the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994), the Government of Goa hereby makes the following rules, namely:—

1. Short title and commencement.— (1) These rules may be called the Goa Zilla Panchayat (Election of Adhyaksha and Upadhyaksha) Rules, 1997.

(2) They shall come into force at once.

2. Definitions.— In these rules, unless the context otherwise requires,—

(a) ‘Act’ means the Goa Panchayat Raj Act, 1994 (Act No. 14 of 1994);

(b) “Administrative Tribunal” means the Administrative Tribunal constituted under section 3 of the Goa Administrative Tribunal Act, 1965 (Act 6 of 1965);

(c) ‘Director’ means the Director of Panchayats;

(d) ‘Form’ means a Form appended to these rules;

(e) “Presiding Authority” means the Director or the officer appointed by him to preside over a meeting called for election of the Adhyaksha or the Upadhyaksha, as the case may be;

(f) ‘Section’ means a section of the Act;

(g) ‘Zilla Panchayat’ means a Zilla Panchayat constituted under section 116 of the Act.

3. Filing of nominations at election of Adhyaksha and/or Upadhyaksha.— (1) When the Director convenes a special meeting of the elected members of the Zilla Panchayat referred to in clause (i) of section 117 of the Act for election of the Adhyaksha, and/or Upadhyaksha, the Director shall cause a notice of the date, time and place fixed at least four days before the date of such meeting to be sent to every elected member. Such

notice may be issued by the Presiding Authority or by the Executive Officer if so authorised by the Presiding Authority in this behalf. In such notice, the Officer to whom nomination papers may be delivered shall also be specified. At any time before noon on the day preceding the date so fixed, a member may nominate another member for election by delivering to the said officer a nomination paper completed in Form I appended hereto signed by himself as proposer.

(2) On presentation of any nomination paper, the said officer shall sign thereon a certificate stating the date and time of presentation of the nomination paper and enter thereon its serial number.

(3) Any nomination paper which is not received by the said officer before the time specified under sub-rule (1) shall be rejected by him.

(4) All nomination papers received in time by the said Officer shall be delivered by him to the Presiding Authority before the commencement of the meeting or if he himself has been appointed as the Presiding Authority shall be brought by him at the meeting for scrutiny.

(5) A notice of the special meeting shall also be sent for the information of other members of Zilla Panchayat referred to in clauses (ii), (iii) and (iv) of section 117 of the Act by the Director.

However, such members shall have no right to vote at the election of the Adhyaksha or Upadhyaksha.

4. Mode of serving notice.— Every notice issued under rule 3 shall, if practicable, be served personally by delivering or tendering it to the member to whom it is addressed or if such person is not found, by giving or tendering it to an adult member or servant of his family found at his usual place of residence. If there is no such person to whom notice can be given or tendered, it shall be served by affixing it on the outer door or some other conspicuous part of the house in which the member ordinarily resides. If none of the aforesaid mode of serving notice is feasible, the notice shall be affixed on some conspicuous part of the house in which the member is known to have resided.

5. Members to nominate not more than one candidate.— No member shall nominate more than one candidate for the office of Adhyaksha and/or Upadhyaksha under rule 3:

Provided that, if a member has nominated more than one candidate for the said offices, the nomination which is received first by the officer specified under sub-rule (1) of rule 3 shall alone be taken into consideration for scrutiny.

6. Scrutiny of nominations.— After the commencement of the meeting, the Presiding Authority shall scrutinize all nomination papers presented to him under rule 3, and shall read out at the meeting the names of the members who, in his opinion have been duly nominated, together with those of their proposers. Any dispute as to the validity of the nomination papers shall be decided by the Presiding Authority.

7. Withdrawal of candidature.— (1) After the nomination papers are delivered to the officer so notified by the Director any candidate may at any time before the time fixed for

the meeting for elections of Adhyaksha and/or Upadhyaksha as the case may be, withdraw his candidature by a notice in Form II appended hereto in writing subscribed by him and delivered to the Presiding Authority, within fifteen minutes from the time of reading out the names of duly nominated Members under rule 6.

(2) Such notice may be given either by the candidate in person or by his proposer who has been authorised in this behalf in writing by the candidate.

(3) No person who has given a notice of withdrawal of his candidature under sub-rule (1) shall be allowed to cancel the notice.

(4) The Presiding Authority shall, on being satisfied as regards the genuineness of a notice of withdrawal and the identity of the person delivering it, read out to the members present at the said meeting the names of the persons who have withdrawn their candidature.

8. Procedure for election.— (1) If after withdrawal of candidature, if any, there is only one candidate duly nominated, he shall be declared to have been duly elected as the Adhyaksha or Upadhyaksha, as the case may be.

(2) When there are more than one candidate duly nominated, the members present at the meeting shall proceed to elect the Adhyaksha and/or Upadhyaksha, as the case may be, by ballot.

(3) (a) For the purposes of sub-rule (2), the Presiding Authority shall cause the ballot papers to be prepared in Form III appended hereto.

(b) Names of the contesting candidates shall be arranged on the ballot paper in alphabetical order determined with reference to the surnames of the candidates having surnames, and the names proper of other candidates. The particulars in the ballot paper and the alphabetical order to be followed shall be in English.

(4) The ballot paper shall be signed by the Presiding Authority and handed over to each member entitled to vote.

(5) Each member shall record his vote by making a cross (X) against the name of the candidate for whom he wishes to vote, fold the ballot paper so as to conceal his vote and insert the folded ballot paper into the box with a slit kept for the purpose at the place of the meeting. The ballot paper shall not be signed by the voter nor be marked by him in any other way that would reveal his identity.

(6) (a) A member who has inadvertently dealt with his ballot paper in such manner that it cannot be conveniently used as a ballot paper may, on returning it to the Presiding Authority and on satisfying such authority of the inadvertence obtain another ballot paper, and the ballot paper so returned shall be marked "Spoilt-cancelled" by the Presiding Authority.

(b) All ballot papers cancelled under clause (a) shall be kept in a separate packet.

(7) (a) If a voter is illiterate or, owing to blindness, is unable to put a cross on the ballot paper, the Presiding Authority shall record the vote on the ballot paper in accordance with the wishes of the voter.

(b) While acting under clause (a), the Presiding Authority shall observe as much secrecy as is feasible.

(8) The Presiding Authority shall open the box in the presence of the members present and count the votes with the help of the Chief Executive Officer or such other persons as he may appoint.

(9) The Presiding Authority shall reject any ballot paper,—

(a) which is unmarked;

(b) which has crosses marked against more names than one;

(c) the marking on which is uncertain;

(d) which bears the signature or any mark or writing by which in his opinion the voter can be identified.

(10) Where two or more candidates are contesting, the candidate to whom the largest number of valid votes is given, shall be declared elected. If there is an equality of votes, the result shall be decided by draw of lots.

9. Power to adjourn and hold meeting again if election is not held.— If, for any reason, the meeting called for election of the Adhyaksha and/or Upadhyaksha, as the case may be, does not result in election of the Adhyaksha and/or the Upadhyaksha, the Presiding Authority shall adjourn the meeting and hold the adjourned meeting on the next day at the same hour for completing the election.

10. Miscellaneous Provisions.— When elections of both the Adhyaksha and Upadhyaksha are to be held at the same meeting,—

(a) the scrutiny of nomination papers and subsequent stages of the election of the Adhyaksha shall be held first and then the election of the Upadhyaksha;

(b) if nomination papers have been filed on behalf of a candidate for election as Adhyaksha as well as Upadhyaksha and such candidate has already been declared elected as Adhyaksha, his nomination paper for election to the office of Upadhyaksha shall be deemed to have been withdrawn.

11. Determination of disputes relating to election of Adhyaksha or Upadhyaksha.— (1) Any dispute regarding the election of Adhyaksha or Upadhyaksha may be referred in the form of a petition to the Administrative Tribunal for decision by any member feeling aggrieved from the result declared under rule 8:

Provided that no reference shall be entertained by the Goa Administrative Tribunal, if the reference has not been received in the Office of the Administrative Tribunal, Goa within a period of ten days from the declaration of result as aforesaid.

(2) A reference received under sub-rule (1) above, may be disposed of by the Administrative Tribunal, by passing an order—

(a) dismissing the reference or;

(b) declaring the election in dispute to be void or;

(c) declaring any rival candidate at the election to have been duly elected.

(3) An order passed by the Administrative Tribunal under sub-rule (2) above, shall be final as to the dispute referred in sub-rule (1).

12. Casual vacancies.— The provisions of these rules shall *mutatis mutandis* apply to the election of the Adhyaksha or Upadhyaksha to be held at meeting to be called under section 133:

Provided that in the case of such election, the Adhyaksha of Zilla Panchayat and in his absence the Upadhyaksha of the Zilla Panchayat and in absence of both or where the Upadhyaksha is a candidate for such elections, such officer as the Director may nominate, shall be Presiding Authority for the purposes of these rules.

FORM-I

Nomination Paper

[See sub-rule (1) of rule 3]

Election to the office of *Adhyaksha/*Upadhyaksha of the Zilla Panchayat.

I hereby nominate as a candidate for election to the Office *Adhyaksha/*Upadhyaksha of the Zilla Panchayat.

Full name of the candidate

Full postal address of the candidate

Name of the ward from which the candidate is elected as a Member

Full name of the proposer

Date :

(Signature of the proposer)

Declaration by the candidate

I hereby assent to this nomination and signify my willingness to act as*Adhyaksha/*Upadhyaksha of the Zilla Panchayat.

Date :

(Signature of the Candidate)

(To be filled by Officer appointed to receive nomination paper).

Serial No. of the nomination paper

This nomination paper was delivered to me at (hour) on (dated) by the *proposer/*candidate.

Date :

(Signature of the Officer)

* Delete whichever inapplicable

FORM-II

[See rule 7 (1)]

Notice of Withdrawal

Election to the Office of *Adhyaksha/*Upadhyaksha of Zilla Panchayat.

To,
The Presiding Authority,
Election to

I, a candidate nominated at the above election, do hereby give notice that I withdraw my candidature.

Place :

Date : Signature of Candidate

This notice was delivered to me at my office at (hours) on(date) by (name) the

Presiding Authority
..... Panchayat

Date :

Receipt for Notice of withdrawal

(To be handed over to the person delivering the notice)

The notice of withdrawal of candidature by..... candidate at the election to the was delivered to me by the at my office at (hours) on (date).

Presiding Authority
..... Panchayat

* Delete whichever inapplicable

FORM-III

[See rule 8 (3)]

Ballot Paper

Names of Members duly nominated for election as *Adhyaksha/*Upadhyaksha and contesting the election.

Name	Space for putting the cross
1	2
1.	
2.	
3.	
4.	

Date : (Signature of the Presiding Authority)

*Score out the word not applicable.

By order and in the name of the Governor of Goa.

G. G. Kambli, Director of Panchayats and Ex-Officio Joint Secretary.

Panaji, 6th June, 1997.

Notification

4/DP/ZP-MEET/96

Whereas the draft of the Goa Zilla Panchayats (Conduct of Business) (Model) Regulations, 1996, were published as required by sub-section (1) of section 244 of the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994), at pages 615 to 622 of the Official Gazette, Series I, No. 43 dated 24-1-97, under Notification No. 4/DP/ZP-MEET/96 of the Department of Panchayat Raj and Community Development, inviting objections and suggestions from all persons likely to be affected thereby, before the expiry of one month from the date of publication of the said Notification in the Official Gazette.

And whereas the said Official Gazette was made available to the public on 24th January, 1997;

And whereas no objections/suggestions have been received from the public on the said draft by the Government.

Now, therefore, in exercise of the powers conferred by **sub-section (1) of section 244 read with section 136** of the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994), the Government of Goa hereby makes the following model regulations, namely:—

CHAPTER-I

Preliminary

1. Short title and commencement.— (1) These regulations may be called the Goa Zilla Panchayats (Conduct of Business) (Model) Regulations, 1997.

(2) They shall come into force at once.

2. Definitions.— In these regulations, unless the context otherwise requires,—

(a) “Act” means the Goa Panchayat Raj Act, 1994 (Act 14 of 1994);

(b) “Clear days” means days exclusive of the day of issue of a notice or intimation, and of the day of meetings;

(c) “Form” means a form appended to these Regulations;

(d) “Member” means a member of a Zilla Panchayat;

(e) “Motion” means a proposal to evoke action on the part of the Zilla Panchayats and includes an amendment of motion;

(f) “Section” means a section of the Act;

(g) Words and expression, used but not defined in these Regulations, shall have the same meaning as respectively assigned to them in the Act.

3. Notice of meeting.— (1) Every notice of a meeting of the Zilla Panchayat under clause (b) of sub-section (2) of section 136 of the Act, shall be in Form “A”.

(2) Every such notice shall be served on the members in the manner as provided in section 235 of the Act.

4. Notice of meeting to be displayed on notice board.— A notice stating the date, time and place of every meeting, of the Zilla Panchayat and of the business to be transacted thereat, shall be displayed on the notice board at the office of the Zilla Panchayat.

5. Zilla Panchayat meetings.— Zilla Panchayats to meet once in a month:- Zilla Panchayats shall meet at least once in two months on the date and at such time as may be fixed by the previous meeting of the Zilla Panchayats. The meeting shall generally be held at the Zilla Panchayat Office. The agenda of the meeting shall be prepared by the Chief Executive Officer in consultation with the Adhyaksha and in his absence with the Upadhyaksha of the Zilla Panchayats:

Provided that the date of the first meeting of the Zilla Panchayats after the first constitution or reconstitution, shall be fixed and presided over by the Director.

6. The Chief Executive Officer to intimate the date of the meeting.— The Chief Executive Officer of the Zilla Panchayat shall at least 10 clear days before the date fixed for ordinary meeting and 15 clear days before the date fixed for special meeting, send or caused to be sent to all the members intimation of the date, time and place and the business to be transacted on such meeting. No meeting shall be held on any day observed as public holidays.

7. Attendance register.— (1) An attendance register shall be maintained in Form “B” showing the names of the members. It shall be placed in the meeting hall at the commencement of each meeting, and every member attending the meeting shall sign against his name in the register as soon as he enters the meeting hall.

(2) Where a member is unable to sign his name, he may, with the help of any other member or any officer of the Zilla Panchayat, put his thumb impression against his name in the register and thumb impression shall be duly attested by any person authorised by the presiding authority in that behalf.

8. Order of business.— Subject to the provisions of clause (i) of sub-section (2) of section 136 of the Act, the order of business for every meeting shall be arranged, as far as possible, in the following manner, namely:—

- (a) confirmation of the minutes of the last meeting kept in accordance with part I of Form “C”;
- (b) questions from members;
- (c) elections and appointments to be made by the general meeting;
- (d) resolutions of the Standing Committee;
- (e) resolutions of any other Committees;
- (f) communications from Government or Government officers;
- (g) consideration of motions, which are part of the business, to be transacted at the meeting;
- (h) any other business to be transacted at the meeting.

9. Presiding authority in the absence of Adhyaksha or Upadhyaksha.— Where at any meeting the Adhyaksha or as the case may be, the Upadhyaksha is not present within 30 minutes, after the time appointed for holding of the meeting at which a quorum is present at the place of the meeting, the members present at the meeting shall choose one of the members present at the meeting who shall preside over the meeting as provided in clause (e) sub-section (2) of section 136 of the Act:

Provided that—

(i) where the Adhyaksha attends the meeting at any time during the course of such meeting, the Upadhyaksha or the member so presiding over the meeting shall vacate the chair and the meeting shall continue with the Adhyaksha as the presiding authority; and

(ii) where the Adhyaksha is not present and the Upadhyaksha attends the meeting at any time after the proceedings during the course of Meeting, the member so presiding shall vacate the chair, and the meeting shall continue with the Upadhyaksha as the presiding authority.

10. Quorum.— (1) The quorum necessary for the transaction of business at the meeting of the Zilla Panchayat shall be one third of the total number of the members of the Zilla Panchayat including Adhyaksha and Upadhyaksha as thereof.

Explanation.— If the member of the Zilla Panchayat is odd in calculating one third of the total number of members of the Zilla Panchayat for the purpose of quorum, any fraction shall be counted as 1 e. g. if the number of members is 22, the quorum shall be 8. If the number is 29, the quorum shall be 10 and so on.

(2) If at any time during the meeting it is brought to the notice of the Presiding Authority that the number of members present inclusive of presiding authority falls short of the number required for the quorum, the presiding authority shall if there is no quorum after waiting for a period not less than 30 minutes and not more than one hour, adjourn the meeting to some other day, fixing such time and place as he thinks convenient and the business which remains undisposed at such meeting, shall be disposed of at the adjournment meeting and at any subsequent adjournment thereof, whether there be a quorum thereat or not:

Provided that no business shall be transacted at any adjourned meeting other than that left undisposed or at the previous meeting.

11. Raising point of order.— (1) Any member may, at any time submit a point of order for the decision of the presiding authority, but in doing so he shall confine himself to stating the point.

(2) The decision of the presiding authority on any point of order shall be final.

(3) No discussion of any point of order shall be allowed except with the consent of the presiding authority.

12. Resumption of seat.— (1) A member called to order by the presiding authority shall resume his seat.

(2) If at any time, while a member is speaking, the presiding authority rises or a member rises to a point or order, the member speaking shall immediately resume his seat.

13. Duration of speeches.— The presiding authority may, having regard to the state of business before the meeting and the nature of the subject, lay down a time limit, for speeches on any subject.

14. Manner of speaking.— (1) A member desiring to speak on any matter before the meeting shall rise in his seat and, if called upon by the presiding authority, address his remark to the presiding authority. If he is not called upon, he shall resume his seat:

Provided that, if a member is disabled by sickness or infirmity he may be permitted by the presiding authority to address the meeting sitting.

(2) If more than one member rise simultaneously to address the meeting, the presiding authority shall decide who shall speak first.

(3) A member shall not read his speech, but may refresh his memory by reference to notes.

15. Right of presiding authority to address meeting.— The presiding authority may address the meeting at any stage of the debate, without any time limit for speech, and while so addressing, shall rise in his seat:

Provided that if the presiding authority is disabled by sickness or infirmity, he may address the meeting sitting.

16. Interruption during speech.— If, while a member is speaking, another member desires to make an explanation or to seek any explanation or information from the member speaking, he shall rise in his seat and, if called upon by the presiding authority, shall make the explanation or seek the explanation or information. If not so called upon, he shall resume his seat. The presiding authority shall not call upon the member so rising, unless the member speaking resumes his seat.

17. Talk amongst members.— The members shall not talk amongst themselves in the meeting so as to interrupt the proceedings or disturb a member who is speaking.

18. Withdrawal from meeting.— A member who desires to leave a meeting while proceedings are going on shall, immediately before leaving, rise in his seat and bow to the presiding authority.

19. Questions.— (1) A member may address question to the Adhyaksha or the Chairman of the standing or any subjects Committee on matters connected with the functions and duties of the Zilla Panchayat under the Act.

(2) The member seeking to address the question shall give under his signature or thumb impression a notice of the question together with copy thereof to the Chief Executive Officer at least fifteen days before the meeting of the Zilla Panchayat at which it is to be replied.

(3) Subject to the provisions of clause 5, the member shall be entitled to an oral reply in the meeting or at any subsequent meeting if the presiding authority for proper reasons deems it fit to extend the time:

Provided that, if in the opinion of the presiding authority, any question entitled to an oral answer is of such a nature that a written reply would be more appropriate, it may direct that such question shall be answered with a written reply at the meeting or at any subsequent meeting.

(4) The question shall be answered by the Adhyaksha or the Chairman concerned:

Provided that the Executive Officer may, with the permission of the presiding authority, answer any question on behalf of the Adhyaksha or such Chairman.

(5) The Adhyaksha may disallow any question:—

(a) in respect of which fifteen clear days notice in writing specifying the question has not been given to the Chief Executive Officer; or

(b) which calls for an expression of opinion or for the solution of an abstract legal question or of a hypothetical proposition; or

(c) which concerns or is directly connected with, any pending suit or proceedings in any court of law or before any judicial tribunal; or

(d) which relates to the character or conduct or performance of any member or an officer or servant serving under or employed by the Zilla Panchayat other than in his official or public capacity; or

(e) which is, or by implication may be defamatory or which makes or implies a charge of personal character against any person or any community or a section of any community; or

(f) which contains arguments, inferences, imputations, ironical expressions, epithets, or defamatory statements; or

(g) which relates to a matter with which the Zilla Panchayat is not concerned; or

(h) which, in the opinion of the presiding authority, is frivolous, trivial, vexatious or offensive; or

(i) if it seeks information about matters which are in their nature secret; or

(j) which involves the communication of information given to the presiding authority or any officer or servant of the Zilla Panchayat in confidence; or

(k) which contains any name or statement not strictly necessary to make the question intelligible; or

(l) which relates to the individual service matters including grievances or complaints of officers or servants of the Zilla Panchayat; or

(m) which is of excessive length; or

(n) which repeats in substance questions already answered or to which an answer has been refused:

Provided that, the Adhyaksha may allow any question in an amended form.

(6) If any doubt arises whether any question does or does not fall under any of the clause of the sub-clauses of clause (5), the Adhyaksha shall decide the point and his decision thereon shall be final.

(7) If a question contains a statement, the member shall be responsible for the accuracy of the statement.

(8) Subject to the provisions of this regulation, every question which has not been disallowed, shall be entered in the list of questions for the day and shall be called, if the time made available permits, in the order in which it stands in the list.

(9) After the question has been answered, any member may put supplementary questions for the purpose of further elucidating any matter of fact regarding which an answer has been given:

Provided that, the presiding authority may disallow any supplementary question, if, in its opinion, it infringes any of the provisions of clause (5).

(10) If the presiding authority is satisfied that sufficient information is not available for an answer to be given to a supplementary question at the same meeting, it may direct that an answer to such question may be given at the next ordinary meeting of Zilla Panchayat.

(11) No debate or speech shall be allowed on any question.

(12) All questions, whether allowed or disallowed, and replies given shall be incorporated in Part III of the register in Form "C".

20. Admissibility of motion.— No motion shall be admissible which does not comply with the following conditions, namely:—

(a) it shall be clearly and precisely expressed and shall raise substantially one definite issue;

(b) it shall not contain arguments, inferences, ironical expressions, imputations or defamatory statements;

(c) it shall not refer to the conduct or character of any member or an officer or servant serving under or employed by the Zilla Panchayat except in his official or public capacity;

(d) it shall be of an affirmative character;

(e) it shall not relate to any matter such as is mentioned in sub-clause (i) of clause (2) of regulation.

21. Motion how moved.— (1) Unless otherwise expressly provided every motion (not being a formal motion, such as a motion for adjournment, closure, and the like), shall be handed over or sent by the proposer in writing after putting his signature or thumb impression thereon to the Adhyaksha or the Chief Executive Officer before it is moved. Where a motion has been handed over or sent to the Adhyaksha, a copy thereof shall be sent to the Chief Executive Officer.

(2) Subject to the provisions of clause (a) of sub-section (2) of section 136 of the Act, no motion which has not been received by the Adhyaksha or Chief Executive Officer as

provided in clause (1), at least fifteen days before the date of a meeting, shall be included in the business to be transacted in that meeting:

Provided that, the Adhyaksha may in special circumstances, for reasons to be recorded in writing, include a motion which has been received not less than ten days before the date of the meeting.

(3) If the Chief Executive Officer, on receipt of the motion by him, is of the opinion that the motion is not consistent with the provisions of the Act or the rules or bye-laws made thereunder or that it entails expenditure from the Zilla Panchayat Fund and no financial sanction has been obtained therefor he shall forward his views to the Adhyaksha. Where the motion is in order, the Chief Executive Officer shall prepare a brief note thereon giving the necessary information from the financial and administrative points of view.

22. Seconding.— Except a motion of an amendment suggested by the presiding authority which does not require to be seconded, no motion or amendment shall be taken up for discussion unless and until it is seconded by a member who is entitled to vote.

23. Provision in the absence of a mover.— If a member who has given a notice of motion is absent, any other member entitled to vote and authorised by him in writing may move it.

24. Withdrawal of motion.— Any motion which has been proposed and seconded may be withdrawn by the proposer with the consent of the member who seconded the motion and with the permission of the Zilla Panchayat.

25. Motion once withdrawn cannot be proposed in the same meeting.— A motion which has once been withdrawn under regulation 21, shall not be moved again at the same meeting (including an adjourned meeting, if the meeting is adjourned).

26. Limitations on certain motions.— A notice of a proposition for priority for any item under clause (i) of sub-section (2) of section 136 of the Act shall be given to the Chief Executive Officer before the commencement of the meeting and no debate or speech shall be allowed on any such proposition.

27. Proposal to Postpone.— (1) A motion to postpone the consideration of any matter may be moved by any member at any time after it is taken up and such motion shall take precedence over any other motion relating to that matter;

(2) The presiding authority, after permitting a brief explanatory statement from mover of the motion and if the motion is opposed by not more than one member shall, without further debate, put the motion to vote.

(3) A motion for the postponement of consideration of any matter shall not, without the permission of the presiding authority, be made more than once during the debate on any matter.

28. Discussion.— (1) On a motion of amendment being moved and seconded, the presiding authority shall read it or cause it to be read to the meeting; it shall then be considered to be before the meeting for discussion. The mover may then speak in support

of the motion or amendment and the seconder may either follow or reserve his speech for a later stage of the debate thereon. Other members may, save as otherwise provided, speak on the motion in the order in which they are called upon by the presiding authority.

(2) The Chief Executive Officer may express his views on the motion if it is inconsistent with the provisions of the Act or the regulations or byelaws made thereunder or involves expenditure from the Zilla Panchayat Fund.

(3) No member who has once addressed the meeting on a motion shall subsequently move or second an amendment thereto or otherwise take part in the debate on that motion.

(4) A member shall not vote or take part in the discussion of any matter before a meeting or ask any question under regulation 19 concerning any matter in which he has, directly, or indirectly, by himself, or by his partner, any share or interest such as is described in clause (g) of sub-section (2) of section 136 of the Act or in which he is professionally interested on behalf of a client, principal or other person or has any pecuniary interest.

29. Limitation of debate.— (1) The matter of every speech shall be relevant to the subject on which it is made.

(2) A member while speaking shall not,—

(i) refer to any matter of fact which is under adjudication before a Court of law (including any Tribunal) having jurisdiction in any part of India;

(ii) make a personal charge against another member;

(iii) reflect upon any decision arrived at by the Zilla Panchayat on any matter except on a fresh motion relating to such matter;

(iv) use offensive or defamatory expressions;

(v) use his right of speech for the purpose of disturbing the proceeding or a member who is speaking;

(vi) disclose the proceedings of any Committee appointed by the Zilla Panchayat; or

(vii) discuss any ruling, order or discretion of the presiding authority except—

(a) the ruling, order or discretion of the presiding authority on a resolution for the removal from Office of the Adhyaksha or Upadhyaksha brought under sub-section (3) of section 135 of the Act; and

(b) with the consent of the presiding authority.

(3) (a) The presiding authority or a member who objects to any offending words shall move either at once or at the conclusion of the speech of the member who used such offending words “that the words be recorded”. If his motion is agreed to, the presiding authority shall direct that the words be recorded.

(b) A member whose words have been recorded shall be guilty of a breach of order.

(4) The presiding authority, having called the attention of the meeting to the conduct of the members who persist in irrelevance or in tedious repetition either on his own arguments or of the arguments used by other members in debate or wilfully contravenes the provisions of clause (1) or any other regulation may direct him to discontinue his speech.

30. Opening adjourned debate.— On resumption of an adjourned debate, the member who was addressing the meeting immediately prior to the adjournment shall be entitled to speak first.

31. Power of presiding authority to divide motion or amendment.— When any motion or amendment involves several points, the presiding authority may divide it and put each or any point separately to vote as it may think fit.

32. Grouping of motions and amendments.— The presiding authority may group together two or more motions or amendments for consideration of a meeting, provided the subject matter of the motions or amendments is substantially the same.

33. Amendments.— (1) After a motion has been moved and seconded, amendments may be proposed thereto.

(2) Every amendment shall be relevant to the motion and may propose a variation thereof, an addition thereto, or omission therefrom, but no amendment shall be a direct negation of the motion before the meeting or shall in substance be the same which has already been negated at the same meeting.

(3) Any number of amendments may be moved before the meeting at the same time, but no member shall propose more than one amendment to the same motion and no member who has proposed or seconded any motion shall propose or second an amendment thereto.

(4) When an amendment to an amendment is moved, the amendment sought to be amended shall be, as long as the amendment by which it is sought to be amended is under discussion, be deemed to be substantive proposition before the meeting.

(5) An amendment in the alternative shall not be moved.

(6) The presiding authority may disallow any amendment which is, in its, opinion frivolous.

(7) No amendment shall be moved after a member has commenced his right of reply.

34. Right to reply.— The mover, or if the mover waives his right, the seconder of a substantive motion, may reply at the conclusion of the debate on it but no other member shall speak on the same motion or amendment, after the reply except to explain, with the permission of the presiding authority, any material ambiguity in the speech of reply.

35. Closure.— (1) The presiding authority or any member may at any time move “that the question be now put to vote” and if the motion is carried, the presiding authority, after allowing the mover or the seconder to reply to the debate under regulation 31, shall put the motion together, with the amendment, if any, to vote.

(2) There shall be no debate on a motion for closure.

(3) If a motion for closure is lost, it shall not be moved again until after a lapse of fifteen minutes.

36. Voting on original motion and amendments.— (1) On the conclusion of the debate on a motion or where the presiding authority is satisfied that the motion has been sufficiently discussed, it may, after allowing the mover or seconder his right to reply, put the motion to the vote of the meeting without further discussion.

(2) The votes shall be taken in the following manner:—

(a) when there is only one amendment to the motion,

(i) the amendment shall first be put to vote;

(ii) if the amendment is lost, the motion shall then be put to vote; or

(iii) if the amendment is carried, the amended motion shall be put to vote;

(b) when there are more than one amendments,—

(i) the amendments shall first be put to vote one after another in such order as the presiding authority may decide;

(ii) if all the amendments are lost, the motion shall then be put to vote;

(iii) if all or any of the amendments are carried, the amended motion shall be put to vote.

37. Methods of recording votes.— Votes shall ordinarily be taken by a show of hands, but on special occasion, if the presiding authority so decides, votes may be taken by ballot, provided that votes in respect of any motion or proposal involving financial commitments shall not be recorded by ballot by the presiding authority, but the names of the members voting for or against such motion or proposal shall be recorded.

38. Voting by ballot.— When votes are taken by ballot, each member shall record his vote on a voting paper which shall not be signed by him. The papers used for voting shall not be destroyed until after one month from the date of declaration of the result.

39. Voting not compulsory.— Any member present at the meeting may refrain from voting if he so chooses to do.

40. Result in case of equality of votes.— When there is an equality of votes and the presiding authority refrains from giving its casting or second vote, the proposition shall be held to have lapsed, and shall not be brought forward at any subsequent meeting till a period of six months has elapsed.

41. Declaration of result.— (1) As soon as the votes have been counted, the presiding authority shall, subject to the provisions of clause (f) of sub-section (2) of section 136 of the Act, then and there declare the result of voting which shall be duly recorded in the minute book.

(2) Where votes are taken by show of hands, a declaration by the presiding authority that a resolution or motion has been carried and an entry to that effect in the minute book shall be conclusive evidence of the fact that the resolution or motion has been carried.

42. Voting on budget estimate, etc.— (1) When a budget estimate a supplementary budget estimate, a proposition for a reappropriation of funds, a code of rules or bye-laws, a list of lands for sale or purchase or lease or transfer, a list of items for write off, lists of arrears, accounts of the Zilla Panchayat or such other propositions as the standing Committees decides, is laid before a meeting, the presiding authority may group the items in such groups as may be convenient to it and propose to the meeting for each group in succession, an appropriate resolution approving the proposal, such resolution being seconded before it is proceeded with:

Provided that, the presiding authority may sub-divide or rearrange the groups:

Provided further that, if on the sense of the meeting being taken by the presiding authority, all members present are of the opinion that no item or group should be considered separately, the whole question shall be considered as one proposition.

(2) No debate or speech shall be allowed when the opinion or sense of the meeting is being taken under the second proviso to clause (1).

43. Form of minutes.— The minutes of every meeting shall be kept in accordance with the provisions of sub-section (3) of section 136 of the Act in a book in Part II of Form ‘C’.

44. Minutes.— (1) If, after the minutes are placed before the next meeting of the Zilla Panchayat, any member objects to the minutes as having being incorrectly or incompletely recorded, the presiding authority shall, after taking the sense of the meeting, make such amendments in the minutes as the meeting deems proper and shall confirm and sign the minutes as so amended. The presiding authority shall initial or sign all amendments so made.

(2) No debate or speech shall be allowed on any objection to the minutes raised under this regulation.

(3) The record of the minutes of the meeting shall always contain the views; in any, expressed by the Chief Executive Officer, on the motion or resolution at the meeting.

FORM “A”

(See regulation 3)

Form of Notice of Meeting

No.

Office of the Zilla Panchayat

Date:

Notice is hereby given to *Shri/Shrimati (members of the Zilla Panchayat that an ordinary*/special meeting of the Zilla Panchayat will be held on the..... day of at (time) in the office of Zilla Panchayat situated at for transacting business mentioned in the Annexure.

The member is requested to make it convenient to attend the meeting.

A copy of the motion*/proposition of which written notice has been given by a member*/the members of his*/their intention to bring forward at the meeting*/mentioned in the written request for the special meeting is enclosed.

(Signature)
Adhyaksha
..... Zilla Panchayat.

* Score out what is inapplicable.

ANNEXURE TO FORM "A"

Business to be transacted at Ordinary/Special meeting of the Zilla Panchayat

- (1)
- (2)
- (3)
- (4)
- (5)
- etc.

(Signature)
Adhyaksha
..... Zilla Panchayat.

FORM "B"

(See regulation 7)

Attendance Register

Date of meeting

Name of the member	Signature or thumb impression duly attested
(1)	(2)
(1)
(2)
(3)
(4)
(5)
etc.

FORM " C "
[See regulation 8(a)]

Minute Book

PART — I

Table with 4 columns: Date and time of meeting, Name of members present, Names of others who attended the meeting, Proceedings in brief. Includes numbered rows (1) through (4).

(Signature)
(Presiding Authority)

PART — II

(See regulation 43)

Table with 10 columns: Date and time of meeting, Subject of motion, Working of motion, Names of proposer and seconder, Amendments, if any, Wording Names of, For, Number of Votes given (Against, Working), Final resolution after the vote on amendments, Serial No. Includes numbered rows (1) through (10).

* When votes are not recorded by ballot, give also the names of members who voted for and against the motion in columns (7) and (8), respectively.

(Signature)
(Presiding Authority)

PART — III

[See clause (12) of regulation 19]

Register of Questions

Date of meeting

Table with 5 columns: Questions, Name of the member who tabled the Question, Whether allowed or disallowed, Reply given, if any, If reply given by whom given. Includes numbered rows (1) through (5).

By order and in the name of the Governor of Goa.
G. G. Kambli, Director of Panchayats & Ex-Officio Joint Secretary.
Panaji, 10th June, 1997.

Notification

31/DP/PAN/FDP/99

Whereas the draft of the Goa Zilla Panchayat (other functions, powers and duties of the Chief Executive Officer and other Officers) Rules, 1999 was published as required by sub-section (1) of section 240 of the Goa Panchayat Raj Act, 1994 (Goa Act No. 14 of 1994), in the Official Gazette, Series I No. 29 dated 14-10-1999, under Notification No. 31/DP/PAN/FDP/99 dated 16-9-1999, of the Department of Panchayati Raj and Community Development, inviting objections and suggestions from all persons likely to be affected thereby before the expiry of ten days from the date of publication of the said Notification in the Official Gazette;

And Whereas the said Gazette was made available to the public on 14-10-1999;

And Whereas no objections and suggestions have been received from the public on the said draft by the Government.

Now, Therefore, in exercise of the powers conferred by **clauses (b) and (g) of sub-section (1) of section 151**, read with sub-section (1) of section 240 of the Goa Panchayat Raj Act, 1994 (Goa Act No. 14 of 1994), the Government of Goa hereby makes the following rules, namely:—

1. Short title and commencement.— (1) These rules may be called the Goa Zilla Panchayat (Other functions, powers and duties of the Chief Executive Officer and other Officers) Rules, 1999.

(2) They shall come into force at once.

2. Definitions.— In these rules, unless the context otherwise requires,—

(a) ‘Act’ means the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994);

(b) ‘Government’ means the Government of Goa;

(c) Words and expressions used in these rules but are not defined, shall have the same meaning as assigned to them in the Act.

3. Other powers and functions of the Chief Executive Officer of the Zilla Panchayat.— In addition to the functions, powers and duties of the Chief Executive Officer provided under section 151 of the Act, the Chief Executive Officer shall,—

(i) as regards confidential reports, be the reporting authority in respect of Group ‘A’ and ‘B’ Officers and reviewing authority in respect of Group ‘C’ and ‘D’ employees of the Zilla Panchayat;

(ii) subject to the orders issued by the Government from time to time, exercise all the powers of the Head of Department, specified in the Goa Delegation of Financial Powers, Rules, 1997, to the extent of their applicability to the Zilla Panchayat, in addition to any specific or special powers which may be delegated to him by the Government under the Act.

(iii) exercise the powers of an appointing authority with regard to Group ‘C’ and ‘D’ posts of the Zilla Panchayat; and

(iv) exercise the powers of a disciplinary authority with regard to Group 'C' and 'D' employees of the Zilla Panchayat, and shall also be competent to impose any of the penalties specified under the Central Civil Services (Classification, Control and Appeal) Rules, 1965, and the Central Civil Services (Conduct) Rules, 1964, to the extent of their application to the employees and service conduct thereof as adopted by the Government.

4. The Chief Executive Officer may, with the approval of the Zilla Panchayat, delegate his administrative and financial powers to his subordinate officer.

5. Duties of the Chief Accounts Officer.— The Chief Accounts Officer shall be subordinate to the Chief Executive Officer and shall discharge his duties in accordance with the directions of the Chief Executive Officer from time to time within the framework or the Account Code of Zilla Panchayat.

6. Duties of other Officers.— All the Officers and servants working in or under the Zilla Panchayat shall be sub-ordinate to the Chief Executive Officer and they shall discharge their duties entrusted to them by the Chief Executive Officer from time to time.

By order and in the name of the Governor of Goa.

K. N. S. Nair, Ex-Officio Joint Secretary & Director of Panchayats.

Panaji, 3rd January, 2000.

(Published in the Official Gazette, Series I No. 41 dated 6-1-2000—Extraordinary).

Notification

35/DP/PAN/ZP/99

Whereas, the draft of the Goa Zilla Panchayat (Payment of salaries, allowances to Adhyaksha and Upadhyaksha and sitting fees and other allowances to members of the Zilla Panchayat other than the Adhyaksha and Upadhyaksha) Rules, 1999, was published as required by sub-section (1) of section 240 of the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994), in the Official Gazette, Series I No. 28 dated 7-10-99, under notification No. 35/DP/Pan/ZP/99 dated 30-9-99 of the Department of Panchayat Raj and Community Development, inviting objections and suggestions from all persons likely to be affected thereby before the expiry of fifteen days from the date of publication of the said Notification in the Official Gazette;

And whereas, the said Gazette was made available to the public on 7-10-1999;

And whereas, no objections and suggestions have been received from the public on the said draft by the Government.

Now, Therefore, in exercise of the powers conferred by **sub-sections (1) and (2) of section 134**, read with sub-section (1) of section 240 of the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994), the Government of Goa hereby makes the following rules, namely:—

1. Short title and commencement.— (1) These rules may be called the Goa Zilla Panchayat (Payment of salaries, allowances to Adhyaksha and Upadhyaksha and sitting fees and other allowances to members of the Zilla Panchayat other than the Adhyaksha and Upadhyaksha) Rules, 2000.

(2) They shall come into force on such date as the Government may by Notification appoint.

2. Definitions.— In these rules, unless the context otherwise requires,—

(a) “Act” means the Goa Panchayat Raj Act, 1994 (Goa Act No. 14 of 1994);

(b) “member” means a member of the Zilla Panchayat as specified by section 117 of the Act;

(c) “section” means a section of the Act;

(d) Words and expressions used in these rules and not defined shall have the same meaning as assigned to them in the Act.

3. Salaries of Adhyaksha and Upadhyaksha.— (1) Adhyaksha and Upadhyaksha shall be entitled to the salary as the Government may, by order, from time to time, determine.

4. Motor car amenities.— Adhyaksha shall be entitled to the use of the motor car and services of Chauffeur, for the official work, subject to maximum consumption of 200 litres of petrol/diesel per month. The cost of the petrol/diesel in excess of aforesaid quota shall be borne by the Adhyaksha:

Provided that, if no motor car and services of chauffeur is provided, he shall be entitled to travelling allowance at the rate of Rs. 2,500/- per month:

Provided further that no travelling allowance shall be admissible under this rule if it is claimed under rule 5 hereto.

5. Travelling and daily allowance to Adhyaksha.— The Adhyaksha shall be entitled to travelling and daily allowances as admissible to the Officers of Group ‘A’ of the Government, in the pay scale of Rs. 12,000/- 16,500/- while touring on duty connected with his/her official work:

Provided that no daily allowance shall be admissible for days of half exceeding 30 days at a time, unless specially permitted by the Government.

6. Sumptuary allowance.— The Adhyaksha shall be entitled to sumptuary allowance of Rs. 500/- per month.

7. Daily and travelling allowances to Upadhyaksha.— (1) Upadhyaksha shall be entitled to daily and travelling allowances as admissible to Group ‘A’ officers of the Government in the pay scale of Rs. 10,000-15,200 while touring on duty connected with his/her official work.

(2) The provisions of proviso to rule 5 of these rules shall, *mutatis mutandis*, apply for the purpose of daily allowances to the Upadhyaksha.

8. Travelling and daily allowances to the elected members.— (1) The elected members of the Zilla Panchayat shall be entitled to travelling and daily allowances as admissible to Group ‘A’ officers, of the Government in the pay scale of Rs. 8,000-13,500, while touring on assigned duty connected with their official work.

(2) The provision of proviso to rule 5 of these rules, shall *mutatis mutandis*, apply for the purpose of daily allowances, to the elected members.

9. Travelling and daily allowances to members of the Parliament who are members of the Zilla Panchayat.— The members of the Parliament who are the members of the Zilla Panchayat, shall be entitled to daily allowances and travelling allowances from residence to the Head-quarters of the Zilla Panchayat, as admissible to them by virtue of members of the Parliament.

10. Travelling and daily allowances to members of the State Legislative Assembly who are the members of the Zilla Panchayat.— The members of the State Legislative Assembly who are the members of the Zilla Panchayat shall be entitled to daily allowances and travelling allowances from residence to the Head Quarters of the Zilla Panchayat, as admissible to them by virtue of being members of the State Legislative Assembly.

11. Travelling and daily allowances to Chairpersons of Village Panchayat who are the members of Zilla Panchayat.— (1) The Chairpersons of the Village Panchayat who are members of the Zilla Panchayat shall be entitled to draw travelling and daily allowances as admissible to them by virtue of members of Village Panchayat.

(2) The provisions of proviso to rule 5 of these rules shall *mutatis mutandis*, apply to this rule.

12. Sitting fees.— (1) Every member of the Zilla Panchayat other than the Adhyaksha and the Upadhyaksha shall be entitled to sitting fees of Rs. 200/- per sitting for attending the meeting of the Zilla Panchayat:

Provided that the members who elect to draw sitting fees shall not be entitled to any daily allowances for attending the meetings.

(2) No claim is required to be submitted in writing for the sitting fees, the sitting fees shall be paid on the date of the meeting after due acknowledgement.

13. Non-entitlement of sitting fees and allowances.— (1) No sitting fees or travelling allowances or daily allowances, as the case may be, shall be paid to any member of the Zilla Panchayat, during the absence of such member for the meeting.

(2) No travelling allowance shall be paid to any member or Adhyaksha or Upadhyaksha if a journey is less than 8 kilometers.

(3) No travelling allowance or daily allowance shall be admissible if the travelling allowance or the daily allowance have been claimed from any other source.

14. Medical allowance.— The Adhyaksha and Updhyaksha shall be entitled to the medical reimbursement as laid down from time to time under the Central Service (Medical Attendance) Rules, 1944, as in force.

15. Countersignature on daily and travelling allowance bills.— (1) The daily and travelling allowance bills of the Adhyaksha shall not require the countersignature of any authority. He shall be his own controlling officer.

(2) The daily and travelling allowance bills of Updhyaksha shall be countersigned by the Adhyaksha.

(3) The daily and travelling allowance bills of the members of the Parliament and members of the State Legislative Assembly, who are the members of the Zilla Panchayat, shall not require the countersignature by any authority and they shall be their own controlling authority.

(4) The daily and travelling allowance bills of other elected members of the Zilla Panchayat shall be countersigned by the Chief Executive Officer.

16. Time limit for submission of claims.— The claim for travelling allowance shall be admitted during the financial year in which the journey is made, provided that,—

(i) such claim may normally be preferred before the 15th day of the following month in which the journey is made and not later than three months of its becoming due;

(ii) a claim for travelling allowance for a journey performed in the month of February or March, if preferred before the end of the following month of April, be admitted for payment in the following financial year;

(iii) a claim preferred within three months of its becoming due but not paid during the same financial year due to any reasons, may be paid during the next financial year or thereafter;

(iv) no claim preferred after the expiry of three months of its becoming due shall be admitted, except for sufficient and valid reasons to be approved by the Zilla Panchayat.

17. Conditions and documents to be furnished alongwith claims for allowances.— A claim for daily and travelling allowances admissible under these rules shall be made in writing subject to conditions and alongwith the following certificates,—

(i) that he/she was not provided with any transport at the expenses of the Zilla Panchayat or Village Panchayat or the Government;

(ii) daily and travelling allowances claimed is in accordance with the rules and that the amount claimed is correct;

(iii) that he/she has not received any amount in respect of the claim from any other source;

(iv) he/she has actually performed the journey.

18. General.— In respect of amounts not provided for under these rules, the provisions relating to the travelling and daily allowances as admissible to the Government servants under the relevant rules in force shall respectively apply.

By order and in the name of the Governor of Goa.

G. G. Kambli, Director of Panchayats and Ex-Officio Joint Secretary.

Panaji, 24th March, 2000.

(Published in the Official Gazette, Series I No. 53 dated 30-3-2000—Extraordinary).

Notification

23/DP/ZP/LA/97

Whereas the draft of the Goa Zilla Panchayat (Election of the members to the Zilla Panchayat from amongst the members of the State Legislative Assembly), Rules, 1997, was published as required by sub-section (1) of section 240 of the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994), in the Official Gazette, Series I No. 35 dated 27-11-1997, under Notification No. 23/DP/ZP/LA/97 dated 17-11-1997 of the Department of Panchayat Raj & Community Development, inviting objections and suggestions from all persons likely to be affected thereby before the expiry of fifteen days from the date of publication of the said Notification in the Official Gazette;

And Whereas the said Gazette was made available to the public on 27-11-1997;

And Whereas no objections/suggestions have been received from the public on the said draft by the Government;

Now, Therefore, in exercise of the powers conferred by **clause (iii) of section 117**, read with sub-section (1) of section 240 of the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994), the Government of Goa hereby makes the following rules, namely:—

1. Short title and commencement.— (1) These rules may be called the Goa Zilla Panchayat (Election of the members to the Zilla Panchayat from amongst the members of the State Legislative Assembly) Rules, 1998.

(2) They shall come into force at once.

2. Definitions.— In these rules, unless the context otherwise requires,—

(a) “Act” means the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994);

(b) “Election” means an election of the members to the Zilla Panchayat from amongst the members of the Goa State Legislative Assembly;

(c) “Section” means a section of the Act;

(d) “Speaker” means the Speaker of the Goa Legislative Assembly and includes the Deputy Speaker;

(e) “State Legislative Assembly” means the Goa State Legislative Assembly;

(f) Words and expressions used but not defined in these rules, shall have the same meaning as are respectively assigned to them in the Act.

3. Number of members to be elected.— The number of members to be elected to the Zilla Panchayat in a district from amongst the members of the State Legislative Assembly shall be as follows:—

(I) From North Goa District — Six members.

(II) From South Goa District — Five members.

4. Eligibility for becoming a member of the Zilla Panchayat.— Any member of the State Legislative Assembly shall be eligible to become a member of Zilla Panchayat if he is elected by a majority of votes of the total number of members of the State Legislative Assembly:

Provided that such member shall not be a Minister or the Speaker or the Deputy Speaker of the State Legislative Assembly or the Leader of Opposition in the State Legislative Assembly.

5. Power of the Government to inform date for holding elections.— The Government in consultation with the Speaker shall fix the date for holding the election thereof.

6. Procedure for election.— The Speaker may determine the procedure to be adopted for election of members to the Zilla Panchayat from amongst the members to the State Legislative Assembly.

7. Filling up of casual vacancy.— Any casual vacancy arising shall be filled up by election as provided in rule 4.

8. Publication of names of elected members.— The Secretary of the State Legislative Assembly shall publish or cause to be published the names of elected members in the Official Gazette by a Notification stating the name and address or the names and addresses of the members elected in the form as specified in the schedule hereto. A copy of the Notification shall be forwarded to the Directorate of Panchayats and the concerned Zilla Panchayat.

SCHEDULE

Notification

(See rule 8)

In pursuance of the provisions of rule 8 of the Goa Zilla Panchayat (Election of the members to the Zilla Panchayat from amongst the members of the State Legislative Assembly) Rules, 1998, it is hereby notified for information of the public, that the member/members specified in column (2) of the Schedule "A" below is/are duly elected as member/members for the Zilla Panchayat mentioned in column (1) respectively of the said Schedule "A".

SCHEDULE 'A'

Name of Zilla Panchayat	Name of member and his address
1	2

Secretary of the Goa State Legislative Assembly.

By order and in the name of the Governor of Goa.

G. G. Kambli, Director of Panchayats & Ex-Officio Joint Secretary.

Panaji, 21st April, 1998.

Notification

42/DP/PAN/Traffic/1999

Whereas the draft of the Goa Zilla Panchayat (Control of unwieldy traffic) Rules, 1999, was published as required by sub-section (1) of section 240 of the Goa Panchayat Raj Act, 1994 (Goa Act No.14 of 1994), in the Official Gazette, Series I No. 30 dated 21-10-99 under Notification No. 42/DP/PAN/TRAFFIC/1999 dated 7-10-1999 of the Department of Panchayat Raj and Community Development, inviting objections and suggestions from all persons likely to be affected thereby before the expiry of fifteen days from the date of publication of the said Notification in the Official Gazette;

And Whereas the said Gazette was made available to the public on 21st October, 1999;

And Whereas no objections and suggestions have been received from the public on the said draft by the Government;

Now, Therefore, in exercise of the powers conferred by **sub-section (2) of section 144 and section 146**, read with sub-section (1) of section 240 of the Goa Panchayat Raj Act, 1994 (Goa Act No. 14 of 1994), the Government of Goa hereby makes the following rules, namely:—

1. Short title and commencement.— (1) These rules may be called the Goa Zilla Panchayat (Control of unwieldy traffic) Rules, 2000.

(2) They shall come into force at once.

2. Definitions.— In these rules, unless the context otherwise requires,—

(a) “Act” means the Goa Panchayat Raj Act, 1994 (Goa Act No.14 of 1994);

(b) “Vehicle” means a motor vehicle or vehicle as defined in clause (28) of section 2 of the Motor Vehicles Act, 1988 (Central Act No. 59 of 1988);

(c) Words and expressions used in these Rules and are not defined shall have the same meaning as assigned to them in the Act.

3. Restrictions on use of road vested in the Zilla Panchayats.— (1) Subject to the provisions of the Motor Vehicles Act, 1988 (Central Act No. 59 of 1988), the rules framed thereunder and the regulations framed by the Zilla Panchayats, the Zilla Panchayat, if satisfied that it is necessary in the interest of public safety or convenience, or because of the nature of any road or bridge, may by notification prohibit or restrict the use of the road vested in it subject to such exceptions and conditions as may be specified in such notification, also the driving of any vehicle or the use of trailers, either generally in a specified area or on a specified road.

(2) Whenever, any such prohibition or restriction on the use of road is imposed, the Zilla Panchayat shall cause appropriate traffic signs to be placed or erected at suitable places.

4. Period of prohibition or restriction.— Whenever any prohibition or restriction on the use of road under these rules is to remain in force for a period exceeding a month, the notification shall be published in the Official Gazette and wide publicity shall be given of such prohibition or restriction at least in two local newspapers.

5. Discontinuation or closure of road.— Whenever the Zilla Panchayat decides to divert/turn/discontinue/permanently close any road which is under the control and administration of, or is vested in the Zilla Panchayat, the Zilla Panchayat shall publish a notice of its proposal in form ‘A’ hereto in the Official Gazette inviting objections and shall take into consideration any objections received.

6. Licence for use of the road.— The Chief Executive Officer shall, subject to the provisions of the Motor Vehicles Act, 1988 (Central Act 59 of 1988), the rules framed thereunder and also the regulations framed from time to time by the Zilla Panchayat, grant licence to use any road vested in the Zilla Panchayat for any vehicle.

FORM ‘A’

(See rule 5)

Notice

Whereas it is necessary in the interest of the public safety/convenience/because of nature of road/bridge (give reasons) to turn/divert/discontinue/permanently close, the road (give details such as name, location, etc. of the road) leading from to

Notice is hereby given to all the concerned to file their objections, if any, to the Chief Executive Officer within fifteen days from the date of publication of this notice in the Official Gazette.

All the objections, suggestions received within the specified time limit will be considered by the Zilla Panchayat and the objections/suggestions received beyond the period specified above shall not be taken into consideration.

Chief Executive Officer
Zilla Panchayat of

Place : Panaji-Goa.

Date :

By order and in the name of the Governor of Goa.

G. G. Kambli, Director of Panchayats and Ex-Officio Joint Secretary.

Panaji, 16th March, 2000.

(Published in the Official Gazette, Series I No. 52 dated 28-3-2000-Extraordinary).

Notification

No. 38/DP/TP/ELN/1999

Whereas the draft of the Goa Panchayat and Zilla Panchayat (Election Procedure) (First Amendment) Rules, 1999, were published as required by sub-section (1) of section 240 of the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994), at pages 429 and 430 of the Official Gazette, Series I No. 28, dated 7th October, 1999 under Notification No. 38/DP/TP/ELN/1999 dated 5-10-1999 of the Department of Panchayat Raj and Community Development, inviting objections and suggestions from all the persons likely to be affected thereby before the expiry of ten days from the date of publication of the said Notification in the Official Gazette:

And Whereas the said Gazette was made available to the public on 7th October, 1999;

And Whereas no objections and suggestions have been received from the public on the said draft amendment rules.

Now, Therefore, in exercise of the powers conferred by **section 15 and sub-section (2) of section 125, read with section 115K** and sub-section (1) of section 240 of the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994), the Government of Goa hereby makes the following rules, namely:—

1. Short title and commencement.— (1) These rules may be called the Goa Panchayat and Zilla Panchayat (Election Procedure) (First Amendment) Rules, 1999.

(2) They shall come into force at once.

2. Application of certain rules to Taluka Panchayat.— All the rules and forms applicable to the elections of the Zilla Panchayat contained in the Goa Panchayat and Zilla Panchayat (Election Procedure) Rules, 1996 (hereinafter called the principal “Rules”), shall be applicable to the elections of the Taluka Panchayat and the words “Zilla Panchayat” wherever appearing in the said rules, shall be construed as reference to “Taluka Panchayat”.

3. Amendment of rule 10.— In rule 10 of the principal Rules, in sub-rule (3), for the words “fifteen days”, the words “seven days” shall be substituted.

By order and in the name of the Governor of Goa.

G. G. Kambli, Director of Panchayats & Ex-Officio Jt. Secretary to the Government.

Panaji, 29th October, 1999.

(Published in the Official Gazette, Series I No. 31, dated 30-10-1999—Extraordinary).

Notification

3/DP/GRAMSABHA/MEET/96

Whereas the draft of the Goa Panchayats (Gram Sabha Meetings) Rules, 1996, was published as required by sub-section (1) of section 240 of the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994) at pages 531 to 532 of the Official Gazette, Series I No. 49, dated 7-3-1996, under Notification No. 20/6/DP/GRAM SABHA/MEET/RULES/96/263 dated 15-2-1996, of the Department of Community Development and Panchayats, inviting objections and suggestions from all persons likely to be affected thereby before the expiry of thirty days from the date of publication of the said Notification in the Official Gazette;

And Whereas the said Gazette was made available to the public on 7th March, 1996;

And Whereas objections/suggestions received from the public on the said draft have been considered by the Government.

Now, Therefore, in exercise of the powers conferred by **sub-section (1) of section 5** read with sub-section (1) of section 240 of the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994), the Government of Goa hereby makes the following rules, namely:-

1. Short title and commencement.— (1) These rules may be called the Goa Panchayats (Gram Sabha Meetings) Rules, 1996.

(2) They shall come into force at once.

2. Definition.— In these Rules, unless the context otherwise requires,—

(a) “Act” means the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994);

(b) words used but not defined shall have the same meanings as assigned to them in the Act.

3. Place of meeting.— The meeting of the Gram Sabha shall ordinarily be held in the office of the Panchayat or at any other convenient public place accessible to all the villagers as may be determined by the Sarpanch or in his absence, by the Deputy Sarpanch.

4. Date of meeting of Gram Sabha.— The first meeting of the Gram Sabha shall be held on the first Sunday of the month of May and the second meeting shall be held on the first Sunday of the month of November, of every year.

5. Time of meeting.— The first and second meeting of the Gram Sabha shall be held at 11.00 hrs.

6. Extraordinary meeting.— The Sarpanch may, at any time, of his own motion or shall, if so required by one-fifth number of members as provided under sub-section (1) of section 5 of the Act or by the Block Development Officer or the Director, call an extraordinary general meeting of the Gram Sabha.

7. Notice of the ordinary and extraordinary meeting.— The notice of an ordinary meeting of the Gram Sabha shall be given at least seven clear days before the date of such

meeting and in the case of an extraordinary meeting, at least four days before the date of such meeting.

8. Mode of publication of notice of meeting.— A notice of the meeting, either ordinary or extraordinary, of the Gram Sabha shall be published;

(a) by affixing it at the office of the Panchayat and at any other conspicuous public place or places in the village, and

(b) by publishing it in anyone local newspaper which is widely circulated in the village.

9. Contents of the notice.— The notice of a meeting of the Gram Sabha shall specify the date, time and place of the meeting and the nature of the business to be transacted at the meeting. The business to be transacted at the meeting shall include items as specified in sub-section (1) of section 6 of the Act.

10. Mode of placing proposals.— (1) Any proposal, which a person desires to place before a meeting of the Gram Sabha may be sent by him to the Sarpanch or in his absence to the Deputy Sarpanch atleast four days before the date of the meeting. The Sarpanch or in his absence the Deputy Sarpanch shall decide whether any such proposal received before or after the publication of the notice should be placed before the meeting of the Gram Sabha or not. The Sarpanch or in his absence the Deputy Sarpanch may disallow any such proposal on any of the following grounds namely:—

- (i) If the proposal is of defamatory character;
- (ii) If the language used in the proposal is offensive;
- (iii) If the proposal is of trivial nature;
- (iv) If the proposal is against public interest;
- (v) If the proposal is in respect of matter which is sub-judice.

(2) If the proposal to be placed before the meeting of the Gram Sabha is to be disallowed on any other ground, the Sarpanch or in his absence the Deputy Sarpanch shall raise the matter before the Panchayat and the decision of the Panchayat in the matter shall be final.

11. Consideration of proposal by Panchayat.— A meeting of the Panchayat shall be held on the day immediately preceding the date fixed for the meeting of the Gram Sabha to consider the proposal scheduled to come up before the meeting of the Gram Sabha.

12. Business of the meeting.— (1) The minutes of the previous meeting shall be read at each meeting and shall be confirmed and signed by the person presiding at the meeting.

(2) Except with the permission of the person presiding at the meeting:—

(a) no business, which is not included in the notice, shall be transacted at any meeting;

(b) the business to be transacted at a meeting shall ordinarily be taken in the order in which it is entered in the notice.

(3) If the business of a meeting is left undisposed, the person presiding at the meeting may, with the consent of the persons present, adjourn the meeting to a subsequent date, time and place to be announced in the meeting. No other fresh business shall be transacted at such adjourned meeting.

13. Persons presiding may disallow discussion of proposition beyond the competence.— The person presiding at the meeting may disallow the discussion of any proposition which he considers to be beyond the competence of the Gram Sabha and in doing so, he shall record his reasons in writing.

14. Discussion of proposition and decision on point of order.— All propositions, not disallowed by the person presiding at the meeting, shall be discussed at the meeting of the Gram Sabha. The person presiding at the meeting shall decide all points of order arising during the course of the meeting and his decision thereon shall be final.

15. Duty of the person presiding to preserve order.— It shall be duty of the person presiding at the meeting to regulate the transaction of business at the meeting and to preserve order, and for this purpose he shall have all the necessary powers.

16. Power of person presiding to cause withdrawal of member for obstructive conduct.— If any member disregards the authority of the person presiding at the meeting or is guilty of obstructive or offensive conduct in a meeting or interrupts the proceedings of a meeting, the person presiding at the meeting shall have the power to cause withdrawal of such person from the meeting by seeking police assistance or by any other assistance which may be necessary for removal of such person or persons.

17. Record of proceedings.— A brief record of the proceedings of every meeting of the Gram Sabha shall be kept in any of the following languages, namely, Hindi, English, Konkani and Marathi, in a bound book and copy of the proceedings shall be sent to the Director of Panchayats within seven days from the date of the meeting.

By order and in the name of the Governor of Goa.

G. G. Kambli, Director of Panchayats & Ex-Officio Joint Secretary.

Panaji, 9th October, 1996.

(Published in the Official Gazette, Series I No. 33 dated 14-11-1996).

Notification

17/DP/PAN/CO-OPT/97

Whereas the draft of the Goa Panchayat Raj (Co-option of Members) Rules, 1997 was published as required by sub-section (1) of section 240 of the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994), at pages 555 to 559 of the Official Gazette, Series I No.31, dated 31-10-1997, under Notification No. 17/DP/PAN/Co-Opt/97 dated 8-10-1997 of the Department of Panchayat Raj and Community Development inviting objections and suggestions from all persons likely to be affected thereby before the expiry of fifteen days from the date of publication of the said Notification in the Official Gazette.

And Whereas the said Gazette was made available to the public on 31-10-1997.

And Whereas no objections or suggestions have been received from the public on the said draft rules.

Now, Therefore, in exercise of the powers conferred by **sub-section (4) of section 7** read with sub-section (1) of section 240 of the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994) the Government of Goa hereby makes the following rules, namely:—

CHAPTER - I

1. Short title and commencement.— (1) These rules may be called the Goa Panchayat Raj (Co-Option of Members) Rules, 1997.

(2) They shall come into force at once.

2. Definitions.— In these rules, unless the context otherwise requires,—

(a) “Act” means the Goa Panchayat Raj Act, 1994 (Act 14 of 1994);

(b) “Co-option” means the election of a person belonging to the Scheduled Caste by members of the Panchayat, as and when directed by the Government by an Order published in the Official Gazette;

(c) “Member” means a member of a Panchayat;

(d) “Presiding Officer” means the Officer appointed by the Director to preside over the meeting for co-opting a person belonging to the Scheduled Caste;

(e) “Section” means section of the Act;

(f) Words and expressions used but not defined in these rules, shall have the same meaning as respectively assigned to them in the Act.

CHAPTER -II

3. Appointment of date of meeting.— Where a person belonging to a Scheduled Caste is to be co-opted under sub-section (4) of section 7 of the Act, the Director of Panchayat shall fix a special meeting of elected members of a Panchayat for the purpose.

4. Notice of special meeting.— After the date of the special meeting is fixed as per rule 3 above the Block Development Officer shall issue a notice in writing to Panchayat/s

within his jurisdiction, three days in advance stating therein the date and time when the special meeting shall take place. Such a Notice shall be affixed on the Notice Board of the Panchayat. The Notice *inter alia* shall state the following:

- (a) the number of persons to be co-opted;
- (b) the place, date, hours and before whom the nomination paper shall be filed;
- (c) the place and date on which and the hours between which the nomination papers will be taken up for scrutiny;
- (d) the place and the date on which and the hours between which a candidate may withdraw his candidature; and
- (e) the place and date on which, and the hours between which the voting shall take place, should there be a poll.

The filing of nomination, withdrawal of nomination shall take place before the date of special meeting so fixed. The notice shall also be served on the members in the same manner as specified in section 235 of the Act.

5. Presiding Officer to preside over a special meeting.— The Special meeting for co-option of member shall be presided over by the Presiding Officer.

6. Filing of nomination papers.— (1) The nomination of every candidate shall be made by filing of a nomination paper in the Form-I appended hereto.

(2) Every nomination paper shall be signed by two members as proposer and seconder and the candidate shall sign a declaration expressing his willingness to contest for the election of Co-option of member.

(3) Each candidate shall file a separate nomination paper.

(4) Every nomination shall be presented to the Presiding Officer by the candidate in person on the date, at the place and during the hours specified in the Notice for filing nomination papers alongwith a Caste Certificate issued by the Competent Authority.

(5) On receiving a nomination paper, the Presiding Officer shall satisfy himself that the name and number on the voters list of the candidate as entered in the nomination paper are the same as those entered in the voters list.

Provided that the Presiding Officer shall cause correction of any clerical or technical error in the nomination paper in regard to the said name or number in order to bring them in conformity with the corresponding entries in the voters list, and wherever necessary, direct that any clerical or printing error in the said entries be overlooked.

(6) Immediately after the time for receipt of nomination papers is over, the Presiding Officer shall cause to be published a list, as per Form-II appended hereto containing the name of the candidates whose nominations have been received, by affixing it on the Notice Board of the Panchayat at its Office.

7. Scrutiny of nomination papers.— (1) On the date appointed for the scrutiny of nomination papers, the candidates, their proposers and seconders shall attend at such

place and time as is specified in the notice for the scrutiny of nomination papers and the Presiding Officer shall give such persons all reasonable facilities to examine the nomination papers of all the candidates which have been received as aforesaid.

(2) The Presiding Officer shall then examine the nomination papers and shall decide all objections which may be made at the time, to any nomination and may, either on such objection, or on his own motion and, after such summary enquiry if any, as he may deem necessary, reject any nomination on anyone or more of the following grounds:-

(a) that the candidate suffers from any of the disqualifications mentioned in section 10 of the Act;

(b) that the proposer or seconder is a person who is not a member of the Panchayat;

(c) that the candidate does not belong to the Scheduled Caste Community and he is not a voter within the limits of Panchayat where he filed his nomination;

(d) that the proposer or seconder is debarred by a competent Court or Authority from taking part in the meetings of the Panchayat :

Provided that the nomination of a candidate shall not be rejected merely on the ground of an incorrect description of his name or of the name of his proposer or seconder or of any other particulars relating to the candidate or his proposer or seconder, if the identity of the candidate, proposer or seconder, as the case may be, may otherwise be established beyond reasonable doubt.

(3) The Presiding Officer shall endorse on each nomination paper his decision accepting or rejecting the same and if the nomination paper is rejected, shall record in writing a brief statement of reasons for such rejection:

8. Publication of the list of nominated candidates.— The Presiding Officer shall, before the time fixed for the special meeting, cause to be published a list containing the names of the validly nominated candidates as per Form-III appended hereto by affixing it on the Notice Board of the Panchayat at its office.

9. Withdrawal of candidature.— A candidate may withdraw his candidature by giving a notice in writing to that effect to the Presiding Officer within the time limit specified in notice issued under rule 4 above. Such notice of withdrawal shall be in Form-IV appended hereto.

10. Procedure after publication of the list of validly nominated candidates.— (1) If the number of the candidates is equal to the number of vacancies, the Presiding Officer shall declare such candidate duly elected as co-opted member.

(2) If the number of candidates exceeds the number of persons to be co-opted, election shall be held by secret ballot and voting of the members present at the meeting.

11. Procedure for adjournment of a special meeting.— If for sufficient reasons, the members fail to co-opted (a person as a member), the Presiding Officer shall adjourn the special meeting to another date which shall be notified by the Director in due course.

12. Voting and result of election.— (1)The Presiding Officer shall cause such arrangements to be made as will ensure the secrecy of the ballot.

(2) The Block Development Officer shall cause to be prepared a list of all the members who are entitled to vote at the election of co-option of member, and he shall also provide such other articles as may be necessary for holding such election.

(3) The ballot paper shall be in Form-V appended hereto and the Presiding Officer shall cause to be prepared in the manner specified in succeeding sub-rule sufficient number of ballot paper and each ballot paper shall be authenticated by the seal and the signature of the Presiding Officer.

(4) The names of duly nominated candidates who have not withdrawn their candidature shall be typed or legibly written in Roman and Devnagri script on the ballot paper in the alphabetical order of their names in Roman script. After the name of the candidate a place shall be kept to put a cross mark (X).

(5) Every member desiring to vote shall be supplied with one ballot paper. The voter shall place a cross mark (X) in column (2) of the ballot paper against the name of candidate with a pen of any colour whichever may be available at the polling station:

Provided that if a voter is illiterate or by reasons of infirmity is unable to vote in the above manner, the Presiding Officer shall, at the request of such voter, make the mark on the ballot paper according to the directions of such voter and shall cause the ballot paper so marked to be placed in the ballot box.

(6) He shall then fold up the ballot paper so as to conceal his vote and deposit the same in a ballot box placed in the view of the Presiding Officer.

(7) Every member wishing to cast his vote shall do so in person and not by proxy.

(8) The Presiding Officer shall, after the voting is over, count the votes in the presence of such members as may be present and declare the candidate securing the largest numbers of valid votes to have been elected as co-opted member.

(9) In the event of there being an equality of votes between the candidates, the Presiding Officer shall draw lots in the presence of the members and the candidate whose name is first drawn shall be declared to have been duly elected as co-opted member.

13. Validity of ballot papers.— Any ballot paper which bears any mark or any signature of any voting member by which the voter may be identified or in which the mark (X) is placed against more than one candidate or in an ambiguous manner or which is a spurious ballot paper, shall be invalid.

14. Preparation of record of proceedings and publication of result of election.—
(1) Immediately after the special meeting the Presiding Officer shall,—

(a) prepare a record of the proceedings at the meeting and sign it, attest with his initial at every correction made therein and also permit any member present at the meeting to affix his signature to such record if he expresses his desire to do so;

(b) publish on the Notice Board of the Panchayat in Form-VI appended hereto, signed by Presiding Officer stating the name of the person elected as co-opted member and send a copy of it in duplicate to the Block Development Officer of the taluka.

(2) The Director shall get this result published in the Official Gazette.

15. Packing and preservation of election records.— (1) The Presiding Officer shall make up into separate bundles,—

- (i) such of the ballot papers as have been accepted as valid;
- (ii) the remaining ballot papers which have been rejected as invalid, and
- (iii) all other records including nomination papers, etc.

(2) He shall then make up the above three bundles into one packet and seal the packet noting thereon the description of the contents, the election to which they relate and the date thereof.

(3) The packets shall be retained in safe custody in the Office of the Block Development Officer of the Taluka concerned for a period of one year and shall then, unless otherwise directed by the Director be destroyed.

16. Production and inspection of election papers.— While in the custody of the Block Development Officer, the packets of election records shall not be opened and their contents shall not be inspected by or produced before any person or authority except under the orders of the Director of Panchayats.

17. Filling up of vacancies.— (1) A casual vacancy shall be filled by co-opting another person and the foregoing rules shall apply as far as may be.

(2) The term of the Office of the Co-opted members shall be co-terminus with the term of other members of the Panchayat.

18. Dispute regarding election of Co-opted member.— (1) In the even of any dispute arising as to the validity of the election of co-opted member or any matter pertaining thereto the dispute shall be filed before the Director of Panchayats and the decision of the Director thereon shall be final:

Provided that no such dispute shall be entertained by the Director if the same is not filed in the form of election petition duly verified by the petitioner, within a period of 15 days from the date of declaration of result as aforesaid.

(2) The Director in deciding a dispute under sub-rule (1), shall have the same powers and shall follow the same procedure as is provided for deciding election petition under the provisions of the Act and rules framed thereunder.

FORM - I

[See sub-rule (1) of rule 6]

Nomination form for election as Co-opted Member

- (1) Name of the Panchayat
- (2) Full name of the Candidate
- (3) Father's or Husband's name
- (4) Age
- (5) Sex
- (6) Address

(7) Full name and address of the proposer

(8) Full name and address of the seconder

(1) Signature of the Proposer (2) Signature of the Seconder

Date : Date :

Place : Place :

Candidate's Declaration

I, the above named candidate, hereby give my consent to this nomination.

Date :

Place : Signature of the Candidate

Endorsement by the Presiding Officer

Serial number

This nomination paper was presented to me by (name) at(hour).....
 (on) (date). Decision of Presiding Officer, Accepted/Rejected (If rejected,
 give reasons).

Date :

Place : Signature of the Presiding Officer

Serial No.

Received nomination paper of Shri/Smt.for election as co-opted member of
 Village Panchayat, proposed and seconded by (1)and
 (2) respectively, which was presented to me at (place)
 at (time) on this day of19.....by Shri

Signature of the Presiding Officer

* Strike out whichever is inapplicable.

FORM - II

[See rule 6 (6)]

List of candidates whose nominations have been received for election of co-opted member

Sr. No.	Name of candidate	Address of candidate	Remarks
(1)			
(2)			
(3)			
(4)			
(5)			
(6)			

Date :

Place : Signature of the Presiding Officer

FORM - III

(See rule 8)

List of candidates validly nominated for election as co-opted member

Sr. No.	Name of candidate	Address of candidate	Remarks (1)
(1)	(2)	(3)	(4)
(1)			
(2)			
(3)			
(4)			
(5)			
(6)			

Date :

Place :

Signature of the Presiding Officer

*Strike out whichever is inapplicable.

FORM - IV

Notice of Withdrawal

(See rule 9)

Election for Co-option of Member of Panchayat

To,

The Presiding Officer

..... Village Panchayat

Sub:- Withdrawal of candidature

Sir,

I, the undersigned Shri a candidate validly nominated for the electing of co-opted member ofPanchayat, do hereby give notice that I withdraw my candidature.

Yours faithfully,

Place :

Date :

.....

Signature of the candidate

This Notice was delivered to me at (Hours) on(date) by (name of the candidate).

Date :

Signature of Presiding Officer

Receipt for notice of Withdrawal

(To be handed over to the person delivering the notice)

The Notice of withdrawal of candidature bya candidate at the election to the..... was delivered to me by the..... at (hours) on..... (date).

Signature of the Presiding Officer

*Strike out whichever is inapplicable.

FORM -V

[See rule 12 (3)]

Ballot Paper

Signature and Seal of the
Presiding Officer

Village Panchayat

Sr. No.	Name of the Candidate with the name of father or husband and residence	For mark (X) by Voter
1	2	3
(1)	_____	_____
(2)	_____	_____
(3)	_____	_____
(4)	_____	_____

FORM - VI

Notification

[See rule 14 (b)]

In pursuance of powers conferred by clause (b) of rule 14 of the Goa Panchayat Raj (Co-option of Members) Rules, 1997, I, the Presiding Officer, do hereby declare that the persons specified in column (2) of the Schedule below are duly elected as co-opted member to the Village Panchayat mentioned in the corresponding entry in column (1) of the said schedule.

SCHEDULE

Name of the Village Panchayat	Name of Co-opted Member and his Address
(1)	(2)
Place :	
Date :	Presiding Officer
Copy to the Directorate of Panchayats, Panaji.	

By order and in the name of the Governor of Goa.

G. G. Kambli, Director of Panchayats and Ex-Officio Joint Secretary.

Panaji, 4th March, 1998.

(Published in the Official Gazette, Series I No. 14 dated 2-7-1998).

Notification

No. 13/DP/PAN/96-97

Whereas the draft of the Goa Panchayat (Publication of name of elected member) Rules, 1997, was published as required by sub-section (1) of section 240 of the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994), in the Official Gazette, Extraordinary No. 2, Series I, No. 42 dated 17-1-97, under Notification No. 13/DP/PAN/96-97 dated 17-1-1997 of the Department of Panchayat Raj and Community Development, inviting objections and suggestions from all persons likely to be affected thereby before the expiry of ten days from the date of publication of the said Notification in the Official Gazette;

And Whereas the said Gazette was made available to the public on 17th January, 1997;

And Whereas no objections/suggestions have been received from the public on the said draft by the Government.

Now, Therefore, in exercise of the powers conferred by **sub-section (8) of section 7** read with sub-section (1) of section 240 of the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994), the Government of Goa hereby makes the following rules, namely:—

1. Short title and commencement.— (1) These rules may be called the Goa Panchayat (Publication of name of elected members) Rules, 1997.

(2) They shall come into force at once.

2. Definitions.— In these rules, unless the context otherwise requires,—

(a) “Act” means the Goa Panchayat Raj Act, 1994 (Act 14 of 1994);

(b) “member” means an elected member of Panchayat and includes co-opted members;

(c) “ward” means a ward of village Panchayat;

(d) words and phrases used but not defined herein shall have the same meaning as respectively assigned to them in the Act.

3. Manner of publication of name of elected member.— The Director, on receipt of the name of elected member from the State Election Commission, shall arrange to publish or cause to be published in the Official Gazette the name of such elected member in the form appended hereto, for information of the public.

FORM

(See rule 3)

In pursuance of sub-section (8) of section 7 of the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994), read with rule 3 of the Goa Panchayat (Publication of name of elected members) Rules, 1997, it is hereby notified for the information of the public that the person specified in column (3) of the Schedule hereto have been duly elected as members of the Panchayat mentioned in corresponding entry in column (2) of the said Schedule from the wards shown against their names in the corresponding entry in column (4) of the said Schedule, in the General Elections held on—.

SCHEDULE

Name of Block/Taluka Name of District

Sr. No.	Name of the Panchayat	Name and address of the elected member	Ward No.
1	2	3	4
(1)			
(2)			
(3)			

Panaji, dated : ()

Director of Panchayats

*Strike out whichever is inapplicable.

By order and in the name of the Governor of Goa.

G. G. Kambli, Director of Panchayats & Ex-Officio Joint Secretary.

Panaji, 13th February, 1997.

(Published in the Official Gazette, Series I No. 47 dated 20-2-1997).

Notification

12/DP/PAN/ED/96-97

Whereas the draft of the Goa Panchayat Raj (Election Petition Authority) Rules, 1997, was published as required by sub-section (1) of section 240 of the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994), in Official Gazette, Extraordinary No. 4, Series I, No. 40, dated 7-1-1997 under Notification No. 12/DP/PAN/ED/96-97 dated 7-1-1997 of the Department of Panchayat Raj and Community Development, inviting objections and suggestions from all the persons likely to be affected thereby before the expiry of 10 days from the date of publication of the said Notification in the Official Gazette:

And Whereas the said Gazette was made available to the public on 7th January, 1997.

And Whereas no objections/suggestions have been received from the public on the said draft have been considered by the Government.

Now, Therefore, in exercise of the powers conferred by **sub-section (1) of section 16** read with sub-section (1) of section 240 of the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994), the Government of Goa hereby makes the following rules, namely:—

Preliminary

1. Short title and commencement.— (1) These rules may be called the Goa Panchayat Raj (Election Petition Authority) Rules, 1997.

(2) They shall come into force at once.

2. Definitions.— In these rules, unless the context otherwise requires,—

(a) “Act” means the Goa Panchayat Raj Act, 1994 (Act 14 of 1994);

(b) “Administrative Tribunal” means the Administrative Tribunal constituted under section 3 of the Goa Administrative Tribunal Act, 1965 (Act No.6 of 1965);

(c) “Candidate” means a person who has been or claims to have been duly nominated as a candidate at any Village Panchayat Election, and any such person shall be deemed to have been a candidate as from the time when, with the election is prospect, he began to hold himself out as a prospective candidate;

(d) “Costs” means all costs, charges and expenses of or incidental to a trial of an election petition;

(e) “Pleader” means any person entitled to appear and plead for another in a civil court within the State of Goa;

(f) “Words and expression” which are not defined under these Rules shall have the same meaning as assigned to them under the Act.

3. Election Petition Authority:— The President of the Goa Administrative Tribunal shall be the authority to hear the election petition and to decide the same after conducting trial as per the procedure laid down under sections 16 to 25 of the Act.

By order and in the name of the Governor of Goa.

G. G. Kambli, Director of Panchayats & Ex-Officio Jt. Secretary to the Government.

Panaji, 20th January, 1997.

Notification

No. 7/DP/GP/ELECT/S&DS/96

Whereas the draft of the Goa Panchayat (Election of Sarpanch and Deputy Sarpanch) Rules, 1997, was published as required by sub-section (1) of section 240 of the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994), at pages 591 to 594 of the Official Gazette, Extraordinary No. 3, Series I, No. 41 dated 9-1-1997, under Notification No. 7/DP/GP/ELECT/S&DS/96 dated 7-1-1997, of the Department of Panchayat Raj and Community Development, inviting objections and suggestions from all persons likely to be affected thereby before the expiry of fifteen days from the date of publication of the said Notification in the Official Gazette;

And whereas the said Gazette was made available to the public on 9th January, 1997;

And whereas no objections/suggestions have been received from the public on the said draft by the Government.

Now, therefore, in exercise of the powers conferred by **section 46** read with sub-section (1) of section 240 of the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994), the Government of Goa hereby makes the following rules, namely:—

CHAPTER –I

Preliminary

1. Short title and commencement.— (1) These rules may be called the Goa Panchayat (Election of Sarpanch and Deputy Sarpanch) Rules, 1997.

(2) They shall come into force at once.

2. Definitions.— In these rules, unless the context otherwise requires,—

(a) “Act” means the Goa Panchayat Raj Act, 1994 (Act 14 of 1994);

(b) “Election” means an election to elect a Sarpanch and/or Deputy Sarpanch of a Panchayat;

(c) “Presiding Officer” means and includes the Officer appointed by the Director for the purpose;

(d) “Section” means a section of the Act;

(e) Words and phrases used but not defined herein shall have the same meanings as respectively assigned to them in the Act.

CHAPTER-II

Election

3. Meeting for election of Sarpanch and/or Deputy Sarpanch.— The election of Sarpanch and/or Deputy Sarpanch of a Panchayat shall be held in the Office of the Panchayat at a meeting of the members of the Panchayat specially convened for the purpose by the Government and presided over by the Presiding Officer as specified by the Government in this behalf.

4. Date of meeting.— On being informed of the date fixed for the first meeting of the Panchayat under sub-section (1) of section 46 of the Act, the Presiding Officer appointed for the purpose shall fix the hour of the meeting and communicate it to the Panchayat members and the Secretary of the Panchayat.

5. Notice of meeting.— (1) The Presiding Officer shall give to the Panchayat members and the Secretary of the Panchayat three clear days notice of the meeting referred to in rule 4.

The said notice shall state—

(a) the place and date on which and the hours between which the nomination papers shall be filed;

(b) the place and date on which and the hours between which the nomination papers shall be taken up for scrutiny;

(c) the place and the date on which and the hours between which a validly nominated candidate may withdraw his candidature; and

(d) the place and date on which and the hours between which a poll shall be taken, should it be required.

(2) The notice shall be, if practicable, served by the Secretary of the Panchayat personally by delivering or tendering it to the member to whom it is addressed or if such member is not found, by leaving it at his last known place of residence or business or by giving or tendering the notice to some adult member or servant of his family. If none of the aforesaid modes of serving notice is feasible, the notice shall be affixed in some conspicuous part of the building in which the member ordinarily resides or carries on business. Such notice shall also be exhibited by affixing it on the notice board of the Panchayat.

6. Filing of nomination.— (1) The nomination of every candidate for the post of Sarpanch and/or Deputy Sarpanch shall be made before the Presiding Officer by means of a nomination paper in the form as specified in FORM I hereto.

(2) Every nomination paper shall be signed by two members as proposer and seconder respectively and the candidate shall sign a declaration on it expressing his willingness to stand for election.

(3) Each candidate shall be nominated by a separate nomination paper.

(4) Every nomination shall be presented to the Presiding Officer by the candidate or his proposer or seconder on the date, at the place and during the hours specified in the notice for filing nomination papers.

(5) Immediately after the date and time for receipt of nomination papers is over, the Presiding Officer shall publish a list in the form as specified in FORM II hereto, containing the names of the candidates whose nominations have been received under the preceding sub-rule.

7. Scrutiny of nomination papers.— (1) On the date appointed for the scrutiny of nominations, the candidate, his proposer and seconder may attend at such place and time

as is specified in the notice, for the scrutiny of nomination papers and the Presiding Officer shall give such persons all reasonable facilities to examine the nomination papers of all the candidates which have been received as aforesaid.

(2) The Presiding Officer shall then examine the nomination papers and shall decide all objections which may be made at that time to any nomination and may, either on such objection, or on his own motion and after such enquiry, if any, as he may deem necessary, reject any nomination on any one or more of the following grounds, namely:—

(a) that the candidate is not eligible for election as Sarpanch and/or Deputy Sarpanch under the provisions of the Act;

(b) that the candidate is disqualified for being a member or for being chosen as a member of Village Panchayat or as a Sarpanch or as a Deputy Sarpanch, as the case may be, by competent authority or by competent court of law;

(c) that the candidate is restrained by an order of a competent authority or a competent court of law for being chosen as a member or as Sarpanch or Deputy Sarpanch, as the case may be;

(d) that the proposer or seconder, as the case may be, is a person who is not a member of the Panchayat;

(e) that the proposer or seconder is restrained by an order of a competent authority or a competent court of law from voting:

Provided that the nomination of a candidate shall not be rejected merely on the ground of an incorrect description of his name or of the name of his proposer or seconder, or of any other particulars relating to the candidate, or his proposer or seconder, if the identity of the candidate, proposer or seconder, as the case may be, can otherwise be established beyond reasonable doubt.

(3) The Presiding Officer shall endorse on each nomination paper his decision accepting or rejecting the same and if the nomination paper is rejected, shall record in writing a brief statement of reasons for such rejection.

8. Publication of the list of nominated candidates.—The Presiding Officer shall, before the time fixed for the meeting for election, cause to be published a list containing the name of the validly nominated candidates in the form as specified in FORM III hereto, by affixing it on the Notice Board of the Panchayat.

9. Withdrawal of candidature.— A candidate may withdraw his candidature by giving a notice in writing to that effect to the Presiding Officer within the time limit as specified in clause (c) of sub-rule (1) of rule 5. The notice of withdrawal shall be as specified in FORM IV hereto.

10. Procedure after publication of the list of validly nominated candidates.— (1) If, there remain after withdrawal, only one duly nominated candidate, there shall be no

voting and such candidate shall be declared to have been duly elected as the Sarpanch and/or Deputy Sarpanch of the Panchayat, as the case may be.

(2) If there are two or more such candidates, an election shall be held by secret Ballot and votes of the members present at the meeting shall be taken.

11. Voting and result of election.— (1) The Presiding Officer shall cause such arrangements to be made so as to ensure the secrecy of the ballot, referred to in sub-rule (2) of rule 10.

(2) Every member wishing to vote shall be supplied with a Ballot paper duly authenticated by the seal and signature of the Presiding Officer, on which names of duly nominated candidates as per rule 8 above shall be printed/typed, cyclostyled or legibly written in English or Devnagri script in the alphabetical order of their names as in Roman script in the form as specified in FORM V hereto.

(3) Every member shall place a cross mark (x) in column (2) of the Ballot paper against the name of candidate for whom he wishes to vote, with a pencil of any colour:

Provided that if a member is illiterate or unable to vote in the above manner on account of illiteracy, the Presiding Officer shall, at the request of such member, make the mark on the Ballot paper according to the directions of such member.

(4) The member shall then fold up the Ballot paper so as to conceal his vote and deposit the same in a ballot box placed in the view of the Presiding Officer or hand over the same to the Presiding Officer.

(5) Every member wishing to record his vote shall do so in person and not by proxy.

(6) The Presiding Officer shall, after the voting is over,—

(a) count the votes in the presence of such members as may be present and declare the candidate securing the largest number of valid votes to have been elected;

(b) in the event there is an equality of votes between the candidates, draw lots in the presence of the members and the candidate whose name is first drawn shall be declared to have been duly elected.

12. Validity of the Ballot paper.— Any Ballot paper which bears any mark or signature of any of the voting member by which the voter may be identified or on which the mark (x) is placed against more than one name or in an ambiguous manner or which does not bear the Official seal and signature referred to in sub-rule (2) of rule 11, shall be invalid.

13. Preparation of record of proceedings and publication of result of election.— Immediately after the meeting for election, the Presiding Officer shall,—

(a) prepare a record of the proceedings at the meeting and sign it, attesting with his initials every correction made therein, and also permit any member present at the meeting to affix his signature to such record, if he expresses his desire to do so;

(b) publish on the notice board of the Panchayat, a notification signed by him stating the name of the person elected as Sarpanch and/or Deputy Sarpanch, as the case may

be and send a copy of such notification in duplicate to the Director. Such Notification shall be in the form as specified in FORM VI hereto;

(c) the Director shall arrange to publish the names of Sarpanchas and/or Deputy Sarpanchas in the Official Gazette.

14. Packing and preservation of election record.— (1) The Presiding Officer shall then make packets, of the Ballot papers and other papers relating to the election, seal up the packets and note thereon a description of the contents, the election to which they relate and the date thereof, and send the same to the Director.

(2) The packets shall be retained in safe custody in the office of the Director for a period of one year and shall then, unless otherwise directed by a competent authority or Court, be destroyed.

15. Adjourned meeting.— If, at a meeting called for the election of a Sarpanch and/or Deputy Sarpanch, as the case may be, no Sarpanch and or Deputy Sarpanch is elected for any reason whatsoever, the Presiding Officer shall adjourn the same to another date to be notified by the Government in due course.

16. Dispute regarding election.— (1) In the event of a dispute arising as to the validity of the election of the Sarpanch and/or the Deputy Sarpanch, as the case may be, the dispute shall be referred to such authority as may be specified by the Government under sub-section (5) of section 46 of the Act and the decision of such authority thereon shall be final:

Provided that no such reference shall be entertained by the specified authority, if the same is not filed in the form of an election petition duly verified by the Petitioner, within a period of 15 days from the date of declaration of result as aforesaid.

(2) The specified authority, in deciding a reference under sub-rule (1), shall have the same powers and shall follow the same procedure as is provided for deciding election petitions under the provisions of the Act.

(3) An order passed under this rule shall be final and conclusive as to the dispute referred to in sub-rule (1).

⁹**[17. Filling up of casual vacancies of Sarpanch and/or Deputy Sarpanch.**— (1) A casual vacancy in the office of the Sarpanch and/or Deputy Sarpanch as the case may be, shall be filled within such period or such date as fixed by the Director under sub-section (3) of section 53 of the Act in accordance with the provisions of the Act.

(2) The provisions of rules 4 to 16 of the rules shall *mutatis mutandis* apply for election of filling up casual vacancy in the office of Sarpanch and/or Deputy Sarpanch as the case may be, and shall be presided over by such officer appointed by the Director.

⁹ Inserted by 1st Amendment Rules, 1997 published in O. G., Series I No. 36, dated 4-12-96 (Extraordinary No. 2).

The Presiding Officer so appointed for the purpose shall fix the hour of the meeting and communicate it to the Panchayat members and the Secretary of the Panchayat.]

FORM - I

[See sub-rule (1) of rule (6)]

Nomination form for Election as *Sarpanch/*Deputy Sarpanch

- (1) Name of the Panchayat
- (2) Full name of the candidate
- (3) Father's or Husband's name
- (4) Age
- (5) Sex
- (6) Address
- (7) Full name and address of the proposer
- (8) full name and address of the seconder

(1) Signature of the proposer (2) Signature of the seconder
 Date : Date :
 Place : Place :

CANDIDATES DECLARATION

I, the above named candidate, give my consent to this nomination.

Date : Signature of the candidate
Place :

ENDORSEMENT BY THE PRESIDING OFFICER

Serial Number

This nomination paper was presented to me by (name) at (hour)..... (on) (date). Decision of Presiding Officer, Accepted/Rejected (If rejected, give reasons).

Date :
Place : Signature of the Presiding Officer

Serial No.

Received nomination paper of Shri/Smt.for election as *Sarpanch/*Deputy Sarpanch of Village Panchayat, proposed and seconded by (1)and

(2) respectively, which was presented to me at..... (place) at (time) this day of 19by Shri

Signature of the Presiding Officer

* Strike out whichever is inapplicable.

FORM - II

[See rule 6 (5)]

List of candidates proposed for nomination of election as *Sarpanch/*Deputy Sarpanch of Village Panchayat.

Table with 4 columns: Sr. No., Name of candidate, Address of candidate, Remarks. Rows 1-5.

Date :

Signature of the Presiding Officer

Place :

FORM - III

(See rule 8)

List of candidates validly nominated for election as *Sarpanch/*Deputy Sarpanch of Village Panchayat.

Table with 4 columns: Sr. No., Name of candidate, Address of candidate, Remarks. Rows 1-6.

Date :

Signature of the Presiding Officer

Place :

*Strike out whichever is inapplicable.

FORM - IV
NOTICE OF WITHDRAWAL
(See rule 9)

Election to the of Panchayat
To,
The Presiding Officer
..... Village Panchayat

Sub:- Withdrawal of candidature

Sir,

I, the undersigned Shri a candidate validly nominated for the post of *Sarpanch/*Deputy Sarpanch ofPanchayat, do hereby give notice that I withdraw my candidature.

Yours faithfully,

Place :

Date :

.....
Signature of the candidate

This notice was delivered to me at (hours) on(date) by (name) the candidate.

Date :

Signature of Presiding Officer

RECEIPT FOR NOTICE OF WITHDRAWAL

(To be handed over to the person delivering the notice)

The notice of withdrawal of candidature by a..... candidate at the election to the was delivered to me by the at (hours) on..... (date).

Signature of the Presiding Officer

*Strike out whichever is inapplicable.

FORM - V
[See rule II (2)]
Ballot paper

Village Panchayat

Signature and seal of
the Presiding Officer

Sr. No.	Name of the candidate with the name of father or husband and residence	For mark (X) by Voter
(1)	
(2)	
(3)	
(4)	

FORM-VI

[See rule 13 (b)]

In pursuance of powers conferred by clause (b) of rule 13 of the Goa Panchayat (Election of Sarpanch and Deputy Sarpanch) Rules, 1997, I, the Presiding Officer, do hereby declare that the persons specified in columns (2) and (3) of the Schedule below are duly elected as Sarpanch and Deputy Sarpanch of the Village Panchayat mentioned in the corresponding entry in column (1) of the said Schedule.

SCHEDULE

Name of Village Panchayat	Name of Sarpanch and his address	Name of Deputy Sarpanch and his address
(1)	(2)	(3)

Place :

Date :

Presiding Officer

Copy to the Director of Panchayats, Panaji.

By order and in the name of the Governor of Goa.

G. G. Kambli, Director of Panchayats & Ex-Officio Joint Secretary.

Panaji, 10th March, 1997.

(Published in the Official Gazette, Series I No. 2 dated 11-4-1997—Extraordinary No. 4).

Notification

14/DP/PAN/96-97

Whereas the draft of the Goa Panchayat Raj (Oath of Office to Panchayat Members) Rules, 1997, was published as required by sub-section (1) of section 240 of the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994) at pages 595 and 596 of the Official Gazette, Extraordinary No. 4, Series I No. 41, dated 10-1-1997 under Notification No. 14/DP/PAN/96-97 dated 10-1-1997 of the Department of Panchayat Raj and Community Development, inviting objections and suggestions from all persons likely to be affected thereby before the expiry of 10 days from the date of publication of the said Notification in the Official Gazette;

And whereas the said Gazette was made available to the public on 10th January, 1997;

And whereas no objections/suggestions have been received from the public on the said draft by the Government.

Now, therefore, in exercise of the powers conferred by **sub-section (3) of section 43**, read with sub-section (1) of section 240 of the Goa Panchayat Raj Act, 1994 (Act 14 of 1994), the Government of Goa hereby makes the following rules, namely:—

1. Short title and commencement.— (1) These rules may be called the Goa Panchayat Raj (Oath of Office to Panchayat Members) Rules, 1997.

(2) They shall come into force at once.

2. Definitions.— In these rules, unless the context otherwise requires,—

(a) “Act” means the Goa Panchayat Raj Act, 1994 (Act 14 of 1994);

(b) “Form” means the form appended to these rules;

(c) “member” means a person, irrespective of any sex, elected or deemed to have been elected as member of Panchayat and includes a co-opted member;

(d) “Oath Officer” means the Block Development Officer;

(e) “Words and expression” which are not defined under these Rules shall have the same meaning as assigned to them under the Act.

3. Place, date and time for taking oath.— The Oath Officer shall intimate in writing to every member of Panchayat, the place, date and time for taking oath. Such intimation shall be served on the member by any of the methods of serving notices as provided under sub-section (1) of section 235 of the Act.

4. Members to take oath of Office.— Every member of Panchayat shall take the oath of office before the Oath Officer, in the form appended to these rules.

FORM FOR TAKING OATH OF OFFICE

(See rule 4)

I, have been elected as a member of Panchayat do swear in the name of God/solemnly affirm that I will bear true faith and allegiance to the Constitution of India as by Law

established, and that I will duly and faithfully to the best of my ability, knowledge and judgement perform the duties of my office as member without fear or favour or affection or ill will.

Signature

Before me

Block Development Officer.

..... Block

Oath Officer.

By order and in the name of the Governor of Goa.

G. G. Kambli, Director of Panchayats & Ex-Officio Joint Secretary.

Panaji, 24th January, 1997.

(Published in the Official Gazette, Series I No. 43 dated 24-1-1997—Extraordinary).

Notification

2/DP/DR-MR/95

Whereas the draft of the Goa Panchayats (Meetings) Rules, 1995, was published as required by sub-section (1) of section 240 of the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994), at pages 316 to 319 of the Extraordinary Official Gazette, Series I No. 31, dated 2nd November, 1995 under Notification No. 1/DP/DR-EP/95 dated 28-9-1995 of the Department of Community Development & Panchayats inviting objections and suggestions from all persons likely to be affected thereby before the expiry of thirty days from the date of publication of the said Notification in the Official Gazette.

And Whereas the said Gazette was made available to the public on 2nd November, 1995;

And Whereas objections/suggestions received from the public on the said draft have been considered by the Government.

Now, Therefore, in exercise of the powers conferred by **sections 52 and 54** read with sub-section (1) of section 240 of the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994), the Government of Goa hereby makes the following rules, namely:—

1. Short title and commencement.— (1) These rules may be called the Goa Panchayats (Meetings) Rules, 1996.

(2) They shall come into force at once.

2. Definitions.— In these rules, unless the context otherwise requires, —

(a) “Act” means the Goa Panchayat Raj Act, 1994 (Act 14 of 1994);

(b) “clear days” means days exclusive of the day of issue of a notice or intimation, and of the day of meeting;

(c) “motion” means a proposal to evoke action on the part of the Panchayat and includes an amendment of a motion;

(d) “member” means a member of Panchayat;

(e) words used but not defined shall have same meanings as assigned to them in the Act.

3. Panchayat to meet once a month.— The Panchayat shall meet at least once in every ¹⁰[fortnight] on such date and at such time as may be fixed by the Sarpanch or in his absence, by the Deputy Sarpanch.

4. Secretary to intimate the date of meeting.— (1) The Secretary of the Panchayat shall, at least seven clear days before the date fixed for any ordinary meeting and at least three clear days before the date of special meeting, send or cause to be sent to all the members, intimation of the place, date and time of and the business to be transacted at such meeting in Form “A”.

¹⁰ The word “fortnight” has been substituted for the word “month”, by 1st Amendment Rules, 1997, published in O. G., Series I No. 49 dated 5-3-1998.

(2) A copy of the intimation shall also be exhibited on the Notice board of the Village Panchayat.

¹¹[**“5. Consideration of motion of no confidence.—** A notice of motion of no confidence against a Sarpanch or a Deputy Sarpanch under sub-section (1) of section 51 of the Act shall be delivered to the Block Development Officer during office hours in Form “B” appended to these Rules. A copy of such notice shall also be delivered to the Secretary of the Panchayat concerned. The Secretary, on receiving such notice, shall acknowledge the same under his signature with date.

(2) The Block Development Officer, on receiving the notice under sub-rule (1), shall convene a special meeting of the Panchayats to consider the motion of no confidence within fifteen days from the receipt of notice thereof in his office. Intimation for convening a special meeting shall be given by the Block Development Officer to the Secretary of the Panchayat in Form “C” appended to these Rules.

(3) The Secretary of the Panchayat shall, on receiving the intimation under sub-rule (2), send or cause to be sent to all members of Panchayat, at least three clear days before the date of special meeting for considering the no confidence motion, intimation of the place, date and time of meeting. Such intimation shall be in Form “A” appended to these Rules.

(4) The Block Development Officer, if himself/herself is unable to attend the special meeting as observer, shall appoint any official from his/her office or from any other Government office/s of the Taluka Headquarters as observe to attend the special meeting. The observer so appointed shall have no right to take part in the proceedings of the special meeting.

(5) When a Panchayat takes a decision on the motion of no confidence against the Sarpanch or Dy. Sarpanch, the Secretary shall immediately write the proceedings of the meeting in the minutes book of the Panchayat and shall forthwith furnish a copy of the proceedings of the meeting to the Block Development Officer.”]

6. President of the meeting.— (1) At any meeting of the Panchayat while a motion of no confidence against the Sarpanch is under consideration, the Deputy Sarpanch and while a motion of no confidence against the Deputy Sarpanch is under consideration, the Sarpanch and while the motion of no confidence against the Sarpanch as well as the Deputy Sarpanch is under consideration such member of the Panchayat as may be elected by the members present shall preside at the meeting.

¹¹ Rule 5 has been substituted *Ibid*. The original rule 5 reads as follows:

“5. Consideration of motion of no confidence.— (1) A motion of no confidence against a Sarpanch or a Deputy Sarpanch under section 51 of the Act shall be given in duplicate to the Secretary and in his absence to the clerk of the Village Panchayat during office hours in Form “B” appended hereto. A copy of such notice shall also be endorsed to the concerned Block Development Officer. The Secretary or clerk as the case may be, on receiving such notice, shall acknowledge the notice under his dated signature.

(2) The Secretary or clerk as the case may be, on receiving the notice under sub-rule (1), shall pass on the notice to the Sarpanch for calling a special meeting.

(3) When a Panchayat takes a decision on the motion of no confidence against the Sarpanch or Dy. Sarpanch the Secretary shall forthwith furnish a copy of the resolution to the Block Development Officer.”

(2) A member elected to preside shall not be entitled to move the motion of no confidence.

7. Questions shall be decided by the majority of the votes.— (1) Save as otherwise provided in the Act, all questions coming before a meeting shall be decided by a majority of the votes of the members present and voting.

(2) In case of an equality of votes, the person presiding shall have and exercise a second or casting votes.

8. Business to be transacted.— Except with the permission of the person presiding,—

(a) no business, which is not entered in the agenda, shall be transacted at any meeting;

(b) the order of business to be transacted at every meeting shall be taken in the order in which it is entered in the order of business for the day:

Provided that, in granting permission for priority for transacting any business, the person presiding shall be guided by the majority of votes for and against such motion.

9. Adjournment of meeting.— Any meeting may, with the consent of the majority of the members present, be adjourned from time to time. But no business shall be transacted at any adjourned meeting other than that left undisposed of at the meeting from which the adjournment took place, the date, time and place of the adjourned meeting shall be announced at the meeting and no separate notice shall be necessary.

¹²["**10. Meeting to be open to the public.**— (1) Every meeting of the Panchayat shall be open to the public unless the Panchayat unanimously decides that any enquiry before or deliberations of the Panchayat shall be held in camera."]

(2) The person presiding may cause any member of the public who interrupts the proceeding of the meetings of the Panchayat to be removed from the place of the meeting.

11. Manner of deciding a matter before Panchayat.— A matter requiring the decision of the Panchayat shall be decided by means of a question put by the person presiding on a motion made by a member.

12. Discretion of the member either to withdraw or move the motion.— (1) A member who has given notice of a motion shall, when called upon either—

(a) state that he does not wish to move the motion, or

(b) move the motion, in which case he shall commence his speech by a formal motion in the terms appearing on the list of business, after the motion is duly seconded.

(2) If a member, when called, is absent, any other member may, with the permission of the person presiding, move the motion standing in the name of the absent member. If permission is not granted to the other member to move the motion, the motion shall lapse.

¹² Sub-rule (1) substituted by 1st Amendment Rules, 1997 published in O. G., Series I No. 49 dated 5-3-98. The original sub-rule (1) read as follows:

"10. Meeting to be open to the public.— (1) Every meeting shall be open to the public unless the person presiding decides that any enquiry before or deliberations of the Panchayat should be held in camera."

13. Person presiding to propose question on the motion.— After a motion has been proved and seconded, the person presiding shall propose the question by reading the motion for the consideration of the Panchayat.

14. Motion not to be withdrawn or altered once moved and seconded.— After a motion has been moved and seconded, it shall not be withdrawn or altered in substance, except with the consent of the member who seconded it.

15. Amendment to the motion.— (1) After a motion has been proposed and seconded, any member may propose an amendment thereto.

(2) Every amendment shall be relevant to, and within the scope of the motion to which it relates.

(3) No amendment shall be moved which has merely the effect of a negative vote.

(4) An amendment in the alternative shall not be moved.

(5) Any number of amendments may be moved to the same motion but no member shall move more than one amendment to the same motion.

(6) The person presiding may disallow any amendment which is, in his opinion, irrelevant or frivolous.

16. Member to address the person presiding by rising in his seat.— (1) A member desiring to propose and discuss any motion shall rise in his seat when speaking and address his speech to the person presiding:

Provided that the person presiding may, at the commencement of the meeting, declare that the business of the meeting shall be transacted sitting or he may permit any member to address the meeting sitting.

(2) A member shall confine his speech strictly to the question before the meeting and shall cease to make remarks which are held by the person presiding to be irrelevant or offensive.

(3) Members shall not talk among themselves during a meeting so as to disturb the proceedings or a member who is speaking.

17. Privilege of the person presiding.— The person presiding may address the meeting at any stage of a debate.

18. Mover may support his motion and seconder may either follow or reserve his speech.— After a motion has placed before the meeting for consideration under rule 13, the mover may speak in support of the motion and the seconder may either follow or reserve his speech for a later stage of the debate thereon.

19. Right of mover and seconder to reply to the debate.— The mover, or if the mover waives his right, the seconder, of a substantive motion may reply at the conclusion of the debate thereon, but no other member shall, without the express permission of the person presiding, speak more than once on the same motion, except for the purpose of making a personal explanation but in such cases, no debatable matter shall be brought forward.

20. Time limit for speech.— The person presiding may fix a reasonable time limit within which the mover, the seconder and any member shall end his speech.

21. When and how to put the motion to vote.— (1) On the conclusion of a debate on a motion or where the person presiding is satisfied that the motion has been sufficiently discussed, he may put the motion to the vote of the meeting without further discussion.

(2) The votes shall be taken in the following manner, namely:—

(a) When only one amendment is made upon a motion, votes shall be taken between the motion and the amendment.

(b) When there is more than one amendment, the one last proposed shall be put against that immediately preceding and then the one which is carried shall be put against the next preceding and so on until only one amendment is left. The vote shall then be taken between the sole remaining amendment and the original motion:

Provided that the person presiding may give precedence to any amendment which he deems fit.

(d) The motion of amendment carried under classes (a) or (b) shall be again put to vote as a substantive proposal and the result shall be considered to be the decision of the Panchayat.

22. Which matter to take precedence.— (1) A motion to adjourn a meeting or to postpone the consideration of a question shall take precedence over any other motion before the meeting.

(2) A motion under this rule shall not be made more than once during the debate on any question.

23. Manner of voting.— (1) Votes shall ordinarily be taken by a show of hands, but may, if the majority of members so decide, be taken by secret ballot.

(2) Any member present at a meeting may refrain from voting if he so chooses.

24. Manner when voting is by ballot.— When votes are taken by ballot, each member shall record his vote on a voting paper which shall not be signed by him. The papers used for voting shall not be destroyed until after one month from the date of declaration of the result.

25. Person presiding to decide points of order.— (1) The person presiding shall decide all points of order and his decision thereon shall be final.

(2) Any member may, at any time raise a point of order for the decision of the person presiding, but in doing so, he shall confine himself to stating the point.

(3) No discussion on any point of order shall be allowed except with the consent of the person presiding.

26. Member called to order to resume his seat till decision.— A member called to order by the person presiding shall resume his seat till the point of order is decided.

27. Rights and duties of the person presiding at the meeting.— The person presiding at the meeting shall preserve order and have all powers necessary for the purpose of enforcing his decision.

28. Suspension of member guilty of obstructive conduct.— When any member disregards the authority of the person presiding or is guilty of obstructive or offensive conduct at any meeting, the person presiding shall forthwith put question that such member be suspended from the meeting of the Panchayat for the remainder of the sitting and if three-fourths of the members present are in favour thereof, the member named shall withdraw, failing which the person presiding may call such aid as he deems expedient to secure such suspension or withdrawal.

Explanation.— For the purpose of this “obstructive conduct” means conduct wilfully and persistently adopted with the object of preventing business being transacted at the meeting.

29. Member not to leave the meeting without intimating the person presiding.— A member who wishes to leave a meeting before its close, shall immediately before leaving, intimate his intention to the person presiding.

30. Proposal may be sent to the Sarpanch.— Any proposal which a member desires to place before the meeting of the Panchayat may be sent to the Sarpanch. It shall be included in the business of the next meeting if it is received at least five clear days before the date of the meeting unless the Sarpanch or in his absence, the Deputy Sarpanch, for reasons to be recorded in writing, considers the proposal as not worth placing before the next meeting of the Panchayat, in which case it shall appear in the notice convening the subsequent meeting.

31. Member not to propose irrelevant motion.— No member shall be entitled to propose a motion other than the one directly arising out of the subject before the meeting and relevant thereto, except in case of emergency and with the consent of the person presiding.

32. Power of person presiding to divide the motion.— The person presiding shall have power to divide a motion into two or more distinct motions or an amendment into two or more amendments, as he may deem necessary.

33. No motion to be discussed and noted until duly proposed and seconded.— No motion shall be discussed or noted in the minute book unless and until it has been properly proposed and seconded:

Provided that a motion by the person presiding need not be seconded.

34. Language and manner of keeping the proceedings.— The proceedings of each meeting of the Panchayat shall be recorded in a bound book and in any one of the following languages, namely:—

- (i) Hindi
- (ii) English
- (iii) Konkani
- (iv) Marathi

In this book shall be entered the names of the members present at each meeting, the decisions arrived at, the names of the members voting for or against and of the members remaining neutral. The proceedings shall be signed by the person presiding at the meeting and shall be read out at the next meeting of the Panchayat for confirmation. A copy of the proceedings shall be submitted to the B. D. O./Director of Panchayats and Chief Executive Officer if any within ten days of the meeting. The proceedings shall be open for inspection at all reasonable times, by any member of the Panchayat.

By order and in the name of the Governor of Goa.

G. G. Kambli, Director of Panchayats & Ex-Officio Joint Secretary.

Panaji, 8th October, 1996.

FORM "A"

(See rule 4)

Notice of Meeting of V. P.

The ordinary/special meeting of this Panchayat is fixed on at at
(Date) (Time) (Venue)

The member is requested to make it convenient to attend the meeting.

The agenda of the meeting is as follows:—

- (1)
- (2)
- (3)

Signature of
(V. P. Secretary)

To,
Shri/Smt.
.....
.....
.....

(Full address)

FORM "B"

(See rule 5)

FORM OF NOTICE OF MOTION OF NO CONFIDENCE

We members of the village Panchayat ofhereby propose to move a no confidence motion against the Sarpanch, Deputy Sarpanch of V. P. which is to be decided in the special meeting to be called for the following reasons.

.....
.....
.....

We declare that the facts stated above are true to the best of our knowledge.

Signature of the V. P. members
giving the notice

¹³[FORM "C"
[See rule 5 (2)]

No.
Office of the Block Development
Officer.....
Date:-

Read:— Notice of No Confidence Motion

dated signed by
..... members of
..... Village Panchayat.

In exercise of the powers conferred by sub-section (2) of section 51 of the Goa Panchayat Raj Act, 1994 (Act 14 of 1994), read with sub-rule (2) of rule 5 of the Goa Panchayats (Meetings) Rules, 1996, I, Block Development Officer, Taluka/Block, do hereby convene a special meeting of the Village Panchayat to consider the no confidence motion against Shri/Smt. to

(Sarpanch and/or Dy. Sarpanch)

be held on at and direct the Secretary of Village
(Date) (Time)

Panchayat to intimate all the members of the Panchayat accordingly as required under sub-rule (3) of rule 5 of the said rules.

Office Seal

Signature of Block
Development Officer, with date]

To,
The Secretary of
Village Panchayat

(Published in the Official Gazette, Series I No. 33 dated 14-11-1996).

¹³ Form "C" inserted by 1st Amendment Rules; 1998 publish in O. G., Series I No. 49 dated 5-3-1998.

Notification

5/DP /TAX-FEES/96

Whereas the draft of the Goa Panchayat Raj (Imposition of taxes, fees and other dues) Rules, 1996, was published as required by sub-section (1) of section 240 of the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994), at pages 543 to 553 of the Official Gazette, Series I, No. 40, dated 2-1-1997 (Extraordinary), under Notification No. 5/DP/TAX-FEES/96 dated 26-12-1996 of the Department of Panchayat Raj & Community Development inviting objections and suggestions from all persons likely to be affected thereby before the expiry of fifteen days from the date of publication of the said Notification in the Official Gazette.

And Whereas the said Gazette was made available to the public on 2nd January, 1997.

And Whereas objection/suggestions received from the public on the said draft have been considered by the Government.

Now, Therefore, in exercise of the powers conferred by **sections 153 and 155** read with sub-section (1) of section 240 of the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994), the Government of Goa hereby makes the following rules, namely :—

PART - I

General

1. Short title and commencement.— (1) These rules may be called the Goa Panchayat Raj (Imposition of taxes, fees and other dues) Rules, 1998.

(2) They shall come into force at once.

2. Definitions.— In these rules, unless the context otherwise requires,—

(a) “Act” means the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994);

(b) “Annual letting value” means the annual rent for which any building or land, exclusive of furniture or machinery contained or situated therein or thereon, might reasonably be expected to be let from year to year;

(c) “Fees” means and includes fees on markets, bus stand, on registration of cattles brought for sale and all other fees payable under the Act;

(d) “Form” means a form appended to these rules;

(e) “Government” means the Government of Goa;

(f) “Schedule” means a Schedule appended to these rules;

(g) “Section” means a section of the Act;

(h) “Tax” means tax, cess, rate or other impost, but does not include a fee;

(i) Words and expressions used but not defined in these Rules, shall have the same meaning as respectively assigned to them in the Act.

3. Procedure for levying tax or fee.— Every Panchayat deciding to levy a tax or fee shall observe the following procedure, namely:—

(a) The Panchayat shall, by resolution passed in its meeting, select a tax or fee provided under sub-sections (1) and (3) of section 153 of the Act which it proposes to levy and in such resolution shall specify the rate at which it is to be levied subject to the maximum specified in Schedule III of the Act.

(b) The Panchayat shall then notify the contents of the resolution to the public by loudspeaker announcement or any other convenient mode of communication in the village and by means of a notice affixed in the office of the Panchayat, and office of the Talathi, specifying a day not earlier than one month after the date of such publication, on or after which the Panchayat shall take the proposal into consideration.

(c) Any inhabitant of the village, objecting to levy of the tax or fee proposed by the Panchayat, may send his objection or suggestion in writing on or before the last date specified in the notice published under clause (b) above.

(d) On or after the date fixed under clause (b), the Panchayat shall consider all objections and suggestions made under clause (c) and may finally select a tax or a fee and decide the rate at which it is to be levied.

4. Final publication of tax or fee to be levied.— Where a Panchayat finally decides to levy any tax or fee, the notice stating the tax or fee to be levied and the rate thereof shall be published by the Panchayat by affixing a copy thereof in the office of the Panchayat and other prominent places of public access or by any other mode of public communication. The tax or fee shall accordingly be levied from the date which shall be specified in the notice and which shall not be earlier than one month after the date of publication of notice.

5. Appeal against levy of any tax or fee.— Any person desiring to file an appeal under section 155 of the Act, may do so within 30 days from the date of publication of the notice under rule 4 to the concerned Block Development Officer whose decision thereon shall be final.

PART - II

Tax on owners or occupiers of buildings

6. Definitions.— In this part, unless there is anything repugnant in the subject or context,—

(a) “Capital value” means the estimated market value of a house;

(b) “Occupier” includes a person in actual possession of a building, whether as owner, agent or tenant thereof;

(c) “Owner” includes the person who receives or is entitled to receive rent of the building if such building is let.

7. Rate of tax on buildings.— (1) Every Panchayat which decided to impose a tax on building shall, subject to the provisions of sub-rule (2) and after following the procedure as laid down under rules 3 and 4, levy it at such rate, as may be decided by it, but not exceeding the maximum rate, as specified in Schedules A or B annexed to this Part.

(2) The following buildings shall be exempted from the levy of tax under sub-rule (1) namely:—

(a) building belonging to a local authority and used or intended to be used solely for a public purpose and not used for purposes of profit;

(b) buildings, belonging to the Government/Central Government;

(c) buildings used solely for religious, educational or charitable purpose, provided that the buildings belonging to religious, educational or charitable institutions shall be liable to pay tax wherever such buildings are used for the purpose other than religious, educational or charitable, as the case may be;

(d) “residential building” belonging to the freedom fighters which are exclusively used for residential purpose by freedom fighters and their family members for themselves.

Explanation:— ‘Freedom fighter’ means a person duly registered with the Government of Goa or with the Government of India and includes the family members of the freedom fighter:

Provided that, nothing in this rule shall be deemed to exempt from tax any building in respect of which a Railway administration is liable to pay tax or a sum in lieu thereof by virtue of a Notification under section 184 of the Indian Railways Act, 1989 (Central Act 24 of 1989) or section 3 of the Railways (Local Authorities Taxation) Act, 1941 (Central Act 25 of 1941).

SCHEDULE - A

(See rule 7)

Rates of assessment of tax on building used for residential purpose as under:—

Particulars	Minimum	Maximum
1	2	3
(1) All residential houses/structures irrespective of any size and type constructed prior to last over 25 years and back.	Double the existing house tax not less than minimum but not exceeding Rs. 150/- per annum whichever is less.	
(2) All residential houses/structures irrespective of any size and type, except mud houses/structures, constructed after last 25 years but prior to 31st December, 1990.	Triple the existing house tax not less than minimum but not exceeding Rs. 300/- whichever is less.	
(3) All residential houses with mud/roof with local or Mangalore or palm leaves irrespective of any size constructed prior to 31 st December, 1990.	Existing house tax but not less than minimum.	
(4) All premises used for business/Commercial purpose under Rent Back Scheme for any period or premises rented for any period.	An amount equivalent to one month's rent for each flat or each premises or each dwelling unit.	

1	2	3
(5) New house (R.C.C.)	Rs. 5.00 per sq. mt.	Rs. 8.00 per sq. mt.
(6) New house with Mangalore tiles and Masonry walls.	Rs. 2.00 per sq. mt.	Rs. 4.00 per sq. mt.
(7) New house with mud walls.	Rs. 0.50 per sq. mt.	Rs. 1.00 per sq. mt.
(8) Garage/Shed/Cowshed (new) attached to the house.	Rs. 0.50 per sq. mt.	Rs. 1.00 per sq. mt.
(9) Garage/Shed/Cowshed (old) attached to the house.	Rs. 0.25 per sq. mt.	Rs. 0.50 per sq. mt.
(10) Any other structure used for residential and allied purpose.		Rs. 25.00 per annum

Explanation:— (I) “New house” shall mean the house constructed on after 1st January, 1991 and “Old house” shall mean the house constructed prior to 1st January, 1991.

(II) For calculation of area of building, the floor area of each room and structure should be considered.

(III) “Minimum” house tax shall mean the house tax of Rupees Twenty Five only.

SCHEDULE – B

Rates of assessment of tax on building used for Commercial/Industrial purpose area as under:—

Particulars	Minimum	Maximum
1	2	3
(1) Shop with R.C.C.	Rs. 10.00 per sq. mt.	Rs. 15.00 per sq. mt.
(2) Shop with R.C.C. (Godown).	Rs. 8.00 per sq. mt.	Rs. 10.00 per sq. mt.
(3) Shop with Mangalore tiles.	Rs. 5.00 per sq. mt.	Rs. 10.00 per sq. mt.
(4) Shop with local tiles.	Rs. 5.00 per sq. mt.	Rs. 8.00 per sq. mt.
(5) Shop with mud walls	Rs. 3.00 per sq. mt.	Rs. 5.00 per sq. mt.
(6) Garage with R.C.C. for commercial use.	Rs. 10.00 per sq. mt.	Rs. 15.00 per sq. mt.
(7) Garage with Mangalore tiles or sheets for commercial use	Rs. 5.00 per sq. mt.	Rs. 10.00 per sq. mt.
(8) Office building with R.C.C.	Rs. 10.00 per sq. mt.	Rs. 15.00 per sq. mt.
(9) Office building with Mangalore tiles.	Rs. 6.00 per sq. mt.	Rs. 10.00 per sq. mt.
(10) Hospital with R.C.C. or Mangalore tiles.	Rs. 5.00 per sq. mt.	Rs. 10.00 per sq. mt.
(11) Workshop/shed or Industrial Estate area with sheets.	Rs. 10.00 per sq. mt.	Rs. 15.00 per sq. mt.

1	2	3	1
(12)	Workshop/shed of Industrial Estate area with R.C.C.	Rs. 10.00 per sq. mt.	Rs. 15.00 per sq. mt.
(13)	Petrol pump/under ground tank.	—	Rs. 500/- per annum (in addition to octroi).
(14)	Hotel/Restaurant with R.C.C.	Rs. 10.00 per sq. mt.	Rs. 15.00 per sq. mt.
(15)	Hotels/Restaurant with Mangalore tiles	Rs. 8.00 per sq. mt.	Rs. 10.00 per sq. mt.
(16)	Any other structure not covering above area not exceeding 100 sq. mt.	—	Rs. 500/- per annum
(17)	Starred Hotel:		
	(I) Three to five Star Hotels.	Rs. 600/- per annum per (A.C.) suite or double normal (A.C.) rooms attached with bath and includes Villas.	Rs. 1000/- per annum per (A.C.) suite or double normal (A.C.) rooms attached with bath and includes Villas.
	(II) Three to five Star Hotels.	Rs. 500/- per annum per double room (Non A.C.) attached bath.	Rs. 800/- per annum per double room (Non A.C.) attached bath.
	(III) Two Star Hotels.	Rs. 400/- per annum per suite or double normal rooms (A.C.) attached bath.	Rs. 600/- per annum per suite or double normal rooms (A.C.) attached bath.
	(IV) Two Star Hotel	Rs. 300/- per annum per single room or double normal rooms (Non A.C.).	Rs. 500/- per annum per single room or double normal rooms (Non A.C.).
(18)	Motels/Lodgings	Rs. 1,000/- per annum for every room of 8x5 sq. mt. or less.	

Exemption:— No tax shall be imposed on the Departments like Kitchen maintenance, swimming pool, Engineering, water tanks, food selling restaurants, staff changing rooms situated within the precincts of Hotel premises provided that premises are not let to any other agency other than under the management of the hotel owner.

8. Tax effective from what date.— The tax shall be leviable for the year beginning on 1st April, and ending on 31st March and shall not come into force except on the following dates, viz. 1st April, 1st July, 1st October or 1st January, in any year and it comes into force on any day other than the 1st April, it shall be leviable by the quarter till the 1st April, next following.

9. Preparation of assessment list.— (1) Every owner or occupier of a building/structure shall, before the last date fixed by the Panchayat, furnish the information in Part of Form A appended to this part in duplicate to the Sarpanch and the Sarpanch shall prepare or cause to have prepared an assessment list in Part II of Form A,

appended to this Part *interalia*, containing among other things the following particulars:—

- (a) the serial number of each building i.e. house numbers old and new;
- (b) the name of the owner and the occupier;
- (c) rate per sq. mt. of the area occupied by the structure or the annual letting value, as the case may be; and
- (d) the amount of tax assessed thereon:

Provided that the Panchayat may, and if so required by the Government, shall entrust the preparation of the assessment list to an officer in the service of the Government:

Provided further that, in case the owner or the occupier fails to furnish the information as per Part I contained in Form A appended to this PART the Sarpanch or any person acting under his authority shall prepare or cause to have prepared the information as per Part I contained appended in Form A to this PART and based on it an assessment list as per Part II contained in Form A appended to this PART.

(2) Where the tax is assessed on the annual letting value, a sum equal to 10 percent of the said valuation shall be deducted from the valuation in lieu of all allowances for repairs or on any other account whatsoever.

(3) For the purpose of preparing such assessment list, the Sarpanch or any person acting under his authority or any officer in the service of the Government, as the case may be, may inspect any building or land in the village.

FORM A

(See rule 9)

(Part — I)

(To be filled by owner or occupier)

Form of Report of Assessment under sub-rule (1) of rule 9 Assessment Register No.

..... Panchayat

North Goa District, Taluka:

Assessment for the year 199 To 199

Assessment and liabilities to tax on building and all structures for the year 199 to 199

- (1) (a) Name of owner of property
- (b) Name of Occupier/Owner
- (c) Ward
- (d) Address
- (e) Name of street
- (f) Area of building
- (g) Area of open space

- (h) Description of the property
- (I) Survey No. Sub-Division No.
- (II) Revenue Village

(2) Amenities provided to the Structure/Building:

W.C.	Electricity	Water
------	-------------	-------

(3) Material used for the Structure/Building.

- (I) New Building (R.C.C.)
 - (II) Old Building (R.C.C.).....
 - (III) New house with Mangalore tiles and masonry walls
 - (IV) Old house with mangalore tiles and masonry wall
 - (V) New house with mud walls with local tiles or street roofing
 - (VI) New house with mud walls
 - (VII) Garage/Shed/Cowshed (new)
 - (VIII) Garage/Shed/Cowshed (old)
 - (IX) Any Other structure used for residential/commercial purpose
- Write "Yes" or "No" in appropriate places)

(4) Period of existence of structure/building:

- (I) Whether structure/building is shown in survey records if so Survey No. and Sub-Division
- (II) If not, when the house was constructed, month and year to be specified
- (III) Whether the house is assessed for house tax, if so house tax assessment No. and the year

Details Regarding rent of building/Area in occupation of structure

No. or Bldg./Structure	Name of Occuper	Owner or tenant	Rooms occupied	Measure-ment of each room	Total Area	Purpose of building used	Monthly Rent (in case the premises are let)	Annual letting Value			Remarks
								Rent fixed by the assessment Officer	Rent approved by the Authorised Valuation Officer	Rent fixed after disposal of object	
1	2	3	4	5	6	7	8	9	10	11	12

(Col. No. 9, 10, 11 are to filled by A.O.)

Date / 199

.....
Signature of owner or occupier
Date

FORM "A"

PART - II

(To be filled by office)

- (1) Monthly rent Rs.
(as per column No. 8 above)
- (2) Annual rent Rs.
- (3) Less 10% Rs.
- (4) Annual taxable amount of rent Rs.

or

- (1) Annual Tax charged
@ Rs. per sq. mt. for the building for residential purpose
- (2) Annual Tax charged
@ Rs. per sq. mt. for any other purpose
- (3) Total Annual Tax (1+2 above)
- (4) House No.:— Old No.
as per New No.
assessment
list.
- (5) Details of assessment of tax:

Previous tax	Name of tax	Taxable amount	Tax as per new assessment
Consolidated			
Tax			
Total—			

Assessment Officer

Sarpanch

Panchayat

For Office use

Notice may be served to the concerned persons about the levy of the tax.

Date _____ Sarpanch
..... Panchayat

For Office use

(6) The Notice No. datedhas been served for the above tax.

Secretary
..... Panchayat

For Office use

(7) Letter of objection for the assessment has been received from the assessee and has been registered in objection register at Sr. No.

Remarks of Assessment Officer

Final Assessment

Name of Tax

(1) Monthly rent

(2) Annual rent/Tax

(3) Taxable amount

Assessment Officer
(Signature)

Sarpanch

..... Panchayat

N. B. :- (1) Rate of tax (per annum as determined by the Panchayat vide its resolution No. Dated

10. Person primarily liable for tax how to be designated if his name cannot be ascertained.— Where the name of the person primarily liable for the payment of tax cannot be ascertained, it shall be sufficient to designate him in the assessment list and in any notice which may be necessary to be served upon the said person, as “the holder” of such premises, without further description.

11. Publication of notice of time fixed for lodging objections.— When the assessment list is completed, the Sarpanch shall cause a notice to be given by loudspeaker announcement and any other mode of convenient communication in the Village that the list is open for inspection at the office of the Panchayat and that objections will be considered and decided,—

(i) where the assessment list is prepared by the Sarpanch by the Panchayat, and

(ii) where the assessment list is prepared by an Officer of the Government entrusted under the proviso to sub-rule (1) of rule 9, by such officer (hereinafter referred to as the “Government Officer”), on a day after thirty days of the date of notice thereof.

12. Inspection of assessment list.— Every person whose name is included in the list as the owner or occupier of any property, every person claiming to be the owner or occupier of any property, every person in the possession of any property, included in the list and any agent of such person, may inspect the list and take extract therefrom without payment of any charges therefor.

13. Consideration of objections to assessment list and authentication of list.— (1) All objections to the assessment shall be considered and decided by the Panchayat or the Government Officer, as the case may be, on the date specified in the notice published under rule 11, or on any later date and the decision of the Panchayat or the Government

Officer, as the case may be, shall be communicated to the person objecting to the assessment.

(2) Any person desiring to file an appeal against the assessment under section 155 of the Act, may do so by filing an appeal to the concerned Block Development Officer (hereinafter referred to as the Prescribed Authority), within 30 days from the date of communication of the decision under sub-rule (1).

(3) When all appeal is allowed, all amendments, if any, required to be made in the assessment list in accordance with the order of the Block Development Officer shall be caused to be made by the Panchayat and shall be authenticated by the signature of the Sarpanch or the Government Officer, as the case may be, not later than the 31st day of July of the year in which the assessment list is prepared.

14. Entries in the authenticated list to be conclusive evidence.— The entries in the list authenticated under sub-rule (3) of rule 13, shall be conclusive evidence of the amount of the tax leviable under these rules.

15. Amendment of assessment list.— (1) The Panchayat may, at any time, alter the assessment list by inserting or altering any entry in respect of any property, such entry having been omitted or erroneously made in the assessment list through fraud, accident or mistake or in respect of any building constructed, altered, added to or re-constructed in whole or in part, where such construction alteration, addition or reconstruction, as the case may be, has been completed after preparation of the assessment list, after giving notice to any person likely to be adversely affected by the alteration of the list, a date not earlier than one month after the date of service of such notice, before which any objection to the alteration should be made. Any alteration in the assessment list by inserting or altering any entry without giving any notice to any person likely to be adversely affected by the alteration of list is void *obimitio*.

(2) An objection made under sub-rule (1) by any person likely to be adversely affected by any such alteration before the time fixed in such notice shall be dealt with in all respects as if it were an objection under rule 11.

(3) Any entry or alteration made under this rule shall have the same effect as if it had been made in the case of a building constructed, altered, added to or re-constructed, as the case may be, on the day on which such construction, alteration, addition or reconstruction as the case may be, was completed or on the date on which the new construction, alteration, addition or re-construction was first occupied, whichever first occurs, or in other cases, on the earliest day in the current official year in which the circumstances justifying the entry or alteration existed; and the tax or the enhanced tax, as the case may be, shall be levied in such year in the proportion to which the remainder of the year after such day bears to the whole year.

16. Notice to be given to Sarpanch of demolition or removal, etc. of building.— (1) Where any building or any portion of a building which is liable to payment of a tax is demolished or removed, or is burnt or falls down, the person primarily liable for the payment of the said tax shall give notice thereof in writing to the Sarpanch.

(2) Until such notice is given, the person aforesaid shall continue to be liable to pay such tax as he would have been liable to pay in respect of such building if the same, or any portion thereof, had not been demolished, removed, burnt or as the case may be, fallen down.

17. Assessment list to be revised every five years.— The assessment list shall be completely revised once in every five years:

Provided that the Panchayat may, *suo motu* or on an application made to it by any person in that behalf, make such alteration, every year, in the assessment list authenticated under rule 13 and the provisions of rules 9 to 16 shall apply in relation to such alterations as they apply in relation to an assessment list prepared under those provisions, with the modification that in sub-rule (3) of rule 13, for the expression “the 31st day of July of the year in which the assessment list is prepared”, the expression “the 31st day of July of the year to which such alteration relates” was substituted.

18. Tax on whom primarily leviable.— (1) The tax shall be leviable primarily on the actual occupier of the building upon which it is assessed if such occupier is the owner of such building.

If the building is not occupied by the owner himself, the tax shall be primarily leviable on:

- (a) the lessor, if the property is sub-let;
- (b) the superior lessor, if the property is sub-let;
- (c) the person in whom the right to let the same vests, if it is not let;
- (d) the person to whom the building has been transferred, if the owner of the building has left the village or cannot otherwise be found.

(2) On failure to recover any sum due on account of such tax from the person primarily liable, such sum may be recovered from the occupier of any part of the building in respect of which such tax is due in the ratio which the Sarpanch decides to be equitable ratio to the amount of tax assessed on the whole building in the authenticated list and the decision of the Sarpanch in the matter shall be appealable to the concerned Block Development Officer.

19. Remission or refund of tax in case of vacancies.— Where any building which is assessed to a rate payable by the year has remained vacant and unproductive of rent for a continuous period of three months or more during a year, the Panchayat shall remit the whole or any portion of the amount paid or payable for such period:

Provided that no such remission or refund shall be granted unless notice in writing of the fact of the building belong vacant and unproductive of rent has been given to the Sarpanch:

Provided further that no remission or refund shall be granted for any period previous to the date on which such notice is given to the Sarpanch.

20. Recovery of tax.— The tax shall be recovered by the Sarpanch or by the Secretary or by any other person duly authorised by the Panchayat in this behalf. A receipt for every such payment shall be given by the person receiving it.

PART-III

Tax on vehicles other than mechanically propelled vehicles kept within the jurisdiction of the Village Panchayat

21. Rate of tax.— A Panchayat which decides to levy a tax on vehicles shall, after following the procedure as laid down under rules 3 and 4, levy it at such rate as may be fixed by it but not below the minimum and not exceeding the maximum rate specified in the Schedule to the PART:

Provided that the Panchayat may grant reduction of payment of tax not exceeding 25% of the total tax in case the tax is paid fully for five years in advance.

SCHEDULE

(See rule 21)

	Minimum		Maximum	
	Rs.	Nps.	Rs.	Nps.
(1) Private bicycle or tricycle	10/- per year		20/- per year	
(2) Bicycle on hire	15/- per year		25/- per year	
(3) Vehicle drawn by one animal	10/- per year		20/- per year	
(4) Vehicle drawn by two animals or more	20/- per year		25/- per year	
(5) Cart or any other vehicle	10/- per year		15/- per year	

22. Vehicles on which tax shall be levied.— (1) Subject to the provisions of sub-rule (2), the tax shall be levied for the whole year beginning on 1st April of each year on all vehicles, owned by or in possession of persons for the time being resident within the limits of the Panchayat and used within the said village, whether they are actually kept within or outside the limits of the Panchayat.

(2) No tax shall be levied on vehicles belonging to the Government and local authority and used for public purposes.

23. Person liable for payment of tax.— Every person whose name stands registered in the register of tax on vehicles maintained by the Panchayat, shall be liable for the payment of tax to the Panchayat unless he has given a notice in writing to the Panchayat that he has ceased to use the vehicle or has disposed it of so that a bill for the next year may not be served on him.

24. Preparation of register of persons liable to tax.— The Sarpanch shall prepare or have prepared a register containing a list of persons who own or possess a vehicle, which under rule 23 is liable to tax.

25. Vehicles to bear a number.— All vehicles which are liable to tax shall bear a number plate provided by the Panchayat at the cost of the owner or the person in possession of the vehicle.

26. Receipt for payment of tax.— The Secretary or the person authorised by the Panchayat in this behalf, shall receive the payment of the tax and give a receipt therefor.

27. Form of receipt.— The form of receipt shall be in Form No. 1 appended to this PART.

FORM No. - V

(See rule 27)

Receipt

Receipt Book No. Receipt No.

The Village Panchayat of Received with thanks from
Rupees on account of

Date

Reference to cash entry

Book

Page No.

Seal of Panchayat

Signature

Name and Designation

of Issuing Officer

Instructions covering the use of Form 1:—

- (a) Each receipt book shall have a serial number, and each receipt which shall be in duplicate for use with carbon paper, shall have a serial number within the book. Both book number and receipt number shall be machine numbered on each receipt, whether original or duplicate.
- (b) The Seal of the Panchayat shall be affixed to each receipt before it is issued. The carbon copy shall be retained and the original issued.

28. Penalty.— Any person who commits a breach of rule 23, shall, on conviction, be punished with fine which may extend to fifty rupees, and in the case of a continuing breach, with fine which may extend to five rupees for every day during which the breach continues, after conviction for the first such breach.

PART - IV

29. Levy of tax on advertisements and hoardings.— In this Part, unless there is anything repugnant in subject or context,—

(i) “advertisement” means a publicity given to any subject matter by way of affixing and painting upon any building, monument, post, poles, wall, fence, tree or any other thing, any bill, notice, other document or erecting boards, distributing hand bills or otherwise;

(ii) “advertiser” means a person or persons who intend to give such a publicity to any fact or thing for the purpose of his or his client’s interest or in furtherance of his business;

(iii) “agent” means any person acting on behalf of an advertiser.

30. Rate of tax.— A Panchayat which decides to levy a tax on advertisement other than the advertisement published in the newspapers shall, after following the procedure as laid down under rules 3 and 4, levy it at such rates as may be fixed by it but not exceeding the maximum rate specified in Schedule-III to the Act.

31. Advertisement on which tax shall be levied.— (1) Subject to the provisions of sub-rule (2), a tax shall be levied by every Panchayat on advertisement put up either by way of affixing or erecting boards, distributing the hand bills or moving carts, cars and the illuminated advertisement meant for publication of any product manufacture or any business carried out or any performance done within the limits of the Panchayats.

(2) No tax shall be levied on,—

(i) advertisements which are made only for educational or cultural purposes;

(ii) advertisements in respect of dramas and other entertainments for which there is no admission fee;

(iii) hoardings/advertisements installed by “National Savings Organisation”.

32. Procedure for obtaining permits on payment of taxes.—

(i) Advertisement boards, signs, posters, hoardings, neon signs, illuminated advertisements, moving carts and card; etc. displayed in panchayat area requires permission from the panchayat.

(ii) No person without the written permission from the panchayat shall erect, exhibit, fix or retain advertisement.

(iii) Before putting up an advertisement or signboard, one has to apply to the panchayat concerned in Form I appended to this Part alongwith a sketch of the proposed advertisement/signboard.

(iv) The panchayat, on being satisfied with the requirements and on payment of the tax by the party, shall issue permit in Form II appended to this PART mentioning therein the period of its validity.

(v) The panchayat may impose such other conditions as may be required as regards to the size of hoardings, height from ground level, nature of support to the hoardings, public morals, neatness, distance from National Highways, etc.

(vi) There should be some distinguishing mark such as label or emblem or name on the advertisement displayed to facilitate easy identification of the owner or agent.

(vii) It shall be the responsibility of the permit holder to get the permit renewed before the expiry of its validity.

(viii) The panchayat shall not be responsible for any obstruction to the advertisement caused due to the existence of any trees or other advertisements or due to the growth of any tree at later date.

(ix) The written permission or renewal by the panchayat shall become void if any addition or alteration is made.

FORM-I
[See rule 32 (iii)] Price:- Re. 1/-

Village Panchayat of

Form of application for permission for exhibiting advertisements:

- (1 Name of the applicant in full:
)
(Block letters)
- (2 Address of the applicant:
)
- (3 Nature of advertisement/s with sketch and/or photograph:
)
- (4 Exact location of the site where the advertisement is to be exhibited with sketch plan:
)
- (5 Dimensions of the advertisements (in metric units): Length Area Breadth
)
- (6 The subject matter of the advertisements:
)
- (7 Please state the ownership of the premises, i.e. whether private, Panchayat, Government, railway and produce "No Objection Certificate" from the landlord concerned:
)
- (8 The date, from which the advertisement is to be exhibited and the period for which the permission is applied for.
)

Date: / /199

Signature of the Applicant

**To be scored off which is not required.

Original

Serial No.

Received application on

Please call on for further information.

Secretary
Village Panchayat

—Seal—

33. Objectionable sites.— No advertisement shall be allowed on objectionable sites, such as,—

- (a) at a distance of less than 100 metres from any of the tangent points of a road intersection;
- (b) at a site which creates a blind corner of the road used from any direction;
- (c) at overbridges or underpasses where railway; or roads ply over one another;
- (d) over the bridge portion of a road or a railway line.
- (e) at such an angle that light is reflected into the eyes of road users;
- (f) within 50 mts. of any official road traffic sign or signal;
- (g) obstruction of any road sign, road name or other traffic aid to road users;
- (h) by the side of National Highways.

37. Receipt for payment of entertainment tax.— The Secretary or the person authorised by the Panchayat in this behalf, shall receive the payment of the tax under rule 36 and give a receipt therefor in Form No.1 appended to PART-III of these rules.

38. Refund of entertainment tax.— If, after the payment of tax, the entertainment is not held on account of some unforeseen or unavoidable circumstances, the amount of the tax paid shall be refunded to the payee, if he applies for such refund, within 48 hours of such payment.

PART -VI

Fees for sale of goods in markets, melas, fairs and festivals

39. Rate of fees for sale of goods in markets, melas, fairs and festivals.— A Panchayat which decides to levy a fee for sale of goods in markets, melas, fairs and festivals, as the case may be, shall, after following the procedure as laid down under rules 3 and 4, levy it at such rates as may be fixed by it but not exceeding the maximum rate specified in Schedule III to the Act.

40. Determination of the limits of area within which fees for sale of goods in markets, melas, fairs and festivals shall be levied.— The fees for sale of goods in markets, melas, fairs and festivals shall be levied by the Panchayat within the limits of such area as may be determined by it for the purpose.

41. Prohibition against selling commodities, etc. without permit.— No person shall sell any commodity including cattle or birds or occupy any open space or plot of land for the purpose of shop, booth or stall or for doing business of any kind either in markets, melas, fairs and festivals, as the case may be, within the limits determined under rule 40, without obtaining a permit from the Panchayat on payment of the fees leviable under rule 39.

42. Power of Panchayat to recover fees.— Any person duly authorised by the panchayat in this behalf, may recover the fees due from him by distraint and sale on the spot of a sufficient portion of the commodity brought for sale without any permit.

43. Validity of permit.— The permit shall be valid for the period or for the days for which it is issued.

44. Receipt for payment of fees and issue of permit.— The person authorised by the Panchayat shall receive payment of the fee, give a receipt therefor in Form No.1 appended to PART III of these Rules and thereupon issue a permit.

45. Remission or refund of fee when allowed.— No remission or refund of the fee once recovered shall be made provided that, if the permit for the occupation of space is for a period longer than one month and if the permit is surrendered to the person authorised by the Panchayat before the expiry of the period for which the permit is valid, refund shall be paid for the full month for which the permit is not utilised:

Provided further that no refund shall be granted for the fraction of a month.

46. Right to lease.— The Panchayat may lease the right to collect the fees payable under the PART by public auction subject to such agreement and conditions as may be fixed by it.

PART -VII

A fee for grazing cattle on grazing lands under the management of Panchayat

47. Definitions.— In this part unless there is anything repugnant in the subject or context,

“Fee” means the fee for grazing of cattle in the lands which vest in the Panchayat and are assigned for that purpose.

48. Fees for grazing of cattle.— A panchayat which decides to levy a fee for grazing of cattle in the grazing lands vesting in the Panchayat, shall, after following the procedure as laid down in rules 3 and 4, levy it at such rate as may be fixed by it, but not below the minimum and not exceeding the maximum rate specified in the Schedule annexed to this PART.

SCHEDULE

(See rule 48)

Kind of animal	Minimum grazing fee per head of cattle	Maximum grazing fee per head of cattle
(1) Buffalo, Cow, Ox, Horse Camel	Rs. 200/- per year	Rs. 350/- per year
(2) Donkey, Mule, Sheep or Goat.	Rs. 100/- per year	Rs. 200/- per year

49. No grazing of cattle without a permit.— When a Panchayat levies such fee, no grazing of cattle shall be allowed in any land assigned by it for that purpose, except under a permit issued in this behalf.

50. Permit to be issued to whom.— Permits for grazing of cattle may be issued by the Panchayat only to persons residing within the limits of its jurisdiction.

51. Fee for permit leviable for what period.— Permits shall be issued by the Panchayat for a period of one year beginning on 1st April and ending on 31st March next following and the full amount of fee due shall be recovered in advance at the time of issue of permit. If the permit is issued on any day other than 1st April the fee shall be leviable by the quarter ending on the 1st July, 1st October, 1st January and 1st April next following and thereafter by the year.

PART-VIII

General

52. Compounding of fees tax by Panchayat.— A Panchayat may compound the taxes or fees payable by any person for any period and may allow him to pay the same in instalments not exceeding three instalments in a year.

53. Reduction of tax, fees payable to the Panchayat.— A Panchayat may allow five per cent reduction in payment of tax or fees:

Provided the tax/fees are paid in advance at least by one year:

Provided further that, no reduction in payment of tax or fees shall be allowed by the Panchayat to the person who avails of the facility of paying the tax or fees in instalments.

54. Penalty for non-payment of tax or fees in time.— (i) If the amount of tax or fees is not paid within the stipulated period, ten per cent interest shall be charged on the amount due for such period of default which shall be recoverable from the defaulter.

(ii) The Panchayat shall not issue any permission, certificate of N.O.Cs. to any person who is in arrears of house tax or fees unless all arrears due to the Panchayat are paid.

Explanation:— “Defaulter” shall mean a person who has failed to pay the dues in the form of tax or fees to the Panchayat on or before 31st March of the calendar year and includes the owner or occupier of the building or structure.

By order and in the name of the Governor of Goa.

G. G. Kambli, Director of Panchayats & Ex-Officio Joint Secretary.

Panaji, 22nd July, 1998.

(Published in the Official Gazette, Series I No. 20 dated 13-8-1998).

Notification

26/DP/PAN/RD/98

Whereas, the draft of the Goa Panchayat Raj (Recovery of taxes, fees and other dues) Rules, 1999, was published as required by sub-section (1) of section 240 of the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994), in the Official Gazette, Series I No. 1 dated 1-4-1999, under Notification No. 26/DP/PAN/RD/98 dated 10-3-1999, of the Department of Panchayat Raj and Community Development inviting objections and suggestions from all persons likely to be affected thereby before the expiry of 30 days from the date of publication of the said Notification in the Official Gazette.

And Whereas, the said Gazette was made available to the public on 1-4-1999;

And Whereas, no objections/suggestions have been received from the public on the said draft by the Government.

Now, therefore, in exercise of the powers conferred by **sub-section (2), (4) and (5) of section 154, read with clause (b) of sub-section (1) and sub-section (3) of section 197** and section 240 of the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994), the Government of Goa hereby makes the following rules, namely:—

I. Preliminary

1. Short title and commencement.— (1) These rules may be called the Goa Panchayat Raj (Recovery of taxes, fees and other dues) Rules, 1999.

(2) They shall come into force at once.

2. Definitions.— In these rules, unless the context otherwise requires,—

(a) “Act” means the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994);

(b) “auction holder” means a holder of premises belonging to a Panchayat or a Zilla Panchayat on highest bid in auction;

(c) “defaulter” means a person who fails to pay the Panchayat or the Zilla Panchayat dues on or before the due date of payment and includes wilful defaulter;

(d) “dues” means any tax or fee or rent or any other sum due from a person to the Panchayat or Zilla Panchayat, as the case may be;

(e) “Form” means a form appended to these rules;

(f) “lessee” means a holder of premises belonging to a Panchayat or a Zilla Panchayat, as the case may be, on lease basis and includes a periodic lessee;

- (g) “Secretary” means the Secretary of the Panchayat;
- (h) “Section” means a section of the Act;
- (i) “Words and expression” used and not defined under these rules shall have the same meaning as respectively assigned to them under the Act.

II. Recovery of Panchayat Dues

3. Person to recover tax or fee or rent or any other dues.— The Secretary of the Village Panchayat shall recover or cause to be recovered the tax or fee or rent or any other dues imposed or levied by the Village Panchayat.

4. Receipt for payment.— For all sums paid on account of any tax or fee or rent or any other amount due to the Village Panchayat, a receipt whereof shall be issued by the person receiving the same. Such receipt shall be in Form I hereto.

5. Presentation of bill.— The bill presented under sub-section (1) of Section 154 of the Act shall be in Form II hereto, which shall be signed by the Secretary of the Panchayat and shall contain the following:—

- (i) a statement of the period of occupation a description of the property or thing for which the tax or fee or rent or any other sum due to the Village Panchayat is charged and other particulars of the demand; and
- (ii) statement regarding notice of demand which may be issued in default of payment.

6. Notice of demand.— (1) Every notice of demand made under sub-section (2) of section 154 of the Act shall be in Form III hereto.

(2) For every notice of demand as fee shall be chargeable at the following rates, namely: —

- | | |
|---|---|
| (i) When the amount demanded does not exceed Rs. 100/- | ...Rs. 5/- |
| (ii) When the amount demanded exceeds Rs. 100/- but does not exceed Rs. 250/- | ...Rs. 10/- |
| (iii) When the amount demanded exceeds Rs. 250/- and above | ...Rupees 10/- for the first Rs. 250/- and for every additional amount of Rs. 100/- or part thereof, Rs. 5/-. |

(3) A notice of demand shall be signed by the Secretary of the Panchayat and shall be effected by him or by an Officer of the Panchayat duly authorised by him in this behalf, in the manner as laid down under clauses (a) to (d) of sub-section (3) of section 154 of the Act.

7. Warrant of distraint.— (1) If the person liable to pay any dues for which a notice of demand has been served on him does not, within thirty days from the date of service of such notice of demand, either,—

(i) pay the sum demanded in the notice, or

(ii) show sufficient cause to the satisfaction of the Secretary for the non-payment of the sum demanded; a warrant of distraint in Form IV hereto shall be issued as provided under sub-section (4) of section 154 of the Act.

(2) For every warrant of distraint issued a fee at the rate of 0.50 paise for every amount of Rs. 10/- or part thereof, shall be charged.

8. Warrant of distraint to be signed and executed.— Every such warrant of distraint shall be signed by the Sarpanch or in his or her absence by the Deputy Sarpanch and shall be executed by the Secretary.

9. Manner of executing warrant.— (1) The Secretary shall before making a distraint of moveable property, demand payment of the tax, fee or other dues and fee on notice of demand. If the tax, fee or other dues and the fee on notice of demand are paid, no distraint shall be made but if it is not paid, the Secretary shall,—

(i) seize such moveable property of the defaulter as he may think necessary;

(ii) make an inventory of the property seized; and

(iii) give to the person in possession of the property seized at the time of the seizure, a copy of the inventory and a notice of sale in Form V hereto:

Provided that, a period of seven days shall be allowed for paying the amounts due and redeeming the properties seized.

(2) No person executing warrant of distraint, directing or authorising the seizure of movable property shall enter a dwelling house after sunset and before sunrise.

(3) Under a special order in writing of the Sarpanch, the Secretary who is charged with the execution of a warrant of distraint may, between sunrise and sunset, break open any outer or inner door or window of a building in order to execute warrant of distraint and if he has reasonable ground for believing that such building contains property which is liable to seizure and if, after notifying his authority and purpose, and duly demanding admittance, he cannot otherwise obtain admittance:

Provided that the Secretary shall not enter or break open the door of any apartment appropriated to women until he has given three hours notice of his intention and has given such women an opportunity to withdraw.

10. Distraint of goods or chattels of defaulter.— The Secretary shall distraint any goods or chattels of the person named in the warrant of distraint:

Provided that—

(a) (1) the necessary wearing apparel, cooking vessels, beds and bedding of the defaulter, of his wife and children and such other personal ornaments as in accordance with religious usage, cannot be parted with by any woman;

(2) the tools of artisans;

(3) if the defaulter is an agriculturist his implements of husbandry, seed, grain and such cattle as may be necessary to enable him to earn his livelihood shall not be distrained.

(b) the property distrained shall be as nearly as possible, equal in value to the amount recoverable under the warrant of distraint and if any property has been distrained which in the opinion of the person authorised to sign the warrant of distraint should not have been so distrained, it shall forthwith be returned to the person in whose possession it was at the time of distraint.

11. Inventory of goods and chattels distrained and notice for Sale.— The Secretary shall forthwith make an inventory of the goods and chattels which he has seized under warrant of distraint and shall at the same time give a written notice of sale in Form V hereto to the person in whose possession it was at the time of seizure, that the said goods and chattels shall be sold if he fails to pay within seven days from the date of receipt of notice, the amount recoverable under the notice of sale together with the cost of recovery:

Provided that, the Secretary shall not remove any property distrained but shall keep it with the defaulter on his giving a surety for the amount equal to the value of the property distrained, whenever required:

Provided further that, when the property distrained is subject to speedy and natural decay, or when the expenses of keeping it in custody together with the amount to be recovered is likely to exceed its value, the person by whom the warrant was signed shall at once give notice to the person in whose possession the property was when distrained, to the effect that it will be sold at once, and shall sell it accordingly, unless the amount specified in the warrant of distraint is paid forthwith:

Provided also that, after the property is distrained and before it is removed, the sum due by the defaulter together with all cost, penalty and fees incidental to the service of notices and warrant of distress of the property are paid, the Secretary shall not remove the property.

12. Copy of notice for sale to be affixed at Village Panchayat Office.— A copy of the notice for sale shall also be affixed at the office of the Village Panchayat.

13. Auction of goods and chattels seized.— The goods and chattels seized shall, after the expiry of the period named in the notice for sale, be sold by the Village Panchayat by public auction held at the office of the Village Panchayat:

Provided that no servant or office bearer including Secretary or member of the Village Panchayat, shall be permitted to bid at such auction.

14. Disposal of surplus sale proceeds.— The surplus, if any, of the sale proceeds of the distrained goods and chattels shall after satisfying the claims of the Village Panchayat shall be paid to the person in whose possession the goods and chattels were at the time of distraint.

15. Cost of maintaining livestock.— The cost of maintaining any livestock seized shall be chargeable at the following rates, namely:—

- | | |
|---|----------------------|
| (1) For every buffalo, horse mare, pony, bull, bullock or cow | ...Rs. 25.00 per day |
| (2) For every colt, calf, heifer, mule or ass. | ...Rs. 20.00 per day |
| (3) For every pig, sheep, lamp, goat or kit | ...Rs. 15.00 per day |
| (4) For every bird including cock, hen | ...Rs. 10.00 per day |

16. Recovery as an arrears of land revenue.— If a Village Panchayat is unable to recover a tax or fee or other sum due to it as aforesaid, the Secretary may furnish to the respective Mamlatdar of Taluka, a statement of the arrears due with a request for the recovery of the same and, on receipt of such statement of arrears the said Mamlatdar shall proceed to recover the same in accordance with the provisions of the Goa Land Revenue Code, 1968 (Act 9 of 1969) and the Rules made thereunder.

III. Recovery of Zilla Panchayat Dues

17. Person to recover the amount due to Zilla Panchayat.— The Chief Executive Officer or an Officer duly authorised by him in writing in this behalf (hereinafter referred to as the authorised Officer), shall recover or cause to be recovered the tax or fee or rent or any other dues imposed or levied by the Zilla Panchayat.

18. Receipt for payment.— For all sums paid on account of any tax or fee or other amount due to the Zilla Panchayat, under the Act or under any rules or regulations made thereunder, a receipt shall be issued by the person receiving the same.

19. Notice of demand.— Every Notice of demand under clause (b) of sub-section (1) of section 197 of the Act, shall be in Form III hereto which shall be signed by the Chief Executive Officer or the Authorised Officer.

20. Warrant of distraint.— Every distraint warrant issued under sub-section (3) of section 197 of the Act, shall be in the Form IV hereto, which shall also be signed by the Chief Executive Officer or the Authorised Officer.

21. Inventory of goods distrained and notice for sale.— The inventory of the goods distrained made under sub-section (4) of section 197 of the Act and notice for sale shall be in Form V hereto which shall be signed by the Chief Executive Officer of the Authorised Officer.

22. Applicability of procedure to Zilla Panchayat.— The procedure specified in sub-rule (2) of rule 6 and in rules 10 to 16, shall *mutatis mutandis* apply to the recovery of Zilla Panchayat dues and the work “Secretary” wherever appears, shall be construed as “Chief Executive Officer” or “Authorised Officer” and word “Village Panchayat” as “Zilla Panchayat”.

IV. Recovery of Rent of Premises

23. Recovery of rent of premises of Panchayat or Zilla Panchayat.— The Secretary of the Panchayat or the Chief Executive Officer or the Authorised Officer as the case may be, in the event of failure to execute the warrant of distraint for the recovery of rent of the premises auctioned or leased by the Panchayat or the Zilla Panchayat, as the case may be, or that the amount so recovered by executing the warrant of distraint fall short to cover up the total sum due from the defaulter or the lessee or auction/holder “towards the payment of rent” alongwith all incidental charges to the Panchayat or the Zilla Panchayat, as the case may be, shall be recovered as provided in these Rules, after sealing and or locking the premises leased or auctioned by the Panchayat or Zilla Panchayat, as the case may be, and that the same shall continue to be sealed and or locked until the amount due to the Panchayat or Zilla Panchayat as the case may be, is fully paid by the defaulter or the lessee:

Provided that the Secretary of the Panchayat or the Chief Executive Officer or Authorised Officers as the case may be, may release the premises sealed or locked, if the defaulter produces a bank guarantee to clear the dues within a certain period not exceeding one month from the date of sealing or locking the premises:

Provided further that, the lessee or auction holder or any person occupying the premises auctioned or leased by the Village Panchayat or the Zilla Panchayat, as the case may be, shall not claim any compensation or loss caused to him for closure of business due to sealing or locking the premises by the Secretary of the Panchayat or the Chief Executive Officer or the Authorised Officer, for the purpose of effecting the recovery of Panchayat or Zilla Panchayat dues, as the case may be.

24. Prosecution of a defaulter.— (1) If for any reason the distraint or sufficient distraint of the defaulter’s property is impracticable, the Sarpanch of the Panchayat or the Chief Executive Officer, as the case may be, may prosecute the defaulter before a Magistrate.

(2) Every person who is prosecuted under sub-rule (1) above, shall be liable on proof to the satisfaction of the Magistrate that he wilfully omitted to pay the amount due by him or that he wilfully prevented distraint or sufficient distraint, to pay a fine not exceeding twice the amount which may be due by him on account of,—

(i) the tax, fee or other amount due and the fee on notice of demand, if any, and

(ii) if distraint has taken place, the distraint fee and the expenses incidental to the detention and sale, if any, of the property so distrained.

(3) Whenever any person is ordered to pay under sub-rule (2), the Magistrate, shall in addition to any fine which may be imposed, recover summarily and pay over to the Village Panchayat or Zilla Panchayat, as the case may be, the amounts, if any, due under clauses (i) and (ii) of sub-rule (2) above and may in his discretion; also recover summarily and pay the Village Panchayat or the Zilla Panchayat, such amount, if any, as he may fix as to the costs of the prosecution.

FORM No. I

(See rule 4)

RECEIPT

Receipt Book No. Receipt No.

The Village Panchayat of received with thanks from.....
Rupees on account of

Date:

Reference to cash entry

Book:

Page No.:

Signature

Seal of Panchayat

Name and Designation of
Issuing Officer:

Instruction covering the use of Form I:—

- (a) Each receipt book shall have a serial number, and each receipt which shall be in duplicate for use with carbon paper shall have a serial number within the book. Both book number and receipt, whether original or duplicate.
- (b) The seal of the Panchayat shall be affixed to each receipt before it is issued. The carbon copy shall be retained and the original issued.

FORM - II

(See rule 5)

BILL OF DEMAND

..... Panchayat Bill of taxes/fees/other dues for
the period ending Book No.....Bill
No. Name of the Assessee..... Address of the
Assessee

The taxes/fees/other dues shown below amounting to Rs. are due from you in respect of and you are required hereby to pay the same to the Panchayat within fifteen days from the date of presentation of this bill, failing which, a notice of demand will be issued and a fee charged therefor in addition to the taxes due. If the sum demanded in the said notice of demand is not paid or cause shown to the satisfaction of the undersigned as to why the same should not be paid, the sum due with all costs will be recovered by distraint and sale of the movable property under section (4) of section 154 of the Goa Panchayat Raj Act, 1994.

Nature of the Tax	Arrears	Current	Total Rs.
(1) House Tax in respect of
(2) Land Tax in respect of
(3) Water rate in respect of

(4) Other items
 Total
 Station:
 Date:

Secretary of the Panchayat

FORM - III
 [See rules 6 (I) and 19]
 FORM OF NOTICE OF DEMAND

To,
 A. B. residing at

Take notice that the Village Panchayat/Zilla Panchayat ofdemand from the sum of Rs. due from.account of (here describe the nature of the tax or sum, due to the Panchayat/ /Zilla Panchayat under the Act or Rules or regulations or bye-laws as the case may be) in respect of for the period of commencing on the day of19..... and ending on the day of 19 and that if within thirty days/fifteen days from the date of service of this notice of the demand, the said sum, together with Rs.paiseas fee for this notice of demand is not paid into the office of the Panchayat/Zilla Panchayat, at , or sufficient cause for non-payment is not shown to the satisfaction of the undersigned, a warrant of distraint shall be issued for the recovery of the same, with costs.

Dated thisday of 19

Secretary of the Village
 Panchayat/
 Chief Executive Officer/Authorised
 Officer of the/
 Zilla Panchayat

FORM - IV
 [See rules 7(1) and (20)]
 FORM OF WARRANT OF DISTRAINT

(Here insert the name of the Secretary/Officer charged with the execution of Warrant)

Whereas Shri/Smt..... residing at..... has not paid the sum of Rs. due toVillage Panchayat/ Zilla Panchayat for the tax/fee for which a notice of, demand was served on him/her on

This is to command you to distraint the goods and chattel of the said to the amount of Rs..... being the amount due from him as follows:

Rs. P.

On account of the said tax/fee/rent.

For service of notice of demand ...

For service of Warrant of Distrain...

Penalty of ten percent on amount due ...

and forthwith to certify to me, together with this warrant, all particulars of the goods distrained by you, thereunder.

Dated day19

Sarpanch/Dy. Sarpanch/Chief
Executive Officer/Authorised
Officer:

FORM - V

[See rule 9 (1) (iii)]

FORM OF INVENTORY AND NOTICE OF SALE

To,

A. B. residing at

Take Notice that I have this day of distrained the goods and chattels specified in the inventory hereunder for the value of due from on account of tax/fee together with Rs. due as fee for service of notice of demand, fee for warrant of distrain and that unless within seven days from the date of this notice, you pay into the Office of Panchayat of/ Office of Zilla Panchayat of the said amount together with the cost of recovery, the said goods and chattels will be sold.

Dated the day of19

Secretary of the Village
Panchayat of
Chief Executive Officer/
/Authorised Officer of
Zilla Panchayat.

Inventory of Articles
Particulars of items seized

Approx. Value

Secretary of the village
Panchayat of
Chief Executive Officer/
/Authorised Officer of
Zilla Panchayat.

By order and in the name of the Governor of Goa.

K. N. S. Nair, Director of Panchayats and Ex-Officio Jt. Secretary.

Panaji, 10th January, 2000.

(Published in the Official Gazette, Series I No. 42 dated 17-1-2000—Extraordinary No. 3).

Notification

17/28/DP/ACT-AUDIT/95

Whereas the draft of the Goa Panchayats (Accounts, Audit and Custody of Funds) Rules, 1995, was published as required by sub-section (1) of section 240 of the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994), at pages 235 to 238 of the Official Gazette, Series I No. 23, dated 7-9-1995 under Notification No. 17/28/DP/ACT-Audit/95, dt. 11-8-95 of the Department of Community Development and Panchayats, inviting objections and suggestions from all persons likely to be affected thereby before the expiry of thirty days from the date of publication of the said Notification in the Official Gazette;

And Whereas the said Gazette was made available to the public on 7th September, 1995;

And Whereas, vide subsequent Corrigendum/Notification No. 17/28/DP/ACT-AUDIT/95, dated 4th October, 1996, of the Department of Panchayat Raj and Community Development, published at pages 387 to 392 of the Official Gazette, Series I No. 32, dated 7-11-1996, the forms prescribed under the said Rules, 1995 and which were not published alongwith the Rules, 1995, for objections/suggestions, were published inviting objections/suggestions thereto from all persons likely to be affected thereby before the expiry of fifteen days from the date of publication of the said Corrigendum/Notification in the Official Gazette;

And Whereas, the said Gazette was made available, to the public on 7th November, 1996;

And Whereas, no objections/suggestions have been received from the public on the said draft Rules and Forms by the Government.

Now, Therefore, in exercise of the powers conferred by **sections 184 and 187** read with sub-section (1) of section 240 of the Goa Panchayat Raj Act, 1994 (Act 14 of 1994), and in supersession of the Goa, Daman and Diu Village Panchayat (Accounts and Audit and Custody of Funds) Rules, 1963, the Government of Goa hereby makes the following rules, namely:—

1. Short title and commencement.— (1) These rules may be called the Goa Panchayats (Accounts, Audit and Custody of Funds) Rules, 1997.

(2) They shall come into force at once.

2. Definitions.— In these rules, unless there is anything repugnant in the subject or context,—

(a) “Act” means the Goa Panchayat Raj Act, 1994 (Act 14 of 1994);

(b) “Auditor” means the Director of Accounts and/or his deputies or any other person appointed by the Director of Accounts to perform the duties of an auditor;

(c) “B. D.O.” means the Block Development Officer of the concerned Block;

(d) “Bank” means the State Co-operative Bank or any other Scheduled Bank;

(e) “Director” means the Director of Panchayats;

(f) “Director of Accounts” means Director of Accounts of the Government of Goa;

(g) “Form” means the Form appended to these rules;

(h) “Panchayat Fund” means the fund referred to in section 161 of the Act;

(i) “Year” means the financial year commencing from 1st of April, and in the first year of functioning, the date from which Panchayat starts functioning, and ending on 31st of March.

CHAPTER - I

General Principles and Rules

3. (1) A Panchayat Fund shall be jointly administered by the Secretary and the Sarpanch of the Panchayat and shall be held in the Bank.

(2) Such sums as may be specified by the Director shall also be held in the Panchayat Office.

4. (1) The Secretary and the Sarpanch of the Panchayat shall jointly operate the Accounts of the Panchayat Fund;

(2) The Secretary and the Sarpanch shall be responsible for the safe custody of the moneys kept in the Panchayat Office.

(3) The Secretary shall furnish a security in such form and for such amount as may be specified by the Director.

(4) The Director may also demand a security from such persons as are actually incharge of cash transaction of a Panchayat, if he deems necessary, in such form and for such amount as may be specified by him.

5. The Secretary shall not, without the previous sanction of the Government, make any addition to, alteration in or modification of, any register or form specified in these rules or introduce any new form.

6. The Secretary may, for administrative convenience, maintain such Registers as may be auxiliary to the account books specified in these rules, but such Register will not be recognised as account books specified in these rules.

7. The accounts shall be maintained separately for each year.
8. The accounts shall be kept in the language in which the Panchayat decides to keep its proceedings under rule 34 of the Goa Panchayat (Meetings) Rules, 1996.
9. All books of accounts and registers shall be strongly bound. No accounts shall be prepared in loose sheets or loosely bound vouchers.
10. Cash Book and Receipt Books shall be serially machine numbered and each page shall be stamped with the Panchayat seal, certified by B. D. O. or the officer authorised by the Director. The pages of all other accounts books shall also be serially numbered. No page shall be torn or removed from any account book. Pages may, when necessary, however be cancelled by drawing a line through them and writing "Cancelled". Such cancellation should be attested by the Secretary and the Sarpanch.
11. No erasures or overwritings shall be made in any account books. Corrections shall be made, if required, in red ink by drawing a line through the wrong entry and writing the correct figure in a nearby space. All such corrections shall be properly attested by the Secretary and the Sarpanch.
12. All money transactions to which any member, Secretary, or an employee of a Panchayat is a party in his official capacity, shall forthwith and without any reservation be brought to account in the appropriate register and all money received by such member, Secretary or employee, as the case may be, shall form part of the Panchayat Fund. Any person paying money for being credited to the Panchayat Fund shall present it to the Secretary or the person authorised to collect such sum.
13. As soon as any sum is received by a person authorised to receive, a receipt in Form No. 4 duly signed and dated shall be issued out of a Printed Book containing the receipt form in duplicate by using double aided carbon. The original receipt shall be made over to the person concerned and the carbon duplicate shall be retained for record.
14. Any person having a claim against Panchayat shall present a voucher duly receipted and stamped with a receipt stamp for such value as specified under the Indian Stamp Act, 1899 and the rules made thereunder.
15. The bills shall be prepared and signed in ink. No payment shall be made on a voucher or order signed by a person other than the Secretary. No money shall be paid on a voucher or orders signed with a rubber or facsimile stamp. When the acquittance on a voucher is given by a mark or seal or thumb impression, it shall be attested by some known person. After payment, every voucher shall be kept on record in such manner as may be specified by the Director of Accounts.
16. Every voucher shall bear or have attached to it an acknowledgement of the payment, signed by the person for whom or in whose behalf the claim is put forth. No payment shall be made in the absence of the necessary acknowledgement. If a voucher is lost, a certificate of payment prepared in manuscript and signed by the Secretary and endorsed, if necessary, by his superior officer, shall be placed on record. Full particulars of the claim shall invariably be set forth.

17. Date of payment shall, whenever possible be noted by the payees in their acknowledgement. If, for any reason, such as illiteracy, on the presentation of a receipt in anticipation of payment, it is not possible to note the date of payment by the payee, the date of payment shall be noted by the Secretary under his initials.

18. In the cases of payment made by remittance through post office, the postal money order receipt shall be kept with the voucher. In the case of payment for articles received by value payable post, the value payable cover together with the invoice or bill showing the details of the item paid for shall be kept with the voucher.

19. No duplicate or copy of a receipt granted for money received or of a bill or other document for payment of money which has already been paid, shall be issued on the ground that the original has been lost. If any necessity arises for such a document, a certificate may be given that on a specified day, a certain sum on a certain account was received from or paid to a certain person.

CHAPTER - II

Forms of Accounts and how to be maintained

20. The accounts of a Panchayat Fund shall be maintained in the forms appended to these Rules in accordance with the instructions given in the said forms and the provisions of the following instructions.

(i) *General Ledger*:— A record of the current account of the Fund under para 1 shall be maintained in a General Ledger—Abstract Register in Form No. 1, under the different minor detailed heads. — This Ledger shall be maintained in two volumes — one for receipts and the other for expenditure and one page allotted to each minor, detailed head;

(ii) *Control Ledger*:— In addition to the General Ledger, a Control Ledger shall also be maintained in Form No. 2 to record totals of transactions under all minor detailed heads, within a budget group in a month as recorded in the General Ledger;

(iii) *Cash Book*:— All the transactions of one day shall be entered in a cash book in Form No. 3 on that day and each entry in the cash book shall be attested in the appropriate place by the Secretary of the Panchayat. At the end of the day, the closing cash balance should be separately exhibited as cash on hand and cash in Bank. On the last working day of the month a certificate shall be recorded in the cash book to the effect that cash on hand has been physically verified and closing balance agrees both with cash in hand and cash in bank as verified from the Pass Book Certificate;

(iv) *Receipt and Register of Receipts*:— All payments must be fully supported by payee's bills and receipts. Save as otherwise provided, all receipts of money shall be acknowledged by a receipt in Form No. 4. A register of Receipt Book shall be maintained in Form No. 5 and shall be kept with the stock of new and returned Receipt Books under lock and key on the responsibility of the Secretary;

(v) *Registers of properties and Assets*:— All property vested in the Panchayat shall be entered in a Register of properties and Assets in Form No. 6. In addition to all items of furnitures and other equipment, this register shall contain a list of buildings, land

and the like which is vested in the Panchayat. Whenever any property is acquired or disposed of it shall be entered in the Register of properties and Assets;

(vi) *Assessment and Demand and Collection Register*:— A list of all persons liable to pay any rate, tax, cess or fee and the amount to be paid by them in respect of each such rate, tax, fee shall be maintained separately for assessment in Form No. 7 and demand and collection in Form No. 8. The Secretary of the Panchayat shall be responsible for causing preparation of such Assessment and Demand and Collection Registers and maintaining the same in the office of the Panchayat;

(vii) *Register of Conditional Grants sanctioned during the year*:— A Register shall be maintained in Form No. 9 for record of conditional grants given for special and specific purpose under section 160 of the Act or under any special orders and expenditure therefrom.

21. Monthly and Annual Accounts.— (a) Every Panchayat shall, at the end of each month as well as at the end of the year, prepare an Account in Form No.10 showing the receipts and payments classified under the several Heads of Account contained in the Budget Estimates.

(b) The totals of the details under each head of receipt and payment as given in account shall agree with the figure under the same heads in the General Ledger.

(c) The details of the balance in the office and in the Bank shall be separately shown in the account and a certificate that the closing balance as shown in the accounts has been compared with that shown in the cash book and the Bank Pass Book, Certificate, and found to be correct shall be appended to the account. A memo explaining the differences, if any, shall also be attached to the certificate. Certificate showing the 'Monthly Closing Balance' in the Account shall be obtained and kept on record.

(d) The accounts shall be checked by the auditors with reference to the Account Books.

22. Pass Book.— (a) The Pass Book of the Bank shall be under the lock and key of the Secretary.

(b) He shall examine the Pass Book/Certificates from time to time and shall immediately call the attention of the Bank to any discrepancy that may appear.

CHAPTER - III

Audit

23. (i) The accounts of a Panchayat shall be audited once a year by the Director of Accounts.

(ii) Detailed checks to be exercised during audit shall be specified by him.

(iii) Test audit may be made by the Audit Officer of the Government of Goa as and when considered necessary by him.

(iv) The auditing officer in his report shall certify as to whether the accounts of a Panchayat are maintained in the manner specified and grants made are spent as authorised.

24. The Audit Officer shall, within one month after the completion of audit, submit a copy of the audit report to the Panchayats and to the Chief Executive Officer.

CHAPTER - IV
Budget Estimates

25. (i) The Budget estimate of a Panchayat shall be prepared by the Secretary in Form No. II appended to these rules not later than 15th February and forwarded to the concerned Block Development Officer not later than the 1st of March.

(ii) Suitable minor and detailed heads may be added to the Budget heads as specified in Form No. 11 as may be necessary with the approval of the concerned Block Development Officer in consultation with the Director of Accounts.

(iii) A copy of the revised and Supplementary Budget Estimates shall be forwarded to the Director within 15 days of its approval by the Panchayat.

(iv) All budget estimates, original, revised and supplementary shall be passed before the Financial year to commence on the first day of April next following and the budget as passed by the Panchayat shall be forwarded to the Zilla Panchayat, if any, before such date as fixed by the Government.

CHAPTER - V
Miscellaneous

26. *Preservation of Accounts Records.*— All the account records shall be preserved for such time as may be specified by the Director of Accounts from time to time and no account record shall be destroyed without his written permission.

FORM No. 1

[See rule 20 (i)]

General Ledger-Abstract Register

Receipt						@ Item
Expenditure						
Date	Short Particulars	Amount	C. B. Folio	Progressive	Total	
1	2	3	4	5	6	

@ According to the classification of Minor item under Budget Heads.

FORM No. 2

[See rule 20 (ii)]

Control Ledger-Abstract Register

Receipt

Group of Item

Expenditure

Month	Short Particulars	Amount	Progressive	Total
1	2	3	4	5

FORM No. 3

[See rule 20 (iii)]

Cash-Book

For the year 1919

Receipt

Expenditure

Date	Particulars [full details with reference (to) etc.] to any receipt	Amount	Total	Classi- fication	Ledger	Date	Particulars (full details of claims Scheme)	Amount	Total	Classi- fication	Ledger Folio
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)

FORM No. 4

[See rule 13 and rule 20 (iv)]

Receipt

Receipt Book No.

Receipt No.

The Received with thanks from.....
 Rupees (.....) on account of
 Date

Book Reference to cash entry.

Page No.

Signature and Designation of
Issuing Officer

Instructions covering the use of Form No. 4:—

(a) Each Receipt Book shall have a Serial number, and each receipt which shall be in duplicate for use with carbon paper, shall have a serial number within the book. Both, Book number and receipt number shall be machine numbered on each receipt, whether original or duplicate.

(b) The Seal of the Panchayat shall be affixed to each Receipt before it is issued. The carbon copy shall be retained and the original issued.

FORM No. 5

[See rule 20 (iv)]

Register of Receipt Book

Sr. No. of entry	Date	Sr. No. of each receipt book received into stock (give one line for each book)	Sr. No. of receipt in the book	Signature of person to whom issued with date of issue	Date of return of receipt book and other remarks	Balance quantity of receipt book in stock	
						New	Used
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

FORM No. 6

[See rule 20 (v)]

Register of Properties and Assets

Sr. No. of entry	Date of Acquisition	Particul- ars of property	Price paid	Where placed or situated	How disposed of		Signature of Attesting Officer	Remarks (give all relevant office references)	Certificate of verification
					Date	Amount realized, if sold			
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)

FORM No. 7

[See rule 20 (vi)]

Assessment Register

Sr. No.	Name of the Tax Payer	House No. of the Tax Payer	Name of Tax		Additional column according to the No. of taxes	Total	Remarks		
			Amount Assessed	Amount Assessed					
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)

FORM No. 8

[See rule 20 (vi)]

Demand and Collection Register

Name of tax payee Ward No.

Details of tax

Yearwise Demand and the amount collection																	
Reference Sr. No. in the Register of Assessment	Arrears of Tax (P/F from previous year)	Years demand	Total Tax payable columns [(2)+(3)]	Amount paid Receipt and date	Arrears of tax (B/F from previous year)	Years demand	Total Tax payable column (6)+(7)	Amount paid receipt and date	Arrears of taxes (B/F from previous year)	Years demand	Total tax payable columns (10)+(11)	Amount paid receipt & date	Arrears of tax (B/F from previous year)	Years demand	Total Taxes payable columns (14)+(15)	Amount paid receipt No. and date	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)

FORM No. 9

[See rule 20 (vii)]

Register of conditional grants sanctioned during the year

Sr. No.	No. and date of the sanction	By whom sanctioned	Purpose for which given	Period within which to be spent	Amount of the grant	No. and date of Treasury voucher on which the amount is drawn	Amount sent by Panchayat			Remarks
							No. and date of voucher	Amount drawn	Balance after each transaction	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)

FORM No. 10

[See rule 21 (a)]

Annual

Account of Income and Expenditure of Panchayat for the year

Monthly

Particulars of Income	Amount	Particulars of Expenditure	Amount
Income		Expenditure	
Closing of the last <u>month</u> year		Closing of the current <u>month</u> year	
Budget Heads		Budget Heads	

FORM No. 11

[See rule 25 (i)]

Expenditure

Receipts	Sanction estimate of the previous year	Actuals of the previous year	Sanctioned estimate of the current year	Actuals of current year	Budget estimate of ensuing year		Current year	Ensuing year	Sanctioned estimate of the previous year	Actual of the previous year	Sanctioned estimate of the current year	Estimate actuals of current year	Budget estimate of ensuing year	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)
1. Opening Balance.							1. Administration							
2. Grants from Government							2. Sanitation and Public Health and Family Welfare.							
(1) Special.							3. Public Works.							
(2) General.							4. Planning and Development.							
3. Other Grants							5. Social Welfare.							
(1) Local Authorities.							6. Education and Culture.							
(2) Private.							7. Rural Housing.							
4. Proceeds of taxes, fees etc. under section 153 of the Act.							8. Drinking Water.							
5. Proceeds of other loans, etc.							9. Poverty Allevia- tion Programme.							
6. Sale proceeds.							10. Libraries.							
							11. Rural Sanitation.							
							12. Construction and							

- | | |
|----------------------------|--|
| 7. Extraordinary receipts. | maintenance of slaughter houses and cattle pounds. |
| | 13. Miscellaneous. |
-

By order and in the name of the Governor of Goa.

G. G. Kambli, Director of Panchayats & Ex-Officio Joint Secretary.

Panaji, 4th June, 1997.

(Published in the Official Gazette, Series I No. 15 dated 14-7-1997—Extraordinary).

Notification

27/DP /PAN/IRR/98

Whereas, the draft of the Goa Panchayat Raj (Write off irrecoverable amounts) Rules, 1999, was published as required under sub-section (1) of section 240 of the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994) in the Official Gazette, Series I No. 26, dated 23-9-99, under Notification No. 27/DP/PAN/IRR/98 dated 26-7-99, of the Department of Panchayati Raj and Community Development inviting objections and suggestions from all persons likely to be affected thereby before the expiry of fifteen days from the date of publication of the said Notification in the Official Gazette;

And whereas, the said Gazette was made available to the public on 23-9-1999;

And whereas, no objections and suggestions have been received from the public on the said draft by the Government.

Now, Therefore, in exercise of the powers conferred by **section 186 read with section 193** and sub-section (1) of section 240 of the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994), the Government of Goa hereby makes the following rules, namely:—

1. Short title and commencement.— (1) These rules may be called the Goa Panchayat Raj (Write off irrecoverable amounts) Rules, 1999;

(2) They shall come into force at once.

2. Definitions.— In these rules, unless the context otherwise requires,—

(a) “Act” means the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994);

(b) “Section” means a section of the Act;

(c) Words and expression used but not defined in these rules shall have the same meaning as assigned to them under the Act.

3. Statement of irrecoverable amounts to be laid before the Panchayat or the Zilla Panchayat.— The Secretary of the Village Panchayat or the Chief Executive Officer of the Zilla Panchayat, as the case may be, shall prepare at the end of every half of financial year, a statement of the arrears of sums due to the Panchayat or the Zilla Panchayat, as the

case may be, on account of any tax, fee, rate or other amount whatsoever whether under a contract or otherwise, or any sum payable in connection therewith, which in his opinion are irrecoverable and shall, with the reasons for non-recovery, place such statement before the Panchayat or the Zilla Panchayat, as the case may be, at its next meeting.

4. Entrustment of recovery of dues to the Taluka Revenue Office.— The Village Panchayat or the Zilla Panchayat, as the case may be, shall before considering the question of write off, make a request to the Mamlatdar incharge of Taluka revenue office to recover the sum due as provided under sub-section (6) of section 154 or sub-section (6) of section 197 of the Act, as the case may be, as an arrears of land revenue.

5. Powers of Panchayat to write off in certain cases.— The Village Panchayat may, on the ground of poverty, write off arrears of the following sums due to it which are irrecoverable, namely:—

(a) house tax or any sum payable in connection therewith due from any person living in a hut and does not own any property within or outside the jurisdiction of the Village Panchayat, subject to a maximum of Rs. 25/- in each case; and

(b) tax on entertainment or any sum payable in connection therewith due from any person whose whereabouts are not available, subject to a maximum amount of Rs. 200/- in each case.

6. Powers of Zilla Panchayat to write off in certain cases.— Where the recovery of arrears of sum due is entrusted to the Mamlatdar under rule 4 of these rules Zilla Panchayat may, on receipt of a report from the Mamlatdar concerned that the recovery cannot be made, write off the sums due in cases where such sums do not exceed five thousand rupees and in other cases with the approval of the Government.

7. Tax, fee, rate or other amount due to be written off by Village Panchayat.— Where the recovery of any arrears of tax, fee, rate or other amount of sum due is entrusted to the Mamlatdar under rule of these rules, the Village Panchayat may, on a receipt of report from the Mamlatdar that such dues are irrecoverable, write off such tax, fee, rate or other amount or sums due not exceeding one thousand rupees and in other cases with prior approval of the Government.

8. Amount written off to be entered in a register.— If the Village Panchayat or Zilla Panchayat, as the case may be, write off any arrears of amount or sums due to it, such items of arrears written off shall be entered in a Register of write off irrecoverable amounts in the form hereto.

FORM

(See rule 8)

Register of write off Irrecoverable Amounts

Name of Panchayat Zilla Panchayat

Sr. No.	Name of the person from whom the sum is due	Reference to the entry in the demand Register	Description of the sum due	Period to which it relates	Amount	Warrant fee, if any	Warrant No., if any	Ground on which write off is sanctioned	Reference to the orders of the *Panchayat or Zilla Panchayat or other Competent Authority sanctioning the write off	Amount written off	Initials of the *Secretary/ /*Chief Executive Officer
1	2	3	4	5	6	7	8	9	10	11	12

* Delete which is not applicable.

By order and in the name of the Governor of Goa.

G. G. Kambli, Director of Panchayats and Ex-Officio Jt. Secretary.

Panaji, 28th February, 2000.

(Published in the Official Gazette, Series I No. 52 dated 2-3-2000).

Notification

9/DP/SFC/96

Whereas the draft of the Goa Panchayat Raj (Qualifications and other Conditions of Service of Chairman and members of the Goa State Finance Commission) Rules, 1996, were published as required by sub-section (1) of section 240 of the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994), at pages 585 to 587 of the Official Gazette, Extraordinary No.2, Series I No. 41, dated 9-1-1997, under Notification No. 9/DP/SFC/96 dated 7-1-1997 of the Department of Panchayat Raj and Community Development, inviting objections and suggestions from all persons likely to be affected thereby before the expiry of fifteen days from the date of publication of the said Notification in the Official Gazette;

And whereas, the said Official Gazette was made available to the public on 9th January, 1997;

And whereas, no objections/suggestions have been received from the public on the said draft by the Government.

Now, therefore, in exercise of the powers conferred by **sub-sections (3) and (7) of section 199** read with sub-section (1) of section 240 of the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994), the Government of Goa hereby makes the following rules, namely:—

1. Short title and commencement.— (1) These rules may be called the Goa Panchayat Raj (Qualifications and other Conditions of service of Chairman and members of the Goa State Finance Commission) Rules, 1997.

(2) They shall come into force at once.

2. Definitions.— In these rules, unless there is anything repugnant in the subject or context,—

(a) “Act” means the Goa Panchayat Raj Act, 1994 (Goa Act No.14 of 1994);

(b) “Chairman” means Chairman of the Commission;

(c) “Commission” means the Goa State Finance Commission constituted by the Governor pursuant to clause (1) of Article 243-I of the Constitution read with section 199 of the Act;

(d) “Government” means the Government of Goa.

3. Qualification for appointment as Chairman and members of the Commission.— The Chairman of the Commission shall be an eminent person, who is well versed in administrative and financial matters or a person with experience in public affairs and the other members of the Commission shall be selected from amongst the person who,—

(a) have special knowledge of the finance and accounts of the Government; or

(b) have had wide financial and administrative experience; or

(c) have special knowledge or experience of the local self Government in urban areas or rural areas:

Provided that one of the members of the Commission shall be a person who is holding or has held a post not lower in rank than that of the Joint Secretary to the Government and he shall be the Member Secretary of the Commission.

4. Disqualification for being the Chairman or member of the Commission.— A person shall be disqualified for being appointed as or for being a Chairman or a member of the Commission,—

(a) if he is of unsound mind; or

(b) if he is an undischarged insolvent; or

(c) if he has been convicted of an offence involving moral turpitude; or

(d) if he has such financial or other interest as is likely to affect prejudicially his function as the Chairman or member of the Commission.

5. Term of office of chairman and members.— The Chairman and every member of the Commission shall hold office for a period of five years but shall be eligible for re-appointment.

6. Conditions of service and salaries and allowances of the Chairman and members.— (1) The Chairman and the members of the Commission shall render whole time or part-time services to the Commission as the Governor may in each case specify.

(2) The Chairman and other members of the Commission shall be paid fees or salaries or honorarium and such allowances as the Government may, by order from time to time determine.

7. Accommodation.— The Chairman of the Commission may, if he does not own a house at the headquarters of the Commission and if he so desires, be provided with unfurnished residence subject to the payment of rent and other conditions in accordance with the relevant rules for the time being applicable to officer of Grade I of the Government serving in connection with the administration of the State of Goa.

8. (1) The Commission shall make recommendations relating to the matters as indicated in sub-section (1) of section 199 of the Act and also the matters as indicated in sub-section (1) of section 143 of the Goa Municipalities Act, 1968 (Act 7 of 1969).

(2) The Commission shall examine and recommend measures for augmenting the resources of the local bodies, with a view to making the local bodies financially self supporting on a sustainable basis, with minimum dependence on additional financial support from the Government.

In doing so, the Commission shall recommend measures for:—

(a) widening the resource base by examining the potential available with the local bodies by way of fiscal levies, fees, etc.;

(b) updating the rates at which the present resources are being mobilised, like charging economic rates for the civic facilities such as water; and

(c) improving the methodology of collection, etc.

(3) The Commission shall also:—

(a) examine the extent to which and the manner in which the resources available to the Panchayats, Zilla Panchayats and the Municipal Councils could best be utilised for meeting the expenditure of these bodies and make recommendations on the measures needed to improve their financial position;

(b) make detailed analysis of the outstanding debt position of the Panchayats, Zilla Panchayats and the Municipal Councils and make suitable recommendations regarding,—

(i) the principles and the procedure to regulate the borrowing powers of the Panchayats, Zilla Panchayats and the Municipal Councils;

(ii) the steps needed to contain their debt liability taking into account their resources position;

(iii) the manner in which the repayment of Government dues could be ensured and the possibility of adjusting these dues against future devolution of revenue from the Government to these bodies.

(4) In making its recommendations, the Commission shall have regard, among other considerations for—

(a) the resources of the Government and the demands thereon, in particular, on account of expenditure on civil administration, police, social and economic services, debt servicing and all other committed expenditure for liabilities and Non-Plan revenue expenditure;

(b) the projected gap between the revenue receipts and revenue expenditure (Non-Plan or Non-Developmental or both) of the Panchayats and the Municipalities in the State for five years from 1st April, 1996, on the basis of their levels of taxation likely to be needed in 1996-97;

(c) the measures and the extent to which the Panchayats, Zilla Panchayats and the Municipal Councils have exploited the available and potential sources of the revenue and the manner and the extent to which their revenue gap be reduced by such measures;

(d) the principles of the financial assistance from the Government to the Panchayats, Zilla Panchayats and the Municipal Councils as may be determined by the Commission taking into account the provisions of clauses (b) and (c) above.

9. Procedure of the Commission.— The Commission shall determine its own procedure and shall have all the powers of the Civil Court under the Code of Civil Procedure, 1908 (V of 1908) while trying suits, in respect of the following matters, namely:—

(a) summoning and enforcing the attendance of witnesses;

(b) requiring the production of any document; and

(c) requisitioning any public record or any copy thereof from any Court or Office.

(2) The Commission shall have power to require any person to furnish information on such points or matters, as in the opinion of the Commission, may be useful for, or relevant to, any matter under the consideration of the Commission and any person so required shall, notwithstanding anything contained in any other law for the time being in force, be deemed to be legally bound to furnish such information within the meaning of section 176 of the Indian Penal Code.

Explanation:— For the purposes of enforcing the attendance of witnesses, the local limits of the jurisdiction of the Commission shall be the limits of the State of Goa.

By order and in the name of the Governor of Goa.

G. G. Kambli, Director of Panchayats and Ex- Officio Joint Secretary.

Panaji, 8th May, 1997.

(Published in the Official Gazette, Series I No. 6 dated 8-5-1997—Extraordinary).

Notification

20/DP /GPC/97-98

Whereas the draft of the Goa Panchayat Raj (Co-option of members of Standing Committees) Rules, 1999, was published as required by sub-section (1) of section 240 of the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994) at pages 838 to 842 of the Official Gazette, Series I No. 45, dated 5-2-1998, under Notification No. 20/DP/GPC/97-98 dated 15-12-1997 of the Department of Panchayat Raj and Community Development inviting objections and suggestions from all persons likely to be affected thereby, before the expiry of fifteen days from the date of publication of the said Notification in the Official Gazette;

And whereas, the said Gazette was made available to the public on 5-2-1998;

And whereas no objections or suggestions have been received from the public on the said draft rules.

Now, therefore, in exercise of the powers conferred by **section 240** of the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994) the Government of Goa hereby makes the following rules, namely:—

CHAPTER - I

Preliminary

1. Short title and commencement.— (1) These rules may be called the Goa Panchayat Raj (Election of Members of Standing Committees) Rules, 1999.

(2) They shall come into force at once.

2. Definitions.— In these rules, unless the context otherwise requires,—

(a) “Act” means the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994);

(b) “Committee” means a committee constituted under section 63 of the Act;

(c) “Election” means an election to elect a member of the Committee from amongst the member of the Panchayat;

(d) “Presiding Authority” means the Sarpanch and in his absence, the Deputy Sarpanch of the Panchayat and in the absence of both, any member of the Panchayat elected by the members of the Panchayat from amongst themselves;

(e) “Section” means a section of the Act:

(f) “Words and phrases” used but not defined in these Rules, shall have the same meaning as assigned to them in the Act.

CHAPTER - II

Election

3. Procedure for election of members.— (1) The Panchayat shall fix the date, time, place and programme of election of members of the Committees and shall cause the notice thereof to be displayed on the notice board of the panchayat seven days in advance. A copy of notice shall also be affixed at conspicuous places in the Village Panchayat area. A copy of the notice shall also be endorsed to the Block Development Officer for information.

(2) Filling of nomination.— The nomination for election of member of Committee, shall be made before the Presiding Authority by means of a nomination paper in Form I hereto.

(3) Every nomination paper shall be signed by two members of the Panchayat as proposer and seconder respectively and the candidate shall sign a declaration on it expressing his willingness to contest for the election.

(4) Each candidate shall file a separate nomination paper.

(5) Every nomination shall be presented to the Presiding Authority by the candidate or his proposer or seconder on the date, at the place and during the hours specified in the notice for filling nomination papers.

(6) Immediately after the date and time for receipt of nomination papers is over, the Presiding Authority shall publish a list in FORM II hereto, containing the names of the candidates whose nominations have been received.

4. Scrutiny of nomination papers.— (1) On the date appointed for the scrutiny of nominations, the candidate, his proposer and seconder may attend at such place and time

as is specified in the notice, for the scrutiny of nomination papers and the Presiding Authority shall give such persons all reasonable facilities, to examine the nomination papers of all the candidates which have been received.

(2) The Presiding Authority shall then examine the nomination papers and shall decide all objections which may be made at that time to any nomination and may, either on such objection or on his own motion and after such enquiry, if any, as he may deem necessary, reject any nomination on anyone or more of the following grounds, namely:—

(a) That the candidate is not eligible for election as a member of any Committee under the provisions of the Act;

(b) That the candidate is disqualified for being a member of any Committee by a competent authority or by a competent Court of law;

(c) That the candidate is restrained by an order of competent authority or a competent Court of law for being chosen as a member of any Committee;

(d) That the candidate, proposer or seconder, as the case may be, is a person who is not a member of the Panchayat;

(e) That the proposer or seconder is restrained by an order of a competent authority or a competent Court of law from voting:

Provided that the nomination of a candidate shall not be rejected merely on the ground of an incorrect description of his name or the name of his proposer or seconder, or of any other particulars relating to the candidate or his proposer or seconder, if the identity of the candidate, proposer or seconder, as the case may be, may otherwise be established beyond reasonable doubt.

(3) The Presiding Authority shall endorse on each nomination paper his/her decision accepting or rejecting the same and if the nomination paper is rejected, shall record in writing a brief statement of reasons for such rejection.

5. Publication of the list of nominated candidates.— The Presiding Authority shall, before the time fixed for the meeting for election, cause to be published a list containing the names of the validly nominated candidates in Form III hereto by affixing it on the Notice Board of the Panchayat.

6. Withdrawal of Candidature.— A Candidate may withdraw his candidature by giving a notice in writing to that effect to the Presiding Authority within the time limit as specified in the notice. The notice of withdrawal shall be as specified in Form IV hereto.

7. Procedure after publication of the list of validly nominated candidates.— (1) If, there remains after withdrawal, only one candidate, there shall be no voting and such candidate, shall be declared to have been duly elected as the member of the Committee.

(2) If there are two or more such candidates, an election shall be held by secret ballot, and votes of the members present at the meeting shall be taken.

8. Voting and result of election.— (1) The Presiding Authority shall cause arrangements to be made so as to ensure the secrecy of the ballot.

(2) Every member wishing to vote shall be supplied with a ballot paper duly authenticated by the seal and signature of the Presiding Authority, on which names of duly nominated candidates shall be printed/typed/cyclostyled or legibly written in English and Devnagri script in the alphabetical order of their names in the form as specified in Form V hereto.

(3) Every member shall place a cross mark (X) in column (2) of the ballot papers against the name of the candidate for whom he wishes to vote, with a ball pen or a pencil of any colour:

Provided that if a member is illiterate or unable to vote in the above manner on account of illiteracy, the Presiding Authority shall at the request of such member, make the mark on the ballot paper according to the directions of such member.

(4) The member shall then fold up the ballot paper so as to conceal his vote and deposit the same in a ballot box placed in the view of the Presiding Authority or hand over the same to the Presiding Authority.

(5) Every member wishing to record his vote shall do so in person and not by proxy.

(6) The Presiding Authority shall, after the voting is over,—

(a) Count the votes in the presence of such members as may be present and declared the candidate securing the largest number of valid votes to have been elected;

(b) In the event there is an equality of votes between the candidates, draw lots in the presence of the members and the candidate whose name is first drawn shall be declared to have been duly elected.

9. Validity of the ballot paper.— Any ballot paper which bears any mark or signature of any of the voting member by which the voter may be identified or on which the mark (X) is placed against more than one name or in an ambiguous manner or which does not bear the Official seal and signature of the Presiding Authority referred to in sub-rule (2) of rule 9, shall be invalid.

10. Preparation of record of proceedings and publication of result of election.— Immediately after the meeting for election is held the presiding Authority shall,—

(a) Prepare a record of the proceedings of the meeting and sign it, attesting with his initials every corrections made therein, and also permit any member present at the meeting to affix his signature to such record, if he expresses his desire to do so;

(b) Publish on the notice board of the Panchayat a notice signed, by him stating name of the person/s elected as member/s of any committee, and send a copy of such notice in duplicate to the Block Development Officer. Such notice shall be in Form VI hereto.

11. Packing and preservation of election record.— (1) The Presiding Authority shall then make packets of the ballot papers and other papers relating to the election, seal up

the packets, and note thereon a description of the contents, the election to which they relate with the date thereof, and send the same to the Block Development Officer.

(2) The packets shall be retained in the safe custody in the office of the Block Development Officer for a period of one year and shall then, unless otherwise directed by a competent authority or Court, be destroyed.

12. Adjourned meeting.— If, at a meeting called for the election of a member of any Committee, no member is elected for any reason whatsoever, the Presiding Authority shall adjourn the same to another date to be notified by the Panchayat in due course.

13. Dispute regarding election of member.— (1) In the event of any dispute arising as to validity of the election of the members, the dispute shall be referred to the Block Development Officer by the aggrieved person, and the decision of the Block Development Officer thereof shall be final:

Provided that no such dispute shall be entertained by the Block Development Officer if the same is not filed in the form of an election petition duly verified by the Petitioner, within a period of 15 days from the date of declaration of result as aforesaid.

(2) The Block Development Officer in deciding a reference under sub-rule (1), shall have the same powers and shall follow the same procedure as is provided for deciding election petitions under the provisions of the Act and rules framed thereunder.

(3) An order passed under this rule shall be final and conclusive.

14. Assistance of Secretary.— The Secretary of the Panchayat shall assist the Presiding Authority in conducting the election of member of the Committee whenever the Presiding Authority seeks his assistance.

FORM - I

[See sub-rule (2) of rule 4]

Nomination form for election as member of Committee

(1) Name of the Panchayat	.....
(2) Full name of the Candidate	.....
(3) Father's or Husband's name	.....
(4) Age	.....
(5) Sex	.....
(6) Address	.....
(7) Full name and address of the Proposer	.....
(8) Full name and address of the Seconder	.....
(1) Signature of the Proposer	(2) Signature of the Seconder
Date :	Date :
Place :	Place :

CANDIDATE'S DECLARATION

I, the above named candidate, give my consent to this nomination.

Date :

Place :

Signature of the Candidate

ENDORSEMENT BY THE PRESIDING OFFICER

Serial number

This nomination paper was presented to me by (name) at(hour)..... (on) (date). Accepted/Rejected (If rejected, give reasons).

Date :

Place :

Signature of the Presiding Authority

Serial No.

Received nomination paper of Shri/Smt.for election as member of Committee of..... Village Panchayat, Proposed and Seconded by (1)and (2) respectively, which was presented to me at (place) at (time) on this day of 19.....by Shri.....

Signature of the Presiding Authority

FORM - II

[See rule 4 (6)]

List of candidates whose nominations are received for election as member of Committee of Village Panchayat of

Sr. No.	Name of the candidate	Address of candidate	Remarks
(1)			
(2)			
(3)			
(4)			
(5)			
(6)			

Date :

Place :

Signature of the Presiding Authority

FORM - III

[See rule (6)]

List of candidates validly nominated for election as member of Committee of Village Panchayat of

Sr. No.	Name of the candidate	Address of candidate	Remarks
(1)			
(2)			
(3)			
(4)			
(5)			
(6)			

Date :

Place :

Signature of the Presiding Authority

FORM-IV

NOTICE OF WITHDRAWAL

(See rule 7)

Election to the Committee of the Village Panchayat of

To,

The Presiding Authority,

..... Village Panchayat.

Sub:- Withdrawal of candidature.....

Sir,

I, the undersigned Shri a candidate for the election of member of Committee of Panchayat, do hereby give notice that I withdraw my candidature.

Yours faithfully,

Place :

Date :

.....

Signature of the candidate

This Notice was delivered to me at (hours) on(date) by (name of the candidate).

Date :

Signature of the Presiding Authority

Receipt for Notice of Withdrawal

(To be handed over to the person delivering the notice)

The notice of withdrawal of candidature bya candidate at the election to the..... was delivered to me by at (hours) on..... (date).

Signature of the Presiding Authority

FORM - V
[See rule 9 (2)]

Ballot Paper

Village Panchayat
..... Committee

Signature and Seal of the
Presiding Authority

Sr. No.	Name of the Candidates with the name of father or husband and residence address	For mark (X) by voter
1	2	3
(1)	_____	_____
(2)	_____	_____
(3)	_____	_____
(4)	_____	_____

FORM -VI

Notice

[See rule 11 (b)]

In pursuance of clause (b) of rule 11 of the Goa Panchayat Raj (Election of Members of Standing Committee) Rules, 1999, I, the Presiding Authority, do hereby declare that the persons specified in column (2) of the Schedule below is/are duly elected as member/s of committee of the Village Panchayat mentioned in the corresponding entry in column (1) of the said Schedule.

SCHEDULE

Name of Village Panchayat	Name of member and his address
(1)	(2)

Place :

Date :

Presiding Authority

By order and in the name of the Governor of Goa.

G. G. Kambli, Director of Panchayats & Ex-Officio Joint Secretary.

Panaji, 18th May, 1999.

(Published in the Official Gazette, Series I No. 12 dated 17-6-1999).

Notification

32/DP/PAN/PUB-BR/99

Whereas the draft of the Goa Panchayat Raj (Manner of publication of Bye-laws) Rules, 1999, was published as required by sub-section (1) of section 240 of the Goa Panchayat Raj Act, 1994 (Goa Act No. 14 of 1994), in the Official Gazette, Series I No. 28, dated 7th October, 1999 under Notification No. 32/DP/PAN/PUB-BR/99 dated 30-9-1999, of the Department of Panchayat Raj and Community Development, inviting objections and suggestions from all persons likely to be affected thereby before the expiry of ten days from the date of publication of the said Notification in the Official Gazette;

And Whereas, the said Gazette was made available to the public on 7th October, 1999;

And Whereas, no objections and suggestions have been received from the public on the said draft by the Government;

Now, Therefore, in exercise of the powers conferred by **sub-section (5) of section 243**, read with sub-section (1) of section 240 of the Goa Panchayat Raj Act, 1994 (Goa Act No. 14 of 1994), the Government of Goa hereby makes the following rules, namely:—

1. Short title and commencement.— (1) These rules may be called the Goa Panchayat Raj (Manner of publication of Bye-laws) Rules, 1999.

(2) They shall come into force at once.

2. Manner of publication of Bye-laws.— (1) The draft of the Bye-laws which a Panchayat proposes to make under section 243 of the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994) shall be published by the Panchayat,—

(a) by affixing the copies thereof on the notice board of the Office of the Panchayat and at such other places within the jurisdiction of the Panchayat which are considered to be conspicuous; and

(b) in the Official Gazette published by the Government of Goa.

By order and in the name of the Governor of Goa.

K. N. S. Nair, Ex-Officio Joint Secretary and Director of Panchayats.

Panaji, 3rd January, 2000.

(Published in the Official Gazette, Series No. 42 dated 13-1-2000).

Notification

24/2/97/Const. Rep/3109

The Government of Goa is hereby pleased to frame a scheme for the grant of loan to weaker sections of society for construction/improvement/repair of houses as follows, namely:—

1. Short title and commencement.— (1) This scheme may be called the Goa (Grant of loan to weaker sections of society for construction/improvement/repair of houses) Scheme, 1997.

(2) It shall come into force with effect from 26-3-1997.

2. Eligibility.— Any person who is born and residing in Goa, since the last 15 years, whose father or mother is born in Goa and whose total annual income including that of his family from all sources does not exceed Rs. 25,000/-, and who does not own any house either in his/her own name or in the name of any of the family members shall be eligible to avail the benefits of this Scheme.

Explanation:— “Family members” means and includes husband, wife, father, mother, unmarried sisters, unmarried daughters, unmarried sons, who are solely dependent on the applicant.

3. Purposes.— The loan under this Scheme may be sanctioned for the purpose of construction of new house or for repair or improvement of existing house only.

4. Amount of loan.— The maximum amount of loan which will be sanctioned under this scheme is Rs. 20,000/- which shall be released to the applicant in three instalments. The first instalment shall be of 25% of total loan amount, which shall be released at the time of sanctioning the loan. The second instalment shall be of 50% of total loan amount shall be released on the recommendation of the Block Development Officer after having verified that the construction has reached upto the plinth level. The third and last instalment of 25% of total loan amount shall be released on furnishing the certificate by the Block Development Officer that the construction has reached upto the roof level. Further, in case of repair or improvement of existing house, the loan instalment shall be released as under:

- (i) First instalment of Rs. 5,000/-.
- (ii) Second instalment of Rs. 10,000/-.
- (iii) Third instalment of Rs. 5,000/-.

5. Interest.— The loan shall carry such interest as may be fixed, from time to time, by the Government.

6. Recovery of loan.— The principal amount of loan alongwith interest thereon shall be recoverable in 20 equal annual instalments. The first instalment shall be payable on the expiry of 18 months from the date of its disbursement. Thereafter, remaining instalments shall be paid every year. However, the borrower may, if so desired, repay the loan and interest thereon in shorter period.

7. Manner of applying for loan.— (1) The loan shall be applied in the form of Annexure ‘A’.

(2) The application alongwith other required documents shall be submitted to the Block Development Officer.

(3) The Block Development Officer shall forward the application alongwith all other documents and his recommendations thereon to the Director of Panchayats within a week from the receipt thereof.

(4) The application for loan shall be accompanied by the following documents:—

- (a) Title documents;
- (b) Permission from the Panchayat;
- (c) Site Plan;
- (d) Model of the house;
- (e) Photograph of the applicant;

(f) Income Certificate;

(g) Residential Certificate;

(h) Certificate issued by the Mamlatdar to the effect that the applicant and his father or mother were born in Goa.

8. Other conditions.— (1) The construction of house shall be done as per the approved model.

(2) The total estimated cost of construction/improvement/repair of the house shall not exceed Rs. 25,000/-.

(3) The loan shall be granted in the joint name of husband and wife, in case the applicant is married.

(4) The construction/improvement/repair of house shall be completed within a period of one year from the date of disbursement of the first instalment. Provided that the sanctioning authority may extend the time limit to such period not exceeding one year if the circumstances so desire.

(5) In case the construction/improvement/repair, as the case may be, is not completed within the period mentioned above, the amount of loan together with the interest shall be recoverable summarily as arrears of land revenue.

(6) The land and the house shall be mortgaged in favour of the Government in the form at Annexure B till the amount of loan together with interest thereon is fully repaid.

(7) The applicant shall not create any charge over the land or over the house.

(8) Any amount due under this Scheme shall be recoverable as arrears of land revenue.

(9) No loan under this Scheme shall be granted to a person who has already obtained or applied for a loan for construction/improvement/repair of house under any other Scheme of the Government, housing society, corporation, either wholly or partly owned by the Government or Central Government, Nationalised or Co-operative Bank, or any Society, etc.

(10) The applicant shall at all reasonable times, permit any person or persons authorised by the Block Development Officer, Director of Panchayats, or the Government, to inspect the house under construction and thereafter on completion as and when necessary.

(11) The applicant shall maintain the house in good habitable condition.

(12) The applicant shall not sell or transfer or assign any right in respect of said house and land in whatsoever manner to any person.

(13) The stamp duty payable on the mortgage deed as well as on the Registration of mortgage is exempted.

9. Sanctioning Authority.— The Director of Panchayats, shall be the sanctioning authority under this Scheme.

10. Miscellaneous.— The Government may modify, alter, add or cancel any conditions of this Scheme from time to time. The instructions to the Block Development Officer are at Annexure C attached hereto. This supersedes the Government Notification No. HS-22-1/68 dated 10th September, 1968, published in the Government Gazette No. 27, Series I dated 3-10-1968, as amended.

By order and in the name of the Governor of Goa.

G. G. Kambli, Director of Panchayats and Ex-Officio Jt. Secretary.

Panaji, 26th March, 1997.

ANNEXURE 'A'

Form of Application

For grant of loans for construction/improvement/repair of houses

- (1) Name of Applicant (in Block letter) :
- (2) Age :
- (3) Name of father/husband :
- (4) Name of Village and Taluka :
- (5) Occupation of the applicant :
- (6) Annual income (Give details of Agricultural land and other property).
- (7) (a) Survey number or numbers of the house site :
 - (b) Boundaries of the site-North, South, West and East.
- (8) Total area and the market value of the house-site/house to be improved.
- (9) Details of the documents to prove ownership of the house-site/and house to be improved.
- (10) Encumbrances, if any, attached to the house-site/land house to be improved.

For construction of new house or complete re-building of old house

 - (11) Particulars of the house to be built (if one of the model plans is to be followed, then state its design number):
 - (a) Cost;
 - (b) Plinth area;

(In case some modifications are required in the model plans to suit individual requirements attach a rough plan of the house as it should be with approximate estimate of the cost and specifications)

For improvement of existing houses
 - (12) Particulars of the improvements proposed to be made:—
 - (a) Cost:

(b) Nature and extent (Mention in details the purpose for which the loan is required, i. e. whether it is for enlarging a accommodation, construction of a kitchen, store, cattleshed, re-flooring, re-roofing, provision of doors, windows and ventilators etc.)

(13) Amount of loan required for construction/re-construction/ /improvement of the house.

(14) Total amount to be invested by the applicant:

- (a) In cash;
- (b) In the form of material;
- (c) In the form of his own labour or the members of his family.

(15) Details of loans and advances from all sources outstanding against the applicant:

Purpose of loan	Amount (in rupees)	Amount still to be repaid (in rupees)
-----------------	--------------------	---------------------------------------

(16) Period of repayment: (Number and amount of instalments to be specified).

(17) Any other information considered appropriate or essential by the applicant.

I Son of resident of do hereby solemnly affirm and declare that the contents of this application are correct and true to the best of my knowledge and that I have not concealed or withheld any fact or facts.

Station :

(Signature or thumb impression of the applicant.)

Date :

ANNEXURE B

Agreement-cum-Mortgage

This indenture is made this day of..... 199..... betweenhereinafter referred to as the borrower (which expression shall unless repugnant to the context include his heirs, executors, administrators and successors and assigns) of the one part and 'the Governor of Goa, hereinafter called the Government of the other part.

Whereas the borrower is seized/owner and possessed of or otherwise well and sufficiently entitled to the land and premises described in the Schedule hereunder written free from all encumbrances.

And Whereas, the borrower intends to construct a house/make improvements on the said house (hereinafter called the said premises) and has applied to the Government for a loan of Rs..... (Rupees) only, for the purpose of enabling the borrower to so construct/improve the said house.

And Whereas, the Government has sanctioned loan of Rs.(Rupees only) to the borrower subject to the terms and conditions contained in the Goa (Grant of loan to

weaker sections of society for construction/improvement/repair of houses) Scheme, 1997 (hereinafter referred to as the scheme a copy of which is hereto annexed and which shall form part of this Indenture) and also those mentioned hereinafter.

And Whereas, the Government has agreed to advance the said loan to the borrower on his agreeing to the repayment of the said loan with interest and to execute a mortgage of the premises in favour of the Government.

Now this Indenture witnesseth as follows:—

1. The Government will advance the amount of the loan of Rs.in instalments at the time and in the manner follows:—

In the case of construction of a house.

- (a) on the execution of this Deed Rs.(Rupees only);
- (b) on the completion of the house to plinth level, Rs. (Rupees only); and
- (c) on the completion of the house upto roof level, Rs. (Rupees only).

In the case of improvement/repair of a house.

- (a) on the execution of this Deed Rs. (Rupees only);
- (b) on completion of one half of the work Rs. (Rupees only).

2. In consideration of the premises, the borrower covenants with the Government to repay to the Government the full amount of the said loan of Rs. together with interest thereof in 20 (twenty) annual equated instalments. The repayment of the loan in the manner aforesaid shall commence from the expiry of eighteen months from the date of the receipt by the borrower of the first instalment (as per clause 6 of the scheme) of the said loan provided always that in the event of borrower committing a breach of any of the terms and conditions herein contained, the Government shall without prejudice to any other right or remedy available to it hereunder as well as in law be entitled to recover from the borrower interest on the said loan or the balance as then may be due at the rate of — per annum being the normal rate of interest payable by the borrower to the Government in respect of the said loan.

3. The borrower shall pay interest at the rate of — per annum provided always that if on the day of which the payment of interest ought to be made the borrower, having complied with his/her/their obligations hereunder other than those relating to the payment of the full amount of the said loan, shall pay interest to the Government on the said loan or part thereof remaining due and payable at the rate of — per annum, the Government shall accept such payment in satisfaction of payment of interest at the rate hereinbefore mentioned.

4. If the borrower shall make default in punctual payment of the instalment either of the principal or interest or if the borrower shall become insolvent or if the borrower shall fail to observe or perform any of the terms, conditions and stipulations herein contained or in the scheme and on his part to be observed and performed, then and in any such case the whole of the principal amount of the loan or so much thereof as shall then remain due and unpaid shall become payable forthwith to the Government with interest thereon at the rate of — per annum calculated from the date(s) of the payment by the Government of the respective instalments.

5. In further pursuance of the said agreement and for the consideration aforesaid and to secure repayment of the said loan and interest as shall at any time or times be due to the Government

under the terms of these presents the borrowers doth hereby grant, convey, transfer unto the Government all that piece or parcel of land or ground and buildings together with messuages, tenements or dwelling house hereafter to be erected thereon situate at and more particularly described in the said schedule hereunder written and delineated on the plan thereof hereto annexed and thereon shown as surrounded by boundary line (hereinafter referred to as the premises) with all rights, easements and appurtenances thereon belonging TO HOLD said premises upto and to the use of the Government absolutely forever free from all encumbrances SUBJECT NEVERTHELESS to the proviso for redemption hereinafter contained PROVIDED ALWAYS and it is hereby agreed and declared that if the borrower shall pay to the Government the said principal sum and interest hereby secured in the manner herein provided and also other moneys, if any, by these presents payable by the borrower to the Government, than the Government at any time thereafter upon the request and at the cost of the borrower reconvey the said premises unto and to the use of the borrower or as he may direct.

6. If there shall be any breach by the borrower of any of the covenants and stipulations herein contained and on his part to be observed and performed or if the borrower shall become insolvent or go into liquidation before the mortgage debt shall have been fully paid off or if the mortgage debt becomes payable to the Government forthwith hereunder then and in any of such cases it shall be lawful for the Government to sell the said premises or any part thereof either together or in parcels and either by public auction or by private contract with power to buy in or rescind or vary any contract for sell and to resell without being responsible for any loss or diminution which may be occasioned thereby and for the purposes aforesaid to execute and to do all such assurances and things for effectuating any such sale as the Government shall think fit and the aforesaid power shall be deemed to be a power to sell the said mortgaged premises in default of payment of the mortgage debt without the intervention of the court within the meaning of section 69 of the Transfer of Property Act, 1882 and it IS HEREBY AGREED and declared that the receipt by the Government of the purchase money of the premises sold or any part thereof shall effectually discharge the purchaser or purchasers therefrom and from being concerned to see to the application or being answerable for any loss or misapplication thereof AND IT is hereby further declared that the Government shall hold the moneys to arise from any sale in pursuance of the aforesaid power UPON TRUST in the first place thereout to pay all the expenses incurred on such sale and in the next place to apply such moneys in or towards the satisfaction of the moneys for the time being owing on the security of these presents and then to pay the surplus (if any) to the borrower.

7. For the consideration aforesaid and as further security for the repayment of the aforesaid loan and for the performance of the covenants herein contained the borrower hereby hypothecate all the building materials and articles purchased by the borrower for the construction/improvement of the said house and any other building materials and articles which may hereafter be purchased by the borrower for the construction thereof TO THE INTENT that all such building materials and articles shall remain and form additional security for the repayment to the Government of the mortgage debt in the manner aforesaid PROVIDED THAT if there shall be any breach by the borrower of any of the covenants and stipulations on his part to be observed and performed or if the borrower shall commit default in the payment of any instalment of principal or interest due hereunder on the due dates hereinbefore mentioned or if the borrower becomes insolvent or goes into liquidation or the mortgage debt becomes payable to the Government forthwith hereunder then and in any of such cases for the purpose of recovering any amount as may become due to the Government, the Government shall have power without the intervention of the Court to take possession of the building materials and articles hereby hypothecated and sell or concur with any other person in selling the same or any part thereof either together or in lots and either by public auction or by private contract subject in any such case it shall be lawful for but not obligatory upon the Government to repair and keep in good and substantial repair and working order the said mortgaged premises or any part thereof and to pay any such revenue, ground rent, taxes and

assessments, dues, duties and outgoing AND all moneys, costs, charges and expenses of such repair and the paying of such revenue, ground rent, rates, taxes and assessments, dues, duties and outgoings shall be a charge upon the mortgaged premises jointly with all the principal moneys and interest hereby secured as if they had formed a part thereof.

8. The borrower hereby covenants with the Government as follows:—

(a) The borrower shall utilise the amount of the loan hereunder for the purpose of the construction of a house/improvement/repair of a house already existing on the said premises and for no other purpose.

(b) That the borrower now hath in himself good right/full power and lawful authority to grant, convey transfer and assure the said premises unto the Government in the manner aforesaid.

(c) That the borrower, shall out of his own resources, spend on the construction of the said house a minimum amount of Rs. (Rupees only) representing of the cost of the house erected/of the improvement/repair carried out on the house already existing thereon.

(d) The borrower shall not, without the previous sanction of the Government, transfer the premises by way of sale, gift, mortgage or otherwise or any right, title or interest thereunder, till such time as whole amount of tile loan and interest remains unpaid.

(e) The borrower shall maintain regular and complete account of expenses incurred and of the stock and materials purchased in connection with the construction/improvement of the house and furnish such information to the Government as may be required from time to time and allow any person or persons authorised by the Government to inspect such accounts.

(f) The borrower shall permit any person or persons authorised by the Government to inspect the building under construction/improvement as also the building materials and stock.

(g) The borrower shall complete the construction/improvement of the house before the end of 199

(h) The borrower shall from time to time and at all time during the continuance of these presents keep the said mortgaged premises and every part thereof in a good and substantial state of repair and working order and shall pay all revenue, ground rent, rates, taxes and assessments present as well as future and all dues, duties and outgoing whatsoever payable in respect of the same immediately they shall become due and payable AND in case the borrower neglects to keep the said mortgaged premises or any part thereof in good and substantial repair order or to pay the revenue ground rent, rates, taxes and assessment dues, duties and outgoings as aforesaid, then and in any such case it shall not obligatory upon the Government to repair and keep in good and substantial repair and working order the said mortgaged premises or any part thereof and to pay any such revenue, ground rent, taxes and assessments, dues, duties and outgoing AND all moneys, costs, charges and expenses of such repair and the paying of such revenue, ground rent, rates, taxes and assessments, dues, duties and outgoings shall be a charge upon the said mortgaged premises jointly with all principal moneys and interests hereby secured as if they had formed a part thereof.

Without prejudice to the rights of the Government under the preceding clauses, all sums found due to the Government under or by virtue of these presents shall be recoverable from mortgager in the same manner as an arrear of land revenue under the law in force and any amendment thereof, or in any other manner as the Government deem fit.

10. AND IT IS HEREBY AGREED AND DECLARED that the Government shall have the fullest liberty without affecting the security herein to postpone for any time and from time to time

any of the powers exercisable by it against the borrower either under these presents or otherwise and either enforce or forbear and of the terms and conditions herein contained.

SCHEDULE OF THE PROPERTY

IN WITNESS WHEREOF THE PARTIES HERETO have executed these presents the day and the year herein written.

Signed and delivered by the within named borrower in the presence of

(1)

(2)

Signed and delivered by

For and on behalf of the Governor of Goa,
in the presence of —

(1)

(2)

ANNEXURE

Instruction to the Block Development Officer in regard to implementation of the Scheme

1. The Scheme should be given wide publicity in Villages selected for implementing the scheme, through the Village Panchayats and Gramsevaks.

2. As soon as the Villages are selected and grouped together, applications should be invited from the villagers for loan assistance. A reasonable time limit should be prescribed for receipt of such applications.

3. The Extension Officer (Rural Engineering) will render all technical assistance required by the villagers in the preparation of the plan and estimates and in the execution of the work.

4. All applications for loan will be considered by the Block Development Officer and forwarded to the Director of Panchayats, for sanction.

5. The loan granted to each applicant should be kept as low as possible and should be determined in relation to his repaying capacity.

6. (a) In order to ensure the security of loan, the Block Development Officer should make a thorough enquiry to satisfy himself that the title of the applicant to the plot of land on which he proposes to build the house, or to the house proposed to be improved is clear and free from all encumbrances.

(b) The Block Development Officer should also make sure with reference, to the income of the applicant as also with references to any other loans taken or liabilities incurred by the applicant, that the loan asked for under the Scheme would be within the applicant's repaying capacity. While forwarding the applications to the Director of Panchayats or some other authority authorised in this behalf, the Block Development Officer should clearly record his findings and recommendations in this respect.

(c) When two solvent sureties are accepted instead of mortgage bond the Block Development Officer should ensure that the concession is not misused and should ascertain about the facts indicated by the applicants.

7. In granting loans preference should be given to such eligible applicants as belong to the lower income group or to backward classes.

8. Generally loans to construct new houses should not be given to any person who has a residential house already; but where there is evidence that the new house to be constructed is essentially needed for his own bonafide residential purposes loan may be granted after being satisfied that all requirements of the Scheme have been fulfilled.

9. The Block Development Officer should give special attention to the all-round development of the villages selected for implementing the Scheme. Improvement of communications, water supply, health and rural sanitation, development of village industries, etc. should receive particular attention. Departmental funds should as far as possible be utilised in these villages in adequate measure.

10. The Block Development Officer will render the village all assistance in the procurement of scarce and controlled materials required for the construction of the houses.

11. The Block Development Officer or such other higher officer as may be prescribed by the Director of Panchayats will be responsible for watching the recovery of the loan under the scheme. They should maintain proper accounts and registers in this regard.

(Published in the Official Gazette, Series I No. 15 dated 10- 7-1997).

Order

No. 11/DP/PAN/Reservation/96

In exercise of the powers conferred by clause (c) of sub-section (1) of section 45 of the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994), the Government of Goa hereby reserves the offices of Sarpanchas and Deputy Sarpanchas of the Village Panchayats as specified in the Schedule-A and Schedule-B appended hereto respectively for women.

(2) The reservation of offices of Sarpanchas and Deputy Sarpanchas for women shall continue till the next general elections to Village Panchayats and the same shall stand allotted by rotation during every subsequent general elections to the Village Panchayats, as specified in Schedule-A, Schedule-B and Schedule-C respectively.

Explanation: For purpose of this Order, “rotation” means that the reservation of offices of Sarpanchas of the Village Panchayats specified in Schedule-A shall pass on to the Village Panchayats as specified in Schedule-B and that of the Deputy Sarpanchas shall pass on to the Village Panchayats as specified in Schedule-C. Similarly, the office of Sarpanchas of the Village Panchayats shall pass on to the Village Panchayats as specified in Schedule-C and that of the Deputy Sarpanchas shall pass on to the Village Panchayats as specified in Schedule-A and so on.

(3) This order shall have effect for the purpose of ensuing and subsequent two General Elections to the Village Panchayats.

SCHEDULE -A

Name of the District:— North Goa

<u>Name of the Taluka/Block</u>	<u>Name of Village Panchayats</u>
(I) Satari	(1) Bironda, (2) Cotorem, (3) Dongurli, Thane and (4) Honda.
(II) Bicholim	(1) Advalpal, (2) Amona, (3) Karapur-Sarvan, (4) Cudnem, (5) Latambarcem and (6) Mayem Vainguinim.
(III) Bardez	(1) Aldona, (2) Anjuna-Caisua, (3) Arpora Nagoa, (4) Assagao, (5) Assonora, (6) Bastora (7) Calangute, (8) Camurlim, (9) Candolim, (10) Colvale and (11) Penha de Franca.
(IV) Pernem	(1) Agarwada-Chopdem, (2) Alorna, (3) Arambol, (4) Casnem Amberem, Poros-codem, (5) Casarvarnem-Chandel, (6) Dhargalim and (7) Mandrem.
(V) Tiswadi	(1) Azosim Mandur, (2) Batim, (3) Chimbel, (4) Carambolim, (5) Chodan-Madel and (6) Corlim.
(VI) Ponda	(1) Bandora, (2) Betqui-Candola, (3) Betora, Nirancal Conxem, Codar, (4) Boma-Adcolna (5) Cundaime and (6) Curti Candepar.

Name of the District:— South Goa

<u>Name of the Taluka/Block</u>	<u>Name of Village Panchayats</u>
(I) Sanguem	(1) Bhati, (2) Calem, (3) Colem and (4) Curdi.
(II) Quepem	(1) Ambaulim , (2) Avedem, Cotombi, Chaifi,

(III) Canacona	(3) Bali-Adnem and (4) Barcem Quedem.
(IV) Salcete	(1) Agonda and (2) Cotigao. (1) Ambelim, (2) Aquem Baixo, (3) Assolna, (4) Betalbatim, (5) Camurlim, (6) Carmona, (7) Cavelossim, (8) Chandor-Cavorim, (9) Curtorim, (10) Loutulim and (11) Macasana.
(V) Mormugao	(1) Cansaulim, Arossim Quelim and (2) Chicalim.

SCHEDULE –B

Name of the District:— North Goa

<u>Name of the Taluka/Block</u>	<u>Name of Village Panchayats</u>
(I) Satari	(1) Guleli, (2) Mauxi, (3) Morlem and (4) Pissurlem.
(II) Bicholim	(1) Menkurem Dhumashem, (2) Navelim, (3) Naroa, (4) Ona Maulinguem Curchirem, (5) Pale Cotombi and (6) Sanquelim Arvalem Viridi.
(III) Bardez	(1) Guirim, (2) Moira, (3) Nachinola, (4) Nadora, (5) Nerul, (6) Oxel, (7) Parra, (8) Pirna, (9) Tivim, (10) Saligao and (11) Siolim Marna.
(IV) Pernem	(1) Corgao, (2) Ibrampur, (3) Morjim, (4) Ozorim, (5) Parcem and (6) Tamboxem Mopa Uguem.
(V) Tiswadi	(1) Cumbarjua, (2) Curca Bambolim Talaulim, (3) Goltim Navelim, (4) Mercedes, (5) Neura and (6) St. Andre (Goa Velha).
(VI) Ponda	(1) Borim, (2) Durbhat, (3) Marcaim, (4) Querim, (5) Tivrem, Orgao, (6) Usgao Ganjem and (7) Volvoi.

Name of the District:— South Goa

<u>Name of the Taluka/Block</u>	<u>Name of Village Panchayats</u>
(I) Sanguem	(1) Dharbandora, (2) Kirpal Dabal, (3) Molem and (4) Neturlim.
(II) Quepem	(1) Assolda, (2) Cavrem Pirla, (3) Fatorpa Quitol and (4) Molcornem.
(III) Canacona	(1) Cola and (2) Gaondongrem.
(IV) Salcete	(1) Cana Benaullim,

	(2) Chinchinim-Deussua, (3) Davorlim Dicarpale, (4) Dramapur Sirlim, (5) Guirdolim, (6) Navelim, (7) Nuvem, (8) Orlim, (9) Rachol and (10) Raia.
(V) Mormugao	(1) Chicolna, (2) Cortalim Quelossim and (3) Nagoa.

SCHEDULE-C

Name of the District:— North Goa

<u>Name of the Taluka/Block</u>	<u>Name of Village Panchayats</u>
(I) Satari	(1) Nagargao, (2) Poriem, (2) Querim and (4) Sanvordem.
(II) Bicholim	(1) Mulgao, (2) Piligao, (3) Salem, (4) Sirigao, (5) Surla and (6) Velguem.
(III) Bardez	(1) Pilerne Marra, (2) Reis Magos, (3) Revora, (4) Salvador do Mundo, (5) Sangolda, (6) Siolim Sodiem, (7) Sirsaim, (8) Socorro, (9) Pomburpa, Olaulim, (10) Ucassaim Paliem Punola and (11) Verla Canca.
(IV) Pernem	(1) Paliem, (2) Querim Tiracol, (3) Torxem, (4) Tuem, (5) Varcond Nagzor and (6) Virmoda.
(V) Tiswadi	(1) Sao Matias, (2) Se Old Goa, (3) Siridao Palem, (4) St. Cruz, (5) St. Estevam and (6) St. Lawrence (Agassaim).
(VI) Ponda	(1) Panchawadi, (2) Queula, (3) Shiroda, (4) Veling Priol Cuncoliem, (5) Verem Vagurbem, (6) Wadi Talaulim.

Name of the District:— South Goa

<u>Name of the Taluka/Block</u>	<u>Name of Village Panchayats</u>
(I) Sanguem	(1) Rivona, (2) Sancordem, (3) Sanvordem and (4) Uguem.
(II) Quepem	(1) Morpirla, (2) Naqueri Betul and (3) Xeldem.
(III) Canacona	(1) Loliem Polem, (2) Poinginim and

	(3) Shristhal.
(IV) Salcete	(1) Colva, (2) Paroda, (3) Rumdamol, Davorlim, (4) Sao Jose de Areal, (5) Sarzora, (6) Seraulim, (7) Telaulim, (8) Varca and (9) Velim.
<u>Name of the Taluka/Block</u>	<u>Name of Village Panchayats</u>
(V) Mormugao	(1) Majorda Utorda Calata, (2) Sancoale, (3) Velsao Pale and (4) Verna.

By order and in the name of the Governor of Goa.

G. G. Kambli, Director of Panchayats and Ex-Officio Joint Secretary.

Panaji, 4th December, 1996.

(Published in the Official Gazette, Series I No. 31 dated 5-2-1996—Extraordinary).

Order

30/3/DP-99

In order to simplify the procedure for the grant of permission for the construction of buildings, the Government is pleased to issue the following instructions for strict compliance of the Panchayats as well as the concerned authorities:—

1. Every person seeking permission for construction of building shall prepare four sets of building plans and drawings and submit the same to the Panchayats alongwith all the necessary documents as required by the Goa, Daman & Diu Village Panchayats (Regulation of Buildings) Rules, 1971.

2. The Village Panchayat Secretary or any other person authorized by the Panchayat in this behalf shall acknowledge the applications. The Village Panchayat Secretary shall scrutinize the applications and place before the Sarpanch within 2 days from the date of

receipt of the applications. In case the application is complete in all respect, the Sarpanch shall forward the plans and drawings to the Town Planner of the concerned Taluka in duplicate and simultaneously one set of plans and drawings to the Assistant Engineer of P.W. D./ Technical Officer.

In case the application is incomplete, the Panchayat Secretary shall return the same to the Applicant within a week with the directions to resubmit the application after complying with the observations raised by the Panchayat.

3. The Town Planner and the Technical Officer shall communicate their comments/views within 2 weeks from the date of receipt of the plans and drawings from the Panchayat.

4. The Town Planner shall scrutinize the plans and drawings and convey their comments on the following aspects:—

1. The area of the Plot.
2. The area allowed to be converted by the Dy. Collector.
3. The permissible FAR.
4. FAR proposed for construction.
5. Height of the Building.
6. Number of units allowed and their purpose.
7. Total built up area.
8. The area kept for car parking, open space etc.
9. Set-backs approved North, South, East and West.
10. Area of the existing structure, in case of reconstruction.
11. Access to the proposed construction.
12. Whether any traditional access or footpath are existing.
13. The zone in which the proposed construction falls and any other information which may be relevant.

In case the Town Planner fails to communicate its decision within two weeks it will be presumed that the Town Planner has no objection for the grant of permission.

5. The Technical Officer of Public Works Department shall scrutinize the plans and drawings and certify the R. C. C. drawings of the structure, cost of the building within 2 weeks. In case the Technical Officer fails to issue the necessary certificates, it will be presumed that the plans and drawings submitted by the Applicant duly certified by the Architect/Engineer will be taken as correct.

6. The Panchayat on receipt of the report from the Town Planner and the Technical Officer shall place the matter before the meeting of the Panchayat Body and take appropriate decision within 2 weeks from the date of receipt of the report. In case of failure of receipt of the report from the Town Planner and or from the P. W. D., the Panchayat shall also take a decision on the application submitted by the Applicant. In any

case, the Panchayat shall communicate its decision within a period of 30 days from the date of receipt of the application by the Panchayat.

7. This order supersedes the Government order of even number dated 21-4-99.
8. This order comes into force with effect from 1st April, 2000.

By order and in the name of the Governor of Goa.

G. G. Kambli, Director of Panchayats & Ex-Officio Joint Secretary.

Panaji, 22nd March, 2000.

(Published in the Official Gazette, Series I No. 52 dated 28-3-2000—Extraordinary).

Order

35/DP/PAN/EMP/2006

- Read: (1) Government Order No. 35/DP/ PAN/EMP/2000 dated 5-3-2003, published in the Official Gazette, Extraordinary, Series I No. 49 dated 6-3-2003.
- (2) Government Order No. 35/DPPAN/EMP/2006 dated 4-1-2007, published in the Official Gazette, Series I No. 43 dated 25-1-2007.

In exercise of the powers conferred by section 114 of the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994), read with section 21 of the General Clauses Act, 1897 (Central Act 10 of 1897), the Government of Goa hereby further amends the Goa Panchayat (Staffing pattern, scales of pay and mode of recruitment of staff of Panchayats) Order, 2003, as follows, namely:—

1. Short title and commencement.— (1) This Order may be called the Goa Panchayat (Staffing pattern, scales of pay and mode of recruitment of staff of Panchayats) (Second Amendment) Order, 2010.

(2) It shall come into force from the date of its publication in the Official Gazette.

2. Amendment of clause 4.— In the Goa Panchayat (Staffing pattern, scales of pay and mode of recruitment of staff of Panchayats) Order, 2003, in clause 4, for sub-clause (1), the following sub-clause shall be substituted, namely:—

(a) “(1) The scales of pay and other emoluments for the Panchayat employees with effect from 1st April, 2008, shall be as follows, namely:—

Category	Scale of pay	Other emoluments
(1)	(2)	(3)
(1)Clerk	PB-I Rs. 5200-20200+Rs. 1900 as Grade Pay	As admissible under VIth Pay

- (d) maintenance of rural water supply schemes;
- (e) providing for and maintenance of lighting of public streets and other public places;
- (f) maintenance of general sanitation;
- (g) cleaning of public roads, drains, tanks, wells and other public places;
- (h) construction and maintenance and regulations of burning and burial grounds;
- (i) construction and maintenance of public latrines;
- (j) construction and maintenance of slaughter houses;
- (k) construction and maintenance of public/children parks;
- (l) construction and maintenance of cattle ponds, cattle sheds and cart stands;
- (m) establishment and maintenance of Village libraries and reading rooms;
- (n) construction and maintenance of passenger sheds, bus stands and taxi stands;
- (o) providing infrastructures for sports activities like Badminton, Volley Ball, Kabbadi, Kho-Kho, etc.;
- (p) disposal of unclaimed corpses and carcasses;
- (q) land acquisition for all above projects.

2. Limits and extent of grants.— The grants shall be sanctioned to such items/works whose estimated cost does not exceed Rs. 5.00 lakhs and the amount shall be sanctioned as follows:—

a)	Panchayats whose annual income is upto Rs. 1,00,000/-	100% of the project cost
b)	Panchayats whose annual income is above Rs. 1,00,000/- but not exceeding Rs. 2,00,000/-	75% of the project cost
c)	Panchayats whose annual income is above Rs. 2,00,000/- but not exceeding Rs. 5,00,000/-	50% of the project cost
d)	The Panchayats whose annual income is above Rs. 5,00,000/- will not be entitled to the G. I. A. under this scheme.	

Explanation:— “Annual Income” means the income of the panchayat from all sources inclusive of Taxes, fees, Octroi, rents, fires, sale proceeds, Bank interest, matching grants, etc., but does not include loans security deposits, guarantees, and grants sanctioned for developmental works.

3. Panchayats desiring to avail benefits of grants shall submit an application to the Director of Panchayats through the Block Development Officer, in the form appended to this Notification, alongwith the following documents:

- (a) resolution of the Panchayats;
- (b) certificate to the effect that the project has been reflected in the budget and the sufficient funds are available to meet balance amount;
- (c) projects report with full particulars;
- (d) estimated cost alongwith the Technical sanction from the competent authority;

- (e) ownership documents of the property site of the project;
- (f) certificate to the effect that the Grants previously sanctioned has been fully utilised and the necessary utilisation certificate has been furnished.
4. The sanction of grants shall be subject to the availability of funds.
5. The proposal for grants alongwith all the required documents shall be submitted to respective Block Development Officer on or before 30th June, every year, provided that the Director of Panchayats may authorise the Block Development Officer to receive the proposal after the prescribed date.
6. The entire grants shall be utilised within a period of one year from the date of drawal. However, the Director may extend the time limit to such period as he may deem necessary at the request of the Panchayat, in deserving cases.
7. In case the execution period of the works is more than one year, then the grants will be released in instalments after having satisfied that the grants sanctioned earlier have been fully utilised.
8. The Block Development Officer shall draw and disburse the grants on receipt of sanction order. The grants shall be drawn in form TR 42, duly signed by the Sarpanch and countersigned by the Block Development Officer.
9. Any portion of the grant which is not utilised or is not ultimately for the purpose for which it is sanctioned shall be refunded in case to the Government Treasury.
10. The Panchayat shall submit to the Block Development Officer "Utilization Certificate" in Form GFR 19-A as required under GFR 15(1) within one month from the date of its utilisation, but not later than 18 months from the date of drawal.
11. The Panchayat shall maintain a Register of Grants in Form G. F. R. 19. The Block Development Officer shall also maintain necessary registers and ensure compliance of all the conditions by the Grantees institution.
12. No grants shall be sanctioned unless the previous grants are fully utilised by the Panchayats and utilisation certificates are furnished. Any part of grants remaining unutilised/unspent shall be refunded immediately.
13. The grants shall be utilised for the purpose for which it is sanctioned, and shall not be utilised for any other purpose without the written prior approval from the sanctioning authority.
14. The accounts of the Panchayats shall be audited by such officer as may be authorised by the Director of Accounts every year as envisaged in section 187 of the Goa Panchayat Raj Act, 1994. The accounts shall also be open to a test check by the Comptroller and Auditor General of India at his discretion.
15. The grants/grantee institution shall also be subject to all other conditions as laid down under the General Financial Rules, as amended from time to time.
16. The Director of Panchayats shall be Sanctioning Authority.

By order and in the name of the Governor of Goa.

G. G. Kambli, Director of Panchayats and Ex Officio Joint Secretary.

Panaji, 4th November, 1997.

Application form for the sanction of Grants to Panchayats

1. Name of the Panchayat:
2. Title and Description of the Scheme:
3. Total Estimated Cost:
4. The annual income:
5. Amount provided in the Budget under Items No.:
6. Location with description of the property Ward No. etc.:
7. No. and date of resolution approving the Scheme:
8. Enclosed following documents:

.....
Sarpanch

Place :

Date :

**REVISED PATTERN OF ASSISTANCE OF GIVING MATCHING
GRANTS TO THE VILLAGE PANCHAYATS IN GOA**

Revised rates of matching grants for Panchayats

	Rate of matching grants
1. Village Panchayats whose annual income is upto Rs. 20,000/-	200%
2. Village Panchayats with annual income above Rs. 20,000/- to Rs. 50,000/- except that the panchayats with and income above Rs. 20,000/- to Rs. 23,999/- will receive additional matching grants equal to the difference Rs. 40,000/- and the amount arrive @ 150%	150%
3. The Village Panchayat from income over Rs. 50,000/- except that panchayats with an income above Rs. 50,000/- to Rs. 62,500/- will receive the additional matching grants equal to the difference between Rs. 75,000/- and the amount arrived @ 100%	100%

Note: In case any panchayat registers a fall in the income during the year in respect of which matching grants is being claimed as compared to the income of the previous year, then the Government reserves the right to release matching grants to such panchayats @ 100% only. The above provision is necessary to guard against the panchayats who may try to default by making leniency in levy of taxes and fees.

D. N. Accawade, Under Secretary (Panchayat).

Panaji, 4th December, 1990.

Notification

25/6/DP/ZP/2000

In pursuance of sub-section (1) of section 160 of the Goa Panchayati Raj Act, 1994 (Act No. 14 of 1994), the Government hereby prescribes the following terms and conditions and the purpose for sanctioning grants-in-aid to the Zilla Panchayats.

1. Purposes for which grants may be sanctioned:—

(a) towards salary/maintenance grants of administrative nature on recurring and non-recurring items.

(b) towards functions and responsibilities included in Schedule II of the Goa Panchayati Raj Act, 1994.

(c) towards Land Acquisition for which Administrative Approval is issued by the Government and sanctioning authority.

2. The grants sanctioned to the Zilla Panchayats shall be utilized for the scheme/project/work for which the amount is sanctioned.

3. The maximum ceiling of the estimated cost of each item/work/project shall not exceed Rs. 5,00,000/-.

4. The grants shall be released to the Zilla Panchayats in instalments, subject to availability of funds.

5. The Zilla Panchayats shall submit an application to the Director of Panchayats through the Chief Executive Officer alongwith a copy of the resolution seeking release of grants.

6. The Assistant Accounts Officer, Directorate of Panchayats, shall draw and disburse the grants on receipt of sanction order. The grants shall be drawn in Form TR 42, duly signed by the Chief Executive Officer or such officer authorised on his behalf.

7. The grants shall be deposited in the Government Treasury.

8. The grants released shall be utilized within a period of one year from the date of drawal. However the Director of Panchayats may extend the time limit to such period as he may deem necessary at the request of the Zilla Panchayat, in deserving cases.

9. The grants shall be utilized for the scheme under which it is sanctioned, and shall not be utilised for any other purpose.

10. Grants sanctioned for specific works/project under a scheme should be utilized exclusively for the works and no expenditure on account of salaries, wages and other items of contingent nature should be debited to any works/schemes/project.

11. The utilisation of grants by the Zilla Panchayats shall be subject to all other conditions as laid down in the General Financial Rules, Accounts Code, C. P. W. D. Manual, etc., as amended from time to time and such other rules/instructions issued by the Government in this regard.

12. The Zilla Panchayat shall submit to the Director of Panchayats an "Utilisation Certificate" in Form GFR — 19A as required under G. F. R. 151(1) within one month from the date of its utilization, but not later than 18 months from the date of drawal.

13. No grants shall be sanctioned to the Zilla Panchayats unless the previous grants are fully utilised and the utilisation certificate is furnished.

14. The Utilisation Certificate shall be signed by the Chief Executive Officer and the Chief Accounts Officer.

15. All equipments/stores/furniture and other assets purchased and all developmental and other works undertaken with the aid of the grant will vest in the Government.

16. The Zilla Panchayats shall maintain a Register in Form G. F. R. 19 of permanent and semi-permanent assets acquired/constructed wholly or partly out of Government grants.

17. The concerned Head of Department or his authorised representative may undertake inspection of the works undertaken out of grants sanctioned from their outlay and submit a report if found necessary to the grants sanctioning authority, in terms of section 174 of the Goa Panchayati Raj Act, 1994.

18. The audited Statement of Accounts showing the expenditure incurred by the Zilla Panchayat from the grants sanctioned should be furnished to the Director of Panchayats as soon as possible after the close of the financial year, together with a certificate from the Chief Accounts Officer to the effect that the grants were utilised as per the Rules in force and for the purpose for which they were sanctioned.

19. The accounts of the Zilla Panchayats shall be audited by such officer as may be authorised by the Comptroller and Auditor General of India, as envisaged in Section 194 of the Goa Panchayat Raj Act, 1994. The Director of Accounts or such other officer authorised by him may also carry out inspections of the accounts of the Zilla Panchayats at the request of the Director of Panchayats.

20. The Director of Panchayats shall be the sanctioning authority, subject to the limitations laid down in the Delegation of Financial Powers Rules, 1997.

21. These issues with the concurrence of Finance Department vide their U. O. No. FS/5931/2000 dated 9-8-2000.

By order and in the name of the Governor of Goa.

G. G. Kambli, Director of Panchayats and Ex-Officio Joint Secretary.

Panaji, 21st August, 2000.

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