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EXTRAORDINARY

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PART II — Section 1

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE (Legislative Department)

New Delhi, the 19th September, 2022/Bhadra 28, 1944 (Saka)

THE LAKSHADWEEP PANCHAYAT REGULATION, 2022

No. 5 OF 2022

Promulgated by the President in the Seventy-third Year of the Republic of India.

A Regulation to provide for Panchayats in the Union territory of Lakshadweep and for matters connected therewith or incidental thereto.

In exercise of the powers conferred by article 240 of the Constitution, the President is pleased to promulgate the following Regulation made by her:—

CHAPTER I

PRELIMINARY

- (1) This Regulation may be called the Lakshadweep Panchayat Regulation, 2022. Short title, extent and commencement.

(2) It extends to the whole of the Union territory of Lakshadweep.

(3) It shall come into force on such date as the Administrator may, by notification in the Official Gazette, appoint.
2. In this Regulation, unless the context otherwise requires,— Definitions.

(a) “Administration” means the Union territory administration of Lakshadweep;

(b) “Administrator” means the Administrator of the Union territory of Lakshadweep appointed by the President of India under article 239 of the Constitution;

(c) “building” includes a house, an out-house, stable, privy, urinal, shed, hut, wall (other than a boundary wall not exceeding eight feet in height) and any other structure, whether of masonry, bricks, wood, metal or any other material but does not include any temporary structure erected on ceremonial or festive occasions or a tent;

(d) “Chief Executive Officer” means an officer appointed by the Administrator as Chief Executive Officer, District Panchayat;

(e) “Director Panchayat” means an officer in charge of Panchayats in the Department of Panchayati Raj working under the direct control and superintendence of the Secretary of that Department;

(f) “District” means a District specified by the Administrator by a public notification to be district for the purposes of this Regulation;

(g) “District Judge” means the District Judge of Union territory of Lakshadweep;

(h) “District Panchayat” means the District Panchayat constituted under section 57;

(i) “District Panchayat Fund” means the Fund constituted under section 87;

(j) “Election Commission” means the Election Commission referred to in sub-section (1) of section 107;

(k) “Finance Commission” means the Finance Commission referred to in section 108;

(l) “general election” means the election held under this Regulation for the constitution or the reconstitution of a Panchayat after the expiry of its terms or otherwise;

(m) “Gram” means a village;

(n) “Gram Fund” means the Fund referred to in section 38;

(o) “Gram Panchayat” means a Gram Panchayat constituted under this Regulation;

(p) “Gram Sabha” means the Gram Sabha constituted under sub-section (2) of section 3;

(q) “notification” means a notification published in the Official Gazette and the expression “notified” shall be construed accordingly;

(r) “Official Gazette” means the Lakshadweep Gazette;

(s) “Ombudsman” means a body constituted by the Administrator under the provisions of this Regulation;

(t) “Panchayat area” means the territorial area of a Gram Panchayat declared by the Administrator under sub-section (1) of section 3;

(u) “Panchayat Secretary” means a Panchayat Secretary appointed under sub-section (1) of section 27;

(v) “population” means the population, as ascertained at the last preceding census of which the relevant figures have been published;

(w) “prescribed” means prescribed by rules made under this Regulation;

(x) “prescribed authority” means a person appointed by the Administrator to carry out the provisions of this Regulation;

(y) “President” and “Vice-President” means the President and the Vice-President of the District Panchayat respectively;

(z) “public street” means a pathway, road, street, square, court, alley, cart track, foot path or riding path over which the public have a right of way, whether through fare or not and includes—

(i) the road-way over any public bridge or cause-way;

(ii) the foot-way attached to any such street, public bridge or cause-way;

(iii) the drains attached to any such street, road, public bridge or cause-way; and

(iv) the land which lies on either side of the road-way,—

(a) up to the boundaries of the adjacent property; or

(b) up to the right of way duly notified by the Chief Executive Officer in this regard;

(za) “Regulation” means the Lakshadweep Panchayat Regulation, 2022;

(zb) “Sarpanch” means the Sarpanch of a Gram Panchayat;

(zc) “Schedule” means a Schedule appended to this Regulation;

(zd) “Secretary Panchayat” means the Secretary in charge of the Department of Panchayati Raj in the Union territory of Lakshadweep;

(ze) “section” means section of this Regulation;

(zf) “State Election Commissioner” means the Election Commissioner for the Union Territories;

(zg) “tax” means a tax, cess, rate of other impost leviable under this Regulation but does not includes a fee;

(zh) “Union territory” means the Union territory of Lakshadweep;

(zi) “Upa-Sarpanch” means an Upa-Sarpanch of Gram Panchayat;

(zj) “village” means a village notified by the Administrator, to be a village for the purpose of this Regulation and includes a group of villages;

(zk) “Ward” means a body consisting of persons registered in the electoral rolls relating to ward of a district.

CHAPTER II

GRAM SABHA

3. (1) The Administrator shall, after making such inquiry as may be necessary, 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 Regulation and shall also specify its headquarters.

Declaration of Panchayat area and constitution of Gram Sabha.

(2) The Administrator shall, by notification, constitute a Gram Sabha by a name for each Panchayat area.

(3) Every Gram Sabha shall, by the name notified under sub-section (2) of this section, be a body corporate having perpetual succession and a common seal and shall, subject to such restrictions and conditions as may be imposed by or under this Regulation, have power to acquire, hold, administer and transfer property, both movable and immovable, and to enter into a contract and shall, by the said name, sue or be sued:

Provided that the powers and duties of the Gram Sabha shall, save as otherwise expressly provided in this Regulation, be exercised, performed and discharged by the Gram Panchayat constituted under sub-section (1) of section 12.

Composition of Gram Sabha and disqualification for being as member of Gram Sabha.

4. (1) A Gram Sabha shall consist of persons registered in the electoral roll relating to a Gram either a village or group of villages.

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

(a) under eighteen years of age;

(b) not a citizen of India;

(c) of unsound mind and stands so declared by competent court; and

(d) not ordinarily a resident within the village for which the Gram Sabha is constituted.

Explanation.—For the purposes of this sub-section, it is hereby clarified that a “person” shall be deemed to be ordinarily resident in village if he has been ordinarily residing in such village or is in possession of a dwelling house therein ready for occupation.

Electoral Roll of Members of Gram Sabha.

5. (1) The prescribed authority under the superintendence, direction and control of the Election Commission shall cause to be prepared an electoral roll in such manner as may be prescribed.

(2) The electoral roll referred to in sub-section (1) shall contain the names of all persons entitled under section 4 to be the members of the Gram Sabha and such electoral roll shall be revised at least once in a financial year in such manner as may be prescribed.

Alteration in area of Gram Sabha.

6. (1) The Administrator may, after such inquiry as he thinks necessary at any time, by notification,—

(a) include any area in a Gram;

(b) exclude any area from a Gram;

(c) declare that any local area shall cease to be a Gram;

(d) alter the headquarter of any Gram Sabha; or

(e) alter the name of any Gram Sabha.

(2) Where, by a notification under sub-section (1), any area is included in a Gram, such area shall thereby become subject to all notifications, rules, bye-laws and orders made under this Regulation or any other law for the time being in force in the area within, the jurisdiction of the Gram Sabha.

(3) Where, by notification under sub-section (1), the whole of the area of a Gram, ceases to be a Gram, the Gram Sabha shall cease to exist and its assets and liabilities shall be disposed of in the prescribed manner, and if a part of such area is excluded from a Gram, the jurisdiction of the Gram Sabha shall be reduced by that part.

Cessation of membership of Gram Sabha.

7. (1) A member of a Gram Sabha shall cease to be member, if—

(a) he is disqualified under section 4;

(b) the area where he resides has been excluded from the jurisdiction of the Gram Sabha; or

(c) he ceases to be ordinarily resident within the jurisdiction of the Gram Sabha.

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

Meetings of Gram Sabha.

8. (1) Every Gram Sabha shall hold at least four general meetings in each financial year and it shall be the responsibility of the Sarpanch to convene such meetings:

Provided that the Sarpanch shall, upon a requisition in writing by not less than one-tenth of the total number of members of the Gram Sabha call an extraordinary meeting of the Gram Sabha, within thirty days from the receipt of such requisition:

Provided further that where the Sarpanch fails to convene the meetings under this sub-section, such authority as may be prescribed, shall convene such meetings within a period of thirty days.

(2) The Sarpanch or in his absence the Upa-Sarpanch or in the absence of both any person chosen by the Gram Sabha shall preside at such meetings.

(3) For any general meeting of the Gram Sabha, one-tenth of the total number of its members shall form the quorum and decisions shall be taken by a majority of the members present and voting.

(4) The notice of time and place of meetings shall be given in the prescribed manner.

(5) The minimum quorum for the meeting should be ten per cent. of the total members out of which at least thirty per cent. should be women.

9. (1) The Sarpanch shall place before the Gram Sabha for its approval the following matters, namely:—

Transaction of business at general meeting.

(a) the annual statement of accounts;

(b) budget estimates;

(c) the developmental and other programmes of work proposed for the current financial year;

(d) proposals for fresh taxation or enhanced taxation;

(e) report of the administration of the preceding financial year; and

(f) the last audit note and replies thereto.

(2) The Gram Sabha, shall consider the following matters and make recommendations and suggestions to the Gram Panchayat, namely:—

(a) annual administration report of the preceding financial year;

(b) planning, supervising, co-ordinating and monitoring the schemes of the Gram Panchayat;

(c) recoveries of Panchayat dues;

(d) the last audit report and replies made thereto; and

(e) proposals for organising community service, voluntary labour or mobilisation of the local people for any specific work included in any programme:

Provided that the recommendations of the Gram Sabha shall be acted upon by the Gram Panchayat as far as practicable.

10. The Gram Sabha shall perform the following functions, namely:—

Functions of Gram Sabha.

(i) identification of the beneficiaries and sites under various programmes of the Administration;

(ii) determination of the priorities of the work to be undertaken by the Gram Panchayat;

(iii) issuance of utilisation certificate in respect of the development work undertaken by the Gram Panchayat from the grants-in-aid or the Gram Panchayat funds; and

(iv) any other function as may be assigned to it by the Administrator from time to time.

Supervisory
Committees
of Gram
Sabha.

11. (1) The Gram Sabha shall constitute the following Supervisory Committees in such manner as may be prescribed to supervise the Gram Panchayat work and other activities in the Gram, namely:—

- (a) the General Standing Committee;
- (b) the Village Health Sanitation and Nutrition Committee;
- (c) the Planning and Development Committee;
- (d) the Education Committee (School Management Committees);
- (e) the Social Justice Standing Committee; and
- (f) the Water Supply, Water and Environmental Conservation Committee.

(2) The Supervisory Committees referred to in sub-section (1) shall submit its report to the Gram Panchayat and also place a copy of their report in the meeting of the Gram Sabha.

(3) Apart from ward members and Sarpanch, other expert government and non-government members shall be included as special invitees.

CHAPTER III

THE GRAM PANCHAYAT AND ELECTIONS

Constitution
of Gram
Panchayats.

12. (1) As soon as may be, after its constitution, every Gram Sabha shall elect by direct election an Executive Committee called the Gram Panchayat and a Chairperson of that Committee to be known as the Sarpanch.

(2) A Gram Panchayat shall, consist of such number of seats including the Sarpanch to be filled from such number of wards, as the Administrator may, by notification, determine.

(3) The ratio between the population of the territorial area of a Gram Panchayat and the number of seats in that Panchayat to be filled by election shall, so far as practicable, be the same throughout the Union territory.

(4) The territorial boundary for each ward shall be notified by the Administrator on the recommendations of the Election Commission.

(5) Each Gram Panchayat area shall be divided by the Election Commission into territorial constituencies in such manner that the ratio between the population of each constituency and the number of seats allotted to it shall, so far as practicable, be the same throughout the Gram Panchayat area.

(6) The seats shall be reserved for the Scheduled Tribes in every Gram Panchayat and the number of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of seats to be filled by direct election in the Gram Panchayat as the population of the Scheduled Tribes in that Gram Panchayat area bears to the total population of that area and such seats shall be allotted by the Election Commission by rotation to different constituencies in a Gram Panchayat, in such manner as may be prescribed:

Provided that no such reservation shall be necessary, if the total population of the Scheduled Tribes in a Gram Panchayat is less than half the proportionate population required to fill one seat.

(7) Not less than one-half of the total number of the seats reserved under sub-section (6), shall be reserved for women belonging to the Scheduled Tribes.

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

(9) The number of seats to be reserved under sub-sections (7) and (8) shall be determined by the Administrator, by an order published in the Official Gazette.

(10) The Administrator shall reserve—

(i) the number of offices of Sarpanch in the Gram Panchayats for the Scheduled Tribes which shall bear, as nearly as may be, the same proportion to the total number of such offices in the Gram Panchayats as the population of the Scheduled Tribes in the area of Union territory to which this Regulation extends bears to the total population of such area;

(ii) not less than one-half of the total number of offices of Sarpanch in the Gram Panchayats for women:

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

13. (1) Every member of Gram Sabha shall, unless disqualified under this Regulation or any other law for the time being in force,—

Person qualified to vote and be elected.

(a) be qualified to vote at an election to the Gram Panchayat or at a meeting of the Gram Sabha;

(b) be qualified to be elected to fill up a seat in the Gram Panchayat as a member or as its Sarpanch or as both:

Provided that if a person is elected to both the offices of a member as well as Sarpanch, he shall resign either of the two offices within a period of fourteen days from the date of the publication of the result in the Official Gazette, failing which his seat in the Gram Panchayat shall become vacant.

(2) The vacancy caused by the result of such resignation, shall be filled by holding a bye-election for the purpose.

14. (1) No person shall be a member of a Gram Panchayat or continue as such who—

Disqualification for being a member of Gram Panchayat.

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

(b) is not a citizen of India;

(c) has, whether before or after the commencement of this Regulation, been convicted—

(i) of an offence under the Protection of Civil Rights Act, 1955 and a period of five years, or such lesser period as the Administrator may determine in any particular case, has elapsed since his conviction;

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

(d) has been adjudged by a competent court to be of unsound mind;

(e) has been adjudicated as an insolvent;

(f) has been removed from any office held by him in any Gram Panchayat under any provision of this Regulation or in any Gram Panchayat before the commencement of this Regulation and a period of five years has not elapsed from the date of such removal, unless he has, by an order of the Administrator notified in the Official Gazette, been relieved from the disqualification arising on account of such removal from office;

(g) has been disqualified from holding office under any provision of this Regulation and the period for which he was so disqualified has not elapsed;

(h) holds any salaried office or place of profit in the gift or disposal of any Panchayat, other than as such office or place as prescribed;

(i) has, directly or indirectly, any share or interest in any work done by order of the Panchayat, or in any contract with, by or on behalf of, or employment with or under the Panchayat.

Explanation.—For the removal of doubts, it is hereby clarified that a person shall not be disqualified for membership of a Panchayat by reason only of such person—

(i) having share in any joint stock company or a share or interest in any society registered under any law for the time being in force which shall contract with or be employed by or on behalf of any Panchayat;

(ii) having a share or interest in any newspaper in which any advertisement relating to the affairs of any Panchayat may be inserted;

(iii) holding a debenture or being otherwise concerned in any loan raised by or on behalf of any Panchayat;

(iv) being professionally engaged on behalf of any Panchayat as a legal practitioner;

(v) having any share or interest in any lease of immovable property in which the amount of rent has been approved by the Gram Panchayat in the case of a Gram Panchayat, or by the District Panchayat in its own case or in any sale or purchase of immovable property or in any agreement for such lease, sale or purchase;

(vi) having a share or interest in the occasional sale to the Panchayat of any article in which he regularly trades or in the purchase from the Panchayat of any article, to a value in either case not exceeding in any year one thousand rupees; or

(vii) merely being a relative of a person in employment with or under or by or on behalf of the Panchayat;

(j) has, directly or indirectly, any share or interest in any transaction of loan of money advanced to or borrowed from any officer or servant of any Panchayat;

(k) fails to pay any arrears of any kind due by him to the Panchayat or any Panchayat subordinate thereto or any sum recoverable from him under this Regulation, within three months after a special notice in accordance with the rules made in this behalf has been served upon him.

Explanation.—For the removal of doubts, it is hereby clarified that—

(i) a person shall not be deemed to be disqualified if he has paid the arrears or the sum referred to in clause (k), prior to the day prescribed for the nomination of candidates;

(ii) failure to pay the arrears or the sum referred to in clause (k) to the Panchayat by a member of a Hindu Undivided Family or by a person belonging to a group or unit, the members of which are by custom joint in estate or residence, shall be deemed to disqualify all members of such Hindu Undivided Family or as the case may be, all the members of such group or unit.

(l) is a servant of the Government or any local body;

(m) has voluntarily acquired the citizenship of a Foreign State or is under any acknowledgement of allegiance or adherence to a Foreign State;

(n) has no facility of water closet or privy accommodation at the place of his ordinary residence:

Provided that a sitting member shall be deemed to have incurred disqualification, if he does not submit to the Chief Executive Officer, within six months from the date of commencement of this Regulation, a certificate issued by the Panchayat Secretary of the Gram Panchayat in whose jurisdiction his ordinary residence is situated, to the effect that he is having facility of water closet or privy accommodation at the place of his ordinary residence.

(o) is disqualified under any other provision of this Regulation, and the period for which he was so disqualified has not elapsed;

(p) has more than two children:

Provided that a person having more than two children on the date of commencement of this Regulation shall not be disqualified under this clause so long as the number of children he had on the date of such commencement does not increase:

Provided further that a child or more than one child born in a single delivery within the period of one year from the date of such commencement shall not be taken into consideration for the purpose of disqualification under this clause.

Explanation.—For the purposes of this clause, it is hereby clarified that—

(i) where a couple has only one child on or after the date of such commencement, any number of children born out of single subsequent delivery shall be deemed to be one entity;

(ii) “child” does not include an adopted child or children;

(q) is, without permission of the Gram Panchayat, absent from three consecutive meetings;

(r) has been ordered to give security for good behaviour under section 109 or section 110 of the Code of Criminal Procedure, 1973; or

(s) has been dismissed from the service of the Government or Municipality or Gram Panchayat for misconduct within five years prior to the date of poll.

(2) A person shall be disqualified for being a member of the Gram Panchayat if he is so disqualified under the Fifth Schedule.

15. If any question arises as to whether a person has become subject to any disqualification referred to in section 4 or section 14, it shall be referred to the Administrator and his decision thereon shall be final:

Decision on disqualification.

Provided that before giving any decision on such question, the Administrator shall obtain the opinion of the Election Commission and shall act according to such opinion:

Provided further that no person shall be disqualified unless such person has been given an opportunity of being heard in the matter.

16. (1) Any member of a Gram Panchayat who during his term of office—

Leave of absence.

(a) is absent for more than three consecutive months from the village and leave not exceeding four months so to absent has been granted by the Panchayat; or

(b) absents himself for four consecutive months from the meetings of the panchayat without the leave of the said Panchayat,

shall cease to be a member and his office shall be vacant and thereupon the Panchayat shall, as soon as possible, inform him that the vacancy has occurred.

(2) Any dispute as to whether a vacancy has or has not occurred under this section shall be referred to the Secretary Panchayat for decision, and the decision of such Secretary Panchayat shall be final:

Provided that such reference shall not be entertained, if it is made after the expiry of fifteen days from the date on which the Panchayat informs under sub-section (1) to the member in regard to such vacancy.

(3) Whenever, a leave is granted under sub-section (1) to a member, who is an Upa-Sarpanch, another member shall, subject to the conditions to which the election of the

Upa-Sarpanch so absenting himself was subjected to, be elected to perform all the duties and exercise all the powers of an Upa-Sarpanch during the period for which such leave is granted.

Election of members.

17. The election of members of a Gram Panchayat shall be held in such a manner (including the manner of voting) as may be prescribed and on such date or dates as the Administrator may, in consultation with the Election Commission, by notification direct:

Provided that a casual vacancy shall be filled up within a period of six months from the date of occurrence of such vacancy:

Provided further that no election shall be held to fill a casual vacancy occurring within six months prior to the general election of a Gram Panchayat under this section.

Election of Upa-Sarpanch.

18. (1) On the constitution of a Gram Panchayat for the first time under this Regulation or on the expiry of the term of a Gram Panchayat or on its reconstitution, a meeting shall be called on a date fixed by the Administrator for the election of Upa-Sarpanch in such manner as may be prescribed.

(2) The officer appointed by the Administrator shall preside over such meeting and shall not have the right to vote.

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

(4) In case of equality of votes, the result of the election shall be decided by draw of lots in the presence of officer referred to in sub-section (2), in such manner as he may determine.

Executive functions of Sarpanch.

19. The executive powers of the Gram Panchayat under this Regulation and the responsibility for the due fulfilment of the duties imposed on the Gram Panchayat under this Regulation and for carrying out the resolution of the Gram Panchayat shall vest in the Sarpanch.

Duration of Gram Panchayat.

20. (1) Every Gram Panchayat, unless sooner dissolved under any law for the time being in force, shall continue for five years from the date appointed for its first meeting and not longer.

(2) Notwithstanding anything contained in sub-section (1), the members of the Gram Panchayat functioning immediately before coming into force of this Regulation shall continue to hold their office till the expiration of the term specified under sub-section (1).

(3) An election to constitute a Gram Panchayat shall be completed—

(a) before the expiry of its period specified in sub-section (1);

(b) before the expiration of a period of six months from the date of its dissolution:

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

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

Oath of office.

21. (1) As soon as may be, on the first meeting of the Gram Panchayat, every member thereof and Sarpanch and Upa-Sarpanch shall take the oath of office before such officers as the Administrator may specify, in the form set out in the First Schedule.

(2) 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 Gram Panchayat.

22. (1) Any member of the Gram Panchayat may resign his office by giving notice in writing to that effect to the Sarpanch under intimation to the Chief Executive Officer and such resignation shall take effect from date of its acceptance by the Sarpanch.

Resignation of office.

(2) The Upa-Sarpanch may resign his office by giving notice in writing to the Sarpanch under intimation to the Chief Executive Officer and such resignation shall take effect from the date of its acceptance by the Sarpanch.

(3) The Sarpanch may resign his office by giving notice in writing to the Chief Executive Officer and such resignation shall take effect from the date of its acceptance by the Chief Executive Officer.

(4) Where the office of the Sarpanch or Upa-Sarpanch falls vacant, the members of the Gram Panchayat may elect any person from amongst themselves by a simple majority to act as Sarpanch or Upa-Sarpanch, as the case may be, pending the election for such offices.

23. (1) A motion of no confidence may be moved against Sarpanch or Upa-Sarpanch by not less than one third of the total members of the Gram Panchayat after giving notice thereof to the Sarpanch under intimation to the Chief Executive Officer:

Motion of no confidence.

Provided that no such notice shall be given before six months of assumption of office by the Sarpanch or the Upa-Sarpanch.

(2) A special meeting of the Gram Panchayat shall be convened within a period of fifteen days from the date on which the motion of no confidence has been moved to deliberation, and decide the no confidence motion.

(3) If the motion of no confidence is carried by a majority of the total number of members of Gram Panchayat, then, the Gram Panchayat shall recommend to the Gram Sabha the removal of the Sarpanch or the Upa-Sarpanch, as the case may be, from his office.

(4) On receipt of recommendation under sub-section (3), a meeting of the Gram Sabha shall be convened with a quorum of not less than one-third of the total membership of the Gram Sabha and the recommendation shall be approved by majority of members present and voting.

(5) Upon the approval of the recommendation under sub-section (4), the Sarpanch shall cease to hold office after a period of three days from the date on which the recommendation is approved unless he has resigned earlier.

(6) If the recommendation of the Gram Panchayat is not approved by the Gram Sabha under sub-section (4) or there is no quorum in the special meeting of the Gram Sabha, no fresh motion of no confidence shall be moved against the Sarpanch in the Gram Panchayat within a period of six months from the date on which the recommendation fails to acquire approval of the Gram Sabha or the date on which the recommendation could not be considered for lack of quorum.

(7) Notwithstanding anything contained in this Regulation, the Sarpanch or Upa-Sarpanch, for the removal of whom the motion of no confidence or recommendation under sub-section (3) is under consideration, shall not preside over a meeting of Gram Panchayat under sub-section (2) and Gram Sabha under sub-section (4) but he shall have a right to speak or otherwise take part in the proceedings of such meetings.

24. (1) The Chief Executive Officer may by order suspend from the office a Sarpanch or an Upa-Sarpanch or any member of a Gram Panchayat against whom any criminal proceedings in respect of an offence involving moral turpitude have been instituted or who has been detained in a prison during trial for any offence or who is undergoing such sentence of imprisonment as would not disqualify him from continuing as a member of the Panchayat under section 14 or who has been detained under any law relating to preventive detention for the time being in force.

Suspension of Sarpanch or Upa-Sarpanch or any Members of Gram Panchayat.

(2) Where any Sarpanch or Upa-Sarpanch or member, has been suspended under sub-section (1), another member of the Gram Panchayat shall, subject to the conditions to which the election of the Sarpanch or Upa-Sarpanch or member, so suspended was subjected to, be elected to perform all the duties and exercise all the powers of a Sarpanch or Upa-Sarpanch or member, during the period for which such suspension continues.

(3) An appeal against an order passed under sub-section (1) shall lie before the Administrator or any officer authorised by him within a period of thirty days from the date of the order.

Removal
from office.

25. (1) The Secretary Panchayat may by order remove from office any member of the Panchayat, the Sarpanch or, as the case may be, the Upa-Sarpanch thereof, after giving him an opportunity of being heard and giving due notice in that behalf and after such inquiry as it deems necessary, if such member, Sarpanch or, as the case may be, Upa-Sarpanch has been guilty of misconduct in the discharge of his duties or of any disgraceful conduct or abuses his powers or makes persistent default in the performance of his duties and functions under this Regulation or has become incapable of performing his duties and functions under this Regulation and the Sarpanch or, as the case may be, the Upa-Sarpanch, so removed may at the discretion of the Secretary Panchayat also be removed from the membership of the Panchayat:

Provided that no member, Sarpanch or Upa-Sarpanch shall be removed unless such person has been given an opportunity of being heard in the matter.

(2) The Secretary Panchayat may, after following the procedure laid down in sub-section (1) by order disqualify for a period not exceeding five years any person who has resigned his office as a member, Sarpanch or Upa-Sarpanch, or otherwise ceased to hold any such office and has been guilty of misconduct specified in sub-section (1) or has been incapable of performing his duties and functions:

Provided that an action under this sub-section shall be taken within a period of six months from the date on which the person resigns or ceases to hold any such office.

(3) Any person aggrieved by an order of the Secretary Panchayat under sub-section (1) or sub-section (2) may, within a period of thirty days from the date of the communication of such order, appeal to the Administrator or any officer authorised by him in this behalf against the said order.

Casual
vacancy.

26. Any casual vacancy in the office of the Sarpanch or the Upa-Sarpanch in the Gram Panchayat, shall be filled for the remainder of his term by election in accordance with the provisions of this Regulation:

Provided that in the case of a seat or the office of Sarpanch reserved for the Scheduled Tribe or women, no person other than the member of the Scheduled Tribe or women shall be qualified to be chosen to such vacancy.

Officers and
employees of
Gram
Panchayat.

27. (1) There shall be a Panchayat Secretary for every Gram Panchayat who shall be appointed by the Administrator and draw his salary and allowances from the Gram Fund.

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

(3) Subject to rules as may be made by the Administrator regarding discipline and control, the Panchayat Secretary shall act in all matters under the general supervision of the Sarpanch through whom he shall be responsible to the Gram Panchayat.

(4) The Gram Panchayat may appoint such other officers and employees and in such number as may, from time to time, be necessary with the prior approval of the Administrator and in such manner as may be prescribed:

Provided that no post shall be created for which no budget provision is made and is not provided in the staffing pattern approved by the Administrator.

(5) The posting and transfer of the staff recruited under sub-section (4), shall vest with the Chief Executive Officer.

(6) The terms and conditions of service and duties of Panchayat Secretary and the term and conditions of service of the officers shall be such as may be prescribed.

28. (1) The time and place of meetings of a Gram Panchayat and the procedure to be followed at such meetings shall be such as may be prescribed.

Meetings of
Gram
Panchayat.

(2) A member of a Gram Panchayat may, at any meeting, move any resolution and put questions to the Sarpanch or the Upa-Sarpanch on matters connected with the Administration of the Gram Panchayat in such manner as may be prescribed.

(3) No resolution of a Gram Panchayat shall be amended, varied or cancelled by the Gram Panchayat within a period of three months from the date of passing thereof, except by a resolution supported by two-thirds of the total number of members of the Gram Panchayat.

29. (1) Subject to such control and restrictions as may be prescribed, a Gram Panchayat may appoint the following Committees for exercising its powers and discharging its duties and functions, namely:—

Committees.

(a) the Executive Committee;

(b) the Public Health Committee;

(c) the Public Works Committee;

(d) the Education Committee;

(e) the Committee for production, co-operation and irrigation;

(f) the Social Justice Committee; and

(g) the Committee for Women, Child Development and Youth Activity.

(2) A Committee appointed under sub-section (1), shall consist of not more than five members and may be dissolved or reconstituted for such reasons and in such manner as may be prescribed.

(3) The recommendations of the Committees shall be advisory in nature and every Gram Panchayat shall have the powers to annul, revise or modify any decisions taken by any of its Committees.

30. No act or proceeding of a Gram Panchayat or of any Committee thereof shall be deemed to be invalid merely by reason of the existence of any vacancy.

Proceedings
not to be
invalid in
certain cases.

CHAPTER IV

POWERS, DUTIES AND FUNCTIONS OF GRAM PANCHAYAT

31. (1) It shall be the duty of Gram Panchayat, so far as the Gram Fund, to make reasonable provision within its jurisdiction, in regard to the matters specified in the Second Schedule.

Duties and
functions of
Gram
Panchayat.

(2) Subject to the provisions of sub-section (1) a Gram Panchayat shall have powers and responsibilities to make plans and implement schemes for the development and social justice including those in relation to the matters specified in the Second Schedule.

32. (1) The Gram Panchayat in respect of all roads, streets, bridges, culverts and other properties placed by the Administrator under section 37 under its direction, management and control, subject to the provisions of any other law for the time being in force, may do all things necessary for the maintenance and repair thereof, and in particular, may—

Control of
Gram
Panchayat on
certain
properties.

(a) wider, open, enlarge, or otherwise improve any such road, bridge or culvert and plant and preserve trees on the sides of such roads;

(b) deepen or otherwise improve any water-course and other property mentioned in clause (c) of sub-section (1) of section 89; and

(c) cut any hedge or branch or any tree projecting on any such public road or street and building.

(2) The Gram Panchayat shall also have control of all roads, streets, water-ways, bridges and culvert which are situated within its jurisdiction, not being private property or not being the property for the time being under the control of the Government and may do all things necessary for the improvement, maintenance and repair thereof and in particular, may—

(a) lay out and make new roads; and

(b) construct new bridges and culverts.

Transfer of any work or institution to Gram Panchayat.

33. The Administrator may entrust to the Gram Panchayat, the execution, maintenance or repair of any work or the management of any institution on behalf of the Administration or any local authority:

Provided that the funds necessary for the execution, maintenance or repairs of the work or the management of the institution shall be placed by the Administration or such local authority as may be determined by the Administrator at the disposal of the Gram Panchayat.

Collection of revenue.

34. (1) Subject to such conditions as may be prescribed, the Administrator may, by notification, entrust to the Gram Panchayat the functions and duties of collecting the taxes, land revenue and other dues recoverable under specified scheme.

(2) Where any functions or duties are entrusted to a Gram Panchayat under sub-section (1), the Administrator shall pay to such Gram Panchayat collection charges at such rates as may be prescribed.

Village Volunteer Force.

35. (1) Subject to the rules under this Regulation, a Gram Panchayat may organise a force to be known as Village Volunteer Force consisting of able bodied persons residing in the Gram who are not below the age of 18 years and who are willing to join the force and place such force under the command of a suitable person.

(2) The services of the Village Volunteer Force, may be utilised for general watch and ward purpose and in cases of emergency like fire, floods, out-break of epidemics or any other natural calamity.

(3) No member of the Village Volunteer Force, shall be held liable for damages on account of any act done by him in the *bona fide* discharge of his duties as a member of such force.

Execution of contracts.

36. Every contract or agreement entered into by a Gram Panchayat shall be signed by the Sarpanch and the Panchayat Secretary and sealed with the common seal of the Gram Panchayat.

Modification of powers, functions, etc., from Gram Panchayat.

37. Notwithstanding the transfer of any powers, functions and duties in respect of any matter to a Gram Panchayat, where the Administrator is satisfied that by reason of a change in the nature, the matter has ceased to be a matter in the Second Schedule and that it is necessary to withdraw from the Gram Panchayat the powers, function or duties in respect of such matter, by notification, withdraw such powers, functions and duties with effect from the date specified in the notification and make such incidental and consequential orders as may be necessary to provide for matters including the taking over of the property, rights and liabilities, if any, vesting in the Panchayat and of the staff, if any, which may have been transferred to the Panchayat.

CHAPTER V

FINANCE, PROPERTY AND ACCOUNTS

38. (1) There shall be a "Gram Fund" for each Gram Panchayat and the same shall be utilised for carrying out the duties and obligations imposed upon the Gram Panchayat by this Regulation. Gram Fund.

(2) The following shall be credited to and form part of the Gram Fund, namely:—

- (a) the proceeds of any tax or fee imposed under section 41;
- (b) the contributions made by the Government or any local authority or person;
- (c) all sums ordered by any authority or court to be credited to the Gram Fund;
- (d) the income from securities in which the Gram Fund is invested;
- (e) the share in the collection of land revenue or other grants from the Administration;
- (f) all sums received by way of loans or gifts;
- (g) the income derived from fisheries and other sectors under the management of the Gram Panchayat;
- (h) the income from or proceeds of any property of the Gram Panchayat;
- (i) the sale proceeds of all dust, dirt, dung or refuse collected by the functionaries of the Gram Panchayat;
- (j) the sums assigned to the Gram Fund by any general or special order of the Administration; and
- (k) all sums received in aid of or for expenditure on any institution or service maintained or financed from the Gram Fund or managed by the Gram Panchayat.

(3) The amount in the Gram Fund shall be applied subject to the provisions and for the purposes of this Regulation and shall be kept in such custody and in such manner as may be prescribed.

39. The Administrator may, subject to such conditions as he may deem fit, make grants to the Gram Panchayat for general purposes or for the improvement of the village and the welfare of residents therein. Grants.

40. (1) The Administrator may, if he deems fit, place all or any of the properties, of the nature specified below, and situated within the jurisdiction of the Gram Panchayat under the direction, management and control of the Gram Panchayat, namely:— Properties placed under disposal, management and control of Gram Panchayat.

- (i) open sites, waste, vacant and grazing lands, not being private property and river beds;
- (ii) public roads and streets;
- (iii) public channels, water courses, wells, ponds, tanks (except irrigation tanks under the control of the Government), public reservoirs (except water treatment plants under the control of the Government), cisterns, fountains, aqueducts and any adjacent land (not being private property) appertaining to any public tanks or ponds, and lands appertaining thereto;
- (iv) public sewers, drains, drainage works, tunnels and culverts and things appertaining thereto and other conservancy works;
- (v) sewage, rubbish and offensive matter, deposited on streets or collected by the Gram Panchayat from streets, latrines, urinals, sewers, cesspools and other places;
- (vi) street lights, public lamps, lamp posts and apparatus connected therewith or appertaining thereto;

(vii) public library, reading rooms, slaughter houses, fish farms, cremation grounds, primary schools, *anganwadi* centres; and

(viii) road side trees, fuel wood plantation, non-conventional energy equipments.

(2) All markets and fairs or such portions thereof as are held upon public land shall be managed and regulated by the Gram Panchayat and Gram Panchayat shall receive to the credit of the Gram Fund referred to in sub-section (1) of section 38 all dues levied or imposed in respect thereof.

Taxes which may be imposed.

41. (1) Subject to the rules made under this Regulation a Gram Panchayat, in relation to the services provided by it directly, may levy—

(a) a tax on the owners or occupiers of buildings;

(b) a tax on trades, callings and employment;

(c) a tax on vehicles other than mechanically propelled vehicles kept within the limits of the Gram Panchayat;

(d) a tax on sale of cattle within the limits of the Gram Panchayat;

(e) a theatre or show tax on entertainments and amusements;

(f) a lighting tax;

(g) a drainage tax;

(h) fees for providing sanitary arrangements at such places of worship, of pilgrimage, fairs and melas within its jurisdictions;

(i) fees for sale of goods in markets, melas, fairs and festivals;

(j) fee for grazing of cattle in grazing lands under the management of the Gram Panchayat;

(k) fee for providing the watch and ward of crops in the Gram Panchayat;

(l) licence fee for plying of public ferry; and

(m) such other taxes as may be approved by the Administrator.

(2) The taxes and fees referred to in sub-section (1) shall be imposed, assessed and realised in such manner and at such times as may be prescribed.

Appeal against levy of tax, etc.

42. Any person aggrieved by the assessment, levy or imposition of any tax or fee under section 41, may appeal to the Panchayat Secretary within thirty days of the date of the order imposing such tax or fee and second appeal in these cases shall lie with the Chief Executive Officer.

Suspension of levy of tax or fee.

43. The Chief Executive Officer may, by order, suspend the levy or imposition of any tax or fee under section 38 and may at any time in the like manner rescind such suspension.

Lease of collection of markets fees, etc.

44. It shall be lawful for a Gram Panchayat to lease by public auction or private contract after following prescribed procedure, the collection of any fee on specified markets and *bazars*, if any, such fee is imposed under section 41:

Provided that a lessee shall give security for the due fulfilment of the conditions of the lease or contract.

Recovery of taxes and other dues.

45. (1) When any tax or fee or other sum due to a Gram Panchayat has become payable, the Gram Panchayat shall with the least practicable delay cause to be sent to the person liable for the payment thereof, a demand notice in the prescribed form for the amount due from him and require him, to pay the amount within a period of thirty days, from the date of such notice.

(2) Every notice of demand under sub-section (1) shall be served in such manner as may be prescribed.

(3) If the sum for which a notice of demand has been served is not paid within a period of thirty days from the date of such notice, the Gram Panchayat may apply to the Mamlatdar or any other officer authorised in this behalf by the Administrator for its recovery as an arrear of land revenue.

46. Every Gram Panchayat shall maintain accounts in such form as may be prescribed. Accounts.

47. (1) Every Gram Panchayat shall, at such time and in such manner as may be prescribed, prepare in each year a development plan for that year and present before the District Planning Committee. Annual estimate of expenditure.

(2) No expenditure shall be incurred unless the budget is approved by the Administrator.

48. (1) The accounts of every Gram Panchayat shall be audited annually in such manner as may be prescribed. Audit.

(2) The audit shall be carried out by the prescribed authority or such other officer as the Administrator may appoint in this behalf and such prescribed authority or other officer shall within one month of the completion of the audit, forward copies of the audit report to the Chief Executive Officer and the Gram Panchayat.

(3) The Chief Executive Officer may, after considering the report and after making such further enquiry as he may consider necessary, disallow any item which appears to him contrary to law and surcharge the same on the person making or authorising the illegal payment and shall—

(a) if such person is a member of the Gram Panchayat, proceed against him in the manner as specified in sub-sections (2) and (3) of section 53; and

(b) if such person is not a member of the Gram Panchayat, obtain the explanation of the person and direct such person to pay to the Gram Panchayat the amount surcharged within a specified period and if the amount is not paid within the specified period, the Chief Executive Officer shall cause it to be recovered as an arrear of land revenue and credit it to the Gram Fund referred to in sub-section (1) of section 38.

(4) Any person aggrieved by an order of the Chief Executive Officer under sub-section (3) may, within thirty days of the date of such order, prefer an appeal to the Secretary Panchayat whose decision thereon shall be final.

(5) Social audit of the major works being carried out by the Gram Panchayat shall be organised as may be decided by the Director Panchayat from time to time and the report of such audit whenever carried out shall be submitted to the Administrator by Director Panchayat along with his comments.

49. (1) Every Gram Panchayat shall submit annually to the Chief Executive Officer a report on the administration of the Gram Panchayat during the previous year. Administrative report.

(2) The report shall be prepared by the Panchayat Secretary and after it is approved by the Gram Panchayat, shall be forwarded to the Chief Executive Officer with a copy of the resolution of the Gram Panchayat thereon.

(3) The annual administration report of the Gram Panchayat shall contain an introductory section with basic statistics about the Gram Panchayat and data related to devolution of functions, finances, functionaries and performance of its duties, functions and obligations.

(4) The Chief Executive Officer shall forward the annual administrative report through the Director Panchayat along with his comments to the Administrator.

CHAPTER VI

CONTROL OF GRAM PANCHAYAT

Power to call for proceedings, etc.

50. The Chief Executive Officer and the Director Panchayat shall have power to—

(a) call for—

(i) any extract from the proceeding of a Gram Panchayat or any book, record, correspondence or documents in the possession or under control of a Gram Panchayat;

(ii) any return, plan, estimate, account or report for the purpose of inspection or examination;

(b) require a Gram Panchayat to take into consideration—

(i) any objection which appears to the Chief Executive Officer or the Director Panchayat to exist to the doing of anything which is about to be done or is being done by such Gram Panchayat, or

(ii) any information which the Chief Executive Officer or the Director Panchayat is able to furnish and which appears to the Chief Executive Officer or the Director Panchayat to necessitate the doing of a certain thing by the Gram Panchayat, and to make written reply to the said Chief Executive Officer or the Director Panchayat, as the case may be, within a reasonable time, stating its reasons for desisting from doing such things.

Default in performance of duty by Gram Panchayat.

51. (1) If, at any time, it appears to the Chief Executive Officer that a Gram Panchayat has made wilful and persistent default in the performance of any duty imposed on it by this Regulation, he may, by order in writing, fix a period for the performance of that duty under intimation to the Director Panchayat.

(2) If the duty specified under sub-section (1), is not performed within the period so fixed, the Executive Officer may by an order in writing appoint any Government Agency to perform it, and direct that the expenses of the performance of such duty shall be paid by the defaulting Gram Panchayat within such period as the Chief Executive Officer may by order determine fit.

Suspension of execution of order on resolution of Panchayat.

52. (1) If in the opinion of the Panchayat Secretary, the execution of any order or resolution of a Gram Panchayat or the doing of anything which is about to be done or is being done by or on behalf of a Gram Panchayat is causing or likely to cause danger to human life, health and public safety or annoyance to the public or to lead to a breach of peace or is unlawful, he shall forthwith bring it to the notice of the Chief Executive Officer who may by an order in writing suspend the execution or prohibit the doing thereof.

(2) When the Chief Executive Officer makes order under sub-section (1), he shall forthwith send to the Gram Panchayat affected thereby a copy of the order together with a statement of the reasons for making it.

(3) The Chief Executive Officer shall forthwith submit to the Secretary Panchayat a report of the circumstances in which the order was made under this section and the Secretary Panchayat may after giving notice to the Gram Panchayat and making such inquiry as he deems fit, rescind, modify or confirm the order.

(4) All actions taken or order made under sections 50, 51 and this section shall be reported to the Administrator as soon as possible.

Liability of members for loss, waste or misapplication.

53. (1) Every member of the Gram Panchayat shall be personally liable for the loss, waste or misapplication of any money or other property of the Gram Panchayat which has been caused or facilitated by his misconduct or wilful neglect of his duty as a member of the Gram Panchayat.

(2) If after giving the member of the Gram Panchayat concerned a reasonable opportunity for showing cause to the contrary, the Panchayat Secretary is satisfied that the loss, waste or misapplication of any money or other property of the Gram Panchayat is a direct consequence of misconduct or wilful neglect on the part of such member, he shall report in writing to the Chief Executive Officer who shall direct such member to pay to the Gram Panchayat before a fixed date, the amount required to be reimbursed to it for such loss, waste or misapplication:

Provided that no such order shall be made for *bona fide* or technical irregularities or mistake of a member of the Gram Panchayat.

(3) If the amount referred to in sub-section (2) is not so paid, the Chief Executive Officer shall recover it as an arrear of land revenue and credit it to the Gram Fund referred to in sub-section (1) of section 38.

(4) An order of the Chief Executive Officer shall be subject to an appeal to the Secretary Panchayat if made within thirty days of the date of the order.

54. (1) If, in the opinion of the Administrator, a Gram Panchayat exceeds or abuses its powers or is incompetent to perform or makes persistent default in the performance of the duties imposed on it or functions entrusted to it under any provision of this Regulation or by or under any other law for the time being in force, or fails to obey an order made under this Regulation by the Gram Panchayat superior thereto or by the Administrator or any officer authorised by it, under this Regulation or persistently disobeys any of such orders, the Administrator may, after giving the Gram Panchayat an opportunity of rendering an explanation, by order in the Official Gazette—

Dissolution or suspension of panchayat for default.

(i) dissolve such Gram Panchayat; or

(ii) supersede such Gram Panchayat for the period specified in the order:

Provided that such period shall not be longer than six months or the residual period of duration of such Gram Panchayat whichever is less:

Provided further that the Administrator may subject to, the preceding proviso from time to time after making such inquiry as it may consider necessary by an order published in the Official Gazette, extend the period of supersession of such Gram Panchayat until such date as may be specified in the order or by like order curtail the period of such supersession.

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

(3) When the Gram Panchayat is dissolved or superseded, it shall be reconstituted, in the manner provided in this Regulation.

(4) If a Gram Panchayat is dissolved or superseded—

(a) all the powers and duties of the Gram Panchayat shall during the period of dissolution or supersession, as the case may be, exercised and performed by such person or persons as the Administrator may from time to time appoint in that behalf;

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

(c) on the dissolution, or, as the case may be, on the expiry of the period of supersession, the Gram Panchayat shall be reconstituted in the manner provided in this Regulation, and the persons vacating office shall be eligible for re-election.

55. (1) If any dispute arises between two or more Gram Panchayats, it shall be referred to a Joint Committee of Panchayat appointed under section 80.

Disputes between Gram Panchayats.

(2) If the Joint Committee is unable to resolve the issue it shall be referred to the Secretary Panchayat and the decision of Secretary Panchayat thereon shall be final.

Administrator or Secretary Panchayat may call for proceedings.

56. The Administrator or the Secretary Panchayat may call for and examine the record of the proceedings of any Gram Panchayat for the purpose of satisfying himself as to the legality or propriety of any order passed and may revise or modify the order as he may deem fit:

Provided that no order shall be so revised or modified without giving the Gram Panchayat concerned a reasonable opportunity of showing cause against the proposed order for revision or modification of the order.

CHAPTER VII

THE DISTRICT PANCHAYAT

District Panchayat.

57. The Administrator shall, by notification, constitute for the Districts in the Union territory, a Panchayat at the District level to be called the District Panchayat.

Composition of District Panchayat.

58. (1) The District Panchayat shall consist of such number of seats to be filled from such number of wards, as the Administrator may, by order, determine.

(2) Subject to the provisions of sub-section (3), the territorial boundary for each ward shall be notified by the Administrator on the recommendations of the Election Commission.

(3) The seats in the District Panchayat shall be filled by persons chosen by direct election from the wards in such manner that the ratio between the population of each constituency and the number of seats allotted to it shall so far as practicable be the same throughout the District Panchayat area.

(4) The following persons shall also be represented in the District Panchayat, namely:—

(a) all sarpanches of Gram Panchayats;

(b) the Member of Lok Sabha representing the Constituency of Union territory:

Provided that the representatives under clauses (a) and (b) shall have the right to vote in the meetings other than the meetings held for election of the President and the Vice-President.

(5) The provisions of sub-sections (5), (6), (7) and (8) of section 12 shall, so far as may be, apply to the District Panchayat as they apply to a Gram Panchayat subject to the modification that for the words “Gram Panchayat” wherever they occur in those provisions, the words “District Panchayat” shall be substituted.

Incorporation of District Panchayat.

59. The District Panchayat shall, by the name notified under section 57 be a body corporate having perpetual succession and a common seal and subject to such restrictions and conditions imposed by or under this Regulation or any other law for the time being in force, have power to acquire, hold, administer and transfer property, both movable and immovable and enter into any contract and shall by the said name sue or be sued.

Persons qualified to vote and be elected.

60. Every member of the Gram Sabhas constituting the District Panchayat shall, unless disqualified under this Regulation or any other law for the time being in force be qualified,—

(i) to vote at an election to the District Panchayat;

(ii) be elected to the District Panchayat.

Disqualification.

61. (1) No person shall be a member of a District Panchayat or continue as such who—

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

(b) is not a citizen of India;

(c) has, whether before or after the commencement of this Regulation, been convicted—

22 of 1955.

(i) of an offence under the Protection of Civil Rights Act, 1955 and a period of five years, or such lesser period as the Administrator may determine in any particular case, has elapsed since his conviction;

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

(d) has been adjudged by a competent court to be of unsound mind;

(e) has been adjudicated an insolvent;

(f) has been removed from any office held by him in any District Panchayat under any provision of this Regulation or in any District Panchayat before the commencement of this Regulation and a period of five years has not elapsed from the date of such removal, unless he has, by an order of the Administrator notified in the Official Gazette, been relieved from the disqualification on account of such removal from office;

(g) has been disqualified from holding office under any provision of this Regulation and the period for which he was so disqualified has not elapsed;

(h) holds any salaried office or place of profit in the gift or disposal of any Panchayat, other than as such office or place as prescribed under this Regulation;

(i) has, directly or indirectly, any share or interest in any work done by order of the Panchayat, or in any contract with, by or on behalf of, or employment with or under the Panchayat.

Explanation.—For the removal of doubts, it is hereby clarified that a person shall not be disqualified under this clause for membership of a Panchayat by reason only of such person—

(i) having share in any joint stock company or a share or interest in any society registered under any law for the time being in force which shall contract with or be employed by or on behalf of any Panchayat;

(ii) having a share or interest in any newspaper in which any advertisement relating to the affairs of any Panchayat may be inserted;

(iii) holding a debenture or being otherwise concerned in any loan raised by or on behalf of any Panchayat;

(iv) being professionally engaged on behalf of any Panchayat as a legal practitioner;

(v) having any share or interest in any lease of immovable property in which the amount of rent has been approved by the District Panchayat in the case of a village Panchayat, or by the District Panchayat in its own case or in any sale or purchase of immovable property or in any agreement for such lease, sale or purchase;

(vi) having a share or interest in the occasional sale to the Panchayat of any article in which he regularly trades or in the purchase from the Panchayat of any article, to a value in either case not exceeding in any year one thousand rupees;

(vii) merely being a relative of a person in employment with or under or by or on behalf of the Panchayat;

(j) has, directly or indirectly, any share or interest in any transaction of loan of money advanced to or borrowed from any officer or servant of any Panchayat;

(k) fails to pay any arrears of any kind due by him to the Panchayat or any Panchayat subordinate thereto or any sum recoverable from him under this Regulation, within three months after a special notice in accordance with the rules made in this behalf has been served upon him.

Explanation.—For the removal of doubts, it is hereby clarified that—

(i) a person shall not be deemed to be disqualified if he has paid the arrears or the sum referred to in clause (k) of this sub-section, prior to the day prescribed for the nomination of candidates;

(ii) failure to pay the arrears or the sum referred to in clause (k) of this sub-section to the Panchayat by a member of an Hindu Undivided Family or by a person belonging to a group or unit, the members of which are by custom joint in estate or residence, shall be deemed to disqualify all members of such Hindu Undivided Family or as the case may be, all the members of such group or unit;

(l) is a employee of the Government or any local authority;

(m) has voluntarily acquired the citizenship of a Foreign State or is under any acknowledgement of allegiance or adherence to a Foreign State;

(n) has no facility of water closet or privy accommodation at the place of his ordinary residence:

Provided that a sitting member shall be deemed to have incurred disqualification if he does not submit to the Chief Executive Officer, within six months from the date of commencement of this, a certificate issued by the Panchayat Secretary of the Gram Panchayat in whose jurisdiction his ordinary residence is situated, to the effect that he is having facility of water closet or privy accommodation at the place of his ordinary residence;

(o) is disqualified under any other provision of this Regulation, and the period for which he was so disqualified has not elapsed;

(p) has more than two children:

Provided that a person having more than two children on the date of commencement of this Regulation shall not be disqualified under this clause so long as the number of children he had on the date of such commencement does not increase:

Provided further that a child or more than one child born in a single delivery within the period of one year from the date of such commencement shall not be taken into consideration for the purpose of disqualification under this clause.

Explanation.—For the purposes of this clause, it is hereby clarified that,—

(i) where a couple has only one child on or after the date of such commencement, any number of children born out of single subsequent delivery shall be deemed to be one entity;

(ii) “child” does not include an adopted child or children;

(q) is without permission of the Gram Panchayat, absent from three consecutive meetings;

(r) has been ordered to give security for good behaviour under section 109 or section 110 of the Code of Criminal Procedure, 1973; or

2 of 1974.

(s) has been dismissed from the service of the Government or Municipality or Gram Panchayat for misconduct within five years prior to the date of poll.

(2) A person shall be disqualified for being a member of the District Panchayat if he is so disqualified under the Fifth Schedule.

62. If any question arises as to whether a person has become subject to any disqualification referred to in section 4, section 14, section 15, section 60 and section 61, it shall be referred to the Administrator of the Union territory for decision and his decision thereon shall be final:

Decision on question as to disqualification.

Provided that before giving any decision on such question, the Administrator shall obtain the opinion of the Election Commission and act according to such opinion:

Provided further that no person shall be disqualified unless such person has been given an opportunity for being heard in the matter.

63. (1) The election of members of a District Panchayat shall be held in such a manner (including the manner of voting) as may be prescribed and on such date or dates as the Administrator may, in consultation with the Election Commission, by notification direct:

Election.

Provided that a casual vacancy shall be filled-up within a period of six months from the date of occurrence of such vacancy:

Provided further that no election shall be held to fill a casual vacancy occurring within six months prior to the general election of a District Panchayat under this section.

(2) It shall be competent for the Election Commission for reasons which it considers sufficient, to extend the time for the completion of any election by making necessary amendments in the notification issued under sub-section (1).

(3) Where in respect of a Panchayat which is to be reconstituted on account of the expiry of its duration, the Administrator is satisfied that, it is not possible to hold elections before the expiry of duration for reconstituting the Panchayat, on account of any natural calamity, riots, communal disturbances, *force-majeure*, then, notwithstanding anything contained in this Regulation or rules made thereunder, the Administrator may by notification, make a declaration to that effect.

(4) On the issue of the notification under sub-section (3), all the powers and duties of the Panchayat shall be exercised and performed for the period, during which the notification remains in force by such officer as the Administrator may by order in writing specify.

64. (1) Any member of a District Panchayat who during his term of office—

Leave of absence.

(i) is absent for more than three consecutive months from the district and a leave not exceeding four months so to absent himself has been granted by the Panchayat; or

(ii) absents himself for four consecutive months from the meetings of the Panchayat without the leave of the said Panchayat,

shall cease to be a member and his office shall be vacant and thereupon the Panchayat shall as soon as may be inform him that the vacancy has occurred.

(2) Any dispute, as to whether a vacancy has or has not occurred under this section, shall be referred to the Secretary Panchayat for decision, and the decision of such Secretary Panchayat shall be final:

Provided that such reference shall not be entertained, if it is made after the expiry of fifteen days from the date on which the Panchayat informs under sub-section (1) to the member in regard to such vacancy.

(3) Whenever a leave is granted under sub-section (1) to a member who is a Vice-President, another member shall, subject to the conditions to which the election of the Vice-President so absenting himself was subjected to, be elected to perform all the duties and exercise all the powers of a Vice-President during the period for which such leave is granted.

65. (1) On the constitution of the District Panchayat for the first time under this Regulation or on its reconstitution, a meeting shall be called on a date fixed by the Administrator for taking oath of office by all the members in the form set out in the First Schedule before the Secretary Panchayat.

Oath of office.

(2) The officer appointed by the Administrator shall preside over at such meeting, but not have the right to vote.

(3) No member of the District Panchayat who has not taken such oath shall vote or take part in the proceedings of any meeting nor shall be included as a member of any Committee constituted by the District Panchayat.

Election of
President and
Vice-
President.

66. (1) On the constitution of the District Panchayat for the first time under this Regulation or on the expiry of the term of the District Panchayat or on its reconstitution, a meeting shall be called on a date fixed by the Secretary Panchayat where the elected members of the District Panchayat shall elect, from amongst themselves, a President and a Vice-President.

(2) The officer appointed by the Secretary Panchayat shall preside over at such meeting, but shall not have the right to vote.

(3) No business other than the election of the President and the Vice-President 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 appointed, in such manner as he may determine.

(5) The office of the President and the Vice-President shall be reserved for the Scheduled Tribes according to a roster of reservation which shall be maintained in such form and manner as may be prescribed:

Provided that the office of the President and Vice-President shall be reserved for women in every second term.

(6) The term of the office of the President and Vice-President, unless the District Panchayat is sooner dissolved under any law for the time being in force, shall be maximum of two years and six months from the date they are appointed for its first meeting and no longer.

Meetings.

67. The President shall—

(i) convene and preside at and conduct meetings of the District Panchayat;

(ii) have access to the records of the Panchayat;

(iii) discharge all duties imposed, and exercise all the powers conferred on him by or under this Regulation;

(iv) watch over the financial and executive administration of the Panchayat and submit to the Panchayat all questions connected therewith which shall appear to him to require its orders; and

(v) exercise administrative supervision over the Chief Executive Officer for securing implementation of resolution or decisions of the Panchayat or of any Committee thereof.

Powers and
duties of Vice-
President.

68. The Vice-President shall,—

(a) exercise the powers and perform the duties of the President when he is absent on leave or incapacitated from functioning or when the office of the President falls vacant; and

(b) in the absence of the President or when the office of the President falls vacant, preside over the meetings of the District Panchayat.

Duration of
District
Panchayat.

69. (1) The District Panchayat, unless sooner dissolved under any law for the time being in force, shall continue for five years from the date appointed for its first meeting and no longer.

(2) An election to constitute the District Panchayat shall be completed—

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

(b) before the expiry of a period of six months from the date of its dissolution:

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

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

70. (1) Any member of the District Panchayat may resign his office by giving notice in writing to that effect to the President under intimation to the Chief Executive Officer and such resignation, shall take effect from the date of its acceptance by the President. Resignation of office.

(2) The Vice-President may resign his office by giving notice in writing to the President under intimation to the Chief Executive Officer and such resignation, shall take effect from the date of its acceptance by the President.

(3) The President may resign his office by giving notice in writing to the Secretary Panchayat, under intimation to the Administrator and such resignation, shall take effect from the date of its acceptance by the Secretary Panchayat.

71. Any casual vacancy in the office of the President or the Vice-President or Member in the District Panchayat shall be filled for the remainder of the duration of the District Panchayat by election in accordance with the provisions of this Regulation: Casual vacancy.

Provided that where a seat or office of the President has been reserved for women or the Scheduled Tribes, no person other than a women or a member of the Scheduled Tribes shall be qualified to be chosen to fill such vacancy for the remainder of the term.

72. (1) The Secretary Panchayat may by order suspend from office the President or the Vice-President or any member of District Panchayat against whom any criminal proceedings in respect of an offence involving moral turpitude have been instituted or who has been detained in a prison during trial for any offence or who is undergoing such sentence of imprisonment as would not disqualify him from continuing as a member of the Panchayat under section 58, or who has been detained under any law relating to preventive detention for the time being in force. Suspension of President or Vice-President or any member of District Panchayat.

(2) Where the President or the Vice-President or any member of District Panchayat has been suspended under sub-section (1), another member shall, subject to the condition to which the election of the President, Vice-President or, as the case may be, any member of District Panchayat suspended, was subject be elected to perform all the duties and exercise all the powers of a President or a Vice-President or a member of District Panchayat, as the case may be, during the period for which such suspension continues.

(3) An appeal against an order passed under sub-section (1) shall lie before the Administrator or any officer authorised by him in this behalf within a period of thirty days from the date of the order.

73. (1) A motion of no confidence against the President or the Vice-President may be moved by not less than one-third of the elected members of the District Panchayat after giving notice thereof, but not before six months of assumption of office by the President or the Vice-President. Motion of no confidence.

(2) If the motion is carried by a majority of not less than two-third of the elected members of the District Panchayat, the President or the Vice-President, as the case may be, shall cease to hold office from the date on which the motion is carried unless he has resigned earlier.

(3) Notwithstanding anything contained in this Regulation, the President or the Vice-President shall not preside over a meeting in which motion of no confidence is discussed

against him, but he shall have a right to speak or otherwise take part in the proceedings of such meetings.

Removal
from office.

74. (1) The Secretary Panchayat may by order remove from office any member of the District Panchayat, the President or Vice-President thereof, after giving him an opportunity of being heard and due notice in that behalf and after such inquiry as it deems necessary, if such member, the President or the Vice-President has been guilty of misconduct in the discharge of his duties or of any disgraceful conduct or abuses his powers or makes persistent default in the performance of his duties and functions under this Regulation or has become incapable of performing his duties and functions under this Regulation and the President or as the case may be the Vice-President, so removed may at the discretion of the Secretary Panchayat also be removed from the membership of the Panchayat:

Provided that no member, the President or the Vice-President of District Panchayat shall be removed unless such person has been given an opportunity of being heard in the matter.

(2) The Secretary Panchayat may, after following the procedure laid down in sub-section (1) by order disqualify for a period not exceeding five years any person who has resigned from his office of member, the President or the Vice-President or otherwise ceases to hold any such office and has been guilty of misconduct specified in sub-section (1) or has been incapable of performing his duties:

Provided that such action shall be taken within six months from the date on which the person resigns or ceases to hold any such office.

(3) Any person aggrieved by an order of the Secretary Panchayat under sub-section (1) or sub-section (2) may, within a period of thirty days from the date of the communication of such order, appeal to the Administrator or any officer authorised by him in this behalf against the said order.

Staff of
District
Panchayat.

75. (1) The Administrator shall appoint the Chief Executive Officer of the District Panchayat who shall not be below the rank of Additional District Magistrate.

(2) The Administrator shall also appoint an Accounts Officer for District Panchayat.

(3) The Administrator shall post from time to time in District Panchayat such number of officers of Group 'A' and Group 'B' including any officers employed by the existing local authority and other officers allocated to serve under the Lakshadweep Administration, as the Administrator considers necessary.

(4) Notwithstanding anything contained in this Regulation or any other law for the time being in force the District Panchayat or other authority authorised by the District Panchayat in this behalf shall have power to effect transfer of the officers and officials other than those mentioned in sub-section (3) posted in the District Panchayat.

(5) The District Panchayat may create and fill-up such other posts in such number as may from time to time be necessary with the prior approval of the Administrator:

Provided that no post shall be created for which no budget provision is made and is not provided in the staffing pattern approved by the Administrator as provided under sub-section (6).

(6) The Administrator shall approve the staffing pattern for the District Panchayat and Gram Panchayat for carrying out the functions mentioned in this Regulation and the terms and conditions of service of such staff shall be such as may be prescribed.

Service
conditions of
staff of
District
Panchayat.

76. The staff posted in the District Panchayat shall be governed by the terms and conditions of their service as may be applicable to them before their posting in the District Panchayat.

77. (1) Save as otherwise expressly provided by or under this Regulation, the executive powers of a District Panchayat for the purpose of carrying out the provisions of this Regulation, shall vest in the Chief Executive Officer and he shall—

Functions of
Chief
Executive
Officer and
other officers.

(a) perform all the functions and exercise all the powers specifically imposed or conferred upon him by or under this Regulation, or under any law for the time being in force; and

(b) lay down the duties of all officers and employees of the District Panchayat.

(2) Subject to the provisions of this Regulation and the rules made thereunder the Chief Executive Officer shall—

(a) be entitled to—

(i) attend the meetings of the District Panchayat, or any of its committee;

(ii) call for any information, return statement, account or report from any officer or servant of or holding office under, the District Panchayat;

(iii) grant leave of absence to such class of officers as may be prescribed by rules; and

(iv) call for an explanation from any officer or servant of or holding office under the District Panchayat;

(b) subject to the control of the District Panchayat, discharge duties and perform function in respect of matters which by or under this Regulation are not expressly imposed or conferred on any committee, presiding officer or any officer of the District Panchayat;

(c) appoint such class of officers and employees subject to such terms and conditions as may be prescribed;

(d) supervise and control, engagement of all casual labours, daily wage workers and contractual employment of the District Panchayat;

(e) supervise and control, the execution of all activities of the District Panchayat;

(f) take necessary measures for the speedy execution of all works and development schemes of the District Panchayat;

(g) have custody of all papers and documents connected with the District Panchayat;

(h) assess and give his opinion confidentially every year on the work of the officers holding office under the District Panchayat; forward them to such authorities as may be prescribed by the Union territory Administration and lay down the procedure for writing such reports about the work of officers and servants under the District Panchayat;

(i) draw and disburse money out of the fund;

(j) exercise supervision and control over the acts of officers and servants holding office under the District Panchayat in matters of executive administration and those relating to accounts and records of the District Panchayat; and

(k) exercise such other powers and perform such other functions as may be prescribed.

(3) The Chief Executive Officer may subject to such conditions as may be prescribed, delegate any of his power and functions to any officer or employee holding office under the District Panchayat, provided such officer or employee is not below such rank as may be prescribed.

(4) Subject to the other provisions of this Regulation, the Chief Executive Officer shall be under the general control of the District Panchayat.

Right to requisition records.

78. Every person in possession of moneys, accounts, records or other property pertaining to a Gram Panchayat or a District Panchayat, shall on the requisition in writing of the Chief Executive Officer for this purpose, forthwith hand over such moneys or deliver up such accounts, records or other property to the Chief Executive Officer or the person authorised in the requisition to receive the same.

Meetings of District Panchayat.

79. (1) The time and place of meetings of the District Panchayat and the procedure to be followed at such meeting shall be such as may be prescribed.

(2) A member of the District Panchayat may, at any meeting, move any resolution and put question to the President or the Vice-President on matters connected with the administration of the District Panchayat in such manner as may be prescribed.

(3) No resolution of the District Panchayat shall be modified, amended, varied or cancelled by the District Panchayat within a period of three months from the date of passing thereof except by a resolution supported by two-thirds of the total number of members of the District Panchayat.

Standing Committees or Joint Committees, etc. .

80. (1) Subject to such rules as may be prescribed, the District Panchayat may appoint from amongst its members, the following Standing Committees for exercising its powers and discharging its duties and functions, namely:—

- (a) Executive Committee;
- (b) Public Health Committee;
- (c) Public Works Committee;
- (d) Education Committee;
- (e) Committee for production, co-operation and irrigation;
- (f) Social Justice Committee; and
- (g) Committee for Women, Child Development and Youth activity.

(2) The composition and tenure of Committees referred to in clauses (a) to (g) of sub-section (1) shall be such as may be prescribed.

(3) In addition to the Committees referred to in sub-section (1), a District Panchayat may with the prior approval of the Administrator constitute a Committee or Committees to execute any work or scheme decided upon by the District Panchayat or to inquire into and report to the District Panchayat on matters which the Panchayat may refer to such Committee or Committees and the District Panchayat may make regulations for the procedure to be followed by any such Committee.

(4) No fee or allowances shall be payable for attending the meetings.

Acts or proceedings not to be invalid.

81. No act or proceedings of the District Panchayat or of Standing Committee thereof shall be deemed to be invalid merely by reason of the existence of any vacancy therein.

Consultation with President and Vice-President.

82. The Administrator shall, from time to time, consult the President and the Vice-President of the District Panchayat on any matter specified in the Fourth Schedule and the views of the President or the Vice-President on such matter shall be recommendatory in nature.

Duties and functions of District Panchayat.

83. The District Panchayat shall have such powers and authority as the Administrator may, by order, specify, so as to enable it to function as an institution of self-government with respect to the preparation of plans for economic development and social justice and the implementation of schemes for economic development and social justice in relation to the matters listed in the Third Schedule.

84. The District Panchayat in respect of roads, streets, bridges, culverts and other properties placed by the Administrator under sub-section (I) of section 89 under its direction, management and control, may do all things necessary for the maintenance and repair thereof, and in particular, may:—

Control of District Panchayat on certain properties.

(a) widen, open, enlarge, or otherwise improve any such road, bridge or culvert and plant and preserve trees on both sides of such roads;

(b) deepen or otherwise improve any water course and other property mentioned in clause (c) of sub-section (I) of section 89;

(c) cut any hedge or branch of any tree projecting on any such public road or street; or

(d) lay out and make new roads; and construct new bridges and culverts.

85. The Administrator may entrust to the District Panchayat, the execution, maintenance or repair of any work or the management of any institution on behalf of the Administrator or any local authority:

Transfer of any work or institution to District Panchayat.

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

86. Every contract or agreement entered into on behalf of the District Panchayat, shall be in writing and shall be signed by the President and by two other members of the District Panchayat and shall be sealed by the common seal of the District Panchayat.

Mode of making contracts.

87. A fund to be called “District Panchayat Fund, (Name of the District)” shall be constituted for crediting the following monies by or on behalf of the District Panchayat and also for withdrawal of such monies therefrom, namely:—

Constitution of District Panchayat Fund.

(i) the proceeds of any tax or fee imposed by or under section 90;

(ii) the contribution made by the Government or any local authority or persons;

(iii) all sums ordered by any authority or court to be credited to the District Panchayat Fund;

(iv) the income from securities in which the District Panchayat Fund is invested;

(v) all sums received by way of loans or gifts;

(vi) income derived from fisheries under the management of the District Panchayat;

(vii) income from proceeds of any property of the District Panchayat;

(viii) sum assigned to the District Panchayat Fund by any general or special order of the Government;

(ix) all sums received in aid of or for expenditure or any institution or service, maintained or financed from the District Panchayat Fund or managed by the District Panchayat; and

(x) grants-in-aid from the consolidated fund of India.

88. The Administrator may, subject to such conditions as he may deem fit, make grants to the District Panchayat for general purposes or for the improvement of the District and the welfare of the residents thereof.

Grants.

89. (I) The Administrator may, if he deems fit, place all or any of the following properties situated within the jurisdiction of the District Panchayat under the direction, management and control of the District Panchayat, namely:—

Properties vested in District Panchayat.

(a) open sites, waste, vacant and gazing land, not being private property, and river beds;

(b) public roads and streets;

(c) public channels, water course, wells, ponds, tanks (except irrigation tanks under the control of the Government), public springs, reservoirs, cisterns, aqueducts and any adjacent land (not being private property) appertaining to any public tanks or ponds and lands appertaining thereto;

(d) public sewers, drains, drainage works tunnels and culverts and things appertaining thereto and other conservancy works;

(e) sewerage rubbish and offensive matters deposited on streets or collected by the Panchayat from streets, latrines, urinals, sewers, cesspools and other places;

(f) streetlight, public lamps, lamp posts and apparatus connected therewith or appertaining thereto;

(g) public library, reading rooms, slaughter houses, fish farms, cremation grounds, primary schools, anganwadi centres; and

(h) road side trees, fuel wood plantation, non-conventional energy equipments.

(2) All markets and fairs or such portion thereof as are held upon public land shall be managed and regulated by the District Panchayat and all dues levied or imposed in respect thereof shall be credited to the District Panchayat Fund.

Taxes which may be imposed.

90. The District Panchayat shall levy, collect, assess and appropriate the taxes, duties, tolls, cess and fees in relation to the services provided by it directly subject to rules made in this behalf and also levy such taxes at such rates as the Administrator may prescribe.

Appeal against levy of tax, etc.

91. (1) Any person aggrieved by the assessment, levy or imposition of any tax or fee under section 90 may prefer an appeal to the Secretary Panchayat within thirty days of the date of the order imposing such tax or fee.

(2) The second appeal from the order referred to in sub-section (1) shall lie to the Administrator.

(3) The first appeal and second appeal shall be filed in such form and shall be accompanied by such fee as may be prescribed.

Suspension of levy of tax or fee.

92. The Administrator may by notification, suspend the levy or imposition of any tax or fee under section 90 and may at any time in like manner rescind such suspension.

Lease of collection of fees, etc.

93. It shall be lawful for the District Panchayat to lease by public auction or contract after following an open transparent procedure the collection of any fee on specified markets and bazars, if any, such fee is imposed under section 90:

Provided that a lessee shall give security for the due fulfillment of the conditions of the lease or contract.

Recovery of taxes and other dues.

94. (1) When any tax or fee or other sum due to District Panchayat has become, payable, the Chief Executive Officer shall, with the least practicable delay, cause to be sent to the person liable for the payment thereof, a demand notice in the prescribed form for the amount due from him and require him to pay the amount within a period of thirty days from the date of such notice.

(2) Every such notice of demand under sub-section (1) shall be served in such manner as may be prescribed.

(3) If the sum for which a notice of demand has been served is not paid within thirty days from the date of such notice, the District Panchayat may apply to the Revenue Officer named as Mamlatdar concerned for its recovery as arrears of land revenue.

Accounts.

95. The District Panchayat shall maintain accounts in such form and manner as may be prescribed.

96. (1) The District Panchayat shall, in such time and in such manner as may be prescribed prepare in each financial year a budget of its estimated receipts and payments for the following year and submit it to the Secretary Panchayat who shall place it before the Administrator through the Finance Department of Union territory Administration. Budget.

(2) The Secretary Panchayat may, within such period as may be prescribed, either approve the budget or return it to the District Panchayat through District Planning Committee for such modification as he may direct.

(3) If any modifications are made under sub-section (2), the budget shall be re-submitted within such period as may be specified by the Secretary Panchayat.

(4) No expenditure shall be incurred by the District Panchayat unless the budget is approved by the Administrator.

(5) The District Panchayat may, at any time during the year for which annual budget estimates has been approved, prepared a revised or supplementary budget which shall be considered and approved by the Administrator in the same manner as an original budget under sub-section (2).

97. (1) The accounts of the District Panchayat shall be audited in such manner as may be prescribed. Audit.

(2) The audit shall be carried out by such officer as the Administrator may appoint in this behalf and that officer shall within one month of the completion of the audit forward copies of the audit report to the Secretary Panchayat.

(3) The Secretary Panchayat may after considering the report and after making such further enquiry as he may consider necessary, disallow, under intimation to the Administrator, any item which appears to him contrary to law and surcharge the same on the person making or authorising the illegal payment and shall:—

(a) if such person is a member of the District Panchayat proceed against him in the manner specified in section 103;

(b) if such person is not a member of the District Panchayat, obtain the explanation of the person and direct such person to pay to the District Panchayat the amount surcharged within a specified period and if the amount is not paid within the specified period, the Secretary Panchayat shall cause it to be recovered as an arrear of land revenue and credit it to the District Panchayat Fund.

(4) Any person, aggrieved by an order of the Secretary Panchayat under sub-section (3) may, within thirty days of the date of such order, prefer an appeal to the Administrator or any officer authorised by him in this behalf, whose decision on such appeal shall be final.

98. The Chief Executive Officer of District Panchayat shall prepare annually a report on the Administration of the District Panchayat for the previous year in such manner as may be prescribed and after it is approved by the District Panchayat it shall be submitted to the Administrator through the Secretary Panchayat. Administrative report.

99. (1) The social audit of the major works being carried out by the Panchayat shall be conducted by the Social Audit Committee appointed under section 80 in such manner, at such intervals and with the help of such officers as may be prescribed. Social audit.

(2) The Social Audit Committee shall submit its report on the social audit conducted under sub-section (1) to such officers as may be prescribed.

100. The Administrator or Secretary Panchayat or any other officer appointed by him in this behalf shall have power— Power to call for proceedings, etc.

(a) to call for—

(i) any extract from the proceedings of the District Panchayat or any books, records, correspondence or documents in the possession or under the control of the District Panchayat; or

(ii) any return, plan, estimate, statement, account or report for the purpose of inspection or examination; or

(b) to require a District Panchayat to take into consideration—

(i) any objection which appears to the Administrator or Secretary Panchayat to exist due to the doing of anything which is about to be or is being done by the District Panchayat; or

(ii) any information which the Administrator or Secretary Panchayat is able to furnish and to necessitate the doing of certain things by the District Panchayat and requiring it to make written reply to him within a reasonable time, stating its reasons from not desisting from doing such things.

Default in performance of duty in District Panchayat.

101. (1) If at any time, it appears to the Secretary Panchayat that a District Panchayat has made wilful and persistent default in the performance of any duty imposed on it by this Regulation, he may by order in writing, fix a period for the performance of that duty.

(2) If the duty under sub-section (1) is not performed within the period so fixed, the Secretary Panchayat may, with the prior approval of the Administrator appoint any person to perform it, and direct that the expenses of the performance of the duty shall be paid by the defaulting District Panchayat within such period as the Secretary Panchayat may think fit.

Suspension of execution of order on resolution of District Panchayat.

102. (1) If, in the opinion of the Secretary Panchayat the execution of any order or resolution of the District Panchayat or the doing of anything which is about to or is being done by or on behalf of the District Panchayat is causing or likely to cause injury or annoyance to the public or a grave loss to the public exchequer or is manifest against the public interest or lead to a breach of the peace or is unlawful, he may, by order in writing suspend the execution or prohibit the doing thereof:

Provided that no such order shall be passed without giving the District Panchayat concerned a reasonable opportunity of showing cause against proposed order.

(2) When the Secretary Panchayat makes an order under sub-section (1), he shall forthwith send to Panchayat affected thereby a copy of the order together with a statement of the reasons for making it.

(3) The Secretary Panchayat may, after giving such notice to the District Panchayat as he deems fit, rescind, modify or confirm the order made under sub-section (1).

(4) Any person aggrieved by an order under sub-section (1), may, within a period of thirty days of the date of the order, prefer an appeal to the Administrator or any officer authorised by him in this behalf, who shall approve or disapprove the order of the Secretary Panchayat or modify it in such manner as he thinks fit.

Liability of members for loss, waste or misapplication.

103. (1) Every member of the District Panchayat shall be personally liable for the loss, waste or misapplication of any money or other property of the District Panchayat to which he has been a party or which has been caused or facilitated by his misconduct or wilful neglect of his duty as a member amounting to fraud.

(2) If, after giving the member of the District Panchayat concerned a reasonable opportunity for showing cause to the contrary, the Secretary Panchayat is satisfied that the loss, waste or misapplication of any money or other property of the District Panchayat is a direct consequence of misconduct or wilful neglect on the part of such member, he shall, with the prior approval of the Administrator, by order in writing, direct such member to pay to the District Panchayat before a fixed date, the amount required to be reimbursed to it for such loss, waste or misapplication:

Provided that no such order shall be made *bona fide* or technical irregularities or mistakes of a member.

(3) If the amount is not so paid, the Secretary Panchayat shall recover it as an arrear of land revenue and credit it to the District Panchayat Fund.

(4) An order of the Secretary Panchayat shall be subject to an appeal to the Administrator or any officer authorised by him in this behalf, if made within thirty days of the date of the order and the Administrator may, after making such inquiry as he may deem necessary and after hearing the appellant, rescind or vary or confirm the order.

(5) All the actions taken or orders made under sections 101 and 102 and this section shall be reported to the Administrator as soon as possible.

104. (1) If, in the opinion of the Administrator, a District Panchayat exceeds or abuses its powers or is incompetent to perform or makes persistent default in the performance of the duties imposed on it or functions entrusted to it under any provision of this Regulation or by or under any other law for the time being in force, or fails to obey an order made under this Regulation by the District Panchayat superior there to or by the Administrator or any officer authorised by it, under this Regulation or persistently disobeys any of such orders, the Administrator may, after giving the District Panchayat an opportunity of rendering an explanation, by order in the Official Gazette:—

Dissolution or suspension of Panchayat for defaults.

(i) dissolve such District Panchayat, or

(ii) supersede such District Panchayat for the period specified in the order:

Provided that such period shall not be longer than six months or the residual period of duration of such District Panchayat whichever is less:

Provided further that the Administrator may subject to, the preceding proviso from time to time after making such inquiry as it may consider necessary by an order published in the Official Gazette, extend the period of supersession of such District Panchayat until such date as may be specified in the order or by like order curtail the period of supersession.

(2) When a District Panchayat is dissolved or superseded, all members of the District Panchayat shall from the date specified in the order, vacate their office as such members.

(3) When the District Panchayat is dissolved or superseded, it shall be reconstituted, in the manner provided in this Regulation.

(4) If a District Panchayat is dissolved or superseded—

(a) all the powers and duties of the District Panchayat shall during the period of dissolution or supersession, as the case may be, exercised and performed by such person or persons as the Administrator may from time to time appoint in that behalf;

(b) all property vested in the District Panchayat shall during the period of dissolution or supersession, as the case may be, vest in the Administrator; and

(c) on the dissolution, or, as the case may be, on the expiry of the period of supersession, the District Panchayat shall be reconstituted in the manner provided in this Regulation, and the persons vacating office shall be eligible for re-election.

105. The Administrator may, by notification and subject to such restrictions and conditions as may be specified therein, authorise Secretary Panchayat or any other officer subordinate to him, to exercise in respect of District Panchayats any of the powers which may be exercised by him under this Regulation, except the power to make rules under section 130.

Delegation of powers.

106. Notwithstanding the transfer of any powers, functions and duties in respect of any matter to a District Panchayat, where the Administrator is satisfied that by reason of a change in the nature of the matter, the matter has ceased to be a matter in the Third Schedule and that it is necessary to withdraw from the District Panchayat the powers, function or duties in respect of such matter, by notification in the Official Gazette, withdraw such powers, functions and duties with effect from the date specified in the notification and make such incidental and consequential orders as may be necessary to provide for matters including the taking over of the property, rights and liabilities, if any, vesting in the Panchayat and of the staff, if any, which may have been transferred to the Panchayat.

Modification of powers, functions, etc., of District Panchayat.

CHAPTER VIII

ELECTION COMMISSION AND FINANCE COMMISSION

Election
Commission.

107. (1) The Election Commission appointed under section 185 of the Andaman and Nicobar Islands (Panchayats) Regulation, 1994 shall be the Election Commission under this Regulation for the superintendence, direction and control of the preparation of electoral rolls, and conduct of all elections to the Gram Panchayats and District Panchayats in the Union territory of Lakshadweep.

Reg. 1 of
1994.

(2) The Administrator shall, when so requested by the Election Commission, make available to that Commission such staff as may be necessary for the discharge of the functions conferred on the Election Commission by sub-section (1).

Finance
Commission.

108. The Finance Commission constituted under section 186 of the Andaman and Nicobar Islands (Panchayats) Regulation, 1994 shall be the Finance Commission under this Regulation for the purpose of reviewing the financial position of the Panchayats and making recommendations to the Administrator of the Union territory of the Lakshadweep, as to:—

Reg. 1 of
1994.

(a) the principles which should govern:—

(i) the sharing among the Union territory Administration and Gram Panchayats and District Panchayats of the net-income of the taxes, duties, cess and fees which are being levied by the Union territory Administration and which may be shared with the Gram Panchayats and District Panchayats and dividing among the Gram Panchayats and District Panchayats at all levels, their shares in such incomes;

(ii) the determination of the taxes, duties, cess, tolls and fees which may be assigned to or appropriated by the Gram Panchayats and District Panchayats; and

(iii) the grants-in-aid to the Gram Panchayats and District Panchayats from the Consolidated Fund of India;

(b) the measures needed to improve the financial position of the Gram Panchayats and District Panchayats; and

(c) any other matter referred to the Finance Commission by the President of India.

CHAPTER IX

OMBUDSMAN FOR PANCHAYATS

Establishment
and
appointment
of
Ombudsman.

109. (1) There shall be an authority for the Gram Panchayats and the District Panchayats known as “Ombudsman” for conducting investigations and inquiries, in respect of any action involving corruption or maladministration or irregularities in the discharge of administrative functions by Panchayats and Public Servants working for them.

(2) The Ombudsman shall be a single member body appointed by the Administrator by notification, on the recommendation of a Committee constituted by the Administrator from a panel of eminent persons of impeccable integrity from civil society.

(3) The Committee referred to in sub-section (2) shall comprise of the following, namely:—

(a) the State Election Commissioner, who shall be the *ex officio* Chairman;

(b) a retired district Judge;

(c) a retired civil servant not below the rank of Additional Secretary to the Government of India; and

(d) two civil society members nominated by the Administrator.

(4) A person appointed to be the Ombudsman shall, before he enters upon his office, make and subscribe before the Administrator or some person appointed in that behalf by him, an oath or affirmation according to the form prescribed.

(5) The Ombudsman shall not be a serving Government Officer.

110. The Administrator may, by rules, provide for the following matters, namely:— Procedure to be prescribed.

(a) staff of the Ombudsman;

(b) terms and conditions of service of the Ombudsman and Ombudsman's staff;

(c) the manner of filing complaints before the Ombudsman and the manner of filing such complaints either *suo motu* or on reference by the Administration;

(d) powers and functions of Ombudsman;

(e) the manner and procedure of conducting investigation by the Ombudsman;

(f) procedure for moving the appropriate authority for the initiation of prosecution by the Ombudsman;

(g) procedure to be followed during the inquiry by the Ombudsman, which as far as possible should be summary proceedings;

(h) the manner of implementing the order of the Ombudsman and further proceedings; and

(i) any other matter, which the Administrator may deem necessary for the proper discharging of the duties of the Ombudsman.

CHAPTER X

MISCELLANEOUS

111. (1) If the validity of any election of a member of a Gram Panchayat or District Panchayat or Sarpanch or Upa-Sarpanch or President or Vice-President is called into question by any person qualified to vote at the election to which such question relates, such person may at any time within thirty days after the date of the declaration of the results of the election, file a petition to the District Judge in such form as may be prescribed for the determination of such question. Election petitions.

(2) Every petition under sub-section (1) shall be heard as expeditiously as possible and endeavour shall be made to conclude the hearing and orders passed within six months from the date on which the petition is presented to the District Judge.

112. (1) Save as otherwise provided by this Regulation or by rules made thereunder, the procedure provided in the Code of Civil Procedure, 1908, in regard to suits shall, in so far as it may be applicable, be followed in the hearing of election petitions by the District Judge: Procedure of hearing.

5 of 1908.

Provided that:—

(a) two or more persons whose election is called in question, may be made respondents to the same petition and their cases may be tried at the same time, and any two or more election petitions may be heard together; but so far as is consistent with such joint trial or hearing, the petition shall be deemed to be a separate petition against each respondent;

(b) the District Judge shall not be required to record or have recorded the evidence in full, but shall make a memorandum of the evidence sufficient in his opinion for the purpose of deciding the case;

(c) the District Judge may, at any stage of the proceedings require the petitioner to give security for the payment of all costs incurred or likely to be incurred by any respondent; and

(d) the District Judge, for the purpose of deciding any issue, shall only be bound to require the production of or to receive so much evidence, oral or documentary, as he may consider necessary.

(2) An order for the payment of costs, or an order for the realisation of a security bond for costs passed by the District Judge, shall be executed in the manner as if the amount to be recovered was an arrear of land revenue.

Findings of District Judge.

113. (1) If the District Judge, after making such inquiry as he thinks necessary, finds, in respect of any person whose election is called in question by a petition that his election was valid, the petition shall be dismissed against such person with cost.

(2) If the District Judge, finds, that the election of any person was invalid, he shall, by an order, either :—

(a) declare a casual vacancy to have arisen, or

(b) declare another candidate to have been duly elected,

whichever course appears, in the particular circumstances of the case, to be more appropriate, and in either case the District Judge may award costs at his discretion.

(3) In the event of the District Judge declaring a casual vacancy to have arisen, he shall send a copy of the order referred to in clause (a) of sub-section (2) to the Election Commission to initiate the proceedings for filling the vacancy.

Avoidance of election.

114. (1) Notwithstanding anything contained in section 111, if the District Judge, in the course of hearing an election petition, is of the opinion that the evidence discloses that corrupt practices at the election proceedings in question, have prevailed to such an extent as to render it advisable to set aside the whole of the election proceedings, he shall pass a conditional order to this effect and give notice thereof to every candidate declared elected who has not already been made a party to the case, calling upon such candidate to show cause why such conditional order should not be made final.

(2) Thereupon every such candidate may appear and show-cause, and may recall for the purpose of putting question to him, any witness who had appeared in the case.

(3) The District Judge shall thereafter either cancel the conditional order or make it absolute in which case he shall direct the Election Commission to take measures for holding fresh election proceedings.

Disqualification for corrupt or illegal practice.

115. The District Judge may declare any candidate, found to have committed any corrupt practice, to be ineligible for being a member of a Gram Sabha or for contesting an election under this Regulation or for being appointed or retained in any office or place in the Administration or any local authority for such period not exceeding five years as the District Judge may determine.

Bar to interference by courts in delimitations of constituencies.

116. (1) Notwithstanding anything contained in this Regulation, the validity of any law for the time being in force relating to delimitation of constituencies or allotment of seats to such constituencies made or purporting to be made under this Regulation shall not be called in question in any court.

(2) Save as otherwise provided in sections 111, 112, 113, 114 and 115, civil court shall have no jurisdiction to question the legality or validity of any action taken or decision given by the Election Commission or the Secretary Panchayat or the Secretary (Election) (Local Bodies) in connection with the conduct of election under this Regulation.

Prohibition of simultaneous membership.

117. (1) If a person is elected from more than one territorial constituencies of a Gram Panchayat or of the District Panchayat or of both, he shall, by notice in writing signed by him and delivered to the Secretary Panchayat within fourteen days from the date, or the latter of the dates, on which he is so elected, intimate as to which constituency he wishes to serve, and thereupon, his seat in all other constituencies in which he does not wish to serve shall become vacant.

(2) In default of such intimation within the period specified under sub-section (1), all the seats of such person, at the expiration of that period, shall become vacant.

(3) Any intimation given under sub-section (1) shall be final and irrevocable.

118. No suit or other legal proceeding shall be instituted against Gram Panchayat or District Panchayat or any member, officer, employee or agent of such Panchayat for anything done or purporting to be done under this Regulation or any rule or bye-law made thereunder until the expiration of next two months after notice in writing has been served or delivered at the office of the Gram Panchayat or District Panchayat and also at the residence of the member, officer, employee or agent thereof against whom such suit or proceeding, as the case may be, is intended to be instituted, and the notice shall state the cause of action, the nature of relief sought, the amount of compensation claimed and the name and place of residence of the person who intends to institute the suit or proceeding:

Bar of action against District Panchayat, Gram Panchayat, etc., and previous notice before institution.

Provided that no suit or proceeding shall lie against any member, officer, employee or agent of a Gram Panchayat or a District Panchayat in respect of anything which is done or intended to be done in good faith under this Regulation or any rule or bye-law made thereunder.

43 of 1951. **119.** The provisions of sections 126, 127, 127A, 128, 129, 130, 131, 132, 132A, 133, 134, 134A, 134B, 135, 135A, 135B, 135C and 136 of the Representation of the People Act, 1951 shall have effect as if—

Electoral offences.

(a) reference therein to an election where reference to an election under this Regulation;

(b) references therein to a constituency included references to the area within the jurisdiction of a Panchayat or a Ward thereof;

(c) in sections 134 and 136, for the words “by or under this Act” the words “by or under the Lakshadweep” had been substituted; and

(d) in sub-section (1) of section 135B, for the words “the House of the People or the Legislative Assembly of a State” the word “Panchayat” had been substituted.

120. The Chief Executive Officer may authorise any of his officers to enter in and inspect or cause to be entered and inspected, any immovable property occupied by any Gram Panchayat or District Panchayat or any work in progress under direction of Gram Panchayat or District Panchayat.

Power of entry.

45 of 1860. **121.** Every member of a Gram Panchayat or District Panchayat and every officer and servant employed under a Gram Panchayat or District Panchayat shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

Member of Panchayat to be public servants.

122. No member of a Gram Panchayat or a District Panchayat or any of their officers or officials having any duty to perform in connection with any sale under this Regulation, shall directly or indirectly bid for, or acquire any interest in any property sold at such sale.

Members, etc., to refrain from taking part at sale.

123. Every Police Officer shall give immediate information to the Secretary Panchayat of an offence coming to his knowledge which has been committed against this Regulation or any rules or bye-laws made thereunder and shall assist all members and servants of the Gram Panchayat or District Panchayat in the exercise of their lawful authority.

Powers and duties of police in respect of offences and assistance to Panchayats.

124. Every Gram Panchayat and District Panchayat shall classify and preserve its records in such manner as may be prescribed.

Classification and preservation of records.

125. Every Gram Panchayat and District Panchayat shall on an application made to it by any person interested, allow inspection of its records and grant certified copies thereof on payment of the prescribed fee.

Inspection and copies of records.

Preparation of development plan.

126. (1) Every Gram Panchayat shall (having due regard to the development programmes suggested by the Gram Sabha) prepare every year a development plan and forward it to the District Panchayat before such date and in such manner as may be prescribed.

(2) Every District Panchayat shall prepare every year a development plan after including the development plans of the Gram Panchayat and forward it to the District Planning Committee as constituted under section 127.

District Planning Committee.

127. (1) The Administrator for the purpose of undertaking District Planning shall constitute a District Planning Committee consisting of such members as may be prescribed.

(2) The meetings and functions of the Committee referred to in sub-section (1) shall be such as may be prescribed.

Honorarium and allowances to President, Vice-President, Sarpanch, Upa-Sarpanch and members.

128. The honorarium and other perks and perquisites of Sarpanch and Upa-Sarpanch of a Gram Panchayat and of a President and Vice-President of District Panchayat and allowances of every member of Gram Panchayat and District Panchayat shall be such as the Administrator may prescribe in this behalf.

Previous sanction for prosecution against Sarpanch, Upa-Sarpanch, President, Vice-President or Chairman, of Committee.

129. No court shall take cognizance of offence except with the previous sanction of the Administrator or any officer authorised by the Administrator in this behalf, where any person who is or has been a Sarpanch, Upa-Sarpanch, President, Vice-President of a Panchayat or a Chairman of a Committee constituted under this Regulation is accused of any offence alleged to have been committed by him while acting or purporting to act in the discharge of his official duty.

Power to make rules.

130. The Administrator may, by notification and subject to the conditions of previous publication, make rules not inconsistent with the provisions of this Regulation to carry out the purposes of this Regulation.

Power to make bye-laws.

131. (1) Subject to the provisions of this Regulation and the rules made thereunder, the Secretary Panchayat may, with the prior approval of the Administrator, frame bye-laws:—

(a) to prohibit the removal or use of water for drinking purpose from any source which is likely to cause danger to health;

(b) to prohibit or regulate the discharge of water, waste water or effluent from any drain or premises on a public street or into a river, pond, tank, well, soil or any other place;

(c) to prevent damage to public streets;

(d) to regulate sanitation, conservancy and drainage in the area of the Gram Panchayat;

(e) to prohibit or regulate the use of public streets or other public place by shopkeepers;

(f) to regulate the manner in which tanks, ponds and cess pools, pasture lands, play grounds, manure pits, land for disposal for dead bodies and bathing places shall be maintained and used;

(g) to prohibit or discharge of any kind of effluent in any form polluting air, water and soil, and the like;

(h) to regulate construction of buildings; and

(i) to regularise any other duties and functions of the Gram Panchayat or District Panchayat.

(2) Any bye-law made under sub-section (1) may provide that a contravention thereof shall be liable with penalty which may extend to such amount as may be prescribed and in the case of a continuing contravention with penalty which may extend to amount prescribed for each day during which the contravention continues and its Gram Panchayat or District Panchayat, as the case may be, authorised to impose penalty.

132. Every rule and every bye-law made under this Regulation shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree for making any modification in the rule or bye-law or both Houses agree that the rule or bye-law should not be made, the rule or bye-law shall thereafter have effect only in such modified form or be no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or bye-law.

Laying of rules before Parliament.

133. The provisions of this Regulation shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force in the Union territory.

Regulation to have overriding effect.

134. (1) If any difficulty arises in giving effect to the provisions of this Regulation, the Administrator may, by order published in the Official Gazette make such provisions not inconsistent with the provisions of this Regulation as may appear to him to be necessary or expedient for the removal of that difficulty:

Power to remove difficulties.

Provided that no such order shall be made under this section after the expiry of two years from the date of commencement of this Regulation.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

Reg. 4 of 1994.

135. (1) The Lakshadweep Panchayat Regulation, 1994 (hereafter in this section referred to as said Regulation) is hereby repealed.

Repeal and savings.

(2) The repeal of the said Regulation shall not affect—

(a) the previous operations of the said Regulation or anything duly done or suffered thereunder;

(b) any right, privilege, obligation or liability acquired, accrued or incurred under the said Regulation;

(c) any penalty, forfeiture or punishment incurred, in respect of any offence committed against the said Regulation; and

(d) any investigation, legal proceeding or remedy in respect of such right, privilege, obligation, liability, forfeiture or punishment as aforesaid,

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if this Regulation had not been promulgated.

THE FIRST SCHEDULE

(See sections 21 and 65)

THE OATH OF OFFICE

I, having been elected as member/
Sarpanch/Upa-Sarpanch/President/Vice-President of Gram
Panchayat/District 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
uphold the sovereignty and integrity of India and that I will faithfully and conscientiously
discharge the duties of my office to the best of my ability, knowledge and judgment without
fear or favour of ill-will.

Place:

Date:

Signature.

THE SECOND SCHEDULE

(See section 31)

MATTERS WITHIN THE JURISDICTION OF GRAM PANCHAYAT

(A) General Functions:—

- (1) Preparation of annual plans for the development of the Gram Panchayat area.
- (2) Providing relief in natural calamities.
- (3) Removal of encroachments of Gram Panchayat properties.
- (4) Organising voluntary labour and contribution for community works.
- (5) Maintenance of essential statistics of the village.

(B) Other Functions:—

- (1) Agriculture, including agricultural extension.
- (2) Land improvement, implementation of land reforms, land consolidation and soil conservation.
- (3) Minor irrigation, water management and watershed development.
- (4) Animal husbandry, dairying and poultry.
- (5) Fisheries.
- (6) Social forestry and farm forestry.
- (7) Minor forest produce.
- (8) Small-scale industries, including food processing industries.
- (9) Khadi, village and cottage industries.
- (10) Rural housing.
- (11) Drinking water.
- (12) Fuel and fodder.
- (13) Roads, culverts, bridges, ferries, waterways and other means of communication.
- (14) Rural electrification, including distribution of electricity.
- (15) Non-conventional energy sources.
- (16) Poverty alleviation programme.
- (17) Education, including primary and secondary schools.
- (18) Technical training and vocational education.
- (19) Adult and non-formal education.
- (20) Libraries.
- (21) Cultural activities.
- (22) Markets and fairs.
- (23) Health and sanitation, including hospitals, primary health centres and dispensaries.
- (24) Family welfare.
- (25) Women and child development.
- (26) Social welfare, including welfare of the handicapped and mentally retarded.
- (27) Welfare of the weaker sections, and in particular, of the Scheduled Tribes.
- (28) Public distribution system.
- (29) Maintenance of community assets.

THE THIRD SCHEDULE

(See section 83)

MATTERS WITHIN THE JURISDICTION OF DISTRICT PANCHAYAT

(A) General functions:—

(1) Preparation of annual plans and execution of works covering more than one Gram Panchayat;

(2) Preparation of District plans;

(3) Take up works which cannot be executed by a Gram Panchayat but can be executed by the District Panchayat;

(4) Perform any functions assigned to a District Panchayat by the Administration.

(B) Other Functions:—

(1) Agriculture, including agricultural extension.

(2) Land improvement, implementation of land reforms, land consolidation and soil conservation.

(3) Minor irrigation, water management and watershed development.

(4) Animal husbandry, dairying and poultry.

(5) Fisheries.

(6) Social forestry and farm forestry.

(7) Minor forest produce.

(8) Small-scale industries, including food processing industries.

(9) Khadi, village and cottage industries.

(10) Rural housing.

(11) Drinking water.

(12) Fuel and fodder.

(13) Roads, culverts, bridges, ferries, waterways and other means of communication.

(14) Rural electrification, including distribution of electricity.

(15) Non-conventional energy sources.

(16) Poverty alleviation programme.

(17) Education, including primary and secondary schools.

(18) Technical training and vocational education.

(19) Adult and non-formal education.

(20) Libraries.

(21) Cultural activities.

(22) Markets and fairs.

(23) Health and sanitation, including hospitals, primary health centres and dispensaries.

(24) Family welfare.

(25) Women and child development.

(26) Social welfare, including welfare of the handicapped and mentally retarded.

(27) Welfare of the weaker sections, and in particular, of the Scheduled Tribes.

(28) Public distribution system.

(29) Maintenance of community assets.

THE FOURTH SCHEDULE

(See section 82)

MATTERS ON WHICH THE PRESIDENT AND THE VICE-PRESIDENT MAY BE CONSULTED BY THE ADMINISTRATOR

- (1) All general matters pertaining to District Panchayats.
- (2) Matters relating to training of staff of District Panchayats.
- (3) Review of administration of District Panchayat and coordination of the activities of District Panchayats.
- (4) Removal of difficulties of District Panchayats.
- (5) Matters relating to small-scale industries including food processing industries.
- (6) Matters pertaining to Union territory level educational institutions.
- (7) Proposal relating to its taxes.
- (8) Any other matter on which Administrator may like to consult.

THE FIFTH SCHEDULE

(See sections 14 and 61)

PROVISIONS AS TO DISQUALIFICATION ON GROUND OF DEFECTION.

1. Interpretation.—In this Schedule, unless the context otherwise requires,—

(a) “original political party”, in relation to a member of a Panchayat means the political party to which he belongs for the purposes of paragraph 2;

(b) “Panchayat” means a District Panchayat constituted under this Regulation;

(c) “paragraph” means a paragraph of this Schedule.

2. Disqualification on ground of defection.—Subject to the provisions of paragraph 3, a member of a Panchayat belonging to any political party shall be disqualified for being a member of the Panchayat—

(a) if he has voluntarily given up his membership of such political party; or

(b) if he votes or abstains from voting in such Panchayat contrary to any direction issued by the political party to which he belongs or by any person or authority authorised by it in this behalf, without obtaining, in either case, the prior permission of such political party, person or authority and such voting or abstention has not been condoned by such political party, person or authority within fifteen days from the date of such voting or abstention.

Explanation.—For the purposes of this sub-paragraph,—

(1) an elected member of a Panchayat shall be deemed to belong to the political party, if any, by which he was set up as a candidate for election as such member.

(2) An elected member of a Panchayat who has been elected as such otherwise than as a candidate set up by any political party shall be disqualified for being a member of the Panchayat if he joins any political party after such election.

(3) Notwithstanding anything contained in the foregoing provisions of this paragraph, a person who, on the commencement of this Regulation, is a member of a Panchayat shall,—

(i) where he was a member of a political party immediately before such commencement, be deemed, for the purposes of sub-paragraph (1) of this paragraph, to have been elected as a member of such Panchayat as a candidate set up by such political party;

(ii) in any other case, be deemed to be an elected member of the Panchayat who has been elected as such otherwise than as a candidate set up by any political party for the purposes of sub-paragraph (2) of this paragraph.

3. Disqualification on ground of defection not to apply in case of merger.—

(1) A member of a Panchayat shall not be disqualified under sub-paragraph (1) of paragraph 2, where his original political party merges with another political party and he claims that he and any other members of his original political party—

(a) have become members of such other political party or, as the case may be, of a new political party formed by such merger; or

(b) have not accepted the merger and opted to function as a separate group, and from the time of such merger, such other political party or new political party or group, as the case may be, shall be deemed to be the political party to which he belongs for the purposes of sub-paragraph (1) of paragraph 2 and to be his original political party for the purposes of this sub-paragraph.

(2) For the purposes of sub-paragraph (1) of this paragraph, the merger of the original political party of a member of a Panchayat shall be deemed to have taken place if, and only if, not less than two-thirds of the members of such political party in the Panchayat concerned have agreed to such merger.

4. Decision on questions as to disqualification on ground of defection.—

(1) If any question arises as to whether a member of a Panchayat has become subject to disqualification under this Schedule, the question shall be referred for the decision of the Administrator of Union territory and his decision thereon shall be final.

(2) Before giving any decision on any such question, the Administrator shall obtain the opinion of the Election Commission appointed under section 185 of the Andaman and Nicobar Islands (Panchayats) Regulation, 1994 and shall act according to such opinion.

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5. Rules.—The Administrator may make rules for giving effect to the provisions of this Schedule, and in particular, and without prejudice to the generality of the foregoing, such rules may provide for—

(a) the maintenance of registers or other records as to the political parties, if any, to which different members of the Panchayat belong;

(b) the report which the leader of a political party in relation to a member of a Panchayat shall furnish with regard to any condonation of the nature referred to in clause (b) of sub-paragraph (1) of paragraph 2 in respect of such member, the time within which and the authority to whom such report shall be furnished;

(c) the report, which a political party shall furnish with regard to admission to such political party of any members of the Panchayat and the officer of the Panchayat to whom such report shall be furnished; and

(d) the procedure for deciding any question referred to in paragraph 4 including the procedure for any inquiry which may be made for the purpose of deciding such question.

DROUPADI MURMU,
President.

K. BISWAL,
Additional Secretary to the Govt. of India.