

THE KARNATAKA PANCHAYAT RAJ ACT, 1993
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SCHEDULE II

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STATEMENT OF OBJECTS AND REASONS

I

Act 14 of 1993.- The Karnataka Panchayat Raj Bill, 1993 seeks to replace the Karnataka Zilla parishads, Taluk Panchayat Samithis, Mandal Panchayats and Nyaya Panchayats Act, 1983 consequent upon the changes proposed in the seventy-second Constitution (Amendment) Bill, 1991.

The Bill is to establish a three-tiered Panchayat Raj System in the State with the elected bodies at Grama, Taluk and District levels for greater participation of the people and more effective implementation of rural developed programmes in the State.

The following are the salient features of the Bill:-

1. Establish a three-tiered panchayat system in the State based on the population as ascertained at the last preceding census of which the figures have been published. It envisages elected bodies at all the three levels.

2. It provides for reservation of seats in favor of Scheduled Castes and Scheduled Tribes in proportion of their population and for reservation of one- third seats for women at all levels.

3. It also provides for reservation of seats and offices of chair persons at all levels for the persons belonging to Backward Classes of citizens.

4. It also provides for reservation of offices of chair persons at all levels in favour of Scheduled Castes and Scheduled Tribes and women.

5. It also envisages constitution of State Election Commission, the Finance Commission and district Planning Committee.

Hence the Bill.

(Obtained from L.A. Bill No. 21 of 1993.)

II

Amending Act 10 of 1995.- It is considered necessary to amend the Karnataka Panchayat Raj Act, 1993,-

(i) to provide for the Government to specify Backward Classes by issue of notification and not by making rules;

(ii) to provide reservation separately to the extent of eighty percent and twenty per cent for category-A and category-B respectively, out of seats and offices of chairperson reserved in favour of Backward Classes;

(iii) to provide for one member for a population of eighteen thousand or part thereof for the Zilla Panchayat in Kodagu District; and

(iv) to delete the provisions which provide a minimum reservation of fifteen percent for Scheduled Castes and three per cent for Scheduled Tribes irrespective of their ratio of population.

As the matter was urgent and the karnataka Legislative Assembly was not in session, the Karnataka Panchayat Raj (Amendment) ordinance, 1995 (Karnataka Ordinance 1 of 1995) was promulgated.

Hence the Bill.

(Obtained from L.A. Bill No. 8 of 1995.)

III

Amending Act 9 of 1996.- It is considered necessary to make the following amendments to the Karnataka Panchayat Raj Act, 1993, namely:-

(1) To amend Sections 156 and 197 so that Chief Executive Officer and the Executive Officer and other Officials of Zilla Panchayat and Taluk Panchayat to

function subject to the general powers of Superintendence, and control of Adhyakshas.

(2) To amend Sections 152 and 193 to confer the status of executive head on the Adhyakshas of the Taluk Panchayat and Zilla Panchayat.

(3) To amend Section 159 to provide that the members of the House of people and members of State Legislative Assembly whose constituencies lie within the area of jurisdiction of Zilla Panchayat and members of Council of State and members of State Legislative Council who are registered as electors within the area of Jurisdiction of Zilla Panchayat shall alone be the members of Zilla Panchayat.

Hence the Bill.

(Obtained from L.A. Bill No. 2 of 1996.)

IV

Amending Act 17 of 1996.- It is considered necessary to amend the Karnataka Panchayat Raj Act, 1993, to:-

(i) dispense with the requirement of quorum of members in an adjourned meeting, if any meeting called for the purpose of election of Adhyaksha or Upadhyaksha is adjourned to the following day or to a further day for want of quorum.

(ii) restrict the term of office of Adhyaksha and Upadhyaksha of Taluk Panchayat or Zilla Panchayat to twenty months.

(iii) restrict the term of office of every member of the standing Committee of Taluk Panchayat or Zilla Panchayat to twenty months.

(iv) to replace the words " surcharge" with " additional stamp duty".

Hence the Bill.

(Obtained from L.A. Bill No. 20 of 1996.)

V

Amending Act 1 of 1997.- It is considered necessary to amend the Karnataka Panchayat Raj Act, 1993,-

(i) to provide for the officers who preside over the first meeting of Grama Panchayats, Taluk Panchayats and Zilla Panchayats for conducting elections to the offices of Adhyaksha and Upadhyaksha should also preside over the subsequent meetings convened for filling up the vacancies in the office of Adhyaksha and Upadhyaksha;

(ii) to enable the Upadhyaksha of Taluk Panchayats and Zilla Panchayats to exercise the powers of Adhyaksha when the office of Adhyaksha is vacant.

(iii) to enable the Upadhyaksha of Taluk Panchayats and Zilla Panchayats to preside over the meetings of Zilla Panchayat and Taluk Panchayat, when the office of Adhyaksha is vacant.

Certain consequential changes are also made.

Hence the Bill.

(Obtained from L.A. Bill No. 5 of 1997.)

VI

Amending Act 10 of 1997.- It is considered necessary to amend the Karnataka Panchayat Raj Act, 1993, for the following reasons, namely:-

The Hon'ble High Court of Karnataka in W.P.No.7547/97 had held that the Adhyaksha or Upadhyaksha elected to fill casual vacancy of a Taluk Panchayat or Zilla Panchayat will hold office for the full term of twenty months. However the intention of the law is to limit such period to the remainder of the period for which the Adhyaksha or Upadhyaksha in whose place he has been elected would have held the office. In order to specify the above intention provisos to sub-section (3) in both Sections 138 and 177 have been inserted, with effect from twenty fourth October, 1996.

The provisions relating to amalgamation of panchayat areas is proposed to be reworded.

It is also proposed to state in detail, the consequences of absorption of part of a Panchayat area or an area within the limits of a district or taluk into a larger urban area, smaller urban area or transitional area and conversion of any area within the limits of panchayat area or taluk is converted into a smaller urban area or transitional area; and

The consequences of Constitution of new district or taluk by altering the limits of the existing districts and taluks.

Hence the Bill.

(Obtained from L.A. Bill No. 21 of 1997.)

VII

Amending Act 29 of 1997.- The State of Karnataka having pioneered the decentralised administration system of Panchayat Raj Institutions in the State by legislating the Karnataka Panchayat Raj Act, 1993 and being earnest in rendering these institutions effective as units of local-self-Government at all tires, appointed an Expert Committee under the Chairmanship of Sri P.R.Nayak, for the purpose of making suggestions for better administration and functioning of these institutions in the State. The Committee having submitted its report in March 1996, which the State Government accepted, and in contemplation of implementing these

recommendations, it is now proposed to bring about comprehensive amendment to the Karnataka Panchayat Raj Act, 1993 to provide for the following, interalia:-

(1) To make the preamble of the Act expressly declare that the Panchayat Raj Institutions should function as units of local-self -Government.

(2) Consequently upon the 74th Constitutional amendment, to nomenclature the urban local bodies like Sanitary Boards, Town Boards, and Notified area committees uniformly as 'Town Panchayat'.

(3) To entrust the task of determining the number of elected members, reservation of seats for different categories, delimitation of territorial constituencies, and publication of names of elected members of all the Grama Panchayats to the State Election Commission, an independent body.

(4) To provide for disqualifying such members of the panchayat institutions who are directly or indirectly involved in the execution of works and supply of goods and services to the Panchayats and who have not provided sanitary latrines for the use of members of their family.

(5) To explain and provide punishment for the offence of Booth Capturing and to curb the tendency of Government servants acting as election agents, polling agents or counting agents by imposing rigorous penalty.

(6) To require the Adhyakshas of the panchayats to cause the letter of resignation of members to be placed at the meeting of the panchayat.

(7) To provide for removal of members of Grama Panchayat for defined misconduct.

(8) To specify that the election to the office of Adhyaksha and Upadhyaksha of Panchayat Raj Institutions be held, within one month from the publication of names of elected members.

(9) To provide a measure of stability to the term of office of Adhyaksha and Upadhyaksha of panchayats, by stipulating that a resolution expressing want of confidence in the Adhyaksha or Upadhyaksha of a Grama Panchayat shall not be moved within one year from the date of his election and within one year from the date of the last decision of such a resolution and in the case of Taluk Panchayats and Zilla Panchayats within six months from such dates.

(10) To make certain functions obligatory on all Panchayat institutions and to specify the functions of the Panchayat bodies operating at different levels.

(11) To provide for appointment of appropriate Committees by the Grama Panchayats for specific purpose and joint committees for two or more Grama Panchayats for any common purpose.

(12) To state in necessary detail the consequences of having to divide a Panchayat area into two or more Panchayats, to amalgamate two or more Panchayat areas to constitute one Panchayat and to create a new Panchayat by carving out areas from existing Panchayats and provide that in all such eventualities the members representing these areas should continue in the interim Grama Panchayat through the remainder of their elected term.

(13) To effect certain structural changes, namely, to ensure reservation for women and for Scheduled Castes/Scheduled Tribes on the Social Justice Committee of the Taluk Panchayat and Zilla Panchayat; to increase the total number of members of the standing committee of the Zilla panchayat from five to seven; and to make the Adhyaksha as the chairman of Finance, Audit and Planning Committee, and the Upadhyaksha as the Chairman of the General Standing Committee.

(14) To require the Executive Officer and Chief Executive Officer to advise, in writing, the head of the Panchayat which may pass any resolution or take any decision the implementation of which would contravene the provision of any law or the budgetary provisions etc., pointing to the specific provision that is likely to be contravened.

(15) To require the Panchayats concerned to take follow up action on the report of the inspecting officer made under section 233 within thirty days, and providing for omission to be construed as default in the performance of duty.

(16) To delete the provisions of section 234 which enables appointment of a person to perform a duty in case of default of the Panchayats and to recover expenses.

(17) To re-allocate power of certain authorities under the Act by divesting these authorities of their powers and vesting them in other to facilitate better functioning, namely:-

(a) The Commissioner to be divested of the power of removal of Adhyaksha or Upadhyaksha of a Panchayat, to be vested in the Government.

(b) The Commissioner and Chief Executive Officer to be divested of their power under section 253 to be vested in the Zilla Panchayat and Taluk Panchayat respectively.

(c) The Chief Executive officer and Commissioner to be divested of their powers under section 237, to suspend the execution of an unlawful order or resolution, of a Grama Panchayat and Taluk Panchayat to be vested in the Adhyaksha of the concerned Taluk Panchayat or Zilla Panchayat, and

(d) The Commissioner to be divested of his power under section 268 to dissolve a Grama Panchayat, to be vested in the Zilla Panchayat.

(18) To provide appeal against every original order of a Grama Panchayat.

(19) To require a Grama Panchayat to consider the development programme suggested by the grama shaba at the time of preparing its development plan.

(20) To make the Adhyaksha of the Zilla Panchayat the Chairman of the District Planning Committee and the Mayor or president of the Municipal Body having jurisdiction over the Head Quarters of the district, the Vice-Chairman.

(21) To constitute a State Panchayat Council to discuss matters relating to the functioning of the Panchayats in the State under the Chairmanships of the Chief Minister and the Minister for Rural Development and Panchayat Raj as Vice-Chairman.

(22) To provide for consulting the State panchayat Council before amending schedule I, II or III under the Act, relating to functions of Panchayats.

Opportunity is availed also to bring about certain consequential amendments based on functional requirements.

Hence the Bill.

(Obtained from L.A. Bill No. 26 of 1997.)

VIII

Amending Act 29 of 1998.- It is considered necessary to amend the Karnataka Panchayat Raj Act, 1993 (Karnataka Act 14 of 1993):-

(i) to restore the powers of Deputy Commissioner so that he shall exercise the powers of notifying number of elected members, de-limitation of Constituencies and publication of names of elected members subject to the general and special orders of the State Election Commission; and

(ii) to empower the Tahsildar to prepare the voters list for Grama Panchayat and Taluk Panchayat by splitting the electoral rolls of Zilla panchayat Constituencies as advised by the State Election Commission.

Opportunity is also taken to provide for appointment of officers belonging to Karnataka Administrative Services (Selection Grade) or officers of Development Branch equal to the rank of Karnataka Administrative Services (Selection Grade) as Chief Executive Officers of Zilla Panchayat.

This Bill seeks to replace the Karnataka Panchayat Raj (Amendment) Ordinance, 1998 (Karnataka Ordinance 4 of 1998) and Karnataka Panchayat Raj (Second Amendment) Ordinance, 1998 (Karnataka Ordinance 6 of 1998).

Hence the Bill.

(Obtained from L.A. Bill No. 5 of 1998.)

IX

Amending Act 10 of 1999.- It is considered necessary to make the following amendments to the Karnataka Panchayat Raj Act, 1993, namely:-

(1) The number of Grama Panchayats in each taluk in the present system is too large for proper supervision over their functions and the present Grama Panchayats are also financially very weak. It is felt that the Grama Panchayats in order to be viable are to be reconstituted with larger jurisdiction. Restructuring of the existing Grama Panchayats has to be done at the earliest.

(2) According to clause (1) of Article 243 D of the Constitution the seats reserved in a Panchayat may be allotted by rotation to different constituencies. The proviso to sub-section (4) of section 5 of the Karnataka Panchayat Raj Act, 1993 requires that the seats reserved shall be allotted by rotation to the different constituencies. Thus the proviso is not in conformity with the aforesaid provision of the constitution. Further, it is felt that rotation at the present nascent stage of the Panchayat Raj system hampers the development of effective political leadership at the grassroot levels, particularly among Scheduled Castes/ Scheduled Tribes and women, as person of these categories elected during one term may not get re-elected to the Panchayat for subsequent terms. If the category of the reservation of their constituencies is subjected to rotation on a compulsory basis it would lead to difficult situations. Therefore it was considered necessary to omit the provisions relating to rotation of seats reserved in a Grama Panchayat.

(3) Consequent to the proposal of restructuring of the Grama Panchayats, it is proposed that each Grama Panchayat member shall be elected for every one thousand population instead of existing four hundred population.

Hence the Bill.

(Obtained from L.A. Bill No. 10 of 1999.)

X

Amending Act 21 of 1999: It is considered necessary to amend the Karnataka Panchayat Raj Act, 1993 (Karnataka Act 14 of 1993) for the following purposes, namely:-

(i) In case of a Panchayat area having the population of less than ten thousand, to provide for a minimum of eleven elected members; and

(ii) To entrust the preparation of the electoral roll of Zilla Panchayats, to the Assistant Commissioner.

Hence the Bill.

(Obtained from L.A. Bill No. 15 of 1999.)

XI

Amending Act 8 of 2000.- In the Karnataka Panchayat Raj Act, 1993 as it stood prior to the Karnataka Panchayat Raj (Third Amendment) Act, 1997 powers were vested in the Government for determining the number of elected members, reservation of seats of offices of Adhyaksha and Updhyaksha of Taluk Panchayats and Zilla Panchayats delamination of constituencies of Zilla Panchayat and publication of names of Zilla Panchayat members. Further, delimitation of territories constituencies of Taluk Panchayat and publication of names of members of taluk Panchayat were entrusted to the Deputy Commissioner respectively.

By the aforesaid amendment Act of 1997 the powers vested in the Government were entrusted to the State Election Commission. The State Election Commission was also given powers to publish the names of elected members of Taluk Panchayat and Zilla Panchayat. Delimitation of constituencies of Taluk Panchayat and Zilla Panchayat was entrusted to the Deputy Commissioner, subject to the general or special order of the State election Commission.

In the light of the experience gained for the last two years it is considered desirable to amend the relevant sections and to restore by a large the position as it obtained prior to the amendment of the Karnataka Panchayat Raj (Third Amendment) Act, 1997.

Further, it is considered desirable to reduce the term of office of Adhyaksha and Upadhyaksha of Grama Panchayat to thirty months to provide opportunities for more than one set of persons to be elected as Adhyaksha and Upadhyaksha of Grama Panchayats during a period of five years.

Hence the Bill.

(Obtained from L.A. Bill No. 2 of 2000.)

XII

Amending Act 11 of 2000.- Since it was considered not desirable to make structural changes in a short period it was decided to retain the Grama Panchayat of similar jurisdiction as they existed prior to 28.1.1999. It was also felt that Grama Panchayats of smaller jurisdiction would enable the weaker sections of the society to get better representation. Therefore, it was considered necessary to amend section 4 and 5 of the Karnataka Panchayat Raj Act, 1993 to provide for the following:-

- (i) to restore the population criteria of five thousand and seven thousand and two thousand five hundred and the norms relating to geographical area of the radius of five kilometers (diameter of 10 kilometer) for declaration of panchayat area;
- (ii) to specify four hundred population instead of one thousand population for the purpose of determining the number of elected members of Grama Panchayat;

(iii) to omit the provision providing for a minimum of eleven members in respect of Panchayat area having less than ten thousand population;

(iv) to restore the provisions relating to allotment of seats by rotation to different constituencies in the panchayat area;

(v) to declare that the provisions of section 4 and 5 as they stood prior to 28.1.1999 and 4.8.1999 shall be deemed to have continued;

(vi) to declare that anything done or any action taken or any notification issued under sections 4 and 5 before such date shall be deemed to be valid and shall continue to be in force.

It was also considered necessary to reserve in a Grama Panchayat at least one seat each for the person belonging to Schedule Castes and the Scheduled Tribes.

As the matter was urgent and both the Houses of the State Legislature were not in session, the Karnataka Panchayat Raj (Second Amendment) Ordinance, 1999 and the Karnataka Panchayat Raj (Third Amendment) Ordinance, 1999 were issued.

This Bill seeks to replace the said Ordinance with following additions, namely:-

(i) to provide for reservation of at least one seat each for the persons belonging to the Scheduled Castes and the Scheduled Tribes in a Taluk Panchayat and Zilla Panchayat;

(ii) to omit the provisions relating to disqualification of a person for being chosen and for being a member of a Grama Panchayat, Taluk Panchayat or Zilla Panchayat for not having a sanitary latrine for the use of the members of his family;

(iii) to enhance the annual grant payable by the Government to the Grama Panchayat from the existing one lakh rupees to two lakh rupees.

Hence the Bill.

(Obtained from L.A. Bill No. 11 of 2000.)

सत्यमेव जयते XIII

Amending Act 30 of 2001.- It is considered necessary to amend the Karnataka Panchayat Raj Act, 1993, to make it obligatory on the part of every Grama Panchayat to report any case of Bonded Labour in the Panchayat Area to the Deputy Commissioner or to such other authority specified for the purpose and to treat any failure to report the case of bonded labour as a default in the performance of the duties of a Grama Panchayat for the purpose of dissolution.

(L.A. Bill No. 33 of 2000. SAMVYASHAE 51 SHASANA 2000)

XIV

Amending Act 8 of 2003.- To give effect to the proposals made in the Budget Speech for the year 2003-04, it is considered necessary to amend the Karnataka Stamp Act, 1957, the Karnataka Municipalities Act, 1964, the Karnataka Municipal Corporations Act, 1976 and the Karnataka Panchayat Raj Act, 1993.

Hence the Bill.

(obtained LA Bill No. 8 of 2003 vide File No. SAMVYASHAE 15 SHASANA 2003]

XV

Amending Act 37 of 2003.- It is considered necessary to amend the Karnataka Panchayat Raj Act, 1993,-

(i) to have a Ward Sabha in respect of each Grama Panchayat constituency and a Grama Sabha for the whole panchayat area and to entrust them with more responsibilities to ensure that participation of people at village level will be more meaningful and intense.

(ii) to provide for disqualification of members of Grama Panchayats, Taluk Panchayat and Zilla Panchayat for a period of three years for failure to lodge an account of election expenses.

(iii) to ensure that as far as possible one-third members of the Grama Panchayat, Taluk Panchayat or Zilla Panchayat attending the meeting will be women members.

(iv) to require every member of Grama Panchayat, Taluk Panchayat and Zilla Panchayat to disclose any pecuniary interest that he has in any question coming up

for consideration at a meeting of Grama Panchayat, Taluk Panchayat or Zilla Panchayat.

(v) to make Adhyaksha of the Grama Panchayat as executive Head.

(vi) to re-define the powers and duties of the Secretary of Grama panchayat.

(vii) to provide for pooling of officers and officials of the State Civil Services and post them to Grama Panchayat and to empower the Grama Panchayat to engage the services of technical staff not belonging to State Civil Services for specific work.

(viii) to entrust to the State Election Commission powers of the State Government relating to determining the elected members, reservation of seats and delimitation of territorial constituencies of Taluk Panchayat and Zilla Panchayats.

(ix) to require the members of the Taluk Panchayat and Zilla Panchayat to declare their assets and to provide for cessation of membership for filing false or incorrect declaration.

(x) to provide for appointment of the Chairman of the Standing Committee of social justice to exercise the powers and perform the duties of the Adhyaksha and Upadhyaksha of Taluk Panchayat or Zilla Panchayat in case both the officers are vacant.

(xi) to provide for maintenance of account of election expenses, lodging of the same, etc.,

The Bill also provides for certain other incidental and consequential matters.

Hence the Bill.

(obtained LA Bill No. 27 of 2002 vide file No. SAMVYASHAE 33 SHASANA 2002)

XVI

Amending Act 17 of 2007.- In G.O.NO.RD 9 BMM 2003, dated: 8.9.2005 the posts of Regional Commissioners at Bangalore, Mysore, Gulbarga and Belgaum along with supporting staff has been created.

The Regional Commissioners have to be conferred with statutory powers by necessary amendments to the relevant Acts.

Since the matter was urgent and the Karnataka Legislature was not in session, the Karnataka Land Revenue and Certain Other Laws (Amendment) Ordinance 2006(Karnataka Ordinance No.5 of 2006) was promulgated to achieve the above Object.

Hence the Bill.

[L.A.Bill No. 7 of 2007]

[Entry 5 and 18 of List II of the Seventh Schedule to the Constitution of India.]

XVII

Amending Act 24 of 2010.- It is considered necessary to amend the Karnataka Panchayat Raj Act, 1993.

(1) to define " Panchayat Development Officer" and to provide for powers and functions, thereof.

(2) to notify election results quickly and precisely and to introduce modern technology in the election system of Panchyath Raj Institutions by using electronic voting machines in the elections to Grama Panchayat, Taluk Panchayat and Zilla Panchayat in the State;

(3) to provide fifty percent reservation for women in seat and the offices in all the three tiers of Panchyath Raj Institutions.

Hence the Bill.

(L.C.Bill No.03 of 2010, File No.Samvyashae 03 Shasana 2010)

[Entry 5 of List II of the Seventh Schedule and Article 243D to the Constitution of India.]

XVIII

Amending Act 34 of 2011.- It is considered necessary to amend the Karnataka Panchayath Raj Act, 1993 (Karnataka Act 14 of 1993),-

- (i) to give effect to the judgment of the Hon'ble Supreme Court in the case of Krishnamurthy and others Vs Union of India in Writ Petition (Civil) 356 of 1994;
- (ii) to give effect to the 13th Central Finance Commissions recommendations.
- (iii) Certain other consequential amendments are also proposed.

This Bill also seeks to replace the Karnataka Panchayath Raj (Amendment) Ordinance, 2010 (Karnataka Ordinance No. 3 of 2010).

Hence the Bill.

[L.A. Bill No. 6 of 2011, File No. Samvyashae 40 Shasana 2010]

[Entry 5 of List II of the Seventh Schedule and Article 243 (D) of the Constitution of India.]

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सत्यमेव जयते

KARNATAKA ACT No. 14 OF 1993

(First published in the Karnataka Gazette Extraordinary on the Thirtieth day of April, 1993)

THE KARNATAKA PANCHAYAT RAJ ACT, 1993

(Received the assent of the Governor on the Thirtieth day of April, 1993)

(As Amended by 10 of 1995, 9 of 1996, 17 of 1996, 1 of 1997, 10 of 1997, 29 of 1997, 29 of 1998, 10 of 1999, 21 of 1999, 8 of 2000, 11 of 2000, 30 of 2001, 8 of 2003, 37 of 2003, 17 of 2007, 24 of 2010 and 34 of 2011)

An Act to replace the present enactment relating to Panchayats by a comprehensive enactment.

WHEREAS it is expedient to replace the present enactment by a comprehensive enactment to establish a three-tier Panchayat Raj system in the State with elected bodies at the grama, taluka and district levels, in keeping with the Constitution Amendment relating to panchayats for greater participation of the people and more effective implementation of rural development programmes ¹[and to function as units of local-self-Government]¹

1. Inserted by Act 29 of 1997 w.e.f. 20.10.1997

BE it enacted by the Karnataka State Legislature in the Forty-fourth year of the Republic of India as follows:-

**CHAPTER I
PRELIMINARY**

1. Short title and commencement.- (1) This Act may be called the Karnataka Panchayat Raj Act, 1993.

(2) It shall come into force on such ¹[date]¹ as the Government may by notification specify and different dates may be specified for different areas and for different provisions.

1. Act came into force on 10.5.1993

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

(1) "Assistant Commissioner" means the Assistant Commissioner of a revenue sub-division;

¹[(2) "Backward Classes" means such class or classes of citizens as may be classified as category "A" and "B" and notified by the Government from time to time for the purposes of reservation of seats and offices of Chairperson in Zilla Panchayat, Taluk Panchayat and Grama Panchayat.]¹

1. Substituted by Act 10 of 1995 w.e.f. 13.1.1994.

(3) "building" includes a house, out-house, shop, stable, warehouse, workshop, canopy, shed, hut, or other enclosure whether used as a human dwelling or otherwise and shall include a wall, compound wall, fencing, verandah, platform, plinth, doorstep and the like;

(4) "business" includes any trade, commerce or manufacture or an adventure or concern in the nature of trade, commerce or manufacture;

(5) "casual vacancy" means a vacancy occurring otherwise than by afflux of time;

(6) "Chief Executive Officer" means the Chief Executive Officer of the Zilla Panchayat;

(7) "Commissioner" means the ¹[Regional Commissioner]¹ or such other officer as may be appointed by the Government to exercise the powers of Commissioner under this Act;

1. Substituted by Act 17 of 2007 w.e.f. 5.1.2007.

(8) "company" means a company as defined in the Companies Act, 1956 (Central Act 2 of 1956) or a co-operative society registered under the Karnataka Co-operative Societies Act, 1959 (Karnataka Act 11 of 1959) and includes any firm or association of individuals carrying on business in the State of Karnataka whether incorporated or not;

(9) "Deputy Commissioner" means the Deputy Commissioner of the district;

(10) "district" means a revenue district;

(11) "erection or re-erection or enlargement" of any building includes,-

- (i) any material alteration or enlargement of any building;
- (ii) the conversion, by structural alteration, into a place of human habitation of any building not originally constructed for human habitation;
- (iii) the conversion of two or more places of human habitation into a lesser number of such places;
- (iv) the conversion of one or more places of human habitation into a greater number of such places;
- (v) such alteration of a building as would affect a change in the drainage or sanitary arrangements or materially affect its security;
- (vi) the addition of any rooms, buildings, out-houses or their structures to any building;
- (vii) the conversion, by any structural alteration, into a place of religious worship or into a building used for a sacred purposes of any place or building not originally meant or constructed for such purposes;

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

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

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

(12) "Executive Officer" means an Executive Officer of Taluk Panchayat;

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

(14) "Government" means the State Government;

(15) "Grama Panchayat" means the Grama Panchayat established under this Act.

(16) "Grama Sabha" means a body consisting of persons registered in the ¹[voters list of a Grama Panchayat]¹;

1. Substituted by Act 37 of 2003 w.e.f. 1.10.2003.

(17) "Health Officer" means the Health Officer, employed by or on behalf of the Zilla Panchayat and if there is no such officer, the Government Health Officer having jurisdiction over the Taluk or district concerned;

(18) "infectious disease" means cerebro-spinal fever, chicken pox, cholera, diptheria, enteric fever, epidemic influenza, leprosy, measles, plague, rabies, scarlet fever, small-pox, tuberculosis, typhus, yaws or any other disease which the Government may notify in this behalf either generally throughout the State or in such part or parts thereof as may be specified in the notification;

(19) "land revenue" means all sums and payments received or claimable by or on behalf of the Government, from any person on account of land held by or vested in him as fixed at a survey settlement current in the area in which the land is situated;

(20) "latrine" include a privy, water-closet and urinal;

(21) "local authority" includes a municipal corporation, municipal council, Zilla Panchayat, Taluk Panchayat, Grama Panchayat, ¹[Town Panchayat, Industrial Township]¹, Improvement Board, Urban Development Authority and Planning Authority constituted under this Act or under any law for the time being force;

1. Substituted by Act 29 of 1997 w.e.f. 20.10.1997.

(22) "market" means a place for the sale of goods or animals publicly exposed where ordinarily or periodically at least four shops, stalls or sheds are set up or where at least ten animals are brought for sale;

(23) "nuisance" includes any act, omission, place or thing which causes or is likely to cause injury, danger, annoyance or offence to the sense of sight, smell or hearing or disturbance to rest or sleep or which is or may be dangerous to life or injurious to the health or property of the public, or of the people in general, who dwell in the vicinity or of persons who may have occasion to exercise a public right;

(24) "offensive or dangerous trade" means any trade, business or industry dangerous to life, health or property or likely to cause nuisance which is notified by the Government under section 67;

(25) "occupier" means any person in actual possession of any land or building or part thereof and includes an owner in actual possession, and the tenant or licensee whether such tenant or licensee is liable to pay rent or not;

(26) "offensive matter" includes filth, sewage, dirt, house sweepings, splittings, including chewed betel and tobacco, kitchen or stable refuse, pieces of broken glass or pottery, debris and waste paper;

(27) "owner" includes the person for the time being receiving the rent of any land or building or part thereof, whether on his own account or as agent, receiver or trustee or who would receive rent if the land or building or part thereof were let to a tenant;

(28) "panchayat area" means any area declared as panchayat area under section 4;

¹[(28-A)"Panchayath Development Officer" means the Panchayath Development Officer of the Grama Panchayath;]¹

²[(28B) 'Panchayat Ombudsman' means the Panchayat Ombudsman appointed by the State Government under section 296A.]²

1. Inserted by Act 24 of 2010 w.e.f. 23.07.2010.

2. Inserted by Act 34 of 2011 w.e.f. 4.10.2010.

(29) "Population" means the population as ascertained at the last preceding census of which the relevant figures have been published;

(30) "private market" means a market other than a public market;

(31) "public market" means any market owned by a Grama Panchayat or acquired, constructed, maintained or managed by a Grama Panchayat;

(32) "public place" means any place not being private property which is open to the use or enjoyment of the public whether such place is vested in a Grama Panchayat, Taluk Panchayat or Zilla Panchayat or not;

(33) "public street" means any street over which the public have a right of way whether a thoroughfare or not;

(34) "Schedule" means a Schedule annexed to this Act;

(35) "Scheduled Castes and Scheduled Tribes" means the Scheduled Castes and the Scheduled Tribes specified in respect of the State of Karnataka in the Constitution (Scheduled Castes) Order, 1950, and the Constitution (Scheduled Tribes) Order, 1950, for the time being in force;

(36) "Secretary" means the Secretary of the Grama Panchayat;

¹[(36A) "State Election Commission" means the Election Commission of Karnataka constituted under section 308]¹;

1. Inserted by Act 29 of 1997 w.e.f. 20.10.1997.

(37) "street" includes any highway, causeway, bridge, viaduct, arch, road, land, footway, subway, court, alley or riding path or passage, whether a thoroughfare or not; and when there is a footway as well as carriage way in any street, the said term includes both;

(38) "taluk" means a revenue taluk but excluding therefrom the limits of a ¹[larger urban area, smaller urban area, transitional area or an industrial township specified]¹ under any law for the time being force;

1. Substituted by Act 29 of 1997 w.e.f. 20.10.1997.

(39) "Taluk Panchayat" means the Taluk Panchayat established under this Act;

(40) "Tahsildar" means the Tahsildar of a revenue taluk;

(41) "vehicle" includes a bicycle, cycle rickshaw, motorcar and every wheeled conveyance which is used or is capable of being used on a public street;

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

¹[42A. "Ward Sabha" means a body consisting of persons registered in the voters lists of each Grama Panchayat constituency".]¹

1. Inserted by Act 37 of 2003 w.e.f. 1.10.2003.

(43) "Zilla Panchayat" means the Zilla Panchayat established under this Act.

¹[CHAPTER II

WARD SABHA AND GRAMA SABHA

1. Chapter II and Section 3 Substituted by Act 37 of 2003 w.e.f. 1.10.2003.

3. Ward Sabha.-(1) Subject to the general orders of the Government, Ward Sabha shall meet atleast once in six months.

(2) The quorum for the meeting of a Ward Sabha shall be not less than one tenth of the total number of members of the Ward Sabha or twenty members whichever is less. As far as may be, not less than thirty percent of the voters attending the Ward Sabha, shall be women. As far as may be the persons belonging to the Scheduled Castes and Scheduled Tribes shall be represented in proportion to their population in the Ward Sabha."

(3) Ward Sabha shall, subject to such rules as may be prescribed, exercise the following powers and discharge the following functions, namely:-

(a) to generate proposals and determine the priority of schemes and development programmes to be implemented in the area of the Ward Sabha and forward the same to place it before the Grama Sabha for inclusion in Grama Panchayat development plan;

(b) to identify the most eligible persons from the area of Ward Sabha for beneficiary oriented schemes on the basis of criteria fixed and prepare list of eligible beneficiaries in the order of priority and forward the same to the Grama Panchayat for inclusion in its development plan;

(c) to verify the eligibility of persons getting various kinds of welfare assistance from Government such as pensions and subsidies;

(d) to get information from the officers of the Grama Panchayat as to the services they will render and the works they propose to do in the succeeding period of six months after the meeting of the Ward Sabha;

(e) to get information from the Grama Panchayat on the rational of every decision of the Grama Panchayat concerning the area of the Ward Sabha;

(f) to get information from the Grama Panchayat on the follow up action taken on the decisions of the Ward Sabha;

(g) to provide and mobilize voluntary labour and contributions in cash and kind for development work and supervise such development works through volunteer teams;

(h) to make efforts to ensure that the members of Ward Sabha pay taxes and repay loans to the Grama Panchayat;

(i) to suggest the location of streetlights, street or community water taps, public wells, public sanitation units, irrigation facilities and such other public amenity schemes within the area of the Ward Sabha;

(j) to identify the deficiencies in the water supply and street lighting arrangements in the area of Ward Sabha and suggest remedial measures;

(k) to impart awareness on matters of public interest such as cleanliness, preservation of the environment and prevention of pollution;

(l) to assist the employees of the Grama Panchayat in sanitation arrangements in the area of Ward Sabha and render voluntary service in the removal of garbage;

(m) to promote programme of adult education within the area of Ward Sabha;

(n) to assist the activities of public health centers in the area of Ward Sabha especially in disease prevention and family welfare and to create arrangements to quickly report the incidence of epidemics and natural calamities;

(o) to promote harmony and unity among various groups of people in the area of the Ward Sabha and to arrange cultural festivals and sports meets to give expression to the talents of the people of the locality; and

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

(4) The procedure for convening and conducting the meetings of the Ward Sabha shall be such as may be prescribed.

(5) Every meeting of a Ward Sabha shall be presided over by the member of the Grama Panchayat elected from the area of the concerned Ward Sabha and in his absence by any other member of the Grama Panchayat nominated by it.

(6) All resolutions in respect of any issue in the meeting of the Ward Sabha shall be passed by a majority of the members present and voting.

3A. Grama Sabha.- (1) The Grama Sabha shall meet at least once in six months:

Provided that a Special meeting of the Grama Sabha shall be convened if a request is made by not less than ten percent of the members of the Grama Sabha with items of agenda specified in such request and there shall be a minimum three months period between two special meetings of the Grama Sabha.

(2) The quorum for the meeting of a Grama Sabha shall be not less than one tenth of the total number of members of the Grama Sabha, or hundred members, whichever is less. As far as may be, at least ten members from each Ward Sabha within the Panchayat area shall attend the meeting and not less than thirty percent of the members attending the Grama Sabha shall be women. As far as may be the persons belonging to the Scheduled Caste and Scheduled Tribes shall be represented in proportion to their population in the Grama Sabha.

(3) Subject to such rules as may be prescribed, the Grama Sabha, shall exercise powers and discharge functions as hereinafter provided, namely:-

(a) to consider and approve the annual plan prepared by the Grama Panchayat;

(b) to generate proposals and determine the priority of all schemes and development programmes to be implemented in the Panchayat area by the Zilla

Panchayat or Taluk Panchayat after considering the recommendations and suggestions of the Ward Sabhas through the Grama Panchayat;

(c) to identify and select the most eligible persons from the Panchayat area for beneficiary oriented schemes on the basis of criteria fixed by the Grama Panchayat, Taluk Panchayat, Zilla Panchayat or the Government and to prepare list of beneficiaries in the order of priority after considering the priority lists of individual beneficiaries sent by the Ward Sabhas. Such list shall be binding on the concerned Grama Panchayat, Taluk Panchayat, Zilla Panchayat or the Government, as the case may be;

(d) to disseminate information on development and welfare programmes and to render assistance in effective implementation of development schemes by providing facilities locally available and to provide feed back on the performance of the same;

(e) to render assistance to the Grama Panchayat in collection and compilation of details required, formulation of development plans, collection of essential socio-economic data and canvassing participation in health, literacy and similar development compaigns;

(f) to get information from the officers of the Grama Panchayat as to the services they will render and the works they propose to do in the succeeding period of six months after the meeting of the Grama Sabha;

(g) to get information from the Grama Panchayat on the rational of every decision of the Grama Panchayat concerning the Panchayat area;

(h) to get information from the Grama Panchayat on the follow up action taken on the decisions of the Gramasabha;

(i) to provide and mobilize voluntary labour and contributions in cash and kind for development works and to supervise such development works through volunteer teams;

(j) to resort to persuasion of Grama Sabha members to pay taxes and repay loans to the Grama panchayat;

(k) to decide, after considering the suggestions of the ward sabhas the location of street lights, street or community water taps, Public wells, Public sanitation units, irrigation facilities and such other Public amenity schemes and to identify the defiencies in them and after considering the suggestions of the ward sabhas to suggest the remedial measures and to report the satisfactory completion of the works;

(l) to impart awareness on matters of public interest such as cleanliness, preservation of environment and prevention of pollution;

(m) to assist employees of the Grama panchayat in sanitation arrangements in the panchayat area and to render voluntary service in the removal of garbage;

- (n) to promote the programme of adult education within the Panchayat area;
- (o) to assist the activities of school betterment sanghas, Anganawadi, Mahilasamaja, Youth associations, self help groups, women activities in the Panchayat area;
- (p) to assist the activities of public health centres in the panchayat area, especially in disease prevention and family welfare population control and control of cattle diseases and create arrangement to quickly report the incidence of epidemics and natural calamities;
- (q) to promote communal harmony and unity among various groups of people in the Panchayat area and to arrange cultural festivals literary activities and sports meets to give expression to the talents of the people of the locality; and
- (r) to conserve and maintain public properties such as Gomala, tanks, tank beds, ground water, grazing grounds of the cattle, mines etc., within the limits of the Gram Panchayats;
- (s) to take action to prevent discrimination on the basis of caste, religion and sex etc., and to direct the Gram Panchayaths to not to grant license to shops vending liquor or narcotic drugs or place of gambling or any other activities prejudicial to public interest;
- (t) to identify the child labourers if any, present within the limits of the Grama Panchayaths and to take action to rehabilitate them and to assist in implementation of the legal action specified by the Central and State Governments;
- (u) to exercise such other powers or discharge such other functions as may be prescribed.
- (4) The Grama Sabha shall in its ordinary meeting or a special meeting convened for the purpose, discuss the budgetary provisions, the details of plan outlay and the subject wise allocation of funds and also the details of the estimate and cost of materials of the works executed or proposed to be executed in the Panchayat area.
- (5) The annual statement of accounts of the preceeding financial year, the last audit note and replies thereto and the panchayat jamabandi report and action taken thereto shall be placed by the Grama Panchayat for the consideration of the Grama Sabha in its meeting. The views, recommendations or suggestions of the Grama Sabha shall be communicated to the Grama Panchayat. The Grama Panchayat shall give due consideration to the views, recommendations and suggestions of the Grama Sabha.
- (6) The procedure for convening and conducting the meeting of the Grama Sabha shall be such as may be prescribed.

(7) Every meeting of a Grama Sabha shall be presided over by the Adhyaksha of the concerned Grama Panchayat and in his absence by the Upadhyaksha and in the absence of both Adhyaksha and Upadhyaksha, by any member of the Grama Panchayat nominated by it.

(8) The officers of the Grama Panchayat shall attend the meetings of the Grama Sabha as may be required by the Adhyaksha and an officer specifically nominated by the Grama Panchayat as convener of the Grama Sabha meeting shall assist in convening and conducting its meetings and recording its decisions in a minute book and also in taking follow up action thereon.

(9) The Grama Sabha may constitute sub-committees consisting of not less than ten members of whom not less than half shall be women, for in-depth discussion on issues and programmes for effective implementation of decisions of the Grama Sabha and in furtherance of exercise of powers and discharge of functions of Grama Sabha.

(10) All resolutions in respect of any issue in the meetings of the Grama Sabha shall be passed by the majority of the members present and voting.]¹

CHAPTER III

CONSTITUTION OF GRAMA PANCHAYATS AND STANDING COMMITTEES

4. Declaration of panchayat area and establishment of Grama Panchayats.-

(1) Subject to the general or special orders of the Government, the Deputy Commissioner, if, in his opinion, it is expedient to declare any area comprising a village or group of villages having a population of ¹[not less than five thousand and not more than seven thousand]¹ to be a panchayat area, may, after previous publication, declare such area as a panchayat area for the purposes of this Act and also specify its headquarter:

1. Substituted by Act 11 of 2000 w.e.f. 25.4.2000.

Provided that the Government may order that an area with a population of ¹[not less than two thousand five hundred]¹ may be so declared as a panchayat area in such areas of the districts of Belgum, Chickmagalur, Dakshina Kannada, Dharwar, Hassan, Kodagu, Shimoga, ²[Udupi, Haveri]² and Uttara Kannada as may be specified by the Government:

1. Substituted by Act 11 of 2000 w.e.f. 25.4.2000.

2. Inserted by Act 29 of 1997 w.e.f. 20.10.1997.

Provided further that irrespective of population, wherever it is found necessary, the Government, as a special case, may, order that an area within ¹[a radius of five kilometers (diameter of ten kilometers)]¹ from the centre of a village may be so declared as a panchayat area in such areas of the districts of Belgaum, Chickmagalur,

Dakshina Kannada, Dharwar, Hassan, Kodagu, Shimoga ¹[Udupi , Haveri]¹ and Uttara Kannada as may be specified by the Government:

1. Substituted by Act 11 of 2000 w.e.f. 25.4.2000.

2. Inserted by Act 29 of 1997 w.e.f. 20.10.1997.

Provided also that the Deputy Commissioner may, with, the previous permission of the Government declare any area comprising a village or group of villages having a population of ¹[either less than five thousand or more than seven thousand]¹ to be a panchayat area.

1. Substituted by Act 11 of 2000 w.e.f. 25.4.2000.

(2) Subject to the general or special orders of the Government and the provisions of this Act, the Deputy Commissioner may, at the request of the Grama Panchayat concerned, or otherwise, and after previous publication of the proposal by notification, at any time,-

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

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

(c) alter the head quarters of any panchayat area;

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

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

(3) The Commissioner may either on an application made within thirty days from the date of the notification by any person aggrieved by such notification, or suo moto, and after giving a reasonable opportunity of being heard to the applicant or the Grama Panchayat concerned revise the orders of the Deputy Commissioner under sub-section (1) or sub-section (2) and may also if he considers necessary, modify it as provided in the third proviso to sub-section (1). Every order so passed revising or modifying the order of the Deputy Commissioner shall be published in the Official Gazette.

(4) In every panchayat area declared as such under this section, there shall be established a Grama Panchayat.

5. Constitution of Grama Panchayat.- (1) The Grama Panchayat shall consist of such number of elected members as may be notified from time to time by the ¹[State Election Commission]¹, at the rate of one member for 2[every four hundred population]² or part thereof of the panchayat area:

1. Inserted by Act 29 of 1997 w.e.f. 20.10.1997.

2. Substituted by Act 11 of 2000 w.e.f. 28.1.1999.

Provided that the determination of the number as aforesaid shall not affect the then composition of the Grama Panchayat until the expiry of the term of office of the elected members then in office:

¹[Proviso x x x]¹

1. Omitted by Act 11 of 2000 w.e.f. 4.10.1999.

(2) Seat ¹[shall, subject to the general or special order of the State Election Commission, be reserved by the Deputy Commissioner]¹ in a Grama Panchayat,-

1. Substituted by Act 29 of 1998 w.e.f. 24.8.1998.

(a) for the Scheduled Castes; and

(b) for the Scheduled Tribes;

and the number of seats so reserved shall bear as nearly as may be, the same proportion to the total number of seats in the Grama Panchayat as the population of the Scheduled Castes in the panchayat area or of the Scheduled Tribes in the panchayat area bears to the total population of the panchayat area;

¹[Proviso x x x]¹

1. Omitted by Act 10 of 1995 w.e.f. 13.1.1995.

¹[Provided that at least one seat each shall be reserved in a Grama Panchayat for the persons belonging to the Scheduled Castes and the Scheduled Tribes:

Provided further that, if no person belonging to the Scheduled Castes is available the seat reserved for that category shall also be filled by the persons belonging to Scheduled Tribes and vice-versa.]¹

1. Inserted by Act 11 of 2000 w.e.f. 16.12.1999.

(3) Such number of seats which shall, as nearly as may be one-third of the total number of seats of the Grama Panchayat ¹[shall, subject to the general or special order of the State Election Commission, be reserved by the Deputy Commissioner]¹ for persons belonging to the Backward classes: ³[But the number of seats so reserved for the Backward Classes under this sub-section shall be so determined, that the total number of seats reserved for the Scheduled Castes and the Scheduled Tribes under sub-section (2) and the Backward Classes under this sub-section shall not exceed fifty per cent of the total number of seats in the Grama Panchayat.]³

²[Provided that out of the seats reserved under this sub-section, eighty per cent of the total number of such seats shall be reserved for the persons falling under category "A" and the remaining twenty per cent of the seats shall be reserved for the persons falling under category "B":

Provided further that if no person falling under category "A" is available, the seats reserved for that category shall also be filled by the persons falling under category "B" and vice versa.

Explanation.- For the purpose of this sub-section, proviso to clause (b) of sub-section (2) of section 44, sub-section (2) of section 123, clause (b) of sub-section (2) of section 138, sub-section (2) of section 162 and clause (b) of sub-section (2) of section 177, categories "A" and "B" shall mean category 'A' and 'B' referred to in clause (2) of section 2.]²

1. Substituted by Act 29 of 1998 w.e.f. 24.8.1998.
2. Inserted by Act 10 of 1995 w.e.f. 13.1.1995.
3. Inserted by Act 34 of 2011 w.e.f. 4.10.2010.

(4) Not less than ²[fifty percent]² of the seats reserved in each category, for persons belonging to the Scheduled Castes, Scheduled Tribes and Backward classes and of the non-reserved seats in the Grama Panchayat [shall, subject to the general or special order of the State Election Commission, be reserved by the Deputy Commissioner]¹ for women.

1. Substituted by Act Act 29 of 1998 w.e.f. 24.8.1998.
2. Substituted by Act 24 of 2010 w.e.f. 23.07.2010.

¹[Proviso x x x]¹

1. Omitted by Act 10 of 1999 w.e.f. 28.1.1999.

¹[Provided that the seats reserved under sub-sections (2), (3) and (4) shall be allotted by rotation, to different constituencies in the Panchayat area.]¹

1. Inserted by Act 11 of 2000 w.e.f. 28.1.1999.

Provided further that nothing contained in this section shall be deemed to prevent a woman or a person belonging to the Scheduled Castes and Scheduled Tribes or Backward Classes for whom seats have been reserved in a Grama Panchayat from standing for election to any non-reserved seat in such Grama Panchayat.

(5) Subject to the provisions of sub-sections (2), (3) and (4), ¹[and subject to the general or special order of the State Election Commission, the Deputy Commissioner]¹ shall, by notification, determine,-

1. Substituted by Act 29 of 1998 w.e.f. 24.8.1998.

(a) the constituencies into which the area within the jurisdiction of every Grama Panchayat shall be divided for the purpose of election to every Grama Panchayat;

(b) the extent of each constituency;

(c) the number of seats if any reserved for the Scheduled Castes, the Scheduled Tribes, Backward Classes or women in each constituency; and

(d) the number of seats allotted to each Constituency which shall be one or more.

(6) If for any reason the election to any Grama Panchayat does not result in the election of the required number of members as specified in sub-section (1), the ¹[Deputy Commissioner]¹ shall within one month from the date on which the names of the elected members are published by him under sub-section (8) arrange another election for the election of such number of members as will make up the required number.

1. Substituted by Act 29 of 1998 w.e.f. 24.8.1998.

(7) Notwithstanding anything contained in sub-sections (1) and (6), but subject to any general or special orders of the Government, where two-thirds of the total number of members of any Grama Panchayat have been elected, the Grama Panchayat shall be deemed to have been duly constituted under this Act.

(8) The ¹[Deputy Commissioner]¹ shall publish, in the prescribed manner the names of members elected or deemed to have been duly elected.

1. Substituted by Act 29 of 1998 w.e.f. 24.8.1998.

6. Incorporation of Grama Panchayat.- Every Grama Panchayat shall be a body corporate by the name of the "----Grama Panchayat" and shall have perpetual succession and a common seal, and subject to such restrictions as are imposed by or under this Act or any other enactment, shall be vested with the capacity of suing or being sued in its corporate name, of acquiring, holding and transferring property, moveable or immoveable, whether without or within the limits of the area over which it has authority, of entering into contracts and of doing all things necessary, proper or expedient for the purposes for which it is constituted.

7. Method of voting and procedure for election.- (1) Every voter shall have as many votes as there are members to be elected for the constituency. No voter shall give more than one vote to any one candidate.

(2) Subject to the provisions of this Act, elections to the Grama Panchayat shall be held by ballot on non-party basis in accordance with such rules as may be prescribed.

¹[(3)Notwithstanding anything contained in this Act or the rules made thereunder, the giving and recording of votes in the Grama Panchayat election by voting machines in such manner as may be prescribed, may be adopted in such constituency or constituencies as the State Election commission may having regard to the circumstances of each case specify.

Explanation : For the purpose of this section, "Voting Machine" means any machine or apparatus whether operated electronically or otherwise used for giving or recording of votes and any reference to a ballot box or ballot paper in this Act or the

rules made there under shall, save as otherwise provided, be construed as including a reference to such voting machine wherever such voting machine is used at any election.]¹

1. Inserted by Act 24 of 2010 w.e.f. 23.7.2010.

8. Appointment of an Administrative Committee or Administrator on failure to elect members of Grama Panchayats.- (1) (a) If the Deputy Commissioner is satisfied that a Grama Panchayat for a village or group of villages immediately after the establishment of such Grama Panchayat cannot be constituted by reason of,-

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

(ii) failure to elect such members at two successive elections held under sub-section (6) of section 5; or

(iii) any other sufficient reason whatsoever; or

(b) if at any general election to a Grama Panchayat no member is elected or less than two third of the total number of members are elected:

the Deputy Commissioner shall by notification either,-

(i) appoint an Administrative Committee consisting of persons qualified to be elected, the number of such persons being equal to the number of members determined under sub-section (1) of section 5, or

(ii) appoint an Administrator.

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

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

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

Provided that if at any time after the appointment of the Administrative Committee or the Administrator under sub-section (1) the Deputy Commissioner is satisfied that there is no difficulty in duly constituting the Grama Panchayat by election of members, the Deputy Commissioner may notwithstanding that the term of the office for which the members of the Administrative Committee or the Administrator had been appointed has not expired, direct by notification that the members of the Administrative

Committee or the Administrator, as the case may be, shall cease to hold office with effect from such date as may be specified in such notification.

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

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

10. List of voters.- (1) Subject to the provisions of sub-section (2) the electoral roll of the Zilla Panchayat for the time being in force for such part of the constituency shall be deemed to be the list of voters for such Grama Panchayat constituency.

(2) No amendment, transposition or deletion of any entry in the electoral roll of the Zilla Panchayat made after the last date of making nominations for an election in any Grama Panchayat constituency and before the completion of such election shall form part of the list of voters for such election for the purpose of this section.

¹[(3) The Tahsildar concerned shall prepare in the prescribed manner, a list of voters for each Grama Panchayat constituency and the Secretary of the Grama Panchayat shall maintain a copy of such list.]¹

1. Substituted by Act 29 of 1998 w.e.f. 21.9.1998.

11. Qualification for membership.- Every person whose name is in the list of voters of any Grama Panchayat constituency shall, unless disqualified under this Act or under any other law for the time being in force, be qualified to be elected as a member of the Grama Panchayat:

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

12. Disqualification for members.- A person shall be disqualified for being chosen and for being a member of a Grama Panchayat,-

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

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

(b) if he has been sentenced by a criminal court to imprisonment for a term exceeding three months in respect of an offence under the Karnataka Excise Act,

1965 (Karnataka Act 21 of 1966), such sentence not having been subsequently reversed or quashed or the offence pardoned; or

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

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

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

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

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

Explanation.- For the purpose of this clause, a person shall not be deemed to hold an office of profit under the Grama Panchayat by reason only that he is an Adhyaksha or Upadhyaksha of the Grama Panchayat.

(h) if, save as hereinafter provided he has directly or indirectly any share or interest in any work done by order of the Grama Panchayat, or in any contract or employment with, or under, or by, or on behalf of, the Grama Panchayat ¹[or if he is either directly or indirectly by himself or by his agent, partner or employee involved in obtaining or execution of any such work or contract on behalf of the Grama Panchayat or of any contract for the supply of goods and services to the Grama Panchayat;]¹ or

1. Inserted by Act 29 of 1997 w.e.f. 20.10.1997.

(i) if he is employed as paid legal practitioner on behalf of the Grama Panchayat or accepts employment as legal practitioner against the Grama Panchayat; or

¹[(j) if he does not have a sanitary latrine for the use of the members of his family:

1. Inserted by Act 29 of 1997 w.e.f. 20.10.1997.

¹[Provided that nothing in this clause shall apply to a person, if at the time of filing his nomination he gives an undertaking to construct within one year from the date of commencement of his term of office as a member, a sanitary latrine for the use of members of his family and also complies with such undertaking after becoming a member]¹

1. Substituted by Act 11 of 2000 w.e.f. 25.4.2000.

¹[(k)]¹ if arrears of any kind are due by him to the Grama Panchayat under this Act:

1. Renumbered by Act 29 of 1997 w.e.f. 20.10.1997.

Provided that,-

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

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

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

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

(i) having a share in any joint stock company or a share or interest in any association registered under the Karnataka Societies Registration Act, 1960 (Karnataka Act 17 of 1960) or in any co-operative society, which shall contract with or be employed by or on behalf of the Grama Panchayat; or

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

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

13. Vacation of seat by members.- (1) If a member of a Grama Panchayat,-

- (a) is or becomes subject to any of the disqualifications mentioned in section 12; or
- (b) votes or takes part in discussion in contravention of the provisions of sub-section (4) of section 53; or
- (c) absents himself for more than three consecutive ordinary meetings of the Grama Panchayat without the leave of the Grama Panchayat ¹[xxx]¹ his seat shall be deemed to be or to have become, as the case may be vacant:

1. Omitted by Act 37 of 2003 w.e.f. 1.10.2003.

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

(2) If any question arises as to whether a person is, or has become subject to disqualification under sub-section (1), the '[State Election Commission]'¹ may [either suo moto or on a report made to it]¹ and after giving an opportunity to the person concerned of being heard, decide the question.

1. Substituted by Act 37 of 2003 w.e.f. 1.10.2003.

14. Prohibition of simultaneous membership.- (1) If a person is elected by more than one Grama Panchayat constituency, he shall by notice in writing signed by him and delivered to the Deputy Commissioner within the prescribed time, choose any one of the constituencies which he shall serve and the choice shall be final.

(2) If the person does not make the choice referred to in sub-section (1), the Deputy Commissioner shall determined by lot and notify the constituency which such person shall serve.

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

15. Election petition.- (1) No election to fill a seat or seats in a Grama Panchayat shall be called in question except by an election petition presented on one or more of the grounds specified in sub-section (1) of section 19 and section 20 to the '[Civil Judge (Junior Division)]'¹ within whose territorial jurisdiction the panchayat area concerned or the major portion of the panchayat area concerned is situate by any candidate at such election or by any voter qualified to vote at such election together with a deposit of five hundred rupees as security for costs, within thirty days from , but not earlier than, the date of declaration of the result of the election of the returned candidate or if there are more than one returned candidate at the election, and if the dates of declaration of the results of the their election are different, the last of those dates.

1. Substituted by Act 29 of 1997 w.e.f. 20.10.1997.

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

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

(b) any other candidate against whom allegation of any corrupt practice are made in the petition;

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

Explanation.- The expression "returned candidate" means a candidate who has been declared as duly elected.

16. Contents of the petition and relief that may be claimed.- (1) An election petition,-

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

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

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

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

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

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

17. Trial of election petition.- (1) The ¹[Civil Judge (Junior Division)]¹ shall dismiss an election petition which does not comply with the provisions of section 15.

1. Substituted by Act 29 of 1997 w.e.f. 20.10.1997.

Explanation.- An order of the ¹[Civil Judge (Junior Division)]¹ dismissing an election petition under this sub-section shall be deemed to be an order made under clause (a) of sub-section (1) of section 18.

1. Substituted by Act 29 of 1997 w.e.f. 20.10.1997.

(2) Where more election petitions than one are presented to the ¹[Civil Judge (Junior Division)]¹ in respect of the same election the ¹[Civil Judge (Junior Division)]¹ may, try them separately or in one or more groups.

1. Substituted by Act 29 of 1997 w.e.f. 20.10.1997.

(3) Any candidate not already a respondent shall, upon application made by him to the ¹[Civil Judge (Junior Division)]¹ within fourteen days from the date of commencement of the trial and subject to any order as to security for costs which may be made by the ¹[Civil Judge (Junior Division)]¹, be entitled to be joined as a respondent.

1. Substituted by Act 29 of 1997 w.e.f. 20.10.1997.

Explanation.- For the purpose of this section, a trail of petition shall be deemed to commence on the date fixed for the respondents to appear before the ¹[Civil Judge (Junior Division)]¹ and answer the claim or claims made in the petition.

1. Substituted by Act 29 of 1997 w.e.f. 20.10.1997.

(4) The ¹[Civil Judge (Junior Division)]¹, may upon such terms as to costs and otherwise as he may deem fit, allow the particulars of any corrupt practice alleged in the petition to be amended or amplified in such manner as may in his opinion be necessary for ensuring a fair and effective trail of the petition, but shall not allow any amendment of the petition, which will have the effect of introducing particulars of a corrupt practice not previously alleged in the petition.

1. Substituted by Act 29 of 1997 w.e.f. 20.10.1997.

(5) The trail of an election petition shall, so far as is practicable consistently with the interest of justice in respect of the trail, be continued from day to day until its conclusion, unless the ¹[Civil Judge (Junior Division)]¹ finds the adjournment of trail beyond the following day to be necessary for reasons to be recorded.

1. Substituted by Act 29 of 1997 w.e.f. 20.10.1997.

(6) Every election petition shall be tried as expeditiously as possible and endeavor shall be made to conclude the trail within six months from the date on which the election petition is presented to the ¹[Civil Judge (Junior Division)]¹ for trail.

1. Substituted by Act 29 of 1997 w.e.f. 20.10.1997.

(7) Subject to the provisions of this Act every election petition shall be tried by the ¹[Civil Judge (Junior Division)]¹, as nearly as may be in accordance with the procedure applicable under the Code of Civil Procedure, 1908 (Central Act 5 of 1908) to the trial of suits:

1. Substituted by Act 29 of 1997 w.e.f. 20.10.1997.

Provided that the ¹[Civil Judge (Junior Division)]¹ shall have discretion to refuse for reasons to be recorded in writing, to examine any witness or witnesses if he is of the opinion that their evidence is not material for the decision of petition or that the party tendering such witness or witnesses is doing so on frivolous grounds or with a view to delay the proceedings.

1. Substituted by Act 29 of 1997 w.e.f. 20.10.1997.

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

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

18. Decision of the ¹[Civil Judge (Junior Division)]¹.- (1) At the conclusion of the trail of an election petition the ¹[Civil Judge (Junior Division)]¹ shall make an order,-

1. Substituted by Act 29 of 1997 w.e.f. 20.10.1997.

- (a) dismissing the election petition; or
- (b) declaring the election of all or any of the returned candidates to be void ; or
- (c) declaring the election of all or any of the returned candidates to be void and the petitioner or any other candidates to have been duly elected.

(2) At the time of making an order under sub-section (1) the ¹[Civil Judge (Junior Division)]¹ shall also make an order,-

1. Substituted by Act 29 of 1997 w.e.f. 20.10.1997.

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

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

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

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

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

(i) he has been given notice to appear before the ¹[Civil Judge (Junior Division)]¹ and to show-cause why he should not be so named; and

1. Substituted by Act 29 of 1997 w.e.f. 20.10.1997.

(ii) if he appears in pursuance of the notice, he has been given an opportunity of cross examining any witness who has already been examined by the ¹[Civil Judge (Junior Division)]¹ and has given evidence against him, of calling evidence in his defence and of being heard.

1. Substituted by Act 29 of 1997 w.e.f. 20.10.1997.

19. Grounds for declaring election to be void.- (1) Subject to the provisions of sub -section (2) if the ¹[Civil Judge (Junior Division)]¹ is of opinion,-

1. Substituted by Act 29 of 1997 w.e.f. 20.10.1997.

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

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

- (c) that any nomination paper has been improperly rejected; or
- (d) that the result of the election, in so far as it concerns a returned candidate, has been materially affected,-
- (i) by the improper acceptance of any nomination; or
 - (ii) by any corrupt practice committed in the interests of the returned candidate by an agent; or
 - (iii) by the improper reception , refusal or rejection of any vote or reception of any vote which is void ; or
 - (iv) by any non-compliance with the provisions of this Act or of any rules or orders made thereunder;

the ¹[Civil Judge (Junior Division)]¹ shall declare the election of the returned candidate to be void.

1. Substituted by Act 29 of 1997 w.e.f. 20.10.1997.

(2) If in the opinion of the ¹[Civil Judge (Junior Division)]¹, any agent of a returned candidate has been guilty of any corrupt practice, but the ¹[Civil Judge (Junior Division)]¹ is satisfied,-

1. Substituted by Act 29 of 1997 w.e.f. 20.10.1997.

- (a) that no such corrupt practice was committed at the election by the candidate and every such corrupt practice was committed contrary to the order and without the consent of the candidate,
- (b) that the candidate took all reasonable measures for preventing the commission of corrupt practices at the election, and
- (c) that in all other respects the election was free from any corrupt practice on the part of the candidate or any of his agents,

then the ¹[Civil Judge (Junior Division)]¹ may decide that the election of the returned candidate in not void.

1. Substituted by Act 29 of 1997 w.e.f. 20.10.1997.

20. Grounds on which a candidate other than the returned candidate may be declared to have been elected.- (1) If any person who has filed an election petition has, in addition to calling in question the election of the returned candidate, claims a declaration that he himself or any other candidate has been duly elected and the ¹[Civil Judge (Junior Division)]¹ is of opinion,-

1. Substituted by Act 29 of 1997 w.e.f. 20.10.1997.

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

- (b) that but for the votes obtained by the returned candidate by corrupt practices the petitioner or such other candidate would have obtained a majority of the valid votes,

the ¹[Civil Judge (Junior Division)]¹ shall after declaring the election of the returned candidate to be void declare the petitioner or such other candidate, as the case may be, to have been duly elected.

1. Substituted by Act 29 of 1997 w.e.f. 20.10.1997.

- (2) The decision of the ¹[Civil Judge (Junior Division)]¹ shall be final.

1. Substituted by Act 29 of 1997 w.e.f. 20.10.1997.

21. Procedure in case of equality of votes.- If during the trial of an election petition it appears that there is an equality of votes between any candidates at the election and that the addition of a vote would entitle any of those candidates to be declared elected, then the ¹[Civil Judge (Junior Division)]¹ shall decide between them by lot and proceed as if the one on whom the lot falls had received an additional vote.

1. Substituted by Act 29 of 1997 w.e.f. 20.10.1997.

22. Corrupt practices.- The following shall be deemed to be corrupt practices for the purposes of this Act, namely,-

(i) bribery as defined in clause (1) of section 123 of the Representation of the People Act, 1951 (Central Act 48 of 1951) for the time being in force;

(ii) undue influence as defined in clause (2) of the said section for the time being in force;

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

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

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

any candidature, being a statement reasonably calculated to prejudice the prospects of that candidate's election;

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

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

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

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

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

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

23. Order as to corrupt practices.- The corrupt practices referred to in section 22 shall entail disqualification for membership of any local authority for a period of five years counting from the date on which the finding of the ¹[Civil Judge (Junior Division)]¹ as to such practices takes effect under this Act.

1. Substituted by Act 29 of 1997 w.e.f. 20.10.1997.

24. Communication of orders.- The ¹[Civil Judge (Junior Division)]¹ shall after announcing the orders made under sections 18 and 19 send a copy thereof to the Deputy Commissioner.

1. Substituted by Act 29 of 1997 w.e.f. 20.10.1997.

25. Fresh election if a seat becomes vacant.- If the seat of any member has become vacant or is deemed to have become vacant under section 13, a fresh election for the vacancy so caused shall be held in accordance with the provisions of this Act.

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

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

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

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

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

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

(b) shout or otherwise act in a disorderly manner, within or at the entrance of the polling station or in any public or private place in the neighbourhood thereof, so as to cause annoyance to any person visiting the polling station for the poll, or so as to interfere with the work of the officers and other persons on duty at the polling station .

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(4) The persons to whom this section applies are the returning officers, presiding officers, polling officers and any other person appointed to perform any duty in

connection with the receipt of nominations or withdrawal of candidature, or the recording or counting of votes at an election; and the expression "official duty" shall for the purpose of this section be constructed accordingly, but shall not include duties imposed otherwise than by or under this Act.

[31A. Offence of booth capturing.- Whoever commits an offence of booth capturing shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to two years and with fine and where such offence is committed by a person in the service of the Government, he shall be punishable with imprisonment for a term which shall not be less than one year but which may extend to three years and with fine.

1. Section 31A and 31B inserted by Act 29 of 1997 w.e.f. 20.10.1997.

Explanation.- For the purpose of this section, 'booth capturing' includes among other things, all or any of the following activities, namely:-

(a) seizure of a polling station or a place fixed for the poll by any person or persons, making polling authorities surrender the ballot papers or voting machines and doing of any other act which affects the orderly conduct of elections;

(b) taking possession of a polling station or a place fixed for the poll by any person or persons and allowing only his or their own supporters to exercise their right to vote and prevent others from voting;

(c) threatening any elector and preventing him from going to the polling station or a place fixed for the poll to cast his vote;

(d) seizure of a place for counting of votes by any person or persons, making counting authorities surrender the ballot papers or voting machines and the doing of anything which affects the orderly counting of votes;

(e) doing by any person in the service of Government of all or any of the aforesaid activities or aiding or conniving at, any such activity in furtherance of the prospects of the election of a candidate.

31B. Penalty for Government servants for acting as election agent, polling agent or counting agent.- If any person in the service of the Government acts as an election agent or a polling agent or a counting agent of a candidate at an election, he shall be punishable with imprisonment for a term which may extend to three months or with fine or with both.]¹

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

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

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

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

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

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

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

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

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

(3) For the purpose of this section, a person shall be deemed to be on official duty if his duty is to take part in the conduct of an election or part of an election including the counting of votes or to be responsible after an election for the used ballot papers and

other documents in connection with such election, but the expression "official duty" shall not include any duty imposed otherwise than by or under this Act in connection with such election.

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

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

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

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

36. Powers of Deputy Commissioner to prohibit fairs etc., on election day.- The Deputy Commissioner may, in order to ensure free and fair election, prohibit any fair (including cattle fair) or shandies in a panchayat area on the day of election to the Grama Panchayat of such area.

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

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

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

(2) No person shall print or cause to be printed any election pamphlet or poster,-

(a) unless a declaration as to the identity of the publisher thereof, signed by him

and attested by two persons to whom he is personally known is delivered by him to the printer in duplicate; and

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

(3) For the purposes of this section,-

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

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

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

39. Penalty for illegal hiring or procuring of conveyance at election.- If any person is guilty of any such corrupt practice as is specified in clause (vi) of section 22 at or in connection with an election, he shall, on conviction, be punished with fine which may extend to five hundred rupees.

40. Prosecution in certain offences.- No court shall take cognizance of an offence punishable under clause (a) of sub-section (2) of section 33 unless there is a complaint made by an order of or under authority from the Deputy Commissioner.

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

42. Commencement of term of office.- (1) The term of office of the members elected at a general election or at a second election held under sub-section (6) of section 5, shall commence on the date appointed for the first meeting of the Grama Panchayat.

(2) The term of office of a member elected under section 5 to fill a casual vacancy shall commence on the date of publication of his name under sub-section (8) of section 5.

43. Resignation of member.- A member of a Grama Panchayat may resign his membership in writing under his hand addressed to the Adhyaksha and his seat shall

become vacant on the expiry of fifteen days from the date of the receipt of such resignation, unless within the said period of fifteen days he withdraws such resignation by writing under his hand addressed to the Adhyaksha. ¹[The Adhyaksha shall cause the letter of resignation to be placed in the next meeting of the Grama Panchayat.]¹

1. Inserted by Act 29 1997 w.e.f. 20.10.1997.

¹[43A. Removal of members for misconduct.- The Government if it thinks fit, on the recommendation of the Grama Panchayat, or otherwise, may remove any member after giving him an opportunity of being heard and after such enquiry as it deems necessary if such member has been guilty of misconduct in the discharge of his duties or of any disgraceful conduct or has become incapable of performing his duties as a member.]¹

1. Inserted by Act 29 1997 w.e.f. 20.10.1997.

44. Election of Adhyaksha and Upadhyaksha.- (1) Every Grama Panchayat shall, ¹[within one month from the date of publication of names of elected members under sub-section (8) of section 5]¹, ²[or immediately before the expiry of term of office of Adhyaksha and Upadhyaksha]² choose two members of the Grama Panchayat to be respectively Adhyaksha and Upadhyaksha. In the event of occurrence of any vacancy by reason of death, resignation, removal or otherwise in the office of Adhyaksha or Upadhyaksha, the Grama Panchayat shall choose another member to be the Adhyaksha or the Upadhyaksha, as the case may be.

1. Substituted by Act 29 1997 w.e.f. 20.10.1997.

2. Inserted by Act 8 of 2000 w.e.f. 3.4.2000.

(2) Subject to the general or special order of the ¹[State Election Commission]¹, the Deputy Commissioner shall reserve,-

1. Substituted by Act 29 1997 w.e.f. 20.10.1997.

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

¹[Proviso x x x]¹

1. Omitted by Act 10 of 1995 w.e.f 13.1.1995.

(b) such number of offices of Adhyakshas and Upadhyakshas of the Grama Panchayats, which shall as nearly as may be, one-third of the total number of offices of Adhyaksha and Upadhyaksha in the State for the persons belonging to the Backward Classes: ²[But the number of offices of Adhyaksha and Upadhyaksha reserved for the

Backward Classes under this clause shall be so determined that the total number of offices of Adhyaksha and Upadhyaksha reserved for the Scheduled Castes and the Scheduled Tribes under clause (a) and the Backward Classes under this clause shall not exceed fifty per cent of the total number of offices of Adhyaksha and Upadhyaksha of the Taluk Panchayaths in the State.]²

¹[Provided that out of the offices reserved under this clause eighty per cent of the total number of such offices shall be reserved for the persons falling under category 'A' and the remaining twenty per cent of the offices shall be reserved for the persons falling under category 'B':

Provided further that if no person falling under category 'A' is available, the offices reserved for that category shall also be filled by the persons falling under category 'B' and Vice versa.]¹

1. Inserted by Act 10 of 1995 w.e.f. 13.1.1995.

2. Inserted by Act 34 of 2011 w.e.f. 4.10.2010

(c) not less than ¹[fifty percent]¹ of the total number of offices of Adhyaksha and Upadhyaksha of Grama Panchayats in the State from each of the categories which are reserved for persons belonging to the Scheduled Castes, Scheduled Tribe and Backward Classes and of those which are non-reserved, for women;

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

Explanation.- For the removal of doubts it is hereby declared that the principle of rotation for purpose of reservation of offices under this section shall commence from the first election to be held after the commencement of the Karnataka Panchayat Raj Act, 1993.

1. Substituted by Act 24 of 2010 w.e.f 23.7.2010.

45. Procedure for election of Adhyaksha and Upadhyaksha on the establishment of Grama Panchayat etc.,- ¹[(1) The prescribed officer shall after every general election of members of a Grama Panchayat or on its constitution, reconstitution or establishment under this Act and in any case within one month from the date of publication of names of the elected members under sub-section (8) of section 5, 2[and immediately before the expiry of term of office of Adhyaksha and Upadhyaksha]2 and so often as there arises any casual vacancy in the office of the Adhyaksha or Upadhyaksha, call for a meeting of the Grama Panchayat and preside over it, without right to vote, and in such meeting the Adhyaksha or the Upadhyaksha or both, as the case may be, shall be elected.]¹

1. Substituted by Act 29 of 1997 w.e.f 20.10.1997

2. Inserted by Act 8 of 2000 w.e.f. 3.4.2000..

(2) Any dispute relating to the validity of election of a Adhyaksha and Upadhyaksha of Grama Panchayat under this Act shall be decided by the prescribed judicial officer having jurisdiction over the panchayat area or the major portion of the panchayat area, whose decision thereon shall be final.

46. Term of office and conditions of service of Adhyaksha and Upadhyaksha.- ¹[(1) The term of office of every Adhyaksha and every Upadhyaksha of the Grama Panchayat shall, save as otherwise provided in this Act, be thirty months from the date of his election or till he ceases to be a member Grama Panchayat, whichever is earlier.]¹

1. Substituted by Act 8 of 2000 w.e.f 3.4.2000.

(2) Salary and other conditions of service of Adhyaksha and Upadhyaksha shall be as prescribed.

47. Appointment of Adhyaksha during vacancy in the office.- During a vacancy in the office of the Adhyaksha of the Grama Panchayat, the Upadhyaksha and when there is no Upadhyaksha, an officer appointed by the Deputy Commissioner shall exercise the powers and perform the duties of the Adhyaksha until an Adhyaksha is duly elected.

48. Resignation or removal of Adhyaksha and Upadhyaksha.- (1) The Adhyaksha of the Grama Panchayat may resign his office by writing under his hand addressed to the Assistant Commissioner and the Upadhyaksha of the Grama Panchayat may resign his office by writing under his hand addressed to the Adhyaksha and in absence of the Adhyaksha to the Assistant Commissioner.

(2) Every Adhyaksha or Upadhyaksha of the Grama Panchayat shall vacate his office if he ceases to be a member of the Grama Panchayat.

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

(4) Every Adhyaksha and Upadhyaksha of Grama Panchayat shall, after an opportunity is afforded for hearing him, ¹[and if necessary after obtaining a report from the Taluk Panchayat and considering the same]¹ be removable from his office as Adhyaksha or Upadhyaksha by the ²[Government]² for being persistently remiss ¹[or guilty of misconduct]¹ in the discharge of his duties and an Adhyaksha or Upadhyaksha so removed who does not cease to be a member under sub-section (2) shall not be eligible for re-election as Adhyaksha or Upadhyaksha during the remaining term of office as member of such Grama Panchayat.

1. Inserted by Act 29 of 1997 w.e.f. 20.10.1997.

2. Substituted by Act 29 of 1997 w.e.f. 20.10.1997.

(5) An Adhyaksha or Upadhyaksha removed from his office under sub-section (4) may also be removed by the ¹[Government]¹ from the membership of the Grama Panchayat.

1. Substituted by Act 29 of 1997 w.e.f. 20.10.1997.

49. Motion of no-confidence against Adhyaksha or Upadhyaksha of Grama Panchayat.- Every Adhyaksha or Upadhyaksha of Grama Panchayat shall forthwith be deemed to have vacated his office if a resolution expressing want of confidence in him is passed by a majority of not less than two thirds of the total number of members of the Grama Panchayat at a meeting specially convened for the purpose in accordance with the procedure as may be prescribed:

Provided that no such resolution shall be moved unless notice of the resolution is signed by not less than one-third of the total number of members and at least ten days notice has been given of the intention to move the resolution:

¹[Provided further that no resolution expressing want of confidence against an Adhyaksha or Upadhyaksha, shall be moved within one year from the date of his election:

1. Inserted by Act 29 of 1997 w.e.f. 20.10.1997.

Provided also that where a resolution expressing want of confidence in any Adhyaksha or Upadhyaksha has been considered and negatived by a Grama Panchayat a similar resolution in respect of the same Adhyaksha or Upadhyaksha shall not be given notice of, or moved, within one year from the date of the decision of the Grama Panchayat.]¹

50. Procedure at meetings.- The procedure at a meeting of the Grama Panchayat shall be as prescribed.

51. Casual vacancies.- A casual vacancy in the office of the Adhyaksha or Upadhyaksha or member of the Grama Panchayat shall be filled by election of an Adhyaksha or Upadhyaksha or member who shall hold office so long as the Adhyaksha, Upadhyaksha or member in whose place he has been elected would have held office if the vacancy had not occurred.

52. Meeting of the Grama Panchayat.- (1) A Grama Panchayat shall meet for the transaction of business at least ¹[once in a month]¹ at the office of the Grama Panchayat and at such time as the Adhyaksha may determine.

1. Substituted by Act 37 of 2003 w.e.f. 1.10.2003.

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

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

(4) The officers to whom notice is given under sub-section (3) and other Government officers having jurisdiction over the panchayat area or any part thereof shall ¹[attend every meeting of the Grama Panchayat and take part in the proceedings]¹ but shall not be entitled to vote.

1. Substituted by Act 37 of 2003 w.e.f. 1.10.2003.

(5) If the Adhyaksha fails to call a special meeting as provided in sub-section (2), the Upadhyaksha or one third of the total number of members may call such meeting for a day not more than fifteen days after the presentation of such request and require the Secretary of the Grama Panchayat to give notice to the members and to take such action as may be necessary to convene the meeting.

53. Quorum and procedure.- (1) The quorum for a meeting of the Grama Panchayat shall be ¹[one-half]¹ of the total number of members. If at the time appointed for the meeting a quorum is not present the presiding authority shall wait for thirty minutes, and if within such period there is no quorum, the presiding authority shall adjourn the meeting to such time on the following day or such future day as he may fix. He shall similarly after waiting for thirty minutes adjourn the meeting if at any time after it has begun attention is drawn to the want of a quorum. A notice of the meeting so fixed shall be pasted in the office of the Grama Panchayat. The business which could not be considered at the meeting so postponed for want of quorum, shall be brought before and disposed of at the meeting so fixed or at any subsequent adjourned meeting at which there is a quorum.

1. Substituted by Act 37 of 2003 w.e.f. 1.10.2003.

¹[Provided that if any meeting called for the purposes of election of Adhyaksha or Upadhyaksha is adjourned to the following day or to a future day for want of quorum, it shall not be necessary to have a quorum for such adjourned meeting.]¹

1. Inserted by Act 17 of 1996 w.e.f. 23.9.1996.

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

(3) All questions shall, unless otherwise specifically provided, be decided by a majority of votes of the members present and voting. The Adhyaksha or Upadhyaksha

or person presiding, as the case may be, unless he refrains from voting shall give his vote before declaring the number of votes for and against a question and in the case of equality of votes he may give his casting vote.

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

¹[(4A) It shall be the duty of every member of a Grama Panchayat to disclose to the Grama Panchayat any pecuniary interest that he has, direct or indirect, in any question coming up for consideration at a meeting of a Grama Panchayat]¹

1. Inserted by Act 37 of 2003 w.e.f. 1.10.2003.

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

¹[(6) Every member of Grama Panchayat or any committee thereof shall be paid a sitting fee, per day of sitting at such rate, as may be prescribed.]¹

1. Substituted by Act 37 of 2003 w.e.f. 1.10.2003.

54. Modification or cancellation of resolution.- No resolution of a Grama Panchayat shall be modified or cancelled within six months after the passing thereof, except by a resolution passed by not less than one-half of the total number of members at an ordinary or special meeting, notice whereof shall have been given fulfilling the requirement of sub-section (3) of section 52 setting forth fully the resolution which it is proposed to modify or cancel at such meeting and the motion or proposition for the modification or cancellation of such resolution.

55. Minutes.- (1) Minutes shall be kept of the names of the members and of the officers, if any present and of the proceedings at each meeting of the Grama Panchayat and if any member present at the meeting so desires, of the names of the members voting respectively for or against any resolution in a book to be provided for the purpose and after they are read over and agreed to shall be signed by the Adhyaksha or Upadhyaksha or person presiding at such meetings, and shall at all reasonable times be open to inspection by any member of the Grama Panchayat. Any person may inspect the copy of the minutes of the meeting. The minute book shall always be kept in the office of the Grama Panchayat and shall be in the custody of the Secretary of the Grama Panchayat. ¹[A copy of the proceedings shall be displayed

within three days from the date of the meeting on the notice board of the Grama Panchayat along with the details of the names of the members voting respectively for or against the resolutions passed in the meetings.]¹

1. Inserted by Act 37 of 2003 w.e.f. 1.10.2003.

(2) A copy of every resolution passed by the Grama Panchayat shall within ten days from the date of meeting be forwarded by the Secretary to the Executive Officer ¹[and copies of the minutes of the meeting shall be furnished to all members.]¹

1. Inserted by Act 37 of 2003 w.e.f. 1.10.2003.

56. Interpellations and resolutions.- (1) Any member may call the attention of the Adhyaksha to any neglect in the execution of the Grama Panchayat work, to any waste of Grama Panchayat property or to the wants of any locality and may suggest any improvements which may appear desirable.

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

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

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

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

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

CHAPTER IV
FUNCTIONS, DUTIES AND POWERS OF GRAMA PANCHAYAT, ADHYAKSHA
AND UPADHYAKSHA

58. Functions of Grama Panchayat.- 1[(1) The Grama Panchayat shall perform the functions specified in Schedule I:

1. Section 1 and 1A substituted by Act 29 of 1997 w.e.f. 20.10.1997.

Provided that where the State Government or Central Government provide funds for the performance of any function specified in Schedule I, the Grama Panchayat shall perform such function in accordance with the guidelines or norms laid down for performing such function.

(1A) Notwithstanding anything contained in sub-section (1) and Schedule I, it shall be obligatory on the part of a Grama Panchayat in so far as the Grama Panchayat fund at its disposal will allow, to make reasonable provision within the panchayat area in regard to the following matters, namely:-

- (i) providing sanitary latrines to not less than ten per cent of the households every year and achieve full coverage as early as possible;
- (ii) constructing adequate number of community latrines for the use of men and women and maintaining them;
- (iii) maintaining water supply works either on its own or by annual contract by generating adequate resources;
- (iv) revising and collecting taxes, rates and fees periodically which are leviable under the Act;
- (v) ensuring universal enrollment of children in primary school;
- (vi) achieving universal immunisation of children;
- (vii) ensuring prompt registration and reporting of births and deaths;
- (viii) providing sanitation and proper drainage;
- (ix) construction, repair and maintenance of public streets;
- (x) removing encroachments on public streets or public places;
- (xi) providing adequate number of street lights and paying electricity charges regularly;
- (xii) filling-up insanitary depressions and reclaiming unhealthy localities;
- (xiii) destruction of rabid and ownerless dogs;
- (xiv) maintenance of all community assets vested in it;
- (xv) maintenance of records relating to population census crop census, cattle census, census of unemployed persons and persons below poverty line;

(xvi) earmarking places away from the dwelling houses for dumping refuse and manure.]¹

¹[(xvii) protecting the biodiversity]¹

1. Inserted by Act 37 of 2003 w.e.f. 1.10.2003.

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

(3) The Grama Panchayat may, by a resolution, passed at its meeting and supported by two-thirds of its total number of members ¹[x x x]¹

1. Omitted by Act 37 of 2003 w.e.f. 1.10.2003.

(a) make provision for or make contribution towards, any exhibition, conference or seminar within or outside the panchayat area but within the district; or

(b) make contribution to any medical, educational or charitable institutions or any other institutions of public utility, within the panchayat area which are registered under the Karnataka Societies Registration Act, 1961, Karnataka Co-operative Societies Act, 1959 or under any other law for the time being in force.

¹[58A.- Duties of Grama Panchayat to report regarding Bonded Labour System etc.- It shall be obligatory on the part of a Grama Panchayat to report in such form and at such intervals as may be prescribed to the Deputy Commissioner or to any other authority specified by the Government in this behalf, any case of enforcement of Bonded Labour System which stood abolished under the Bonded Labour System (Abolition) Act, 1976 (Central Act 19 of 1976) in the Panchayat Area failing which it shall be construed as a default in the performance of duties imposed on it for the purpose of section 268.]¹

1. Inserted by Act 30 of 2001 w.e.f. 13.9.2001.

59. Assignment of functions.- (1) The Government may, by notification and subject to such conditions as may be specified therein,-

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

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

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

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

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

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

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

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

61. Standing committees.- (1) Every Grama Panchayat shall constitute the following committees by election:-

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

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

- (a) promotion of educational, economic, social, cultural and other interest of the Scheduled Castes and Scheduled Tribes and Backward Classes;
- (b) protection of such castes and classes from social injustice and any form of exploitation;
- (c) welfare of Woman and Children;

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

¹[(1A) Election of members of standing committee shall be held as soon as may be after the general election of members of Grama Panchayat or on its reconstitution or establishment under this Act or immediately before the expiry of term of office of the members of the Standing Committee.

(1B) The term of office of every member of the Standing Committee shall, save as otherwise provided in this Act be thirty months from the date of the election or till he ceases to be a member of the Grama Panchayat, whichever is earlier.]¹

1. Section 1A and 1B Inserted by Act 8 of 2000 w.e.f. 3.4.2000.

(2) (a) Each Committee shall consist of not less than three and not more than five members including the Adhyaksha and Upadhyaksha as the case may be. The Adhyaksha shall be the ex-officio member and Chairman of Production Committee

and Amenities Committee. The Upadhyaksha shall be the ex-officio member and Chairman of the Social Justice Committee:

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

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

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

¹[61A. Other committees.- (1) A Grama Panchayat may appoint one or more committees consisting of such members as it may decide for any purpose other than those specified in section 61 and may invest the committee so appointed with such powers and functions as may be necessary or expedient for the fulfillment of the purpose for which it is appointed.

1. Inserted by Act 29 of 1997 w.e.f. 20.10.1997.

(2) The committee appointed under sub-section (1) shall be competent to co-opt in such manner as may be prescribed such of the residents of the panchayat area.

(3) The procedure of the committee shall be such as may be prescribed.

¹[61B. xxx]¹

1. Omitted by Act 37 of 2003 w.e.f. 1.10.2003.

62. Powers and duties of the Adhyaksha and Upadhyaksha.- (1) The Adhyaksha of the Grama Panchayat shall ¹[be the executive head of the Grama Panchayat and he shall]¹ in addition to the powers exercisable under any other provision of this Act or rules made thereunder,-

1. Inserted by Act 37 of 2003 w.e.f. 1.10.2003.

(a) convene meetings of the Grama Panchayat;

(b) have access to the records of the Grama Panchayat ¹[and may call for records and files, and pass orders thereon in accordance with the provisions in the Act, rules and other standing orders and in pursuance to resolution passed by the Grama Panchayat to that effect:

Provided that the Adhyaksha shall not call for the files and records which are directly related to the exercise of independent statutory powers by the Secretary or any other officer of the Grama Panchayat;¹ and

1. Inserted by Act 37 of 2003 w.e.f. 1.10.2003.

(c) exercise supervision and control over the acts of the officers and employees of the Grama Panchayat ¹[including the Secretary]¹.

1. Inserted by Act 29 of 1997 w.e.f. 20.10.1997.

¹[(d) have power to place under suspension any officer or employee under the control of the Grama Panchayat where a disciplinary proceeding against him is contemplated or pending or where a case against him in respect of any criminal offence is under investigation or trial.]¹

1. Inserted by Act 37 of 2003 w.e.f. 1.10.2003.

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

(3) The Upadhyaksha of the Grama Panchayat shall exercise the powers and perform the duties of the Adhyaksha when the Adhyaksha is absent, on leave or is incapacitated from functioning.

63. Power of Grama Panchayat as to roads, bridges etc.- All village roads and bridges thereon, cart tracks, drains, wells and other public places in the panchayat area not being private property and not being under the control or management of Zilla Panchayat, Taluk Panchayat, Municipal Council, ¹[Town Panchayat, Industrial Township]¹, or the Government shall vest in the Grama Panchayat and the Grama Panchayat may do all things necessary for the maintenance and repair thereof, and may,-

1. Substituted by Act 29 of 1997 w.e.f. 20.10.1997.

- (a) lay-out and make new roads;
- (b) construct new bridges;
- (c) widen, open, enlarge or otherwise improve any such roads or bridges;
- (d) ¹[xxx]¹ divert, discontinue or close any road or bridge; and

1. Omitted by Act 37 of 2003 w.e.f. 1.10.2003.

- (e) deepen or otherwise improve any water way:

¹[Provided that no road or bridge shall be diverted, discontinued or closed before the Grama Panchayat publishes its intention of doing so]¹.

1. Substituted by Act 37 of 2003 w.e.f. 1.10.2003.

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

(2) If the Grama Panchayat does not, within sixty days from the receipt of the application determine whether such permission should be given or not and communicate its decision to the applicant, such permission shall be deemed to have been given and the applicant may proceed to execute the work, but not so as to contravene any of the provisions of this Act or any rules or bye-laws made under this Act.

(3) Whenever any building is erected, added to or reconstructed without such permission or in any manner contrary to the rules prescribed under sub-section (1) or any conditions imposed by the permission granted, the Grama Panchayat may, whether any action is taken or not against such person under section 298,-

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

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

(4) In the event of non-compliance with the terms of any notice under clause (b) of sub-section (3) within the period specified in the notice, it shall be lawful for the Grama Panchayat to take such action as may be necessary for the completion of the act thereby required to be done, and all the expenses therein incurred by the Grama Panchayat shall be paid by the person or persons upon whom the notice was served and shall be recoverable as if it were a tax imposed under section 199.

(5) An appeal shall lie to the '[Executive officer]'¹ from any order or direction or notice of the Grama Panchayat under sub-section (1), (2) or (3) and his decision on such appeal shall be final.

1. Substituted by Act 29 of 1997 w.e.f. 20.10.1997.

(6) Any appeal under sub-section (5) pending before the Public Works and Amenities Committee of the Zilla Parishad shall on the date of commencement of the Karnataka Panchayat Raj Act, 1993 stand transferred to the Assistant Commissioner and such appeal shall be decided by him as if it had been filed before him.

65. Power of Government to prohibit and regulate the erection of buildings in certain areas without permission.- (1) Notwithstanding anything contained in section 65, the Government may, in the interest of the general public and after consulting the Grama Panchayat concerned prohibit by notification the erection of any building within a specified area within the jurisdiction of a Grama Panchayat except with permission granted by the Government or any officer authorised by the Government in this behalf (hereinafter in this section referred to as the "authorised officer"):

Provided that such prohibition shall not be made in respect of the land which has

been set apart as a building site by the Government or the Grama Panchayat prior to the date of such notification.

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

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

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

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

66. Permission for the construction of factories and the installation of machinery.- No person shall, without the permission of the Grama Panchayat and except in accordance with the condition specified in such permission,-

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

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

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

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

69. Licensing of shops.- No place within the jurisdiction of a Grama Panchayat shall be used as a shop whether permanently or temporarily, other than a shop

referred to in section 68 and 69 except under a licence granted or renewed by the Grama Panchayat and except in accordance with the conditions specified therein.

70. Provisions applicable to permissions and licences under sections 66, 67, 68 and 69.- (1) A permission shall be granted under section 66 and a licence under sections 67, 68 and 69 shall be granted or renewed, only on payment in advance of such fee as may be prescribed.

(2) The Grama Panchayat may, for reasons to be recorded in writing refuse to grant the permission under section 66 or to grant or renew a licence, or suspend or cancel a licence granted or renewed, under sections 67, 68, and 69 for default of any of the conditions subject to which the licence was granted.

(3) Any person aggrieved by the refusal to grant permission under section 66 or to grant or renew licence, or by the suspension or cancellation of a licence under sub-section (2) may, within thirty days of the date of the communication of the order, appeal to the 1[Executive officer]¹ and his decision on such appeal shall be final.

1. Substituted by Act 29 of 1997 w.e.f. 20.10.1997.

(4) Any appeal under sub-section (3) pending before the General Standing Committee of the Zilla Parishad shall on the date of commencement of the Karnataka Panchayat Raj Act, 1993 stands transferred to the Assistant Commissioner and such appeal shall be decided by him as if it had been filed before him.

71. Transfer of institutions or works to Grama Panchayats.- Subject to such rules as may be prescribed, the Deputy Commissioner or Zilla Panchayat or Taluk Panchayat or any private person or body of persons may, with the consent of the Grama Panchayat and subject to such conditions as may be agreed upon, make over to it the management of any institution or the execution or maintenance of work or the performance of any duty within the area over which it has got control.

72. Obstructions and encroachments upon public streets and open sites.- (1) Whoever not duly authorised in this behalf, within the limits of a panchayat area,-

- (a) shall have built or set up, or shall build or set up, any wall, fence, rail, post, stall, verandah, platform, plinth, step or any projecting structure or other encroachment or obstruction; or
- (b) shall deposit or cause to be placed or deposited any box, bale, package, or merchandise or any other thing in any public street or place or in or over or upon any open drain, gutter, sewer or aqueduct in such street or places,

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

(2) The Grama Panchayat shall have power to remove any such obstruction or encroachment, and shall have the like power to remove any unauthorised obstruction or encroachment of the like nature in any open site not being private property, whether such site is vested in the Grama Panchayat or not. The expenses of such removal shall be paid by the person who has caused the said obstruction or encroachment and shall be recoverable as if it were a tax imposed under section 199.

(3) Whoever, not being duly authorised in that behalf, removes earth, sand other than sand used for domestic purposes by residents of the panchayat area or other materials from, or makes any encroachment in or upon any open site which is not private property shall, on conviction, be punished with fine which may extend to two hundred rupees, and,-

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

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

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

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

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

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

74. Removal of structures, trees etc., which are in ruins or likely to fall.- (1) If it appears at any time to the Grama Panchayat that any building or any part thereof or any tree or branch of a tree is in a ruinous state or is likely to fall or is in any other way dangerous to any person occupying, resorting to or passing by the such building or the part thereof, or the tree or the branch of the tree, the Grama Panchayat may by written notice require the owner or occupier of such building or trees as the case may be,-

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

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

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

(3) Any expenses incurred by the Grama Panchayat in this behalf may be recovered from the owner or occupier of the building or tree, as the case may be, as if it was a tax imposed under section 199.

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

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

(i) the owner or occupier of any building or any hut or the owner of any privy to remove such hut or privy either wholly or in part;

(ii) the owner or the occupier of any building to construct private drains thereof or to alter or to remove private drains thereof;

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

(iv) the owner or occupier of any land or building which contains a well, pool, ditch, pit, pond, tank or any place containing or used for the collection of any drainage, filth or stagnant water, which is injurious to health or offensive to the neighbourhood or is otherwise a source of nuisance to cause the same to be filled up, cleansed or deepened or to cause the water to be removed therefrom or drained off or to take such other action therewith, as may be deemed necessary by the Grama Panchayat;

(v) the owner or occupier of any land overgrown with vegetation, undergrowth, prickly pear, or jungle, which is in any manner injurious to health or dangerous to the

public or offensive to the neighborhood or an impediment to efficient ventilation, to cause it to be cleared of the vegetation, under-growth, prickly pear or jungle;

(2) If any work required by a notice under sub-section (1) is not executed within the period specified in the notice, the Grama Panchayat may itself cause such work to be carried out and may recover the cost of such work or part thereof from the owner or occupier referred to in sub-section (1) as if it were a tax imposed under section 199.

76. Contribution from persons having control over places of pilgrimage, etc.-

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

(2) The Board of Trustees or other persons required to make a contribution under sub-section (1) may appeal to the Commissioner against any determination made by the Deputy Commissioner.

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

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

(a) construct, repair and maintain tanks or wells and clear streams or water courses;

(b) purchase or acquire by gift or otherwise any tank, well, stream or water course, or any right to take or convey water within or without the area under its control;

(c) with the consent of the owner thereof utilise, cleanse or repair any tank, well, stream or water course or provide facilities for obtaining water therefrom;

(d) contract with any person for supply of water, or

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

(2) The Grama Panchayat may, by order published at such place as it may think fit, set apart for the supply of water to the public for drinking or culinary purposes, any tank, well, stream or water course in respect of which action has been taken under

clause (a) or (b) or (c) of sub-section (1) subject to any rights which the owner referred to in clause (c) of sub-section (1) may retain with the consent of the Grama Panchayat.

(3) The Grama Panchayat may by order published at such place as it may think fit, prohibit,-

(a) bathing, washing of clothes and animals or other acts likely to pollute the water of any tank, well, stream or water course set apart for drinking or culinary purpose under sub-section (2), and

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

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

[79. Appointment of Joint Committees.- (1) Two or more Grama Panchayats within a Taluk, or within two or more Taluks in a district, or a Grama Panchayat and one or more other local authority or statutory body, for any specific purpose common to all of them, or for any purpose in which they are jointly interested or for which they are jointly responsible, may by like resolution passed by each of them, appoint a Joint Committee for such purpose.

1. Substituted by Act 37 of 2003 w.e.f. 1.10.2003.

(2) A Committee constituted under sub-section (1), shall be competent to co-opt in such manner as may be prescribed, the residents of the Panchayat areas concerned.

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

Provided that the number of such persons shall not exceed one-third of the total number of members of the Joint Committee.

(4) The Government may by general or special order provide for the following matters, namely:-

- (a) the procedure of the Joint Committee;
- (b) The total number of members of the Committee;

- (c) The number of members to be appointed or elected under sub sections (2) and (3);
- (d) The manner of election or appointment under sub-sections (2) and (3);
- (e) The term of Office;
- (f) The powers of the committee which shall not be in excess of the powers that can be exercised by the local authorities or statutory bodies concerned;
- (g) the provisions of funds to the Joint Committee and its administration;
- (h) the manner of selection of the chairperson of Joint Committee;

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

(6) The Government may issue such direction as it thinks necessary in regard to the distribution of its assets and liabilities when the Joint committee is dissolved]¹.

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

Provided that,-

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

81. Filthy buildings etc.- Whoever, being the owner or occupier of any building or land, whether tenable or otherwise suffers the same to be in a filthy or unwholesome state, or in the opinion of the Grama Panchayat a nuisance to persons residing in the neighborhood or overgrown with prickly pear or rank and noisome vegetation, and who shall not, within a reasonable time after notice in writing from any person authorised by the Grama Panchayat in this behalf to cleanse, clear or otherwise put the same in a proper state, have complied with the requisition contained in such notice, shall, on conviction, be punished with fine which may extend to one hundred rupees and if the offence be a continuing one with further fine which may extend to five rupees for every day during which the said offence is continued after the date of first conviction.

82. Powers and duties in regard to sources of water supply.- The Secretary or any officer authorised by the Grama Panchayat in this behalf may at any time by

written notice require that the owner or any person who has control over any well, stream, channel, tank, or other sources of water supply shall, whether it is private property or not,-

(a) if the water is used for drinking,-

(i) keep and maintain any such source of water supply, other than a stream, in good repair, or

(ii) within a reasonable time to be specified in the notice cleanse any such source of water supply from silt, refuse and decaying vegetation, or

(iii) in such manner as the Grama Panchayat directs protect any such source of water supply from pollution by surface drainage, or

(iv) desist from using and from permitting others to use for drinking purposes any such sources of water supply, which not being a stream in its natural flow, is in the opinion of the Grama Panchayat unfit for drinking, or

(v) if, notwithstanding any such notice under sub-clause (iv) such use continues and cannot, in the opinion of the Grama Panchayat, be otherwise prevented, close either temporarily or permanently, or fill up or enclose or fence in such manner as the Grama Panchayat considers sufficient to prevent such use, such source of water supply, or

(vi) drain off or otherwise remove from any such source of water supply, or from any land or premises or receptacle or reservoir attached or adjacent thereto any stagnant water which the Grama Panchayat considers is injurious to health or offensive to the neighborhood;

(b) within twenty four hours of such notice repair, protect or enclose in such manner as the Grama Panchayat may direct or approve any source of water supply, whether used for drinking purposes or not , other than a stream in its natural flow, if for want of sufficient repair, protection or enclosure such source of water supply is in the opinion of the Grama Panchayat dangerous to the health or safety of the public or of any persons having occasion to use or to pass by or approach the same.

83. Remedy for non-compliance with directions issued.- If the owner or the person having control as aforesaid fails or neglects to comply with any such requisition within the time required by or under the provisions of section 83, Grama Panchayat may, and if in the opinion of the Secretary immediate action is necessary to protect the health or safety of any person, he shall at once, proceed to execute the work required by such notice, and all the expenses incurred thereon shall be paid by the owner, or person having control over such source of water supply, and shall be recovered in the same manner as an amount claimed on account of any tax recoverable under section 200:

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

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

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

86. Penalty for using water for certain purposes.- Whoever,-

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

(f) uses water from any source in contravention of the provisions of section 85, shall, on conviction, be punished with fine which may extend to fifty rupees and if the offence be a continuing one, with further fine which may extend to ten rupees for every day during which the said offence is continued after the date of first conviction.

87. Abatement of nuisance from foul water.- When any pool, ditch, tank, pond, well, hole, or any waste or stagnant water, or any channel, or receptacle of foul water or other offensive or injurious matter, whether the same be within any private enclosure or otherwise shall appear to the Secretary to be likely to prove injurious to the health of the inhabitants or offensive to the neighborhood, the Secretary may by written notice require the owner of the same to cleanse, fill up, drain off or remove the same, or to take such measure as shall, in his opinion be necessary to abate or remove the nuisance.

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

(2) A copy of the said notification shall be published in the local newspapers, if any, and shall be pasted up at the Grama Panchayat office and in one or more conspicuous spots on or near the place to which it relates.

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

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

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

Provided that if the Secretary considers that immediate action is necessary or that

the owner or occupier is by reason of poverty or otherwise, unable effectively to comply with his requisition, he may himself cause such building or premises or articles to be cleansed or disinfected and for this purpose may cause such articles to be removed from such building or premises and the expenses incurred under this section shall be recoverable in the manner provided in chapter XIII from the said owner or occupier unless he was by reason of poverty unable effectively to comply with the requisition.

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

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

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

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

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

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

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

(3) The Grama Panchayat to which an application is made, may,-

(a) grant, or refuse a licence, or

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

94. A book to be kept of places registered, licensed, or provided.- (1) A book shall be kept at the office of every Grama Panchayat in which the places registered, licensed or provided under section 92 or section 93 shall be recorded.

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

95. Prohibition against burying or burning, in unauthorised places.- No person shall in any panchayat area bury, burn or otherwise dispose of or cause or suffer to be buried, burnt or otherwise disposed of any corpse in any place within hundred meters of a dwelling place or any source of drinking water supply other than a place registered under section 92 or licensed under section 93, or provided by the Grama Panchayat.

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

97. Public landing places, carts stand etc.- Save as otherwise provided in this Act and subject to such rules as may be prescribed a Grama Panchayat, may,

(a) provide public landing places, halting places, and cart stands (which last expression includes stands for any animals and vehicles of any description) and levy fees for their use; and

(b) where any such place or stand has been provided, prohibit the use for the same purpose by any person within such distance thereof, of any public place or the sides of any public road, as the Grama Panchayat may ¹[x x x]¹ specify.

1. Omitted by Act 29 of 1997 w.e.f. 20.10.1997.

98. Regulation of huts.- No person shall erect any hut, shed or range or block of huts or sheds or add to any hut or shed already existing in panchayat area without obtaining previous permission. The Grama Panchayat may require such huts or sheds to be built so that they may stand in regular lines with a free passage or way in front of and between every two lines of such width as the Grama Panchayat may think proper for ventilation and to facilitate scavenging and at such a level as will admit of sufficient drainage. If any hut or shed is built without obtaining previous permission of the Grama Panchayat, the Grama Panchayat may give written notice to the owner or builder thereof or to the owner or the occupier of the land on which the same is erected or is being erected requiring him within such reasonable time as may be specified in the notice to remove the same or to make such alterations therein or additions thereto as having regard to the sanitary consideration, the Grama Panchayat may think fit.

99. Power for making drains.- (1) In order to carry out any drainage scheme, it shall be lawful for a Grama Panchayat to carry any drain, sewer, conduit, tunnel,

culvert, pipe or water course through, across or under any cellar or vault which may be under any street and after giving reasonable notice in writing to the owner or occupier, into, through or under any land whatsoever within the panchayat area.

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

(3) In the exercise of any power under this section, no unnecessary damage shall be done, and due compensation shall be paid by the Grama Panchayat to any person who sustains damage by the exercise of such power.

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

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

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

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

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

(b) there have been provided for and set up in such building and in the land appurtenant thereto all such appliances and fittings as may appear to the Grama Panchayat to be necessary for the purposes of gathering and receiving the drainage from, and conveying the same off, the said building and the said land and of effectually flushing the drain of the said building and every fixture connected therewith.

(3) The drain to be constructed as aforesaid shall empty into a Grama Panchayat drain, or into some place legally set apart for the discharge of drainage situated at a distance not exceeding sixteen meters from such building, but if there is no such drain or place within that distance, then such drain shall empty into such cess pool as the Grama Panchayat directs.

101. Power of owner or occupier of buildings or lands to drain into Grama Panchayat drains.- The owner or occupier of any building or land within a panchayat area shall be entitled to cause his drain to empty into sewer of the Grama Panchayat, provided that he first obtains the written permission of the Grama Panchayat and that

he complies with such conditions as the Grama Panchayat prescribes as to the mode in which and the superintendence under which the communications are to be made between drains not vested in the Grama Panchayat and drains which are so vested.

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

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

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

(a) for the construction or connection of the drain as may be authorised by the said order;

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

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

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

103. Rights of owner of land through which drain is carried in regard to subsequent building thereon.- If the owner of any land into, through or under which a drain has been carried under section 102 whilst such land was not built upon shall at any subsequent time desires to construct a building thereon, the Grama Panchayat shall, if it sanctions the construction of such building or land, by written notice require the owner to demolish or close any privy for the benefit of which such drain was constructed, to close remove or divert the same, and to fill in reinstate and make good the land in such manner as it may deem to be necessary in order to admit of the construction or safe enjoyment of the proposed building.

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

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

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

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

(2) The Grama Panchayat may, by written notice, require the owner to demolish or close any privy or cesspool whether constructed before or after the coming into force of this Act, which in the opinion of the Grama Panchayat, is a nuisance, or is so

constructed as to be inaccessible for the purposes of scavenging or incapable of being properly cleansed or kept in good order.

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

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

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

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

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

108. Using offensive substance, etc.- Whoever, except with the written permission of a Grama Panchayat and except in the manner, if any, enjoined in such

permission stores or uses night soil or other substance emitting an offensive smell other than cattle manure shall, on conviction, be punished with fine which may extend to one hundred rupees.

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

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

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

110. Prohibition of nuisance.- Whoever within a Grama panchayat area,-

- (a) in any public street or public place,-
 - (i) eases himself; or
 - (ii) loiters or begs importunately for alms ; or
 - (iii) exposes or exhibits, with the object of exciting charity, any deformity or disease or any offensive sore or wound; or
 - (iv) carries meat exposed to public view; or
 - (v) without proper authority pickets animals, or collects carts; or
 - (vi) without proper authority defaces or writes upon or otherwise marks any building, monument, post, wall, fence, tree or other thing; or
 - (vii) without proper authority affixes upon any building , monument, post, wall, fence, tree or other thing, any bill, notice or other document; or
 - (viii) without proper authority removes, destroys defaces or otherwise obliterates any notice or other document put up or exhibited under this Act or the rules or bye-laws made thereunder; or
- (b) at any time or place at which the same has been prohibited by the Grama Panchayat by public or special notice, beats any drum or tom-tom or

blows a horn or trumpet or beats any utensil or sounds any brass or other instrument or plays any music; or

- (c) without proper authority disturbs the public peace or order by singing, screaming or shouting, or by using any apparatus for amplifying or reproducing the human voice, such as a megaphone or a loudspeaker; or
- (d) lets loose any animal so as to cause, or negligently allows any animal to cause injury, danger, alarm or annoyance to any person; or
- (e) uses or permits to be used as a latrine any place not intended for that purpose,

shall, on conviction be punished with fine which may extend to one hundred rupees.

CHAPTER V STAFF OF GRAMA PANCHAYATS

³[111. Panchayat Development Officer and other officers]³.- ³[(1) Every Grama Panchayat shall have a whole time Panchayat Development Officer and Secretary who shall be the officers of the Government and such other officials appointed by the Government, and they shall draw their salary and allowances from the Grama Panchayat fund after the same is credited to the Grama Panchayat fund by the Government.]³

(2) The ³[Panchayat Development Officer]³ shall perform all the duties and exercise all the powers imposed or conferred upon him by or under this Act or any rules or bye-laws made thereunder. ⁴[The Secretary and the other officials shall assist the Panchayat Development Officer to discharge his duties.]⁴

(3) Without prejudice to the generality of the provisions under sub-section (2), the ³[Panchayat Development Officer]³ shall perform the following functions, namely:-

- (a) submit to the Grama Panchayat the monthly accounts of the Grama Panchayat before the tenth day of succeeding month;
- (b) furnish returns, statement of accounts and such other information when called for, by the Government or the auditor;
- (c) inspect or cause to be inspected the accounts of institutions under the control of the Grama Panchayat;
- (d) keep records of the Grama Panchayat. Standing committees, and other committees, Grama Sabha and Ward Sabha;
- (e) co-ordinate the preparation of the annual plan and five year plan so that the approved plan is submitted to the District Planning Committee in time;

(f) disburse Grama Panchayat fund and plan fund to the officers concerned and furnish utilization certificate in the manner prescribed.]¹

1. Substituted by Act 37 of 2003 w.e.f. 1.10.2003.
2. Substituted by Act 24 of 2010 w.e.f. 23.07.2010.
3. Substituted by Act 34 of 2011 w.e.f. 4.10.2010.
4. Inserted by Act 34 of 2011 w.e.f. 4.10.2010.

112. Staffing pattern and schedule of employees.- (1) The Government may, by order, specify the staffing pattern, the scales of pay and mode of recruitment of staff of Grama Panchayats.

(2) The Grama Panchayat shall, subject to sub-section (1), determine and submit for approval of the Chief Executive Officer a schedule of employees specifying the designations and grades and the salaries and allowances payable to its officers other than the ¹[Panchayat Development Officer, Secretary and Accounts Assistant]¹ required for carrying out the duties imposed upon the Grama Panchayat by or under this Act.

1. Substituted by Act 24 of 2010 w.e.f.23.07.2010.

113. Appointment and control of employees.- (1) Subject to the provisions of sections 111 and 112 the Grama Panchayat may, with the prior approval of the Chief Executive Officer appoint other employees of the Grama Panchayat and pay their salaries from the Grama Panchayat Fund:

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

(2) The ²[Panchayat Development Officer]² may, by order, fine ¹[x x x]¹ or withhold, the increment of any employee appointed by the Grama Panchayat.

1. Omitted by Act 37 of 2003 w.e.f. 1.10.2003.
2. Substituted by Act 24 of 2010 w.e.f.23.07.2010.

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

(4) An appeal shall lie against an order passed by the ²[Panchayat Development Officer]² under sub-section (2) to the Executive Officer and against an order passed by the Grama Panchayat under sub-section (3) to the Chief Executive Officer ¹[xxx]¹

1. Omitted by Act 37 of 2003 w.e.f. 1.10.2003.
2. Substituted by Act 24 of 2010 w.e.f.23.07.2010.

(5) Any appeal under sub-section (4) pending before the Mandal Panchayat or the Zilla Parishad on the date of commencement of the Karnataka Panchayat Raj Act,

1993, shall stand transferred respectively to the Executive Officer and the Chief Executive Officer and such appeal shall be decided by them as if it had been filed before them.

¹[113A. Arrangements for additional technical staff for Grama Panchayat.- (1) The Government may, if required, pool the officers and officials of the State Civil Service including engineering or technical staff and post them to one or more Grama Panchayats:

1. Inserted by Act 37 of 2003 w.e.f. 1.10.2003.

Provided that if there is dearth of officers or officials for such posting under this sub-section, the Grama Panchayat may in the exigencies of service engage the services of technical staff including engineers not belonging to State Civil Service for specific work, on terms and conditions as may be specified by the Government in this regard.

(2) The officers and employees posted to a Grama Panchayat under sub-section (1) shall perform functions and discharge duties as if they are officers and employees of that Grama Panchayat and they shall attend to, in addition to their normal duties any other duty assigned to them by the Grama Panchayat subject to the guidelines, if any, issued by the Government.

(3) The officers and employees posted to a Grama Panchayat under sub-section (1) shall execute works, discharge functions or perform duties involving implementation of any scheme, project or plan of the Government, not assigned to the Grama Panchayat under this Act or any other law.

(4) The Government shall continue to pay the salary, allowances and other dues to officers and officials posted to the Grama Panchayat under sub-section (1)]¹.

CHAPTER VI

CONVERSION OF ¹[SMALLER URBAN AREA OR A TRANSITIONAL AREA]¹ AND AMALGAMATION

1. Substituted by Act 29 of 1997 w.e.f. 20.10.1997.

114. Interpretation.- For the purpose of this charter, unless the context otherwise requires,-

(a) "municipal council" includes a person or persons appointed to exercise the powers and to perform the functions of municipal council;

¹[(b) "Town Panchayat" means a Town Panchayat constituted under section 350 of the Karnataka Municipalities Act, 1964;]¹

1. Clause (b) and (c) Substituted by Act 29 of 1997 w.e.f. 20.10.1997.

(c) "Grama Panchayat" includes a person or persons appointed to exercise the powers and to perform the functions of a Grama Panchayat under section 8.

115. Effect of conversion of a ¹[smaller urban area or a transitional area into panchayat area]¹.- (1) Notwithstanding anything contained in this Act or any other law for the time being in force, the Government may, after previous publication by notification, direct that the local area constituting ¹[any smaller urban area]¹ shall from such date as may be specified therein (hereinafter referred to as the specified date), be a panchayat area and in respect thereof, on and from such specified date, the following consequences shall ensue, namely:-

1. Substituted by Act 29 of 1997 w.e.f. 20.10.1997.

- (a) the Municipal Council of such local area shall cease to exist or to function;
- (b) there shall be constituted for the panchayat area an interim Grama Panchayat consisting of persons vacating office as councillors of the municipality and the President and Vice President of Municipal Council shall be deemed to be the Adhyaksha and Upadhyaksha of the interim Grama Panchayat;
- (c) the unexpended balance of the municipal fund and the property (including arrears of rates, taxes and fees) belonging to the Municipal Council and all rights and powers which, prior to such notification, vested in the Municipal Council shall, subject to all charges and liabilities affecting the same vest in the interim Grama Panchayat as the Grama Panchayat Fund until a new Grama Panchayat is constituted in pursuance of the provisions of sub-section (1) of section 116;
- (d) any appointment, notification, notice, tax, order, scheme, licence, permission, rule, bye-law or form made, issued, imposed or granted under the municipal law before the specified date in respect of such local area shall continue in force and be deemed to have been made, issued, imposed or granted in respect of the panchayat area until it is superseded or modified by any appointment, notification, notice, tax, order, scheme, licence, bye-law or form made, issued, imposed or granted under this Act;
- (e) all budget estimates, assessments, assessment lists, valuation or measurements made or authenticated under the municipal law immediately before the specified date in respect of such local area shall be deemed to have been made or authenticated under this Act;
- (f) all debts and obligations incurred and all contracts made by or on behalf of the Municipal Council before the specified date and subsisting on the specified date shall be deemed to have been incurred and made by the Grama Panchayat in exercise of the powers conferred on it by this Act;
- (g) all officers and servants in the employ of the Municipal Council immediately before the specified date shall be officers and servants of the Grama Panchayat under this Act, and shall, until other provision is made in accordance with the provisions of

this Act, receive salaries and allowances and subject to the conditions of service to which they were entitled or subject immediately before such date:

Provided that it shall be competent to the Grama Panchayat subject to the previous sanction of the Government to discontinue the services of any officer or servant who, in its opinion, is not necessary or suitable to the requirements of the Grama Panchayat service after giving such officer or servant such notice as is required to be given by the terms of his employment and every officer or servant whose services are discontinued, shall be entitled to such leave, pension, provident fund, and gratuity as he would have been entitled to take or receive on being invalidated out of service as if the Municipal Council in the employ of which he was, had not ceased to exist;

(h) all proceedings pending immediately before the specified date before the Municipal council shall be deemed to be transferred to and be continued before the Grama Panchayat;

(i) all appeals pending immediately before the specified date before the Municipal Council shall , so far as may be practicable, be disposed of as if such local area had been included in the Grama Panchayat when they were filed;

(j) all prosecutions instituted by or on behalf of the Municipal Council and all suits or other legal proceedings instituted by or against such Municipal Council or any officer of such municipal council pending immediately before the specified date shall be continued by or against the Grama Panchayat as if such local area had been included in the panchayat area when such prosecution, suits or proceedings were instituted.

(2) The provisions of sub-section (1) shall, mutatis mutandis, apply for the 1[conversion of a transitional area into a panchayat area.]¹

1. Substituted by Act 29 of 1997 w.e.f. 20.10.1997.

116. Term of office of members of interim Grama Panchayat and their powers.- (1) The Government shall take steps to hold election for a new Grama Panchayat within a period not exceeding five years from the date on which the interim Grama Panchayat has been constituted under section 115:

Provided that where an interim Grama Panchayat has been constituted to a panchayat area converted under section 115 prior to the date on which the first elections to the Grama Panchayats are held under this Act, no election to constitute a new Grama Panchayat for such area shall be held before the date on which the unexpired portion of the term of office of the ¹[councillors of municipal council or Town Panchayat]¹, as the case may be, would have ended:

1. Substituted by Act 29 of 1997 w.e.f. 20.10.1997.

Provided further that nothing in the above provision shall apply to a panchayat area, the limits of which are altered by including within such panchayat area any village or group of villages.

(2) The members of the interim Grama Panchayat shall hold office until the date immediately preceding the date of first meeting of the new Grama Panchayat.

(3) Any vacancy in the office of the interim Grama Panchayat shall be filled, as soon as may be, by appointment by the Deputy Commissioner.

(4) All arrears of rates, taxes and fees vesting in the interim Grama Panchayat shall, notwithstanding that such rates, taxes and fees cannot be levied under this Act, be recoverable in the same manner as a tax levied under section 199 of this Act:

Provided that the steps to recover arrears of rates, taxes and fees shall be taken within a period of three years from the date on which they vest in the interim Grama Panchayat.

(5) In other respect, the provisions of this Act shall, mutatis mutandis apply to the interim Grama Panchayat and its members.

(6) If any difficulty arises,-

- (i) in the constitution of the interim Grama Panchayat or the new Grama Panchayat which succeeds it, or
- (ii) in giving effect to the provisions of section 115 and this section,

the Government may, by order not inconsistent with the provisions of this Act, remove the difficulty.

¹[117. Effect of amalgamation of panchayat areas.- (1) When ²[during the term of office of members of Grama panchayats, two or more contiguous panchayat areas]² are amalgamated and declared to be a panchayat area (hereinafter in this section referred to as the amalgamated panchayat area) by virtue of a notification under section 4 ²[notwithstanding anything contained in this Act, with effect from]² the date on which such notification is issued (hereinafter in this section referred to as the specified date), the following consequences shall ensue, namely.-

1. Subsection 1 to 10 Substituted by Act 10 of 1997 w.e.f. 14.8.1997.

2. Substituted by Act 29 of 1997 w.e.f 20.10.1997.

(a) the Grama Panchayats of such local area (hereinafter in this section referred to as the existing Grama Panchayats) shall cease to exist and all the members of such Grama Panchayats shall vacate office;

(b) There shall be constituted for the amalgamated panchayat area a Grama Panchayat (hereinafter in this section referred to as interim Grama Panchayat) consisting of members nominated by the Deputy Commissioner and such members shall, as far as may be practicable be persons who are the members of the existing Grama Panchayats;

¹[(c) The Adhyaksha and Upadhyaksha of the interim Grama Panchayat and the members of the Standing Committee shall be elected in the manner provided in this Act, within one month from the specified date;

1. Clause (c) (d) substituted by Act 29 of 1997 w.e.f. 20.10.1997.

(d) The members of the interim Grama Panchayat so constituted, shall subject to the provisions of sections 12, 13, 43 and 43-A hold office for the remainder of the period for which all the existing Grama Panchayats would have continued or where the remainder of the period is different in respect of different existing Grama Panchayats, till the remainder of the period of the last of such existing Grama Panchayats would have expired had there not been amalgamation of panchayat areas under this section.]¹

(e) Before the expiry of the term of the interim Grama Panchayat in accordance with the provisions of clause (d), a Grama Panchayat (hereinafter referred to as the amalgamated Grama Panchayat) shall be constituted in the manner provided in this Act;

¹[(f) x x x]¹

1. Omitted by Act 29 of 1997 w.e.f. 20.10.1997.

(2) When an amalgamated Grama Panchayat is constituted under this section so much of the Grama Panchayat fund and other property vesting in the existing Grama Panchayats shall vest in and such portion of the debts and obligations shall be transferred to, the Grama panchayat established under this section as the Deputy Commissioner may by order direct.

(3) The rights and liabilities of the existing Grama Panchayats in respect of civil and criminal proceedings, contracts, agreements and matters or things arising in and relating to amalgamated panchayat area shall vest in the Grama panchayat established under this section.

(4) All budget estimates, assessment and assessment list, valuation or measurements made or authenticated by the existing Grama Panchayats before the specified date shall be deemed to have been made or authenticated in respect of the Grama Panchayat established in respect of amalgamated panchayat area.

(5) Any appointment, notification, notice, tax, order, scheme, licence permission, rule, regulation, bye-law or form made, issued, imposed or granted in respect of such local areas and in force on the specified date shall continue in force and be deemed to have been made, issued or granted in respect of the amalgamated panchayat area until it is suspended or modified by any appointment, notification, notice, tax, order, scheme, licence, permission, rule, regulation, bye-law or form made, issued, imposed or granted under this Act.