

(6) All officers and servants in the employ of the existing Grama Panchayats immediately before the specified date shall be officers and servants of the Grama Panchayat constituted in respect of the amalgamated panchayat area and shall until such other provision is made in accordance with this Act, receive salaries and allowances and be subject to conditions of service to which they were entitled or subject immediately before such date:

Provided that it shall be competent for the interim Grama Panchayat or the amalgamated Grama Panchayat, as the case may be, subject to the previous sanction of the Deputy Commissioner 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 in respect of the amalgamated panchayat area, after giving the 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 so discontinued shall be entitled to such leave, pension, and gratuity as he was entitled to take or receive on being invalidated out of service, as if the Grama Panchayat, in the employ of which he was, had not ceased to exist.

(7) All proceedings pending immediately before the specified date before the existing Grama Panchayats shall be deemed to be transferred to and continued before the interim Grama Panchayat or the amalgamated Grama Panchayat, as the case may be.

(8) All appeals pending before the existing Grama Panchayats immediately before the specified date shall, so far as may be practicable, be disposed of by the interim Grama Panchayat or the amalgamated Grama Panchayat, as the case may be.

(9) All prosecutions instituted by or on behalf of the existing Grama Panchayats or any officer of such Grama Panchayats, pending immediately before the specified date shall be continued by or against the interim Grama Panchayat or the amalgamated Grama Panchayat, as the case may be.

(10) If any difficulty arises in giving effect to the provisions of the preceding subsections the Government may, as occasion requires, by order published in the official Gazette do anything which appears to it to be necessary to remove the difficulty.¹

¹[118. Effect of division of panchayat area.- (1) When during the term of office of the members of a Grama Panchayat any local area comprised within the limits of a panchayat area ceases to be a panchayat area, and is declared as constituting two or more new panchayat areas by virtue of notification under section 4, notwithstanding anything contained in this Act, with effect from 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. Substituted by Act 29 of 1997 w.e.f. 20.10.1997.

(a) the Grama Panchayat constituted in respect of such local area (hereinafter referred to as the existing Grama Panchayat) shall cease to exist and all the members of such Grama Panchayat shall vacate office;

(b) there shall be constituted for the new panchayat areas, Grama Panchayats (hereinafter in this section referred to as interim Grama Panchayats) 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 Panchayat:

Provided that if as on the specified date there were no elected members in the existing Grama Panchayat the Deputy Commissioner may by order appoint such person (hereinafter referred to as the Administrator) to exercise all powers and perform all duties of the Grama Panchayat, for such period but not exceeding six months as he may specify;

(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;

(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 unexpired portion of their term of office in the existing Grama Panchayat;

(e) before the expiry of the term of office of the members of the interim Grama Panchayat or the expiry of term of the Administrator in accordance with the provisions of clause (b) or (d), Grama Panchayats (hereinafter referred to as new Grama Panchayats) for each of the new panchayat areas shall be constituted in the manner provided in this Act.

(2) When the new panchayat areas are declared under this section so much of the Grama Panchayat fund and other property vesting in the existing Grama Panchayat shall vest in and such portion of the debts and obligations shall be transferred to, the Grama Panchayats established or the Administrator appointed under this section as the Deputy Commissioner may by order direct.

(3) The rights and liabilities of the existing Grama Panchayat in respect of civil and criminal proceedings, contracts, agreements and matters or things arising in and relating to such local area declared as new panchayat areas shall vest in the Grama Panchayat constituted or the Administrator appointed under this section as the Deputy Commissioner may by order direct.

(4) All budget estimates, assessment and assessment lists, valuation or measurements made or authenticated by the existing Grama Panchayat before the specified date shall be deemed to have been made or authenticated in respect of the

Grama Panchayats established for the new panchayat areas, as the Deputy Commissioner may by order direct.

(5) Any appointment, notification, notice, tax, order, scheme, licence, permission, rule, regulation, bye-law or form made, issued, imposed or granted in respect to 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 such new panchayat area as the Deputy Commissioner may by order direct until it is superseded or modified by any appointment, notification, notice, tax, scheme, licence, permission, rule, regulation, bye-law or form made issued, imposed or granted under this Act,

(6) All officers and servants in the employ of the existing Grama Panchayat immediately before the specified date shall be officers and servants of Grama Panchayats constituted in respect of new panchayat areas as the Deputy Commissioner may by order direct and shall until such other provision is made in accordance with this Act, receive salaries and allowances and be subject to conditions of service to which they were entitled or subject immediately before such date:

Provided that it shall be competent for the interim Grama Panchayat, Administrator or the new Grama Panchayats, as the case may be, subject to the previous sanction of the Deputy Commissioner to discontinue the services of any officer or servant who in its or his opinion is not necessary or suitable to the requirements of the Grama Panchayat service in respect of the new panchayat area, after giving the 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 so discontinued shall be entitled to such leave, pension and gratuity as he was entitled to take or receive on being invalidated out of service as if the Grama Panchayat in the employ of which he was, had not ceased to exist.

(7) All proceedings pending immediately before the specified date before the existing Grama Panchayats shall be deemed to be transferred to, and continue before, such of the interim Grama Panchayat or the Administrator or the new Grama Panchayats, as the case may be, as the Deputy Commissioner may by order direct.

(8) All appeals pending before the existing Grama Panchayat immediately before the specified date shall so far as may be practicable be disposed off by such of the interim Grama Panchayats or the Administrator or the new Grama Panchayats, as the case may be, as the Deputy Commissioner may by order direct.

(9) All prosecutions instituted by or on behalf of the existing Grama Panchayat pending immediately before the specified date shall be continued by or on behalf of such of the interim Grama Panchayats or the Administrator or of the new Grama Panchayats, as the case may be, as the Deputy Commissioner may by order direct.

(10) If any difficulty arises in giving effect to the provisions of the preceding sub-

sections the Government may, as occasion requires, by order published in the official Gazette, do anything which appears to it to be necessary to remove the difficulty.]¹

CHAPTER VII

CONSTITUTION OF TALUK PANCHAYAT

119. Establishment of Taluk Panchayat and its incorporation.- (1) For each Taluk, there shall be a Taluk Panchayat having jurisdiction, save as otherwise provided in this Act, over the entire Taluk excluding such portions of the Taluk as are included in a ¹[smaller urban area]¹ or are under the authority of a municipal corporation, ¹[a Town Panchayat or an Industrial Township]¹ constituted under any law for the time being in force:

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

Provided that a Taluk Panchayat may have its office in any area comprised within the excluded portion of the Taluk and in such area may exercise its powers and functions over schools and other institutions under its control or management.

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

120. Constitution of Taluk Panchayat.- (1) Every Taluk Panchayat shall consist of,-

- (i) the elected members as determined under section 122;
- (ii) the members of the House of People and the State Legislative Assembly representing a part or whole of the Taluk, whose constituencies lie within the Taluk;
- (iii) the members of the Council of States and the State Legislative Council who are registered as electors within the Taluk; and
- (iv) one-fifth of the Adhyakshas of the Grama panchayats in the Taluk by rotation for a period of one year as the ¹[Adhyaksha of the Taluk Panchayat]¹ may determine by lot:

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

Provided that an Adhyaksha who was a member under this clause for one term shall not be eligible to become member for a second term during the remainder of his term of office as Adhyaksha.

¹[(2) The members of the House of people, the State Legislative Assembly, the

Council of States and the Legislative Council and the Adhyaksha of the Grama Panchayats referred to in clauses (ii), (iii) and (iv) of sub-section (1) shall be entitled to take part in the proceedings of, and vote at, the meetings of Taluk Panchayat except at a special meeting convened for the purpose of election of Adhyakshas and Upadhyakshas under sub-section (1) of section 138 or for considering a no confidence motion under sub-section (3) of section 140.]¹

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

(3) Notwithstanding anything contained in this section or sections 122, 123 and 124 but subject to any general or special orders of the Government, where two-thirds of the total number of members of any Taluk Panchayat required to be elected have been elected the Taluk Panchayat shall be deemed to have been duly constituted under this Act.

121. Elected members.- The number of elected members of a Taluk Panchayat shall consist of persons elected from the territorial constituencies in the Taluk as may be notified from time to time ¹[by the State Election Commission]¹, at the rate of one member for every ten thousand population or part thereof, of the Taluk:

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

Provided that in Taluks having a population of not exceeding one lakh, there shall be a minimum of eleven elected members.

122. Determination of elected members after each census.- Upon the publication of the figures of each census, the number of elected members of a Taluk Panchayat ¹[shall be determined by the ²[State Election Commission]²]¹ on the basis of the population of the Taluk as ascertained at that census:

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

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

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

123. Reservation of Seats.- (1) Seats ¹[shall be reserved by the ²[State Election Commission]²]¹ in a Taluk Panchayat,-

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

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

(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 to be filled by direct election in the Taluk

Panchayat as the population of the Scheduled Castes in the Taluk or of the Scheduled Tribes in the Taluk bears to the total population of the Taluk:

¹[Provided that at least one seat each shall be reserved in a Taluk Panchayat for the persons belonging to the Scheduled Casts and the Scheduled Tribes.]¹

1. Omitted by Act 10 of 1995 and inserted by Act 11 of 2000 w.e.f. 25.4.2000.

(2) Such number of seats which shall, as nearly as may be one -third of the total number of seats in a Taluk Panchayat ¹[shall be reserved by the ²[State Election Commission]²] for persons belonging to the Backward Classes. ²[But the number of seats 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 (1) and the Backward Classes under this sub-section shall not exceed fifty per cent of the total number of seats in the Taluk Panchayat.]³

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

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

3. Inserted by Act 34 of 2011 w.e.f. 04.10.2010.

¹[Provided that out of the seats reserved under this sub-section eighty per cent of the total number of such seats ²[shall be reserved by the ³[State Election Commission]³] for the persons falling under category 'A' and the remaining twenty per cent of the seats ²[shall be reserved by the ³[State Election Commission]³] for the persons falling under category 'B'.]¹

1. Inserted by Act 10 of 1995 w.e.f. 31.1.1995.

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

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

(3) Not less than ³[fifty percent]³ of the seats reserved for each category of persons belonging to the Scheduled Castes, Scheduled Tribes and Backward Classes and those of the non-reserved seats in a Taluk Panchayat ¹[shall be reserved by the ²[State Election Commission]²] for women:

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

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

3. Substituted by Act 24 of 2010 w.e.f.23.07.2010.

Provided that the seats reserved under sub-sections (1), (2), and (3) shall be allotted by rotation to different constituencies in the Taluk:

Provided further that nothing contained in this section shall be deemed to prevent the persons belonging to the Scheduled Castes or Scheduled Tribes or Backward classes or women for whom seats have been reserved in a Taluk Panchayat from standing for election to the non-reserved seats in such Taluk Panchayat.

124. Delimitation of territorial constituencies.- ¹[The State Election Commission]¹ shall, by notification,-

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

(a) divide the area within the jurisdiction of every Taluk Panchayat for the purpose of elections to such Taluk Panchayat into as many single member territorial constituencies as the number of members required to be elected under section 122.

(b) determine the extent of each territorial constituency; and

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

125. Right to vote.- (1) Every person whose name appears in the voters list relating to a constituency shall, subject to the other provisions of this 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.

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

126. 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 Taluk Panchayat constituency.

(2) No amendments, transposition or deletion of any entry in the electoral roll of the Zilla Panchayat made after the last date for making nominations for an election in any Taluk 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 Taluk Panchayat constituency and the Executive Officer of the Taluk Panchayat shall maintain a copy of such list.]¹

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

127. Qualifications of a candidate.- (1) A person shall not be qualified to be chosen to fill a seat in a Taluk Panchayat unless his name is included in the list of voters of the Taluk Panchayat for the time being in force in the Taluk.

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

128. Disqualification for members.- (1) A person shall be disqualified for being chosen and for being member of a Taluk 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 Legislature:

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

(b) if he is disqualified under the Karnataka Local Authorities (Prohibition of Defection) Act, 1987; or

(c) 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

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

(f) 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

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

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

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

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

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

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

²[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]²¹

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

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

¹[(J-1). If he is disqualified under section 308C or]¹

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

¹[(k)]¹ if he is employed as paid legal practitioner on behalf of the Taluk Panchayat or accepts an employment as legal practitioner against the Taluk Panchayat:

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

Provided that,-

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

(b) the disqualification in clauses (c), (e), or (f) will cease to operate after the expiry of five years from the date of such sentence, dismissal or disenrollment or removal;

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

¹[(cc) the disqualification under clause (j-1) will cease to operate after the expiry of three years from date of order by the State Election Commission under section 308C.]¹

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

(d) a person shall not be deemed to have incurred disqualification under clause (i) 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 Taluk Panchayat, or

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

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

¹[(2) If a person who is chosen as a member of a Taluk Panchayat is or becomes a member of the House of the People, the Council of States, the State Legislative Assembly, the State Legislative Council, or is or becomes a Municipal Councillor or a

Councillor of a Municipal Corporation or a Councillor of a Town Panchayat, or a member of a Zilla Panchayat or Grama Panchayat then at the expiration of a period of fifteen days from the date of notification of the names of the members under section 133, or as the case may be, within fifteen days from the date of commencement of term of office of a member of the House of the people, the Council of states, the State Legislative Assembly or the State Legislative Council or a Municipal Councillor or a Councillor of a Municipal Corporation or a Councillor of a Town Panchayat or a member of a Zilla Panchayat or Grama Panchayat, his seat in the Taluk Panchayat shall become vacant unless he has previously resigned his seat in the House of the People, the Council of States, the State Legislative Assembly, the State Legislative Council, the Municipal Council, the Municipal Corporation, Town Panchayat, Zilla Panchayat or Grama Panchayat as the case may be.]¹

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

129. Vacancy of seat.- (1) If a member of a Taluk Panchayat,-

- (a) is or becomes subject to any of the disqualifications specified in section 128, or
- (b) votes or takes part as a member in the discussion of any matter in which he has directly or indirectly any such share or interest as is described in sub-clauses (i) or (ii) of clause (d) of the proviso to sub-section (1) of section 128, or
- (c) votes on or takes part in the discussion of any question in contravention of the provision of clause (g) of sub-section (2) of section 141, or
- (d) being an elected member absents himself, for more than three consecutive ordinary meetings of the Taluk Panchayat unless leave so to absent himself, which shall not exceed six months, had been granted by the Taluk Panchayat ¹[xxx]¹

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

his seat shall be deemed to be or to have become, as the case may be, vacant:

Provided that where an application is made by a member to the Taluk Panchayat for leave to absent himself under clause (d) and the Taluk 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 Taluk Panchayat.

(2) The ¹[State Election Commission]¹, on a report made to him and after giving a reasonable opportunity to the person concerned of being heard shall declare whether the seat of the member concerned is or has become vacant.

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

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

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

¹[(2A) Notwithstanding anything contained in this Act or the rules made thereunder, the giving and recording of votes in taluk panchayath elections 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 thereunder 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. 23.07.2010.

(3) The provisions of sections 26, 27, 28, 29, 30, 31, ¹[31A, 31B]¹, 32, 33, 34, 35, 36, 37, 38, 39, and 40 shall apply in respect of elections to Taluk Panchayat as they apply to elections to Grama Panchayats.

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

131. Prohibition of simultaneous membership.- (1) If a person is elected by more than one Taluk Panchayat constituency he shall, by notice in writing signed by him and delivered to the Deputy Commissioner or any other prescribed officer, 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 or the prescribed officer, shall determine by lot and notify the constituency which such person shall serve.

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

132. Application of certain sections relating to elections.- (1) The provisions of sections 15, 16, 17, 18, 19, 20, 21, 22, 23, and 24 shall apply mutatis mutandis in respect of election to Taluk Panchayat, the application being to the ¹[Civil Judge (Senior Division)]¹ having jurisdiction and the deposit as security for costs being one thousand rupees.

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

(2) Any person aggrieved by any decision or order of the ¹[Civil Judge (Senior division)]¹ under this section may, within thirty days from the date of such decision or order appeal to the District Judge and the decision of the District Judge on such appeal shall be final.

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

133. Publication of names of members.- The names of members elected to any Taluk Panchayat shall be ¹[reported to the Commissioner who shall notify the names]¹ in the Official Gazette.

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

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

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

(3) The term of office of a member elected to fill a casual vacancy shall commence on the date of publication of his name under section 134.

135. Resignation of members.- A member of a Taluk Panchayat may resign his membership in writing under his hand addressed to the Adhyaksha of the Taluk Panchayat and his seat shall become vacant on the expiry of fifteen clear days from the date of such resignation unless within the said period of fifteen days, he withdraws such resignation by writing under his hand addressed to the Adhyaksha. ¹[The Adhyaksha shall cause the letter of resignation to be laid in the next meeting of the Taluk Panchayat.]¹

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

136. Removal of members for misconduct.- The Government if it thinks fit ¹[on the recommendation of the Taluk Panchayat or otherwise and if necessary after obtaining a report from the Zilla Panchayat and considering the same]¹, 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. Substituted by Act 29 of 1997 w.e.f. 20.10.1997.

¹[136-A. Members to declare assets.- (1) Every member shall within three months from the date of commencement of his term of office and until the expiry of his term, in every calendar year file a declaration of assets owned by him and any member of his family, in such manner and in such form as may be prescribed, before the State

Election Commission or the competent authority as may be notified by the Government.

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

(2) Where a member, after filing a declaration under sub-section (1), acquires or disposes any asset he shall file further declaration to this effect before the State Election Commission or competent authority, within three months from the date of such acquisition or disposal, as the case may be.

(3) Any member, who fails to file the declaration under sub-section (1) or sub-section (2) or files the same knowing it to be false or incorrect shall cease to be member.

(4) Any question whether a member has ceased to be a member under sub-section (3), shall, on a reference made by the Taluk Panchayat to the State Election Commission be decided by it and the decision of the State Election Commission thereon shall be final.

Explanation: For the purposes of this section "Family" means the spouse and dependent children of the member.]¹

137. Casual vacancies how to be filled up.- A casual vacancy of a member of a Taluk Panchayat shall be filled up, as soon as conveniently may be, by the election of a person thereto who shall hold office so long only as the member in whose place he is elected could have held office if the vacancy had not occurred.

138. Election of Adhyaksha and Upadhyaksha and term of office.- (1) The elected members of the Taluk Panchayat referred to in clause (i) of sub-section (1) of section 121 shall ¹[²within one month from the date of publication of names of members under section 133]² after every general election of Members of Taluk Panchayat or on its reconstitution or establishment under this Act or immediately before the expiry of the term of office of Adhyaksha and Upadhyaksha]¹ choose two members from amongst them to be respectively Adhyaksha and Upadhyaksha thereof, and so often as there is a casual vacancy in the office of Adhyaksha and Upadhyaksha they shall choose another member from amongst them to be Adhyaksha or Upadhyaksha, as the case may be:

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

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

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

(2) There shall be reserved by the ¹[Government]¹, in the prescribed manner,-

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

(a) such number of offices of Adhyaksha and Upadhyaksha of Taluk Panchayat

in the State for the persons belonging to 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 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 Adhyaksha and Upadhyaksha of Taluk Panchayats which shall as nearly as may be one-third of the total number of offices of the 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 the Taluk Panchayats in the State from each of the categories reserved for persons belonging to the Scheduled Castes, Scheduled Tribes and backward Classes and those which are non-reserved, for women:

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

Explanation.- For the removal of doubts it is hereby declared that the principle of rotation for the purposes of reservation of offices under this sub-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.

¹[(3) The term of office of every Adhyaksha and every Upadhyaksha of taluk Panchayat shall, save as otherwise provided in this Act, be Twenty months from the

date of his election or till he ceases to be a member of taluk Panchayat, which ever is earlier:]¹

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

¹[Provided that the member who is elected as Adhyaksha or Upadhyaksha to fill the casual vacancy in the office of Adhyaksha or Upadhyaksha shall hold office for the remainder of the period for which the Adhyaksha or Upadhyaksha in whose place he has been elected would have held office if the vacancy had not occurred.]¹

1. Inserted by Act 10 of 1997 w.e.f. 23.9.1996.

(4) The election of Adhyaksha and Upadhyaksha, filling of Vacancies in the said offices and determination of disputes relating such election shall be in accordance with such rules as may be prescribed;

¹[Provided that the Civil Judge (Senior Division) having Jurisdiction, shall determine such election dispute.]¹

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

139. Salary and allowances to the Adhyaksha, Upadhyaksha and other members.- (1) The salary and allowances of Adhyaksha and Upadhyaksha of Taluk Panchayat shall be as prescribed.

(2) Every member of the Taluk Panchayat other than the Adhyaksha and Upadhyaksha shall be entitled to receive such sitting fee and other allowances, as may be prescribed.

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

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

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

¹[Provided that no resolution expressing want of confidence in Adhyaksha or Upadhyaksha shall be moved within six months, from the date of his selection:

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

Provided further that where a resolution expressing want of confidence in any Adhyaksha or Upadhyaksha has been considered and negated by a Taluk Panchayat, a similar resolution in respect of the same Adhyaksha or Upadhyaksha shall not be given notice of, or moved, within six months from the date of the decision of the Taluk Panchayat.]¹

(4) Every Adhyaksha and Upadhyaksha of the Taluk Panchayat shall, after an opportunity is afforded for hearing him, ¹[and if necessary after obtaining a report from the Zilla Panchayat and considering the same]¹ be removable from his office as Adhyaksha or Upadhyaksha by the Government for misconduct in the discharge of his duties, for being persistently remiss 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 Taluk Panchayat.

1. Inserted 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 Government from membership of the Taluk Panchayat.

¹[(6) Where the offices of both Adhyaksha and Upadhyaksha of Taluk Panchayat are vacant, the Chairman of the Standing Committee on Social Justice shall exercise the powers and perform the duties of the Adhyaksha, until an Adhyaksha or Upadhyaksha is duly elected]¹.

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

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

(2) (a) The date of the first meeting of the Taluk Panchayat after the first Constitution or reconstitution, ¹[or the date of subsequent meeting for the purpose of election of Adhyaksha or Upadhyaksha, as the case may be]¹ shall be fixed by the Assistant Commissioner who shall preside at such meeting and date of each subsequent ordinary meeting shall be fixed at the previous meeting of the Taluk Panchayat, provided that the Adhyaksha may for sufficient reasons, alter the day of the meeting to a subsequent date. The Adhyaksha may, whenever he thinks fit and shall, upon the written request of not less than one-third of the total number of

members and on a date within fifteen days from the receipt of such request, call a special meeting. Such request shall specify the object for which the meeting is proposed to be called. If the Adhyaksha fails to call a special meeting, the Upadhyaksha or one-third of the total number of members may call the special meeting for a day not more than fifteen days after presentation of such request and require the Executive Officer to give notice to the members and to take such action as may be necessary to convene the meeting.

1. Inserted by Act 1 of 1997 w.e.f. 26.2.1997.

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

(c) ¹[One-half]¹ of the total number of members of the Taluk Panchayat shall form a quorum for transaction of business at a meeting of the Taluk Panchayat. If at the time appointed for the meeting a quorum is not present, the person presiding shall, wait for thirty minutes and if within such period there is a quorum proceed with the meeting; but if within such period there is no quorum the person presiding shall adjourn the meeting to such hour on some future day as he may fix. He shall similarly adjourn the meeting at any time after it has begun if his attention is drawn to the want of a quorum. At such adjourned meeting at which there is quorum the business which would have been brought before the original meeting shall be transacted.

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

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

(e) Every meeting shall be presided over by the Adhyaksha or if he is absent, ¹[or if the office of Adhyaksha is vacant]¹ by the Upadhyaksha and if both the Adhyaksha and Upadhyaksha are absent ¹[or if the offices of both Adhyaksha and Upadhyaksha are vacant]¹ or if the Adhyaksha is absent and there is no Upadhyaksha the members present shall elect one from among themselves to preside.

1. Inserted by Act 1 of 1997 w.e.f. 26.2.1997.

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

(g) No member of a Taluk Panchayat shall vote on, or take part in the discussion of, any question coming up for consideration at a meeting of the Taluk Panchayat or any committee, if the question is one in which apart from its general application to the public he has any direct pecuniary interest.¹[It shall be the duty of every member of the Taluk Panchayat to disclose to the Taluk Panchayat any pecuniary interest that he has, direct or indirect, in any question coming up for consideration at a meeting of the Taluk Panchayat]¹

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

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

(i) No proposition shall be discussed at any ordinary meeting unless it has been entered in the notice convening such meeting or in the case of a special meeting, in the written request for such meeting. A member may propose any resolution connected with or incidental to the subjects included in the list of business. The Adhyaksha may propose any urgent subject of a routine nature not included in the list of business if no member objects to it. No permission shall be given in the case of a motion or proposition to modify or cancel any resolution¹[within six months]¹ after the passing thereof except in accordance with clause (k). The order in which any business or proposition shall be brought forward at such meeting shall be determined by the presiding authority who in case it is proposed by any member to give particular proposition, shall put the proposal to the meeting and be guided by the majority of votes given for or against the proposal.

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

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

(k) No resolution of Taluk 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, any notice whereof shall have been given fulfilling the requirements of clause (b) and setting forth fully the resolution which it is proposed to modify fully or cancel at such meeting and motion or proposition for the modification or cancellation of such resolution.

(3) The proceedings of every meeting shall be recorded in the minute book immediately after the deliberations of the meeting and shall after being read over by

the presiding authority of the meeting be signed by him. The action taken on the decisions of the Taluk Panchayat shall be reported at the next meeting of the Taluk Panchayat. The minute book shall always be kept in the office of the Taluk Panchayat. The minute book shall not be taken outside the Taluk Panchayat office under any circumstances. The Executive Officer shall be the custodian of the minute book. ¹[A copy of the proceedings shall be displayed on the notice board within three days from the date of meeting of the Taluk Panchayat along with the details of the names of the members voting respectively for or against the resolutions passed in the meeting.]¹

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

(4) A copy of every resolution passed by a Taluk Panchayat at a meeting shall, within ten days from the day of the meeting, be forwarded to ¹[x x x]¹ the Chief Executive Officer ²[and copies of the minutes of the meeting shall be furnished to all members]²

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

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

(5) During any vacancy in the Taluk Panchayat or any committee thereof, continuing members may act as if no vacancy had occurred.

¹[(6) Notwithstanding anything contained in this Act where a meeting is convened to consider a motion expressing want of confidence,-

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

- (i) in the Adhyaksha, it shall be presided over by the Upadhyaksha,
- (ii) in the Upadhyaksha, it shall be presided over by the Adhyaksha,
- (iii) in both the Adhyaksha and Upadhyaksha, it shall be presided over by a member elected from amongst the elected members present at the meeting.]¹

142. Interpellations and resolutions.- (1) A member of a Taluk Panchayat may move resolutions and interpellate the Adhyaksha of Taluk Panchayat on matters connected with the administration of the Taluk Panchayat subject to such regulations as may be made by the Taluk Panchayat.

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

143. Taluk Panchayat may require the presence of Government officers at meetings.- If it shall appear to a Taluk Panchayat that the attendance of any officer of the Government having jurisdiction over an area of a district or less than a district and not working under the Taluk Panchayat, is desirable at a meeting of the Taluk

Panchayat, the Executive Officer shall by a letter addressed to such officer not less than fifteen days before the intended meeting, request that officer to be present at the meeting and the officer shall, unless prevented by sickness or other reasonable cause, attend the meetings:

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

144. Validity of proceedings.- (1) No disqualification or defect in the election or appointment of any person acting as member or as the Adhyaksha of Taluk Panchayat or presiding authority of a general or special meeting or of a chairman or member of the committee appointed under this Act, shall be deemed to vitiate any act or proceeding of the Taluk Panchayat or of any such committee as the case may be, in which such person has taken part, whenever the majority who were parties to such act or proceeding, were entitled to act.

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

(3) Until the contrary is proved every meeting of a Taluk Panchayat or of a committee 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 the matters referred to in the minute.

(4) During any vacancy in a Taluk Panchayat or committee the continuing member or members may act as if no vacancy has occurred.

CHAPTER VIII

FUNCTIONS, DUTIES AND POWERS OF TALUK PANCHAYAT, ADHYAKSHA AND UPADHYAKSHA

FUNCTIONS OF TALUK PANCHAYAT

¹145. Functions of Taluk Panchayat.- (1) The Taluk Panchayat shall perform the functions specified in Schedule II:

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

Provided that where the State Government or Central Government provides funds for the performance of any function specified in Schedule II, the Taluk Panchayat shall

perform such functions in accordance with the guidelines or norms laid down for performance of such function.

(2) Notwithstanding anything contrary contained in sub-section (1) or Schedule II, it shall be obligatory on the part of the Taluk Panchayat, in so far as the Taluk Panchayat fund at its disposal will allow, to make reasonable provision within the area under its jurisdiction in respect of the following matters, namely:-

(i) construction and augmentation of water supply works to the level of not less than forty liters per capita for day;

(ii) filing half yearly report regarding the activities of Grama Panchayats within the taluk regarding,-

- (a) holding of Grama Sabha;
- (b) maintenance of Water supply works;
- (c) construction of individual and community latrine;
- (d) collection and revision of taxes, rates and fees;
- (e) payment of electricity charges;
- (f) enrollment in schools;
- (g) progress of immunisation.

(iii) providing adequate number of class rooms and maintaining primary school buildings in proper condition including water supply and sanitation;

(iv) acquiring land for locating the manure pits away from the dwelling houses in the villages.]¹

146. Assignment of functions.- (1) The Government may assign to a Taluk Panchayat, functions in relation to any matters to which the Executive authority of the Government extends or the functions which have been assigned to the State Government by the Central Government.

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

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

148. Standing committees.- (1) A Taluk Panchayat shall have the following standing committees, namely,-

- (a) General Standing Committee;
- (b) Finance, Audit and Planning Committee;
- (c) Social Justice Committee.

¹[(2) Each standing committee shall consist of such number of members not exceeding six including the Chairman as specified by the Taluk Panchayat, elected by the members of the Taluk Panchayat from among the elected members. The election of members of standing committee shall be held as soon as may be after every general election of members of Taluk Panchayat or on its reconstitution or establishment under this Act or immediately before the expiry of the term of office of the members of the standing committee:

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

Provided that the Social Justice Committee shall consist of at least one member who is a woman and one member from either the Scheduled Castes or Scheduled Tribes whichever has more number of elected members.]¹

¹[(2A) The term of office of every member of the standing committee shall, save as otherwise provided in this Act, be twenty months from the date of his election or till he ceases to be a member of the Taluk Panchayat, whichever is earlier.]¹

1. Inserted by Act 17 of 1996 w.e.f. 23.3.1996.

¹[(3) The Adhyaksha shall be the ex-officio member and Chairman of the Finance, Audit and Planning Committee. The Upadhyaksha shall be the ex officio member and Chairman of the General Standing Committee. The other standing Committees shall elect the Chairman from among the members.]¹

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

(4) No elected member of the Taluk Panchayat shall be eligible to serve on more than one standing committee.

(5) The Executive Officer shall be the ex-officio Secretary of every standing committee.

149. Functions of the standing committees.- (1) The General Standing Committee shall perform functions relating to the establishment matters, communications, buildings, rural housing, village extensions, relief against natural calamities, water supply and all miscellaneous residuary matters.

(2) The Finance, Audit and Planning Committee shall perform the functions relating to the finance of the Taluk Panchayat, framing of budgets, scrutinising proposals for increase of revenue, examinations of receipts and expenditure statement, consideration of all proposals affecting the finances of the Taluk Panchayat and general supervision of the revenue and expenditure of the Taluk Panchayat and co-operation, small savings scheme and any other function relating to the development plan of the Taluk.

(3) The Social Justice Committee shall perform functions relating to,-

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

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

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

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

(4) The standing committee shall perform the functions referred to above to the extent the powers are delegated to them by the Taluk Panchayat.

150. Procedure of committees.- (1) Taluk Panchayat may frame regulations relating to election of members of committees conduct of business therein and all other matters relating to them.

(2) The Chairman of every committee shall in respect of the work of the committee be entitled to call for any information, return, statement, account or report from the office of the Taluk Panchayat and to enter on and inspect any immoveable property of the Taluk Panchayat or work in progress connected with the work of the committee .

(3) Each committee shall be entitled to require attendance at its meetings any officer of the Taluk Panchayat who is connected with the work of the committee. The Secretary shall under instruction of the Committee, issue notices and secure the attendance of the officer.

151. Delegation of powers.- The Taluk Panchayat may, by notification delegate to the Executive Officer or other officer any of the powers conferred by or under this Act on Taluk Panchayat.

152. Powers and duties of the Adhyaksha.- ¹[The Adhyaksha shall be the Executive head of the Taluk Panchayat and shall]¹,-

1. Substituted by Act 9 of 1996 w.e.f. 29.11.1995.

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

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

¹[(c) exercise supervision and control over the Executive Officer for securing implementation of resolutions or decisions of the Taluk Panchayat or of the Standing Committees which are not inconsistent with the provisions of this Act or any general or specific directions issued under this Act]¹

1. Omitted Act 9 of 1996 w.e.f. 29.11.1995 and Inserted by 37 of 2003 w.e.f. 1.10.2003.

(d) exercise overall supervision ¹[and control]¹ over the financial and executive administration of the Taluk Panchayat and place before the Taluk Panchayat all questions connected therewith which shall appear to him to require its orders and for this purpose may call for records of Taluk Panchayat; and

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

(e) have power to accord sanction upto a total sum of twenty-five thousand rupees in a year for the purpose of providing immediate relief to those who are affected by the natural calamities in the Taluk:

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

153. Powers and duties of the Upadhyaksha.- The Upadhyaksha of the Taluk Panchayat shall,-

(a) exercise the powers and perform the duties of the Adhyaksha, when the Adhyaksha is absent or on leave or is incapacitated from functioning ¹[or when the office of Adhyaksha is vacant]¹; and

1. Inserted by Act 1 of 1997 w.e.f. 26.2.1997.

(b) in the absence of the Adhyaksha ¹[or when the office of Adhyaksha is vacant]¹ preside over the meeting of the Taluk Panchayat.

1. Inserted by Act 1 of 1997 w.e.f. 26.2.1997.

154. Mode of making contract.- (1) Every contract or agreement entered into on behalf of the Taluk Panchayat shall be binding on the Taluk Panchayat only if the said contract or agreement is executed in accordance with the provisions of this section.

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

CHAPTER IX

STAFF OF TALUK PANCHAYAT

155. Executive officer and other staff.- (1) The Government shall appoint a Group-A Officer of the State Civil Services or equal to the rank of the Assistant Commissioner to be the Executive Officer of the Taluk Panchayat.

(2) The Government shall post from time to time to work under every Taluk Panchayat such number of officers and officials of group A or B or C or D Services of the State (including any officer and official appointed to such service from amongst

persons employed by existing local authorities) to serve under the Taluk Panchayat as the Government considers necessary.

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

156. Functions of the Executive Officer and other officers and officials.- (1) ¹[Save as otherwise expressly provided by or under this Act,]¹ ²[the Executive Officer shall perform the following functions,-]²

1. Substituted by Act 9 of 1996 w.e.f. 29.11.1995.

2. Substituted by Act 37 fo 2003 w.e.f. 1.10.2003.

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

¹[(b) control the officers and officials of, or holding office under the Taluk Panchayat subject to the general superintendence and control of the Adhyaksha and such rules as may be prescribed.]¹

1. Substituted by Act 9 of 1996 w.e.f. 29.11.1995.

¹[(bb)discharge all duties imposed and exercise all the powers conferred on him under this Act and the rules made there under and perform such other functions entrusted to him by the Government from time to time]¹

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

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

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

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

(f) draw and disburse monies out of the Taluk Panchayat fund; and

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

(2) The Executive Officer shall attend every meeting of the Taluk Panchayat and shall have the right to attend the meeting of any committee thereof and to take part in the discussion but shall not have the right to move any resolution or to vote. ¹[If in the opinion of the Executive Officer any proposal or resolution before the Taluk Panchayat or any Committee or any order of the Adhyaksha is violative of, or inconsistent with the

provisions of this Act, or any other law or rule or order made thereunder or any financial regulation or budget provision or is in derogation of the functions and powers of the Taluk Panchayat or its committee or the Adhyaksha, it shall be the duty of the Executive Officer to advise the Taluk Panchayat or the committee or the Adhyaksha in the form of a written note containing the reasons for his opinion and specifying the law, rule, order, regulation or provision with which the proposal or resolution or order is inconsistent and if the proposal or resolution or order has been considered and passed by the Taluk Panchayat or the committee or the Adhyaksha before such advise is tendered, the Executive Officer may resubmit the proposal or resolution or order with his advice after such examination as he considers necessary.]¹

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

¹[(3) If the Taluk Panchayat or any of its committees or the Adhyaksha passes the resolution or order without resolving the inconsistency referred to in sub-section (2) it shall be the duty of the Executive Officer, notwithstanding any other provisions in this Act, to forward forthwith to the Chief Executive Officer under intimation to the Adhyaksha a copy of the said resolution or order along with his written note.]¹

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

157. Executive Officer's right to requisition records. etc.- (1) Every person in possession of moneys, accounts, records, or other property pertaining to a Grama Panchayat or Taluk Panchayat shall on the requisition in writing of the Executive Officer for this purpose, forthwith handover such moneys or deliver up such accounts, records or other property to the Executive Officer or the person authorised in the requisition to receive the same.

(2) The Executive Officer may also take steps to recover any money due by such person in the same manner and subject to the same provisions as in the Karnataka Land Revenue Act, 1964 (Karnataka Act 12 of 1964) for the recovery of the arrears of land revenue from defaulters; and for the purpose of recovering the accounts, records or other property appertaining to the Grama Panchayat or Taluk Panchayat may issue a search warrant and exercise all such powers with respect thereto as may lawfully be exercised by a Magistrate under the provisions of Chapter VII of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974).

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

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

CHAPTER X
ZILLA PANCHAYAT
CONSTITUTION OF ZILLA PANCHAYAT

158. Establishment of Zilla Panchayat and its incorporation.- (1) There shall be constituted for each district a Zilla Panchayat having jurisdiction over the entire district excluding such portions of the district as are included in a ¹[smaller urban area]¹ or are under the authority of a municipal corporation, a ¹[a Town Panchayat or an Industrial Township]¹ constituted under any law for the time being in force:

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

Provided that a Zilla Panchayat may have its office in any area comprised within the excluded portion of the district and in such area may exercise its powers and functions over schools and other institutions under its control or management.

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

159. Constitution of Zilla Panchayat.- (1) Every Zilla Panchayat shall consist of,-

- (i) the elected members as determined under section 160;
- (ii) the members of the House of People and the members of the State Legislative Assembly representing a part or whole of the district whose constituencies lie within the district;
- (iii) the members of the Council of State and the members of the State Legislative Council who are registered as electors within the district; and
- (iv) the Adhyakshas of Taluk Panchayats in the district.

¹[(2) The members of the House of People, the State Legislative Assembly, the Council of States and the Legislative Council and the Adhyaksha of Taluk Panchayat referred to in clauses (ii), (iii) and (iv) of sub-section (1) shall be entitled to take part in the proceedings of, and vote at, the meetings of Zilla Panchayat except at a special meeting convened for the purpose of election of Adhyakshas and Upadhyakshas under sub-section (1) of section 177 or for considering a no confidence motion under sub-section (3) of section 179.]¹

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

(3) Notwithstanding anything contained in this section or sections 160, 161, and 162 but subject to any general or special orders of the Government, where two-thirds of the total number of members of any Zilla Panchayat required to be elected, have been elected, the Zilla Panchayat shall be deemed to have been duly constituted under this Act.

¹[160. Elected members.- The elected members of the Zilla Panchayat shall consist of persons elected from the Taluks in the district, the number of members to be elected from each Taluk ²[being fixed by the ³[Government]³]² in accordance with the scale of one member for forty thousand or part thereof of the population :

⁴[Provided that in case of,-

- (i) Uttara Kannada and Chickmagalur district it shall be one member for every thirty thousand or part thereof of the population;
- (ii) Bangalore Urban district, it shall be one member for every twenty thousand or part thereof of the population;
- (iii) Kodagu district, it shall be one member for every eighteen thousand or part thereof of the population.]¹⁴

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

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

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

4. Substituted by Act 34 of 2011 w.e.f. 4.10.2010.

161. Determination of elected members after census.- Upon the publication of the figures of each census, the number of elected members of a Zilla Panchayat ¹[shall be determined by the ²[State Election Commission]²]¹ on the basis of the population of the district as ascertained at that census:

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

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

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

162. Reservation of seats.- (1) Seats ¹[shall be reserved by the ²[State Election Commission]²]¹ in the Zilla Panchayat,-

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

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

(a) for Scheduled Castes; and

(b) for the Scheduled Tribes;

and number of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of seats to be filled by direct election in the Zilla Panchayat as the population of the Scheduled Castes in the district or of the Scheduled Tribes in the district bears to the total population of the district:

¹[Provided that at least one seat each shall be reserved in a Zilla Panchayat for the persons belonging to the Scheduled Castes and the Scheduled tribes.]¹

1. Omitted by Act 10 of 1985 and Inserted by Act 11 of 2000 w.e.f. 25.4.2000.

(2) Such number of seats which shall, as nearly as may be one third of the total number of seats in a Zilla Panchayat ¹[shall be reserved by the ²[State Election Commission]]² for persons belonging to the Backward Classes. ³[But the number of seats 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 (1) and the Backward Classes under this sub-section shall not exceed fifty per cent of the total number of seats in the Zilla Panchayat.]³

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

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

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

¹[Provided that out of the seats reserved under this sub-section, eighty per cent of the total number of such seats ²[shall be reserved by the ³[State Election Commission]]² for the persons falling under category 'A' and the remaining twenty per cent of the seats ²[shall be reserved by the ³[State Election Commission]]² for the persons falling under category 'B'.]¹

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

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

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

(3) Not less than ³[fifty percent]³ of the seats reserved for each category of persons belonging to the Scheduled Castes, Scheduled Tribes and Backward Classes and those of the non-reserved seats in the Zilla Panchayat ¹[shall be reserved by the ²[State Election Commission]]² for women:

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

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

3. Substituted by Act 24 of 2010 w.e.f.23.07.2010.

Provided that the seats reserved under sub-sections (1), (2) and (3) shall be allotted by rotation to different constituencies in the district:

Provided further that nothing contained in this section shall be deemed to prevent the persons belonging to the Scheduled Castes or Scheduled Tribes or Backward

Classes or women for whom seats have been reserved in a Zilla Panchayat from standing for election to the non-reserved seats in such Zilla Panchayat.

163. Delimitation of territorial constituencies.- The ¹[State Election Commission]¹ shall, by notification,-

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

(a) divide the area within the jurisdiction of every Zilla Panchayat, for the purpose of election to such Zilla Panchayat into as many signal member territorial constituencies as the number of members required to be elected under section 160;

(b) determine the extent of each territorial constituency which shall be a Taluk or part of a Taluk ;and

¹[(c) determine the territorial constituency or constituencies in which seats are reserved for the persons belonging to the Scheduled Castes, Scheduled Tribes, Backward Classes and for Women.]¹

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

164. Right to vote.- (1) Every person whose name appears in the electoral roll relating to a constituency shall subject to the other provisions of this Act, be entitled to vote at any election which takes place in that constituency while the electoral roll remains in force and no person whose name does appear in such electoral roll shall vote at any such election.

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

165. Electoral roll.- The electoral roll of the Zilla Panchayat ¹[shall be prepared by the Assistant Commissioner]¹ subject to the superintendence, direction and control of the State Election Commission:

1. Substituted by Act 21 of 1999 w.e.f. 4.8.1999.

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

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

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

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

167. Disqualification for members.- (1) A person shall be disqualified for being chosen and for being member of a Zilla 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 Legislature:

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

(b) 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 that 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 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 office 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 Zilla Panchayat, Taluk Panchayat or Grama Panchayat by reason only that he is an Adhyaksha or Upadhyaksha of Zilla Panchayat, Taluk Panchayat or 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 Zilla Panchayat or in any contract or employment with or under, or by, or on behalf of, the Zilla Panchayat 1[or if he is either directly or indirectly by himself or by his partner or agent or employee involved in obtaining or execution of any such work or contract on behalf of the Zilla Panchayat or of any contract for the supply of any goods and services to the Zilla Panchayat; or]¹

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

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

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

²[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 the members of his family and also complies with such undertaking after becoming a member.]²¹

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

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

¹[(J-1) If he is disqualified under section 308 C or;]¹

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

¹[(k)]1if he is disqualified under the Karnataka Local Authorities (Prohibition of Defection) Act, 1987;

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 clause (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 removal by an order of the Government;

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

¹[(cc) the disqualification under clause (j-1) will cease to operate after the expiry of three years from the date of order by the State Election Commission under section 308C.]¹

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

(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 Zilla Panchayat, or

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

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

¹[(2) If a person who is chosen as a member of a Zilla Panchayat is or becomes a member of the House of the People, the Council of States, the State Legislative Assembly or the State Legislative Council, or is or becomes a Municipal Councillor or a Councillor of a Municipal Corporation or a Councillor of a Town Panchayat, or a member of a Taluk Panchayat or a Grama Panchayat then at the expiration of a period of fifteen days from the date of notification of the names of the members under section 172, or as the case may be, within fifteen days from the date of commencement of term of office of a member of the House of the people, the Council of states, the State Legislative Assembly or State Legislative Council or a Municipal Councillor or a Councillor of a Municipal Corporation or a Councillor of a Town Panchayat or a member of a Taluk Panchayat or Grama Panchayat, his seat in the Zilla Panchayat shall become vacant unless he has previously resigned his seat in the House of the People, the Council of States, the State Legislative Assembly or the State Legislative Council or the Municipal Council or the Municipal Corporation or Town Panchayat or Taluk Panchayat or Grama Panchayat as the case may be.]¹

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

168. Vacancy of Seats.- (1) If any member of a Zilla Panchayat,-

(a) is or becomes subject to any of the disqualifications specified in section 167; or

(b) votes or takes part as a member in the discussion of any matter in which he has directly or indirectly any such share or interest as is described in sub-clause (i) or (ii) of clause (d) of the proviso to sub-section (1) of section 167; or

(c) votes on or takes part in the discussion of any question in contravention of the provision of clause (g) of sub-section (2) of section 180; or

(d) being an elected member, absents himself, for more than three consecutive ordinary meetings of the Zilla Panchayat unless leave so to absents himself, which shall not exceed six months, had been granted by the Zilla 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 Zilla Panchayat for leave to absents himself under clause (d) and the Zilla Panchayat fails to inform the applicant of its decision on the application within a period of one month from the date of the application the leave applied for shall be deemed to have been granted by the Zilla Panchayat.

(2) The ¹[State Election Commission]¹ on a report made to it and after giving a reasonable opportunity to the person concerned of being heard shall declare whether the seat of the person concerned is or has become vacant.

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

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

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

¹[(2A)Notwithstanding anything contained in this Act or the rules made thereunder, the giving and recording of votes in zilla panchayath elections 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. 23.07.2010.

(3) The provisions of sections 26, 27, 28, 29, 30, 31, ¹[31A, 31B]¹, 32, 33, 34, 35, 36, 37, 38, 39, and 40 shall apply in respect of elections to Zilla Panchayat as they apply to elections to Grama Panchayats.

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

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

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

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

171. Application of certain sections relating to elections.- (1) The provisions of sections 15, 16, 17, 18, 19, 20, 21, 22, 23, and 24 shall apply mutatis mutandis in respect of election to Zilla Panchayat, the application being to the ¹[Civil Judge (Senior Division)]¹ having jurisdiction and the deposit as security for costs being two thousand rupees.

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

(2) Any person aggrieved by any decision or order of the ¹[Civil Judge (Senior Division)]¹ under this section may, within thirty days from the date of such decision or order appeal to the District Judge and the decision of the District Judge on such appeal shall be final.

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

172. Publication of names of members.- The names of members elected to any Zilla Panchayat shall be ¹[reported to the Government which shall notify the names]¹ in the Official Gazette.

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

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

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

(3) The term of office of a member elected to fill a casual vacancy shall commence on the date of publication of his name under section 172.

174. Resignation of members.- A member of a Zilla Panchayat may resign his membership in writing under his hand addressed to the Adhyaksha of the Zilla Panchayat and his seat shall become vacant on the expiry of fifteen clear days from the date of such resignation unless within the said period of fifteen days, he withdraws such resignation by writing under his hand addressed to the Adhyaksha.¹[The Adhyaksha shall cause the letter of resignation to be laid in the next meeting of the Zilla Panchayat.]¹

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

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

¹[175A. Members to declare assets.- (1) Every member shall within three months from the date of commencement of his term of office and until the expiry of his term in

every calendar year file a declaration of assets owned by him and any member of his family, in such manner and in such form as may be prescribed, before the State Election Commission or competent authority as may be notified by the Government.

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

(2) Where a member, after filing a declaration under sub-section (1), acquires or disposes any asset he shall file further declaration to this effect before the State Election Commission or the competent authority, within three months from the date of such acquisition or disposal, as the case may be.

(3) Any member, who fails to file declaration under sub-section (1), or sub-section (2) or files the same knowing it to be false or incorrect shall cease to be a member.

(4) Any question whether a member has ceased to be a member under sub-section (3) shall on a reference made by the Zilla Panchayat, to the State Election Commission be decided by it and the decision of the State Election Commission thereon shall be final.

Explanation: For the purposes of this section 'family' means the spouse and dependent children of the member.]¹

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

177. Election of Adhyaksha, Upadhyaksha and term of office.- (1) The elected members of the Zilla Panchayat referred to in clause (i) of sub-section (1) of section 159 shall ¹[²within one month from the date of publication of names of members under section 172]², after every general election of member of Zilla Panchayat or on its reconstitution or establishment under this Act or immediately before the expiry of term of office of Adhyaksha and Upadhyaksha]¹ choose two member from amongst them to be respectively Adhyaksha and Upadhyaksha thereof, and so often as there is a casual vacancy in the office of Adhyaksha and Upadhyaksha they shall choose another member from amongst them to be Adhyaksha or Upadhyaksha, as the case may be:

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

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

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

(2) There shall be reserved by the ¹[Government]¹, in the prescribed manner,-

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

(a) Such number of offices of Adhyaksha and Upadhyaksha of Zilla Panchayat

in the State for the persons belonging to 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 offices in the State as the population of the Scheduled Castes in the State or of the Scheduled Tribe in the State bear 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 Adhyaksha and Upadhyaksha in the State 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: ¹[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 Zilla Panchayaths i the State.]¹

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

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' ;]¹

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

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

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

Explanation.- For the removal of doubts it is hereby declared that the principle of rotation for the purposes of reservation of offices under this sub-section shall commence from the first ordinary 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.

¹[(3) The term of office of every Adhyaksha and every Upadhyaksha of Zilla Panchayat shall, save as otherwise provided in this Act, be twenty months from the date of his election or till he ceases to be a Member of Zilla Panchayat, whichever is earlier:]¹

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

¹[Provided that the member who is elected as Adhyaksha or Upadhyaksha to fill the casual vacancy in the office of Adhyaksha or Upadhyaksha shall hold office for the remainder of the period for which the Adhyaksha or Upadhyaksha in whose place he has been elected would have held office if the vacancy had not occurred.]¹

1. Inserted by Act 10 of 1997 w.e.f. 23.9.1996.

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

Provided that the authority to determine such election disputes shall be the District Judge having Jurisdiction.

178. Salary and allowances to the Adhyaksha and Upadhyaksha and other members.- (1) The salary and allowances of Adhyaksha and Upadhyaksha shall be as prescribed.

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

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

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

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

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

¹[Provided that no resolution expressing want of confidence in an Adhyaksha or Upadhyaksha shall be made within six months from the date of his election:

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

Provided further that where a resolution expressing want of confidence in any Adhyaksha or Upadhyaksha has been considered and negatived by the Zilla Panchayat, a similar resolution in respect of the same Adhyaksha or Upadhyaksha

shall not be given notice of, or moved, within six months from the date of the decision of the Zilla Panchayat.]¹

(4) Every Adhyaksha and Upadhyaksha of the Zilla Panchayat shall, after an opportunity is afforded for hearing him, be removable from his office as Adhyaksha or Upadhyaksha by the Government for misconduct in the discharge of his duties, or for being persistently remiss 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 Zilla Panchayat.

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

¹[(6) Where the offices of both Adhyaksha and Upadhyaksha are vacant, the Chairman of the Standing Committee on Social Justice shall exercise the powers and perform the duties of the Adhyaksha until the Adhyaksha or Upadhyaksha is duly elected.]¹

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

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

(2) (a) The date of the first meeting of the Zilla Panchayat after the first constitution or reconstitution, ¹[or the date of subsequent meeting for the purpose of election of Adhyaksha or Upadhyaksha as the case may be]¹ shall be fixed by the Commissioner who shall preside at such meeting and date of each subsequent ordinary meeting shall be fixed at the previous meeting of the Zilla Panchayat, provided that the Adhyaksha of Zilla Panchayat may for sufficient reasons, alter the date of the meeting to a subsequent date. The Adhyaksha may, whenever he thinks fit and shall, upon the written request of not less than one-third of the total number of members and on a date within fifteen days from the receipt of such request, call a special meeting. Such request shall specify the object for which the meeting is proposed to be called. If the Adhyaksha fails to call a special meeting, the Upadhyaksha or one-third of the total number of members of the Zilla Panchayat may call the special meeting for a day not more than fifteen days after presentation of such request and require the Chief Executive Officer to give notice to the members and to take such action as may be necessary to convene the meeting.

1. Inserted by Act 1 of 1997 w.e.f. 26.2.1997.

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

(c) ¹[One-half]¹ of the total number of members of the Zilla Panchayat shall form a quorum for transacting business at a meeting of the Zilla Panchayat. If at the time appointed for the meeting a quorum is not present, the person presiding shall, wait for thirty minutes and if within such period there is a quorum proceed with the meeting; but if within such period there is no quorum the person presiding shall adjourn the meeting to such hour on some future day as he may fix. He shall similarly adjourn the meeting at any time after it has begun if his attention is drawn to the want of a quorum. At such adjourned meetings at which there is quorum the business which would have been brought before the original meeting shall be transacted.

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

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

(e) Every meeting shall be presided over by the Adhyaksha or if he is absent, ¹[or if the office of Adhyaksha is vacant]¹ by the Upadhyaksha and if both the Adhyaksha and Upadhyaksha are absent ¹[or if the offices of both Adhyaksha and Upadhyaksha are vacant]¹ or if the Adhyaksha is absent and there is no Upadhyaksha, the members present shall elect one from among themselves to preside.

1. Inserted by Act 1 of 1997 w.e.f. 26.2.1997.

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

(g) No member of a Zilla Panchayat shall vote on, or take part in the discussion of, any question coming up for consideration at a meeting of the Zilla Panchayat or any committee, if the question is one in which apart from its general application to the public he has any pecuniary interest. ¹[It shall be the duty of every member of a Zilla Panchayat to disclose to the Zilla Panchayat any pecuniary interest that he has, direct or indirect, on any question coming up for consideration at a meeting of a Zilla Panchayat]¹

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

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

(I) No proposition shall be discussed at any ordinary meeting unless it has been entered in the notice convening such meeting or in the case of a special meeting, in the written request for such meeting. A member may propose any resolution connected with or incidental to the subjects in the list of business. The Adhyaksha may propose any urgent subject of a routine nature not included in the list of business if no member objects to it. No permission shall be given in the case of a motion or proposition to modify or cancel any resolution within ¹[six months]¹ after the passing thereof except in accordance with clause (k). The order in which any business or proposition shall be brought forward at such meeting shall be determined by the presiding authority who in case it is proposed by any member to give priority to any particular item of such business or to any particular proposition, shall put the proposal to the meeting and be guided by the majority of votes given for or against the proposal.

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

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

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

(3) The proceedings of every meeting shall be recorded in the minute book immediately after the deliberations of the meeting and shall after being read over by the Chairman of the meeting be signed by him. The action taken on the decisions of the Zilla Panchayat shall be reported at the next meeting of the Zilla Panchayat. The minute book shall at all reasonable times be open to inspection by any member of the Zilla Panchayat. The Minute Book shall always be kept in the office of the Zilla Panchayat and it shall be in the custody of the Chief Executive Officer. ¹[A copy of the proceedings shall be displayed on the notice board of the Zilla Panchayat within three days from the date of meeting along with the details of the names of the members voting respectively for or against the resolutions passed in the meeting.]¹

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

(4) A copy of every resolution passed by a Zilla Panchayat at a meeting shall, within ten days from the date of meeting, be forwarded to the ¹[Government] ²[and copies of the minutes of the meeting shall be furnished to all members.]²

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

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

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

¹[(6) Notwithstanding anything contained in this Act, where a meeting is convened to consider a motion expressing want of confidence,-

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

- (i) in the Adhyaksha, it shall be presided over by the Upadhyaksha;
- (ii) in the Upadhyaksha, it shall be presided over by the Adhyaksha;
- (iii) in both the Adhyaksha and the Upadhyaksha, it shall be presided over by a member elected from amongst the elected members present at the meeting.]¹

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

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

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

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

183. Validity of proceedings.- (1) No disqualification or defect in the election or appointment of any person acting as member or as the Adhyaksha of Zilla Panchayat

or presiding authority of a special or general meeting or a Chairman or member of committee appointed under this Act, shall be deemed to vitiate any act or proceeding of the Zilla Panchayat or of any such committee, as the case may be, in which such person has taken part, whenever the majority who were parties to such act or proceedings, were entitled to act.

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

(3) Until the contrary is proved every meeting of a Zilla Panchayat or of a committee appointed under this Act, in respect of proceedings whereof a minute has been made and signed in accordance with this Act, shall be deemed to have been duly convened and held 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 the matters referred to in the minute.

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

CHAPTER XI

FUNCTIONS, DUTIES AND POWERS OF ZILLA PANCHAYAT, ADHYAKSHA AND UPADHYAKSHA

¹[184. Functions of Zilla Panchayat.- (1) The Zilla Panchayat shall perform the functions specified in Schedule III:

1. Subsection 1 and 2 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 III, the Zilla Panchayat shall perform such functions in accordance with the guidelines or norms laid down for performance of such function.

(2) Notwithstanding anything contained in sub-section (1) or Schedule III, it shall be obligatory on the part of the Zilla Panchayat so far as the Zilla Panchayat fund at its disposal will allow, to make reasonable provisions within the area under its jurisdiction, in respect of the following matters, namely:-

(i) establishment of health centres including maternity centres so as to cover the entire population within five years, as per the norms laid down by the Government;

(ii) construction of underground water recharge structures to ensure availability of water in the drinking water wells;

(iii) prevention of drilling of irrigation borewells in the vicinity of drinking water wells to ensure adequate drinking water, specially in lean season;

(iv) drawing up a plan for social forestry development in each taluk and spending not less than such percentage of the District Plan allocation every year as may be specified by the Government from time to time.]¹

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

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

186. Standing committees.- (1) The Zilla Panchayat shall have the following Standing committees, namely:-

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

¹[(2) Each Standing Committee shall consist of such number of members not exceeding seven including the Chairman as specified by the Zilla Panchayat elected by the members of the Zilla Panchayat from amongst the elected members. The election of members of standing Committee shall be held as soon as may be after every general election of member of Zilla Panchayat or on its reconstitution or establishment under this Act or immediately before the expiry of the term of office of the members of the Standing Committee:

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

Provided that the Social Justice Committee shall consist of at least one member who is a woman and one member from either the scheduled castes or the scheduled tribes whichever has more number of elected members.]¹

¹[(2A) The term of office of every member of the standing committee shall, save as otherwise provided in this Act, be twenty months from the date of his election or till he ceases to be a member of the Zilla Panchayat, whichever is earlier.]¹

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

¹[(3) The Adhyaksha shall be the ex-officio member and Chairman of the Finance, Audit and Planning Committee. The Upadhyaksha shall be the ex-officio member and

Chairman of the General Standing Committee. The other standing committees shall elect the Chairman from among their members.]¹

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

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

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

187. Functions of the Standing Committees.- (1) The General Standing Committee shall perform functions relating to the establishment matters and functions relating to communications, buildings, rural housing, village extensions, relief against natural calamities and allied matters and all miscellaneous residuary matters.

(2) The Finance and Planning Committee shall perform the functions relating to,-

(a) the finances of the Zilla Panchayat, framing of budgets, scrutinising proposals for increase of revenue, examination of receipts and expenditure statements, consideration of all proposals affecting the finances of the Zilla Panchayat and general supervision of the revenue and expenditure of the Zilla Panchayat.

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

(3) The Social Justice Committee shall perform functions relating to,-

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

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

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

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

(4) The Education and Health Committee shall perform the following functions:-

(a) be incharge of all educational activities of the Zilla Panchayat;

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

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

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

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

(5) The Agriculture and Industry Committee shall perform functions relating to,-

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

(b) village and cottage industries;

(c) promotion of industrial development of the district.

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

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

188. Procedure of committees.- (1) The Zilla Panchayat may frame regulations relating to election of members of committees conduct of business therein and all other matters relating to them.

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

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

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

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

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

191. General powers of Zilla Panchayat.- (1) The Zilla Panchayat shall have powers to do all acts necessary for or incidental to, the carrying out of the functions entrusted or delegated to it and, in particular, and without prejudice to the foregoing

powers to exercise all powers specified under this Act.

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

- (a) incur expenditure on education or medical relief outside its jurisdiction;
- (b) provide for carrying out any work or measure likely to promote the health, safety, education, comfort, convenience or social or economic or cultural well-being of the inhabitants of the district;
- (c) contribute to associations of all India, State or Inter-State level, concerned with the promotion of local Government and to exhibition, seminars and conferences within the district related to the activities of Grama Panchayat, Taluk Panchayat and Zilla Panchayat; and
- (d) render financial or other assistance to any person for carrying on in the district any such activity which is related to any of the functions of the said bodies.

192. Control of unwieldy traffic.- Subject to the provisions of the Karnataka Traffic Control Act, 1960, a Zilla Panchayat may subject to such rules as may be prescribed and to the regulations framed by the Zilla Panchayat, notify that any road vested in it shall not be used by any vehicle of such form, construction, weight or size, or laden with such machinery or other unwieldy objects as may be deemed likely to cause injury to the roadway or to any construction thereon or risk or obstruction to other vehicles or to pedestrians except under the licence issued by the Chief Executive Officer and in accordance with the regulations framed from time to time as regards speed, time, fees, mode of traction or locomotion, use of appliances for protection of the roadway, number of lights and assistants and other general precautions.

193. Powers and duties of the Adhyaksha.- ¹[The Adhyaksha shall be the Executive Head of the Zilla Panchayat and shall,-]¹

1. Substituted by Act 9 of 1996 w.e.f. 29.11.1995.

- (a) convene, preside at and conduct meetings of the Zilla Panchayat;
- (b) discharge all duties imposed and exercise all the powers conferred on him by or under this Act or perform such functions entrusted to him by the Government from time to time;

¹[(c) exercise such administrative supervision and control over the Chief Executive Officer for securing implementation of resolutions or decisions of the Zilla Panchayat or of the Standing Committees which are not inconsistent with the provisions of this Act, or any general or specific directions issued under this Act;]¹

1. Omitted by Act 9 of 1996 w.e.f. 29.11.1995 and Inserted by Act 37 of 2003 w.e.f. 1.10.2003.

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

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

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

194. Powers and duties of the Upadhyaksha.- The Upadhyaksha of the Zilla Panchayat shall,-

(a) exercise the powers and perform the functions of the Adhyaksha, when he is absent on leave or is incapacitated from functioning ¹[or when the office of Adhyaksha is vacant]¹; and

1. Inserted by Act 1 of 1997 w.e.f. 26.2.1997.

(b) in the absence of the Adhyaksha ¹[or when the office of Adhyaksha is vacant]¹ preside over the meetings of the Zilla Panchayat.

1. Inserted by Act 1 of 1997 w.e.f. 26.2.1997.

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

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

CHAPTER XII

STAFF OF ZILLA PANCHAYAT

196. Chief Executive officer and other officers.- (1) The Government shall appoint an officer not below the rank of the Deputy Commissioner of a district as Chief Executive Officer of the Zilla Panchayat:

¹[Provided that if a suitable officer not below the rank of the Deputy Commissioner of a District is not available for appointment as Chief Executive Officer of the Zilla Panchayat, the Government may for a period of three years from the date of commencement of the Karnataka Panchayat Raj (Amendment) Act, 1998 appoint an

officer of the Karnataka Administrative Service (Selection Grade) or an officer belonging to the Development and Local Government Branch of the Karnataka General Services holding a post in a Grade equal to that of the Karnataka Administrative Service (Selection Grade) as Chief Executive Officer of the Zilla Panchayat.]¹

1. Inserted by Act 29 of 1998 w.e.f. 24.11.1998.

(2) The Government shall also appoint a Chief Accountants officer, ¹[a Chief Planning Officer]¹ and one or more Deputy Secretaries for each Zilla Panchayat.

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

(3) The Government shall post from time to time to work under every Zilla Panchayat such number of other officers and officials of the State Government (including any officers and officials appointed to such services from amongst persons employed by existing local authorities) and officers of the All India Service as the Government considers necessary.

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

(5) The Government may as from the specified day constitute such services for each Zilla Panchayat as may be prescribed.

197. Functions, powers and duties of the Chief Executive Officer and other officers. - (1) ¹[²[Save as otherwise expressly provided by or under this Act]², the Chief Executive officer shall perform the following functions:-]¹

1. Substituted by Act 9 of 1996 w.e.f. 29.11.1995.

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

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

¹[(b) control the officers and officials of, or holding office under the Zilla Panchayat subject to the general superintendence and control of the Adhyaksha and such rules as may be prescribed.]¹

1. Substituted by Act 9 of 1966 w.e.f. 29.11.1995.

¹[(bb) discharge all duties imposed and exercise all the powers conferred on him under this Act and the rules made there under and perform such functions entrusted to him by the Government from time to time]¹.

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

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

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

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

(f) draw and disburse monies out of the Zilla Panchayat fund; and

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

(2) The Chief Executive Officer shall attend every meeting of the Zilla Panchayat and shall have right to attend the meeting of any Committee thereof and to take part in the discussion but shall not have right to move any resolution or to vote. ¹[If in the opinion of the Chief Executive Officer any

proposal or resolution before the Zilla Panchayat or any Committee or any order of the Adhyaksha is violative of, or inconsistent with, the provisions of this Act, or any other law or rule or order made thereunder or any financial regulation or budget provision or is in derogation of the functions and powers of the Zilla Panchayat, or its committee or the Adhyaksha, it shall be the duty of the Chief Executive Officer to advise the Zilla Panchayat or the committee or the Adhyaksha in the form of a written note containing the reasons for his opinion and specifying the law, rule, order, regulation or provision with which the proposal or resolution or order is inconsistent and if the proposal or resolution or order has been considered and passed by the Zilla Panchayat or the committee or the Adhyaksha before such advice is tendered, the Chief Executive Officer may resubmit the proposal or resolution or order with his advice after such examination as he considers necessary.]¹

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

¹[(3) If the Zilla Panchayat or any of its committees or the Adhyaksha passes the resolution or order without resolving the inconsistency referred to in sub-section (2) it shall be the duty of the Chief Executive Officer, notwithstanding any other provisions in this Act, to forward forthwith to the Government under intimation to the Adhyaksha a copy of the said resolution or order along with his written note and he shall not implement such resolution or order otherwise than as decided by the Government:

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

Provided that if the Government does not communicate its decision within fifteen days from the date of receipt of such letter, the Chief Executive Officer shall take action to implement such resolution of the Zilla Panchayat or the committee or the order of the Adhyaksha.]¹

(4) The Chief Accounts Officer shall advise the Zilla Panchayat in matters of

financial policy and shall be responsible for all matters relating to the accounts of the Zilla Panchayat including the preparation of the annual accounts and budget.

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

(6) The Deputy Secretary shall assist the Chief Executive Officer in the performance of his duties.

198. Chief Executive Officer's right to requisition records, etc.- (1) Every person in possession of moneys, accounts, records, or other property pertaining to a Grama Panchayat or Taluk Panchayat or Zilla Panchayat shall on the requisition in writing of the Chief Executive Officer for this purpose, forthwith hand over such moneys or deliver up such accounts, records or other property to the Chief Executive Officer or the person authorised in the requisition to receive the same.

(2) The Chief Executive Officer may also take steps to recover any money due by such person in the same manner and subject to the same provisions as in the Karnataka Land Revenue Act, 1964 (Karnataka Act 12 of 1964) for the recovery of the arrears of land revenue from defaulters; and for the purpose of recovering the accounts, records or other property appertaining to the Grama Panchayat or Taluk Panchayat or Zilla Panchayat may issue a search warrant and exercise all such powers with respect thereto as may lawfully be exercised by a Magistrate under the provisions of Chapter VII of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974).

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

(4) An appeal shall lie from an order of the Chief Executive Officer under this section to the '[Government]'.¹

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

CHAPTER XIII TAXES AND FEES

199. Levy of taxes, rates, etc., by Grama Panchayats.- (1) Every Grama Panchayat shall in such manner and subject to such exemptions as may be prescribed and not exceeding the maximum rate specified in Schedule IV levy tax upon buildings and lands which are not subject to agricultural assessment, within the limits of the panchayat area:

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

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

(3) A Grama Panchayat may also levy all or any of the following taxes and fee at such rates as the Grama panchayat may by bye-laws determine but not exceeding the maximum specified in Schedule IV and in such manner and subject to such exemptions as may be prescribed, namely:-

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

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

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

(3) The presentation of every bill under sub-section (1) and the service of every notice of demand under sub-section (2), shall be effected by the '[Panchayat Development Officer]'¹ or an officer duly authorised by him in this behalf,-

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

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

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

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

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

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

(5) Fees for,-

(a) every distraint made under sub-section (4);

(b) every notice of demand issued under sub-section (2);

(c) the cost of maintaining any live-stock seized under sub-section (4), shall be chargeable at such rates as may be prescribed.

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

201. Appeal against assessment, etc.- Subject to such rules as may be prescribed, any person aggrieved by the assessment, levy or imposition of any tax, rate or fee under section 199 may appeal to the prescribed authority, whose decision shall be final.

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

(2) Where no such agreement as is referred to in sub-section (1) can be reached, the matter may be referred to ¹[the Chief Executive Officer]¹ and ¹[the Chief Executive Officer]¹ may, after giving to the Grama panchayat and the owner concerned an opportunity of being heard, determine the amount payable by such owner and such

determination shall be binding on the Grama Panchayat and such owner. ²[The Chief Executive Officer shall settle the matter within three months from the date of receipt of such reference and before making such reference such owners shall pay compulsorily fifty percent of the rates or tax or fee in question to the Grama Panchayath and the Chief Executive Officer shall accept the reference only after such payment of fifty percent of rates or tax or fees]²

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

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

(3) The ¹[Government]¹ may by notification direct that the provisions of sub-section (1) shall be applicable to such other establishments as may be specified in such notification.

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

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

CHAPTER XIV

LEVY OF CESSES ETC, AND GRANT OF FINANCIAL ASSISTANCE BY GOVERNMENT

204. Levy of local cess etc.,- (1) The Government may levy a local cess at the rate equal to the land revenue on all items of land revenue.

(2) The provision of the Karnataka Land Revenue Act, 1964 (Karnataka Act 12 of 1964) and the rules, notifications and orders made thereunder shall be applicable for payment and recovery of the local cess levied under

this section as if the local cess is in addition to the land revenue payable in respect of the land concerned.

(3) The entire amount collected under sub-section (1) from a panchayat area shall be passed on to the Grama Panchayat of that area

205. ¹[Duty on transfer of immovable properties]1.- ¹[[²(1) The duty on transfers of immovable property shall be levied in the form of a surcharge at the rate of three percent of the duty imposed by the Karnataka Stamp Act, 1957 on instruments of sale, gift, mortgage, exchange and lease in perpetuity, of immovable property situated within the limits of the area of a Taluk Panchayat:]²

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

2. Substituted by Act 8 of 2003 w.e.f. 1.4.2003.

Provided that no ¹[duty on transfers]¹ is leviable in respect of a mortgage where the amount secured by a mortgage does not exceed two thousand rupees :

Provided further that no ¹[duty on transfers]¹ shall be chargeable in respect of any instrument exempt from stamp duty under the Karnataka Stamp Act, 1957.]¹

1. Substituted by Act 8 of 2003 w.e.f. 1.4.2003.

(2) The Government may, by notification, specify the rate of ¹[duty on transfers]¹ leviable under sub-section (1), from time to time.

1. Substituted by Act 8 of 2003 w.e.f. 1.4.2003.

(3) On the introduction of the ¹[duty on transfers]¹, section 28 of the Karnataka Stamp Act, 1957 shall be read as if it specifically required the particulars to be set forth separately in respect of the property situated within and without the limits of a taluk.

1. Substituted by Act 8 of 2003 w.e.f. 1.4.2003.

(4) The entire amount collected under sub-section (1) as ¹[duty on transfers]¹ in respect of the lands and other properties situated in the taluk shall be passed on to the Taluk Panchayats in the State in proportion to the population of the taluk.

1. Substituted by Act 8 of 2003 w.e.f. 1.4.2003.

(5) The Government may make rules for regulating collection of ¹[duty on transfers]¹ and the payment thereof.

1. Substituted by Act 8 of 2003 w.e.f. 1.4.2003.

206. Grant to Grama Panchayats.- The Government shall make annually ¹[a grant of such amount as it may notify from time to time, but not less than five lakh rupees]¹ to each Grama Panchayat which shall be utilised for meeting the electricity charges, maintenance of water supply schemes, sanitation and other welfare activities. No part of this grant shall be spent towards establishment expenses not related to the aforesaid purposes.

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

207. Establishment grant to Taluk Panchayats and Zilla Panchayats.- The Government shall make a grant to every Taluk Panchayat and Zilla Panchayat to cover the expenses of establishment at such scale as may be determined by it.

208. Discretionary grant.- The Government may make discretionary grant to the Grama panchayats, Taluk Panchayats and Zilla Panchayats for such purposes and on such terms and conditions as may be decided by it.

CHAPTER XV

PROPERTIES AND FUNDS OF PANCHAYATS

209. Grama Panchayat may acquire, hold and dispose off property, etc.,- The power of the Grama Panchayat to acquire, hold and dispose off property both movable and immovable whether within or without the limits of the area over which it has authority, to lease, sell or otherwise transfer any movable or immovable property which may have become vested in or been acquired by it, and to contract and to do all other things necessary for the purpose of this Act, shall be subject to the rules made by the Government in this behalf:

¹[Provided x x x]¹

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

210. Vesting of property in Grama Panchayat.- (1) It shall be competent for the Government, a Zilla Panchayat or Taluk Panchayat with the concurrence of the Grama Panchayat from time to time to direct that any property vesting in the Government, Zilla Panchayat or Taluk Panchayat, as the case may be, shall vest in the Grama Panchayat either conditionally or otherwise:

Provided that no lease, sale or other transfer of any such immovable property by the Grama Panchayat shall be valid without the previous sanction, of the Government, the Zilla Panchayat or the Taluk Panchayat, as the case may be.

(2) Every work constructed by a Grama Panchayat out of the Grama Panchayat fund shall vest in such Grama Panchayat:

Provided that, the Government may, if it deems fit, declare by order that such road, building or other works vested in the Grama panchayat, shall stand transferred to and vest in, the Taluk Panchayat, Zilla Panchayat or the Government as the case may be.

(3) All rubbish, sewage, filth and other matter collected by a Grama Panchayat under this Act shall belong to it.

211. Decision of claims to property by or against Grama Panchayat.- (1) In any village to which a survey of lands other than lands ordinarily used for the purposes of agriculture only has been or shall be extended under any law for the time being in force, where any property or any right in or over any property is claimed by or on behalf of the Grama Panchayat, or by any person as against the Grama Panchayat, it shall be lawful for the Assistant Commissioner after enquiry of which due notice has been given, to pass an order deciding the claims.

(2) Any person aggrieved by an order made under sub-section (1) may appeal to the Deputy Commissioner and the decision of the Deputy Commissioner shall be final.

(3) Any person shall be deemed to have had notice of any enquiry or order under this section if notice has been given in the prescribed manner.

212. Grama Panchayat Fund.- (1) There shall be for each Grama Panchayat a Fund called the Grama Panchayat Fund.

(2) The following shall form part of , or be paid into the Grama Panchayat Fund, namely:-

(a) the amount which may be granted or passed on to the Grama Panchayat by the Government or the Zilla Panchayat or Taluk Panchayat under the provisions of this Act or any other Act, or on any other account;

(b) the proceeds of any tax, rate and fee imposed by the Grama Panchayat;

(c) all sums received by the Grama Panchayat by way of loans or contributions from the Government or any other authority or person or by way of gift;

(d) the rent or other income from, or sale proceeds of any immovable or movable property owned by or vested in the Grama Panchayat; and

(e) all other sums received from any source whatsoever.

(3) The amount at the credit of the Grama Panchayat Fund shall be kept in the Government Treasury of the Taluk or with the approval of the Executive Officer in any scheduled bank or a co-operative bank situated in the panchayat area or the neighboring panchayat area.

213. Application of Grama Panchayat fund and property.- (1) Subject to the provisions of this Act and rules made thereunder and such general or special orders of the Government, all property owned by or vested in the Grama panchayat under this Act and all funds received by it and all sums accruing to it under the provisions of this Act or any other law for the time being in force, shall be applied for the purposes specified in sections 58 and 59 and for all other purposes for which by or under this Act, or any other law for the time being in force, powers are conferred or duties are imposed upon the Grama Panchayat:

Provided that no expenditure shall be incurred out of the Grama Panchayat Fund unless provision therefor has been made in the budget of the Grama Panchayat or funds are obtained by reappropriation duly approved, except in such cases as may be prescribed:

Provided further that not less than twenty percent of the funds meant for welfare activities shall be utilised for the welfare of the Scheduled Castes and Scheduled Tribes.

(2) The Grama Panchayat Fund shall also be utilised for the following purposes,-

(i) payment of salaries and allowances to the Adhyaksha and Upadhyaksha, officers and staff, traveling allowance, daily allowance, and sitting fees to the members of the Grama Panchayat or any Committee thereof, subject to such rules as may be prescribed.

(ii) any amount falling due on any loan raised by the Grama Panchayat;

(iii) with the previous sanction of the Chief Executive Officer,¹[and in accordance with the guidelines specified by the Government]¹ for any other purpose for which the application of such property or fund is necessary in public interest:

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

Provided that any amount granted to the Grama Panchayat by the Government or any person or local authority for any specific work or purpose shall be applied exclusively for such work or purpose and in accordance with such instructions as the Government may specify either generally or specially in this behalf.

214. Grama Panchayat may raise loans and form a sinking fund.- A Grama Panchayat may, with the previous sanction of the Government and subject to the conditions imposed by it from time to time, raise loans for the execution of any work or for the purposes of carrying out any of the provisions of this Act and form a sinking fund in the prescribed manner for the repayment of such loans.

215. Taluk Panchayat may acquire, hold and dispose off property etc.,- The power of every Taluk Panchayat to acquire, hold and dispose off property both movable and immovable whether within or without the limits of the area over which it has authority to lease, sell or otherwise transfer any movable or immovable property which may have become vested in or been acquired by it, and to contract and to do all other things necessary for the purposes of this Act, shall be subject to such rules as may be prescribed:

¹[Provided x x x]¹

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

216. Vesting of property in Taluk Panchayat.- (1) It shall be competent for the Government or a Zilla Panchayat with the concurrence of the Taluk Panchayat from time to time to direct that any property vesting in the Government or the Zilla Panchayat, as the case may be, shall vest in the Taluk Panchayat:

Provided that no lease, sale or transfer of any such immovable property by the Taluk Panchayat shall be valid without the previous sanction of the Government or the Zilla Panchayat, as the case may be.

(2) Every work constructed by a Taluk Panchayat out of Taluk Panchayat Fund shall vest in such Taluk Panchayat:

Provided that, the Government may, if it deems fit, declare by order that such road, building or other works vested in Taluk Panchayat, shall stand transferred to and vest in, the Zilla Panchayat or the Government as the case may be.

217. Decision of claims to property by or against Taluk Panchayat.- (1) In any taluk to which a survey of lands other than lands ordinarily used for the purpose of

agriculture only has been or shall be extended under any law for the time being in force, where any property or any right in or over any property is claimed by or on behalf of the Taluk Panchayat, or by any person as against the Taluk Panchayat, it shall be lawful for the Deputy Commissioner after enquiry of which due notice has been given, to pass an order deciding the claims.

(2) Any person aggrieved by an order made under sub-section (1) may appeal to the Commissioner and the decision of the Commissioner shall be final.

(3) Any person shall be deemed to have had due notice of any enquiry or order under this section if notice has been given in the prescribed manner.

218. Taluk Panchayat Fund.- (1) There shall be for each Taluk Panchayat a fund called the Taluk Panchayat Fund.

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

(a) the amount which may be granted or passed on to the Taluk Panchayat by the Government or the Zilla Panchayat under the provisions of this Act or any other Act, or on any other account;

(b) the proceeds of any fees imposed by the Taluk Panchayat;

(c) all sums received by the Taluk Panchayat by way of contributions from the Government or any other authority or person or by way of gift;

(d) the rent or other income from, or sale proceeds of any immovable or movable property owned by or vested in the Taluk Panchayat; and

(e) all other sums received from any source whatsoever:

Provided that sums received by way of endowments for any specific purpose shall not form part of or be paid into the Taluk Panchayat Fund.

(3) The amounts at the credit of the Taluk Panchayat Fund shall be kept in the Government Treasury of the taluk.

219. Application of Taluk Panchayat fund and property.- (1) Subject to the provisions of this Act and the rules made thereunder and such general or special orders as the Government, may make, all property owned by or vested in the Taluk Panchayat under this Act and all funds received by it and all sums accruing to it under the provisions of this Act or any other law for the time being in force, shall be applied for the purposes specified in sections 145 and 146 and for all other purposes for which by or under this Act, or any other law for the time being in force, powers are conferred or duties are imposed upon the Taluk Panchayat:

Provided that no expenditure shall be incurred out of the Taluk Panchayat Fund unless provision therefor has been made in the budget of the Taluk Panchayat or

funds are obtained by reappropriation duly approved, except in such cases as may be prescribed:

Provided further that not less than twenty percent of the funds meant for welfare activities shall be utilised for the welfare of the Scheduled Castes and Scheduled Tribes.

(2) The Taluk Panchayat Fund shall also be utilised for the following purposes:-

(i) payment of salaries and allowances to the Adhyaksha and Upadhyaksha, officers and staff, traveling allowance, daily allowance, and sitting fees to the members of the Taluk Panchayat or any committee thereof, subject to such rules as may be made in this behalf by the Government;

(ii) any amount falling due on any loan raised by the Taluk Panchayat;

(iii) with the previous sanction of the 1[Government]1, for any other purposes for which the application of such property or fund is necessary in public interest:

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

Provided that any amount granted to the Taluk Panchayat by the Government or any person or local authority for any specific work or purpose shall be applied exclusively for such work or purpose and in accordance with such instructions as the Government may specify either generally or specially in this behalf.

220. Taluk Panchayat may raise loans and form a sinking fund.- A Taluk Panchayat may, with the previous sanction of the Government and subject to the conditions imposed by it from time to time, raise loans for the execution of any work or for the purposes of carrying out any of the provisions of this Act and form a sinking fund in the prescribed manner for the repayment of such loans.

221. Rents and fees.- Save as otherwise provided in this Act and subject to the regulations made in this behalf, a Taluk Panchayat may charge fees for any license or permission issued by it under this Act, and the rules made thereunder and levy rent and fee for the occupation or use of land or other property placed under its control or vested in it or maintained out of the Taluk Panchayat fund.

222. Zilla Panchayat may acquire, hold and dispose off property etc.,- (1) The power of every Zilla Panchayat to acquire, hold and dispose off property both movable and immovable whether within or without the limits of the area over which it has authority to lease, sell or otherwise transfer any movable or immovable property which may have become vested in or been acquired by it, and to contract and to do all other things necessary for the purpose of this Act, shall be subject to the rules made by the Government in this behalf:

¹[Provided x x x]¹

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

223. Vesting of property in Zilla Panchayat.- (1) It shall be competent for the Government with the concurrence of the Zilla Panchayat from time to time to direct that any property vesting in the Government shall vest in the Zilla Panchayat :

Provided that no lease, sale or transfer of such immovable property by the Zilla Panchayat shall be valid without the previous sanction, of the Government.

(2) Every work constructed by a Zilla Panchayat out of Zilla Panchayat Fund shall vest in such Zilla Panchayat:

Provided that, the Government may, if it deems fit, declare by order that such road, buildings or other works vested in the Zilla Panchayat, shall stand transferred to and vest in, the Government .

224. Decision of claims to property by or against Zilla Panchayat.- (1) In any district to which a survey of lands other than lands ordinarily used for the purpose of agriculture only has been or shall be extended under any law for the time being in force, where any property is claimed by or on behalf of the Zilla Panchayat, or by any person as against the Zilla Panchayat, it shall be lawful for the Deputy Commissioner after enquiry of which due notice has been given, to pass an order deciding the claims.

(2) Any person aggrieved by an order made under sub-section (1) may appeal to the Commissioner and the decision of the Commissioner shall be final.

(3) A person shall be deemed to have had due notice of any enquiry or order under this section if notice has been given in the prescribed manner.

225. Zilla Panchayat Fund.- (1) There shall be for each Zilla Panchayat a fund called the Zilla Panchayat Fund and the following shall form part of, or be paid into the Zilla Panchayat Fund, namely,-

(i) the amount transferred to the Zilla Panchayat Fund by appropriation from out of the Consolidated Fund of the State;

(ii) all grants, assignments, loans and contributions made by the Government;

(iii) all fees and penalties paid to or levied by or on behalf of the Zilla Panchayat under this Act and all fines imposed under this Act;

(iv) all rents from lands or other properties of the Zilla Panchayat;

(v) all interests, profits and other moneys accruing by gifts, grants, assignments or transfers from private individuals or institutions;

(vi) all proceeds of land, securities and other properties sold by the Zilla Panchayat;

(vii) all sums received by or on behalf of the Zilla Panchayat by virtue of this Act:

Provided that sums received by way of endowments for any specific purpose shall not form part of or be paid into the Zilla Panchayat Fund.

226. Custody and investment of Zilla Panchayat Fund.- (1) The amounts at the credit of the Fund shall be kept in the Government Treasury.

(2) It shall be lawful for a Zilla Panchayat to deposit at interest with the Government Savings Bank or with the sanction of the Government, any scheduled bank or co-operative bank in the State, any surplus funds in its hands which may not be required for current charges and with like sanction to invest such funds in securities of the Government of India or the State Government or in such other securities as the Government may, from time to time, approve in this behalf and to vary such investment or dispose of such securities with like sanction.

227. Application of Zilla Panchayat Fund and property.- (1) Subject to the provisions of this Act and the rules made thereunder and such general or special orders as the Government may make, all property owned by or vested in the Zilla Panchayat under this Act and all funds received by it and all sums accruing to it under the provisions of this Act or any other law for the time being in force, shall be applied for the purposes specified in sections 184 and 185 and for all other purposes for which by or under this Act, or any other law for the time being in force, powers are conferred or duties are imposed upon the Zilla Panchayat:

Provided that no expenditure shall be incurred out of the Zilla Panchayat Fund unless provision therefor has been made in the budget of the Zilla Panchayat or funds are obtained by reappropriation duly approved, except in such cases as may be prescribed:

Provided further that not less than twenty percent of the funds meant for welfare activities shall be utilised for the welfare of the Scheduled Castes and Scheduled Tribes.

(2) The Zilla Panchayat Fund and all property held or vested in the Zilla Panchayat under this Act shall be applied, subject to the provisions of this Act for the payment of,-

(a) salaries and allowances to the Adhyaksha and the Upadhyaksha and traveling and daily allowance to the Adhyaksha and Upadhyaksha for tours outside the district and travelling and daily allowance to the members of the Zilla Panchayat or any committee thereof, subject to such rules as may be made in this behalf by the Government;

(b) the salaries, allowances, pensions and gratuities of its officers and employees other than those whose salaries and allowances are paid from the Consolidated Fund of the State;

(c) any amount falling due on any loan contracted by the Zilla Panchayat;

(d) for the purposes specified in the Act;

(e) all other purposes for which by or under this Act or the rules or regulations

made thereunder or by or under any other law for the time being in force, powers are conferred or duties are imposed upon the Zilla Panchayat;

(f) with the previous sanction of the Government, for any other purposes for which the application of such property or fund is necessary in public interest:

Provided that any fund granted to the Zilla Panchayat by the Government or any person or local authority for any specific work or purpose shall be applied exclusively for such work or purpose and in accordance with such instructions as the Government may specify either generally or specially in this behalf.

228. Rents and fees.- Save as otherwise provided in this Act and subject to the regulations made in this behalf, a Zilla Panchayat may charge fee for any license or permission issued by it under this Act, and the rules made thereunder and levy rent and fee for the occupation or use of land or other property placed under its control or vested in it or maintained out of the Zilla Panchayat Fund.

229. Zilla Panchayat may raise loans and form a sinking fund.- A Zilla Panchayat may, with the previous sanction of the Government and subject to the conditions imposed by it from time to time, raise loans for the execution of any work or for the purpose of carrying out any of the provisions of this Act and form a sinking fund for the repayment of such loans.

230. Prohibition of expenditure not covered by the budget.- Except as hereinafter provided, no payment of any sum shall be made out of the Zilla Panchayat Fund, unless the expenditure of the same is covered by a budget grant except in the following cases, namely,-

(a) refund of moneys which the Zilla Panchayat is authorised to make under this Act or the rules or regulations made thereunder;

(b) repayment of moneys belonging to the contractors or other persons held in deposit and of moneys credited to the Zilla Panchayat Fund by mistake;

(c) sums which the Zilla Panchayat is required or empowered by this Act to pay by way of compensation;

(d) every sum payable,-

(i) under this Act by order of the Government;

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

(ii) under a decree or order of a civil court; and

(iii) under a compromise of any suit or other legal proceedings or claim.

231. Government may place roads and other property under Zilla Panchayat.- (1) It shall be lawful for the Government from time to time to direct, by notification, that any road, bridge, channel, building or other property, movable or

immovable, which is vested in the Government and which is situated in the district, shall with the consent of the Zilla Panchayat and subject to such exceptions and conditions as the Government may make and impose, be placed under the control and administration of the Zilla Panchayat for the purposes of the Act and thereupon such road, bridge, channel, buildings or other property shall be under the control and administration of the Zilla Panchayat, subject to all exceptions and conditions so made and imposed and to all charges and liabilities affecting the same.

(2) It shall be competent for the Government by notification to resume any property placed under the control of a Zilla Panchayat under sub-section (1) on such terms as the Government may determine.

CHAPTER XVI INSPECTION, SUPERVISION ETC.,

232. Power of inspection and supervision.- ¹[An officer specially authorised by the Government in this behalf]¹ in case of the Zilla Panchayat, Chief Executive Officer in the case of Taluk Panchayat and the Executive Officer in the case of Grama Panchayat may,-

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

(a) inspect the offices or premises of or works taken up by the Zilla Panchayat, Taluk Panchayat or Grama Panchayat and for this purpose examine or cause to be examined the books of accounts, registers and other documents concerned and the Zilla Panchayat, Taluk Panchayat or Grama Panchayat concerned shall comply with the instructions issued after such inspections;

(b) call for any return, statement, account or report which he may think fit to require the Zilla Panchayat, Taluk Panchayat or Grama Panchayat concerned to furnish.

233. Technical supervision and inspections.- (1) The Heads of Departments concerned and the officers incharge of the Departments at the Divisional level ¹[may with a view to ensure quality of implementation according to the technical and financial norms contained in the respective schemes or orders, inspect]¹ works or development schemes relating to that department under the control of any Zilla Panchayat, Taluk Panchayat or Grama Panchayat and also to inspect relevant documents pertaining to such work or development schemes in the manner specified by the Government.

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

(2) The scope of such inspections may cover technical aspects including feasibility, economic viability, the technical quality of the work, and the expenditure being incurred.

(3) The notes of inspections by such officers after such inspections shall be forwarded to the Chief Executive Officer, Executive Officer or the Secretary, as the case may be, for appropriate action.

¹[(4) The Zilla Panchayat, Taluk Panchayat or Grama Panchayat concerned shall take follow-up action on the report of the inspecting officer within thirty days from the date of receipt of such report and failure to take such action may be construed as "default in the performance of the duty" for the purpose of section 268.]¹

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

234. '[Government]' and Chief Executive Officer's powers in respect of Grama Panchayat, Taluk Panchayat and Zilla Panchayat.- (1) The Chief Executive Officer may in respect of Taluk Panchayat and Grama Panchayat exercise the following powers,-

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

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

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

¹[(c) require a duty to be performed within a specified period if a Grama Panchayat or Taluk Panchayat has made default in the performance of any duty.]¹

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

¹[(d) and (e) x x x]¹

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

(2) The Grama Panchayat or Taluk Panchayat may appeal to the ¹[Government]¹ against any order under clause (c) of sub-section (1) by the Chief Executive Officer within thirty days from the date of the order;

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

(3) The ¹[Government]¹ may in respect of Zilla Panchayat exercise the following powers,-

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

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

(b) require a Zilla Panchayat to take into consideration any objection which ¹[appears to it]¹ to exist to the doing of anything which is about to be done or is being done by such Zilla Panchayat or any information which ¹[appears to it]¹ to necessitate the doing of anything by such Zilla Panchayat or within such period as ¹[it might fix]¹;

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

¹[(c) require a duty to be performed within a specified period if a Zilla Panchayat has made default in the performance of any duty.]¹

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

¹[(d) x x x]¹

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

¹[(4) x x x]¹

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

235. Power of Government, ¹[Zilla Panchayat and Taluk Panchayat]¹ to provide for performance of duties in default of Grama Panchayat, Taluk Panchayat or Zilla panchayat.- ²[(1)]² When the Government in case of a Zilla Panchayat, ¹[Zilla Panchayat in case of]¹ a Taluk Panchayat and ¹[Taluk Panchayat in case of]¹ a Grama Panchayat is informed on complaint made or otherwise, that any Zilla Panchayat or Taluk Panchayat or Grama Panchayat has made default in performing any duty imposed on it, by or under this Act, or by or under any law for the time being in force and if satisfied, after due enquiry that any Zilla Panchayat, Taluk Panchayat or Grama Panchayat has failed in the performance of such duty, ¹[it may]¹ fix a period for the performance of that duty:

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

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

Provided that no such period shall be fixed unless the Zilla Panchayat, Taluk Panchayat or Grama panchayat concerned has been given an opportunity to show-cause why such an order shall not be made.

¹[(2) An appeal shall lie, against the order of,-

(i) the Taluk Panchayat, to the Zilla Panchayat; and

(ii) the Zilla Panchayat, to the Government,

within thirty days from the date of such order.]¹

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

236. Inquiry into affairs of Grama Panchayat, Taluk Panchayat, Zilla Panchayat by the Government.- (1) The Government may, at any time for reasons to be recorded, cause an inquiry to be made by any of its officers in regard to any Grama Panchayat, Taluk Panchayat or Zilla Panchayat on ¹[specific]¹ matters concerning it, or

any matter with respect to which the sanction, approval consent or orders of the Government is required under this Act.

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

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

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

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

237. Power of suspending execution of unlawful orders or resolution.- (1) If in the opinion of the ¹[Adhyaksha of Taluk Panchayat]¹, the execution of any order or resolution of a Grama Panchayat or any order of any authority or officer of the Grama Panchayat or the doing of anything which is about to be done, or is being done, by or on behalf of a Grama Panchayat is unjust,, unlawful or improper or is causing or is likely to cause injury or annoyance to the public or to lead to a breach of peace, he may by order suspend the execution or prohibit the doing thereof.

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

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

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

Provided that no order of the ¹[Adhyaksha of Taluk Panchayat]¹ passed under sub-section (1) shall be confirmed, revised or modified by the ¹[Adhyaksha of the Zilla Panchayat]¹ without giving the Grama Panchayat concerned a reasonable opportunity of showing cause against the proposed order.

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

(3) If in the opinion of the ¹[Adhyaksha of the Zilla Panchayat]¹, the execution of any order or resolution of a Taluk Panchayat or any order of any authority or officer of the Taluk Panchayat or the doing of anything which is about to be done, or is being done, by or on behalf of a Taluk Panchayat is unjust, unlawful or improper or is causing or is likely to cause injury or annoyance to the public or to lead to a breach of peace he may by order suspend the execution or prohibit the doing thereof.

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

(4) When the ¹[Adhyaksha of the Zilla Panchayat]¹ makes an order under sub-section (3), he shall forthwith forward to the Government and the Taluk Panchayat affected thereby a copy of the order with a statement of the reasons for making it, and the Government may confirm or rescind the order or direct that it shall continue to be in force with or without modification permanently or for such period as it thinks fit:

Provided that no order of the ¹[Adhyaksha of the Zilla Panchayat]¹ passed under sub-section(3) shall be confirmed, revised or modified by the Government without giving the Taluk Panchayat concerned a reasonable opportunity of showing cause against the proposed order.

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

(5) If ¹[x x x]¹ the Government is of the opinion that execution of any order or resolution of Zilla Panchayat or the doing of anything which is about to be done, or is being done by or on behalf of a Zilla Panchayat is unjust, unlawful or improper or is causing or is likely to cause injury or annoyance to the public or to lead to a breach of the peace, it may, by an order suspend the execution or prohibit the doing thereof.

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

(6) When the Government makes an order under sub-section (5), it shall forthwith forward to the Zilla Panchayat affected thereby a copy of the order with a statement of reasons for making it and the Government may confirm or rescind the order or direct that it shall continue to be in force with or without modification permanently or for such period as it thinks fit:

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

238. Purchase of stores and equipments.- (1) The Government may by general or special order provide for all or any of the following matters, namely:-

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

(b) the manner in which tender for works contracts and supplies shall be invited and examined and accepted;

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

(d) constitution of committee for the purpose of this section.

(2) Save as otherwise expressly provided in sub-section (1) in respect of all other matters relating to drawl of funds, form of bills, incurring of expenditure, maintenance

of accounts, rendering of accounts and such other matters, the rules of implementation as applicable to departments of the Government shall mutatis matandis apply.

239. Power to appoint Administrator in certain cases.- (1) Whenever,-

- (a) any general election to a Zilla Panchayat or Taluk Panchayat under this Act or any proceedings consequent thereon has been stayed by an order of a competent court or authority; or
- (b) all the members or more than two-thirds of the members of a Zilla Panchayat or Taluk Panchayat have resigned,

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

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

240. Government's power to specify the role of Panchayats.- The Government may, by general or special order, specify from time to time, the role of Grama Panchayat, Taluk Panchayat and Zilla Panchayat in respect of the programmes, schemes and activities related to the functions specified in Schedule I, II and III, in order to ensure properly co-ordinated and effective implementation of such programmes, schemes and activities.

CHAPTER XVII

FINANCIAL CONTROL AND AUDIT

241. Presentation of accounts and budget of Grama Panchayat.- (1) The ¹[Panchayat Development Officer]¹ shall prepare and lay before the Grama Panchayat at a meeting, which shall be held between the first day of February and the tenth day of March, a complete account of the actual and expected receipts and expenditure for the official year ending on the thirty-first day of March next following together with a budget estimate of the income and expenditure, of the Grama panchayat for the official year to commence on the first day of April next following.

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

(2) The Grama Panchayat shall thereupon decide upon the appropriations and the ways and means contained in the budget of the year to commence on the first day of April next following. The budget as passed by the Grama Panchayat shall be sent to the Taluk Panchayat before such date as may be fixed by the Government.

(3) In such budget estimate, the Grama Panchayat shall among other things, -

(a) make adequate and suitable provision for such services as may be required for the fulfillment of the several duties imposed on the Grama Panchayat by this Act or any other law;

(b) allow for a balance at the end of said year of not less than such sum or percentage of income as may from time to time, be fixed by the Government either generally for all Grama Panchayats or specially for any Grama Panchayat;

(c) provide for the payment, as they fall due, of all installments of principal and interest for which the Grama Panchayat may be liable in respect of loans contracted by it.

(4) If such budget estimate is not in accordance with the provisions of this Act or the rules and orders issued thereunder, the Taluk Panchayat may within two months from the date of receipt of the budget modify the same to secure compliance with this Act, the rules or the orders:

Provided that the Taluk Panchayat shall not have power to direct that total proposed expenditure shall exceed the total of the estimated income of the Grama Panchayat for the following year and the opening balance.

(5) If the Grama Panchayat fails to pass the budget estimate on or before the date mentioned in sub-section (1), the ¹[Panchayat Development Officer]¹ shall forward the budget estimate to the Taluk Panchayat and it shall approve it with or without modification. The budget as approved by the Taluk Panchayat shall be certified by the Executive Officer and thereupon shall be deemed to have been duly approved by the Grama Panchayat.

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

242. Revision of budget.- If, in the course of the official year, the Grama Panchayat finds it necessary to modify the provisions made in the budget with regard to the receipts or to the distribution of the amounts to be expended on the different services it undertakes, it may make such modifications:

Provided that no diversion of grants transferred by the Government out of the Consolidated Fund of the State can be made for a purpose or programme or scheme not covered under such grants:

Provided further that, without the approval of the Chief Executive Officer, -

(a) no reduction of over ten percent shall be made in the grants approved for any developmental functions of the Grama Panchayat, and

(b) the closing balance shall not be reduced below the sum fixed under clause (b) of sub-section (3) of section 241.

243. Maintenance of accounts and restriction of expenditure.- (1) Accounts of the income and expenditure of a Grama Panchayat shall be kept in accordance with such rules as may be prescribed.

(2) Expenditure from the Grama Panchayat Fund shall, save as otherwise expressly provided for in this Act, be incurred subject to such sanctions, conditions and limitations as may be prescribed.

(3) Grama Panchayat shall, within a period not exceeding three months after the close of the official year, pass the accounts of that year.

244. Transmission of accounts.- The Grama Panchayat shall, as soon as the annual accounts have finally passed by it, transmit a copy thereof to the Zilla Panchayat in the form prescribed and shall furnish such details and vouchers relating to the same as the Zilla Panchayat may, from time to time, direct.

245. Power to write off irrecoverable amounts.- Subject to such restrictions as may be prescribed, a Grama Panchayat may write off any tax, fee, rate or other amount whatsoever due to it, whether under a contract or otherwise, or any sum payable in connection therewith if, in its opinion, such tax, fees, rate or other amount or sum is irrecoverable:

Provided that, no sum exceeding one thousand rupees shall be written off except with the previous sanction of the Taluk Panchayat.

246. Audit of accounts.- (1) The accounts of every Grama Panchayat shall be audited each year by such officer as may be authorised by the Controller of State Accounts (hereinafter referred to as ¹[The Comptroller and Auditor General shall provide technical guidance and supervision for audit of accounts under this section in accordance with the provisions of Comptroller and Auditor General's (Duties, Powers and Conditions of Service) Act, 1971 (Central Act 56 of 1971) and also undertake test checks of the accounts of the Grama Panchayaths.]¹

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

(2) The auditor shall, for the purpose of audit, have access to all the accounts and other records of the Grama Panchayat.

(3) The auditor may,-

(a) require in writing the production before him of such vouchers, statements, returns, correspondence, notes or other documents which he may consider necessary for the proper conduct of his audit;

(b) require in writing any person accountable for, or having the custody or control of, any such vouchers, statements, returns, correspondence, notes or documents or any person having directly or indirectly by himself or his partner, any share or interest in any contract with or under the Grama Panchayat, to appear in person before him;

(c) require any person so appearing before him to make and sign a declaration with respect to such vouchers, statements, returns, correspondence, notes or documents or to answer any question or prepare and submit any statement;

(d) in the event of an explanation being required from the Adhyaksha or other member of the Grama panchayat, in writing invite such person to meet him and shall in writing specify the point on which explanation is required.

(4) Any person who willfully neglects or refuses to comply with any requisition lawfully made under sub-section (3), shall on conviction, be punished with fine which may extend to one hundred rupees:

Provided that no proceedings under this sub-section shall be instituted without the sanction of the Chief Executive Officer.

(5) The auditor shall, within one month after the completion of audit, forward a copy of the audit report to the Grama Panchayat and to the Executive Officer.

(6) On receipt of the audit report, the Grama Panchayat shall either remedy any defects or irregularities which have been pointed out in the report and send to the Executive Officer within three months an intimation of its having done so, or shall within the same period furnish to the Executive Officer any further explanation in regard to such defects or irregularities.

(7) On receipt of such intimation or explanation in respect of all or any of the matters discussed in the audit report, the Executive officer may, in consultation with the auditor,-

(a) accept the intimation or explanation given by the Grama Panchayat and order the withdrawal of the objection, or

(b) direct that the matter be reinvestigated at the next audit or at any earlier date, or

(c) direct that the defects or irregularities pointed out in the audit report or any of them shall be removed or remedied by the Grama Panchayat.

(8) The Executive Officer may, after making such enquiry as he may consider necessary disallow any item of expenditure which appears to him to be contrary to law and surcharge the amount thereof on the person making or authorising the illegal payment and after taking the explanations of the person concerned, the Executive Officer may direct by an order in writing that such person shall pay to the Grama

Panchayat the amount surcharged along with interest at fifteen percent per annum on the amount due, from the date from which it became due and if the amount is not paid within two months from the date of such order, the Executive Officer shall take steps to recover it as an arrears of land revenue and credit it to the Grama Panchayat Fund.

(9) Any person aggrieved by the order of the Executive Officer, under sub-section (8) may, within thirty days of the receipt by him of a copy of the decision, appeal to the Chief Executive Officer who shall pass such orders as he may deem fit.

(10) Any appeal under sub-section (9) pending before the Government on the date of commencement of the Karnataka Panchayat Raj Act, 1993 shall stand transferred to the Chief Executive Officer and such appeal shall be decided by him as if it had been filed before him.

(11) The Controller of State Accounts Department shall submit a summary of observations made in the audit report and rectifications made by the Grama Panchayats to the Government.

¹(12) The Controller of State Accounts Department shall submit to the Government a consolidate Annual Report in respect of all the Grama Panchayats of the State and the State Government shall lay such report before both the houses of the State Legislature.]¹

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

247. Presentation of accounts and budget of Taluk Panchayat.- (1) The Finance, Audit and Planning Committee shall cause to be prepared and laid before the Taluk Panchayat at a meeting, which shall be held between the first day of February and the tenth day of March, a complete accounts of the actual and expected receipts and expenditure for the official year ending on the thirty-first day of March next following together with a budget estimate of the income and expenditure, of the Taluk Panchayat for the official year to commence on the first day of April next following.

(2) The Taluk Panchayat shall thereupon decide upon the appropriations and the ways and means contained in the budget of the year to commence on the first day of April next following. The budget as passed by the Taluk Panchayat shall be sent to the Zilla Panchayat before such date as may be fixed by the Government.

(3) In such budget estimate, the Taluk Panchayat shall among other things,-

(a) make adequate and suitable provision for such services as may be required for the fulfillment of the several duties imposed on the Taluk Panchayat by this Act or any other law;

(b) provide for the payment, as they fall due, of all installments of principal and interest for which the Taluk Panchayat may be liable in respect of loans contracted by it; time be fixed by the Government either generally or for any Taluk Panchayat;

(4) If such budget estimate is not in accordance with the provisions of this Act or the rules and orders issued thereunder, the Zilla Panchayat may within two months from the date of receipt of the budget modify the same to secure compliance with the Act, the rules or the orders:

Provided that the Zilla Panchayat shall not have power to direct that total proposed expenditure shall exceed the total of the estimated income of the Taluk Panchayat for the following year and the opening balance.

(5) If the Taluk Panchayat fails to approve the budget estimate on or before the date mentioned in sub-section (1), the Executive Officer shall forward the budget estimate to the Zilla Panchayat and the Zilla Panchayat shall approve it with or without modification. The budget so approved by the Zilla Panchayat shall be certified by the Chief Executive Officer and thereupon shall be deemed to have been duly approved by the Taluk Panchayat.

248. Revision of budget.- If, in the course of the official year, the Taluk Panchayat finds it necessary to modify the provisions made in the budget with regard to the receipts or to the distribution of the amounts to be expended on the different services it undertakes, it may make such modifications:

Provided that no diversion of grants transferred by the Government out of the Consolidated Fund of the State can be made for a purpose or programme or schemes not covered under such grants:

Provided further that, without the approval of the Commissioner;-

(a) no reduction of over ten percent shall be made in the grants approved for any developmental functions of the Taluk Panchayat, and

(b) the closing balance shall not be reduced below the sum fixed under clause (c) of sub-section (3) of section 247.

249. Supplementary budget.- Supplementary budget may be prepared and submitted when necessary. The Taluk Panchayat may at any time during the year for which a budget has been sanctioned by the Government cause a supplementary budget to be prepared and submitted to the Government. Every such supplementary budget shall be considered and approved by the Zilla Panchayat and submitted to the Government for approval.

250. Maintenance of accounts and restriction of expenditure.- (1) Accounts of the income and expenditure of a Taluk Panchayat shall be kept in accordance with such rules as may be prescribed.

(2) Expenditure from the Taluk Panchayat Fund shall, save as otherwise expressly provided for in this Act, be incurred subject to such sanctions, conditions and limitations as may be prescribed.

(3) The Taluk Panchayat shall, within a period not exceeding three months after the close of the official year, pass the accounts of that year.

251. Transmission of accounts.- The Taluk Panchayat shall, as soon as the annual account have been finally passed by it, transmit a copy thereof to the Zilla Panchayat in the form prescribed in this behalf and shall furnish such details and vouchers relating to the same as the Zilla Panchayat may, from time to time, direct.

252. Power to write off irrecoverable sums.- Subject to such restrictions as may be prescribed, a Taluk Panchayat may write off any sum due to it, whether under a contract or otherwise, or any sum payable in connection therewith if, in its opinion, such sum is irrecoverable:

Provided that, no sum exceeding one thousand rupees shall be written off except with the previous sanction of the Zilla Panchayat.

253. Audit of accounts.- (1) The accounts of the Taluk Panchayat Fund shall be audited by the Comptroller and Auditor General of India (hereinafter referred to as auditor) in accordance with the provisions of the Comptroller and Auditor General (Duties, Powers and Conditions of Service) Act, 1971.

(2) The auditor shall, for the purpose of audit, have access to all the accounts and other records of the Taluk Panchayat.

(3) The auditor shall send every year to the Government a consolidated audit report in respect of the Taluk Panchayats in the State and the Government shall lay the consolidated report before both the Houses of the State Legislature.

254. Action by Taluk Panchayat on audit report.- The Taluk Panchayat shall on the report of the auditor or may on its own motion and after taking the explanation of the person concerned or making such further enquiry as it may consider necessary, charge any person concerned or making such further enquiry as it may consider necessary charge any person responsible for irregular expenditure pointed out by the auditor or the amount of any deficiency or loss caused by negligence or misconduct of such person or any sum received which ought to have been, but is not brought into account by such person, and shall, in every such case, certify the amount due from such person.

(2) The Taluk Panchayat shall in writing state the reasons for its decision in respect of every charge and send a copy thereof to the person against whom it is made.

255. Recovery of amounts disallowed.- (1) Every sum certified by the Taluk Panchayat to be due from any person under sub-section (1) of section 254, shall be paid by such person to the Taluk Panchayat within thirty days from the date of the receipt by him of a copy of the decision.

(2) Such sum, if not duly paid along with interest at fifteen percent per annum on the amount due, from the date from which it became due shall be recoverable as an arrears of land revenue along with the necessary expenses of such recovery and shall be credited to the Taluk Panchayat Fund.

256. Presentation of accounts and budget of Zilla Panchayat.- (1) The Finance, Audit and Planning Committee shall cause to be prepared and laid before the Zilla Panchayat at a meeting, which shall be held between the first day of February and the tenth day of March, a complete account of the actual and expected receipts and expenditure for the official year ending on the thirty-first day of March next following together with a budget estimate of the income and expenditure, of the Zilla Panchayat for the official year to commence on the first day of April next following.

(2) The Zilla Panchayat shall thereupon decide upon the appropriations and the ways and means contained in the budget of the year to commence on the first day of April next following. The budget as passed by the Zilla Panchayat shall be sent to the Government before such date as may be fixed by the Government.

(3) In such budget estimate, the Zilla Panchayat shall among other things,-

(a) make adequate and suitable provision for such services as may be required for the fulfillment of the several duties imposed on the Zilla Panchayat by this Act or any other law;

(b) provide for the payment, as they fall due, of all installments of principal and interest for which the Zilla Panchayat may be liable in respect of loans contracted by it ;

(c) allow for a balance at the end of said year of not less than such sum or percentage of income as may from time to time, be fixed by the Government either generally for all Zilla Panchayats or specially for any Zilla Panchayat.

(4) If such budget estimate is not in accordance with the provisions of this Act or the rules and orders issued thereunder, the Government may within two months from the date of receipt of the budget modify the same to secure compliance with the Act, the rules or the orders:

Provided that the Government shall not have power to direct that total proposed expenditure shall exceed the total of the estimated income of the Zilla Panchayat for the following year and the opening balance.

(5) If the Zilla Panchayat fails to approve the budget estimate on or before the date mentioned in sub-section (1), the Chief Executive Officer shall forward the budget estimate to the Government and the Government shall approve it with or without modification. The budget so approved by the Government shall be certified by the Government and thereupon shall be deemed to have been duly approved by the Zilla Panchayat.

257. Revision of budget.- If, in the course of the official year, the Zilla Panchayat finds it necessary to modify the provisions made in the budget with regard to the receipts or to the distribution of the amounts to be expended on the different services it undertakes, it may make such modifications:

Provided that no diversion of grants transferred by the Government out of the Consolidated Fund of the State can be made for a purpose or programme or scheme not covered under such grants:

Provided also that, without the approval of the Government,-

(a) no reduction of over ten percent shall be made in the grants approved for any developmental functions of the Zilla Panchayat, and

(b) the closing balance shall not be reduced below the sum fixed under clause

(c) of sub-section (3) of section 256.

258. Supplementary budget.- Supplementary budget may be prepared and submitted when necessary. The Zilla Panchayat may at any time during the year for which a budget has been sanctioned by the Government cause a supplementary budget to be prepared and submitted to the Government. Every such supplementary budget shall be considered and approved by the Zilla Panchayat and submitted to the Government for approval.

259. Maintenance of accounts and restriction of expenditure.- (1) Accounts of the income and expenditure of the Zilla Panchayat fund shall be kept in accordance with such rules as may be prescribed.

(2) Expenditure from the Zilla Panchayat Fund shall, save as otherwise expressly provided for in this Act, be incurred subject to such sanctions, conditions and limitations as may be prescribed.

(3) The Zilla Panchayat shall, within a period not exceeding three months after the close of the official year, pass the accounts of that year.

260. Transmission of accounts.- The Zilla Panchayat shall, as soon as the annual accounts have been finally passed by it, transmit to the Government an account in the form prescribed in this behalf and shall furnish such details and vouchers relating to the same as the Government may, from time to time, direct.

261. Power to write off irrecoverable sums.- Subject to such restrictions as may be prescribed, a Zilla Panchayat may write off any sum due to it, whether under a contract or otherwise, or any sum payable in connection therewith if, in its opinion, such sum is irrecoverable:

Provided that, no sum exceeding one thousand rupees shall be written off except with the previous sanction of the Government.

262. Audit of accounts.- (1) The accounts of the Zilla Panchayat fund shall be audited by the Comptroller and Auditor General of India (hereinafter referred to as the auditor) in accordance with the provisions of the Comptroller and Auditor General (Duties, Powers and Conditions of Service) Act, 1971.

(2) The auditor shall, for the purpose of audit, have access to all the accounts and other records of the Zilla Panchayat.

(3) The Government shall on receipt of the audit report of the Zilla Panchayats lay them before both the Houses of the State Legislature.

263. Action by Zilla Panchayat on audit report.- The Zilla Panchayat shall on the report of the auditor or may on its own motion and after taking the explanation of the person concerned or making such further enquiry as it may consider necessary, charge any person responsible for irregular expenditure pointed out by the auditor or the amount of any deficiency or loss caused by the negligence or misconduct of such person or any sum received which ought to have been, but is not brought into account by such person, and shall, in every such case, certify the amount due from such person.

(2) The Zilla Panchayat shall in writing state the reasons for its decision in respect of every charge and send a copy thereof to the person against whom it is made.

264. Recovery of amounts disallowed.- (1) Every sum certified by Zilla Panchayat to be due from any person under sub-section (1) of section 263, shall be paid by such person to the Zilla Panchayat within thirty days from the date of the receipt by him of a copy of the decision.

(2) Such sum, if not duly paid along with interest at fifteen percent per annum on the amount due, from the date from which it became due shall be recoverable as an arrears of land revenue along with the necessary expenses of such recovery and shall be credited to the Zilla Panchayat Fund.

265. Procedure for recovery of dues of Zilla Panchayat and Taluk Panchayat.-

(1) When any sum payable on demand,-

- (a) which by or under the provisions of this Act, is declared to be recoverable in the manner provided by this Chapter; or
- (b) which is claimable as a fee or other amount due to the Zilla Panchayat or Taluk Panchayat under this Act, or under any rules or regulation made thereunder, shall have become payable and remains unpaid for fifteen days after the same is due,

the Chief Executive Officer, or the Executive Officer, as the case may be, or an officer duly authorised by him in writing in this behalf (hereinafter referred to as the authorised officer) may serve upon the person or persons liable to pay such sum, a notice in writing in the prescribed form.

(2) If such person does not, within fifteen days, from the service of such notice of demand upon him, pay the sum due, or show cause to the satisfaction of the Chief Executive Officer or the Executive Officer why the same should not be paid, the Chief Executive Officer or the Executive Officer may recover such sum, with all costs, by distraint and sale of the movable property of the defaulter.

(3) In order to effect the distraint and sale of property under sub-section (2), the Chief Executive Officer or the Executive Officer, as the case may be, or the authorised officer shall issue a warrant in the prescribed form and a warrant fee of one rupee shall be leviable for each such warrant.

(4) The Chief Executive Officer or the Executive Officer, as the case may be, or the authorised officer shall make an inventory of the property distrained, a copy of which shall on demand be delivered to the defaulter or any person on his behalf, and if the amount due is not paid within fifteen days after distraint, the property may be sold.

(5) The Chief Executive Officer or the Executive Officer, as the case may be, or the authorised officer shall give or cause to be given to every person making payment of the amount due, a receipt therefor signed by him. Such receipt shall specify,-

- (a) the date of the payment thereof,
- (b) the name of the person by whom it is paid,
- (c) the amount due in respect of which the payment has been made,
- (d) the period for which the payment has been made, and
- (e) the amount in respect of which it is granted.

(6) Any sum due to a Zilla Panchayat or Taluk Panchayat under this Act, shall without prejudice to any other mode of collection, be recoverable as an arrears of land revenue.

266. Conditions of distraint and sale.- (1) Whenever, under section 265 any property is distrained, seized or sold in consequence of the non-payment of any amount due, such distraint, seizure and sale shall be effected subject to the provisions of the following sub-sections and of section 62 of the Code of Civil Procedure, 1908 (Central Act 5 of 1908).

(2) All such property as is, by the Code of Civil Procedure 1908, exempt from attachment or sale in execution of the decree shall be exempt from distraint or sale under this section.

(3) The distress shall not be excessive. The value of the property distrained shall be, as nearly as possible proportionate to the amount due on account of the fee, rent or other amount due, and the distraint fee and the probable expenses incidental to the detention and sale of the said property.

(4) When the property seized is subject to speedy and natural decay, or if in the opinion of the person seizing the property, the expenses of keeping it in custody together with amount due, exceeds the value of the property, the said person shall immediately after seizure of such property, give notice to the person from whose possession it was seized, to the effect that it will be sold at once and shall sell it accordingly unless the amount due is paid forthwith.

(5) Any surplus amount that may remain after deducting the amount due and of the said expenses, including the expenses of the sale, shall be paid to the owner of the property.

(6) If any claim be set up by a third person to movable property distrained under section 265 the Chief Executive Officer or the Executive officer as the case may be shall after a summary enquiry held after giving reasonable notice to the claimant admit or reject the claim. If the claim be admitted wholly or partly the property shall be dealt with accordingly. Except in so far as it is admitted, the property shall be sold and the title of the purchaser shall be good for all purposes, and the proceeds shall be disposed of as hereinbefore directed:

Provided that nothing in this sub-section shall be deemed to bar the claimant or any person having any interest in the property distrained, from seeking relief in a Civil Court having jurisdiction.

267. Finance Commission.- (1) ¹[The Governor shall] as soon as may be within one year from the date of commencement of this Act and thereafter at the expiration of every fifth year constitute a Finance Commission to review the financial position of the Zilla Panchayats, Taluk Panchayats and Grama Panchayats and to make recommendation to the Government as to,-

- (a) the principles which should govern,-
 - (i) the distribution between the State and the Zilla Panchayats, Taluk Panchayats and Grama Panchayats and the net proceeds of the taxes, duties, tolls and fees leviable by the Government which may be divided between them and allocation between the Zilla Panchayats, Taluk Panchayats and Grama Panchayats of their respective shares of such proceeds;
 - (ii) the determination of the taxes, duties, tolls and fees which may be assigned to or appropriated by the Zilla Panchayats, Taluk Panchayats and Grama Panchayats;
 - (iii) the grants-in-aid to the Zilla Panchayats, Taluk Panchayats and Grama Panchayats from the Consolidated Fund of the State;
- (b) the measures needed to improve the financial position of the Zilla Panchayats, Taluk Panchayats and Grama Panchayats;

(c) any other matter referred to the Finance Commission by the Governor in the interest of sound finance of the Zilla Panchayats, Taluk Panchayats and Grama Panchayats.

(2) Finance Commission shall consist of a Chairman and two other members.

(3) The Chairman and members of Finance Commission shall possess such qualification and shall be appointed in such manner as may be prescribed.

(4) The Finance Commission shall determine its procedure.

(5) The Chairman or a member of the Finance Commission may resign his office by writing under his hand and addressed to the Finance Secretary to the Government, but he shall continue in office until his resignation is accepted by the Government.

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

(7) The Commission shall have the following powers in the performance of its functions namely:-

- (a) to call for any record from any officer or authority;
- (b) to summon any person to give evidence or produce records; and
- (c) such other power as may be prescribed.

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

1. Substituted by Act 34 of 2011 w.e.f. 4.10.2010.

CHAPTER XVIII MISCELLANEOUS

268. Dissolution of Panchayats.- (1) If, ¹[on the recommendation of the Taluk Panchayat, or otherwise the Zilla Panchayat is of the opinion that]¹, a Grama Panchayat exceeds or abuses its power or is not competent to perform or makes persistent default in the performance of the duties imposed on it under this Act or any other law for the time being in force the ¹[Zilla Panchayat may]¹, by an order published in the official Gazette, dissolve such Grama Panchayat.

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

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

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

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

¹[(3A) Any person aggrieved by the order of the Zilla Panchayat under sub-section (1) may, within thirty days from the date of such order, appeal to the Government.]¹

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

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

(5) When a Zilla Panchayat, Taluk Panchayat or Grama Panchayat is dissolved, it shall be reconstituted in the manner provided in this Act before the end of six months from the date of such dissolution:

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

(6) A Zilla Panchayat, Taluk Panchayat or Grama Panchayat constituted upon the dissolution before expiration of its duration shall continue only for the remainder of the period of which the dissolved Zilla Panchayat, Taluk Panchayat or Grama Panchayat would have continued had it not been so dissolved.

(7) If a Grama Panchayat, Taluk Panchayat or Zilla Panchayat is dissolved,-

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

(b) all property vested in the Zilla Panchayat, Taluk Panchayat or Grama Panchayat dissolved shall during the period of dissolution vest in the Government;

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

269. Appeals.- ¹[(1) Any person aggrieved by any original order of the Grama Panchayat under this Act, unless appeal is provided elsewhere in this Act, may within thirty days from the date of such order appeal to the Executive Officer.]¹

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

(2) The Appellate Authority may after giving an opportunity to the appellant to be heard and after such enquiry as it deems fit, decide the appeal and its decision shall be final.

(3) Any appeal under sub-section (1) pending before 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 has been filed before him.

270. Power over decisions of committees.- Every Zilla Panchayat, Taluk Panchayat or Grama Panchayat shall have power to annul, revise or modify any decision taken by any of its committees.

271. Requisitioning of premises, vehicles, etc., for election purpose.- (1) If it appears to an officer authorised by the State Election Commission for the conduct of elections to the Zilla Panchayat, Taluk Panchayat and Grama Panchayat under this Act (hereinafter referred to as "the requisitioning authority") that in connection with an election under this Act,-

- (a) any premises is needed or is likely to be needed for the purpose of being used as a polling station or for the storage of ballot boxes after a poll has been taken, or
- (b) any vehicle, vessel or animal is needed or is likely to be needed for the purpose of transport of ballot boxes to or from any polling station or transport of members of the police force for maintaining order during the conduct of such election, or transport of any officer or other person for performance of any duties in connection with such election

the requisitioning authority may by order in writing requisition such premises, or as the case may be, such vehicle, vessel or animal and may make such further orders as may appear to it to be necessary or expedient in connection with the requisitioning:

Provided that no vehicle, vessel or animal which is being lawfully used by a candidate or his agent for any purpose connected with the election of such candidate shall be requisitioned under this sub-section, until the completion of the poll at such elections.

(2) The requisitioning shall be effected by an order in writing addressed to the person deemed by the requisitioning authority to be the owner or person in possession of the property, and such order shall be served in the manner prescribed on the person to whom it is addressed.

(3) Whenever any property is requisitioned under sub-section (1), the period of such requisitioning shall not extend beyond the period for which such property is required for any of the purposes mentioned in that sub-section.

(4) In this section,-

(a) "premises" means any land, building or part of a building and includes a hut, shed or other structure or any part thereof;

(b) "vehicle" means any vehicle used or capable of being used for the purpose of road transport, whether propelled by mechanical power or otherwise.

272. Payment of compensation.- (1) Whenever in pursuance of section 271, the requisitioning authority requisitions any premises, the Zilla Panchayat, Taluk Panchayat or Grama Panchayat concerned shall pay to the persons interested compensation, the amount of which shall be determined by the requisitioning authority by taking into consideration the following factors that is to say,-

(i) the rent payable in respect of the premises, or if no rent is so payable, the rent payable for similar premises in the locality;

(ii) if in consequence of the requisitioning of premises, the person interested is compelled to change his residence or place of business the reasonable expenses, if any, incidental to such change:

Provided that, when any person interested being aggrieved by the amount of compensation so determined makes an application to the requisitioning authority within thirty days of the order under sub-section (1) the matter shall be referred by the requisitioning authority to the 1[Civil Judge (Junior Division)]¹ having jurisdiction in the locality and the amount of compensation to be paid shall be such as the 1[Civil Judge (Junior Division)]¹ may determine.

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

Explanation.- In this sub-section, the expression " person interested' means the person who was in the actual possession of the premisses requisitioned under section 271 immediately before the requisitioning or where no person was in such actual possession, the owner of such premises.

(2) Whenever in pursuance of section 271, the requisitioning authority requisitions any vehicle, vessel or animal the Zilla Panchayat, Taluk Panchayat or Grama Panchayat shall pay to the owner thereof compensation, the amount of which shall be determined by the requisitioning authority on the basis of fares or rates prevailing in the locality for the hire of such vehicle, vessel or animal:

Provided that where the owner of such vehicle, vessel or animal being aggrieved by the amount of compensation so determined makes an application within thirty days to the requisitioning authority the matter shall be referred to the 1[Civil Judge (Junior Division)]¹ having jurisdiction in the locality and the amount of compensation to be paid shall be such as the 1[Civil Judge (Junior Division)]¹ may determine:

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

Provided further that where immediately before the requisitioning the vehicle or vessel was by virtue of a hire purchase agreement in the possession of a person other than the owner the amount determined under this sub-section as the total compensation shall be apportioned between that person and the owner in such manner as they may agree upon and in default of agreement in such manner as an arbitrator appointed by the requisitioning authority in this behalf may decide.

273. Power to obtaining information.- The requisitioning authority may with a view to requisitioning any property under section 271 or determining the compensation payable under section 272 by order require any person to furnish to such authority as may be specified in the order such information in his possession relating to such property as may be specified.

274. Power of entry into and inspection of premises etc.,- (1) Any person authorised in this behalf by the requisitioning authority may enter into any premises and inspect such premises and any vehicle, vessel or animal therein for the purpose of determining whether, and if so in what manner an order under section 273 should be made in relation to such premises, vehicle, vessel or animal or with a view to securing compliance with any order made under that section.

(2) In this section the expression "Premises" and "Vehicle" have the same meaning as in section 271.

275. Eviction from requisitioned premises.- (1) Any person remaining in possession of any requisitioned premises in contravention of any order made under section 271 may be summarily evicted from the premises by any officer empowered by the requisitioning authority in this behalf.

(2) Any officer so empowered may after giving to any woman not appearing in public, reasonable warning and facility to withdraw, remove or open any lock or bolt or break open any door of any building or do any other act necessary for effecting such eviction.

276. Release of premises from requisitioning.- (1) When any premises requisitioned under section 271 are to be released from requisitioning the possession thereof shall be delivered to the person from whom possession was taken at the time of the requisition or if there was no such person to the person deemed by the requisitioning authority to be the owner of such premises and such delivery of possession shall be a full discharge of the requisitioning authority from all liabilities in respect of such delivery but shall not prejudice any rights in respect of the premises which any other person may be entitled by due process of law to enforce against the person to whom possession of the premises is so delivered.

(2) Where the person to whom possession of any premises requisitioned under section 271 is to be given under sub-section (1) cannot be found or is not readily

ascertainable or has no agent or any other person empowered to accept delivery on his behalf requisitioning authority shall cause a notice declaring that such premises are released from the requisitioning to be affixed on some conspicuous part of such premises and on the notice board of the office of the Tahisldar.

(3) When a notice is affixed on the notice board as provided in sub-section (2), the premises specified in such notice shall cease to be subject to requisitioning on and from the date of such affixing of the notice and be deemed to have been delivered to the person entitled to possession thereof and the requisitioning authority or the Zilla Panchayat or Taluk panchayat or Grama Panchayat shall not be liable for any compensation or other claim in respect of such premises for any period after the said date.

277. Penalty for contravention of any order regarding requisition.- If any person contravenes any order made under section 271 or section 273 he shall, on conviction, be punished with imprisonment for a term which may extend to one year or with fine or with both.

278. Penalty for acting as a member, Adhyaksha or Upadhyaksha when disqualified.- (1) Whoever acts as a member of a Grama Panchayat, Taluk Panchayat or Zilla Panchayat when he knows that under this Act or the rules made thereunder, he is not entitled to or has ceased to be entitled to hold office as such shall, on conviction, be punished with fine of one hundred rupees for every day on which he sits or votes as a member.

(2) Whoever acts as the Adhyaksha or Upadhyaksha of a Grama Panchayat, Taluk Panchayat or Zilla Panchayat or exercises any of his functions when he knows that under this Act or the rules made thereunder, he is not entitled to or has ceased to be entitled to hold office as such, or to exercise such functions shall, on conviction, be punished with fine of two hundred rupees for every day on which he acts or functions as such.

(3) Any person who having been the Adhyaksha or Upadhyaksha of a Grama Panchayat, Taluk Panchayat or Zilla Panchayat fails to hand over any document of, or any moneys or other properties vested in, or belonging to, the Grama Panchayat or Taluk Panchayat or Zilla Panchayat, as the case may be which are in or have come into his possession or control to his successor in office or other prescribed authority,-

- (a) in every case as soon as his term of office as such Adhyaksha or Upadhyaksha expires; and
- (b) in case of a person who was the Upadhyaksha on demand by the Adhyaksha,

shall, on conviction, be punished with a fine which may extend to one thousand rupees.

279. Penalty for interested member voting.- Whosoever votes as member of a Grama Panchayat, Taluk Panchayat or Zilla Panchayat in contravention of the provisions of sub-section (4) of section 53, or clause (g) of sub-section (2) of section 141 or clause (g) of sub-section (2) of section 180 shall, on conviction, be punished with fine which may extend to five hundred rupees.

280. Penalty for acquisition by officer or servant of interest in contract.- If any member, officer or servant of a Grama Panchayat, Taluk Panchayat or Zilla Panchayat knowingly acquires for himself directly or indirectly, by himself or by a partner, employer or servant, any share or interest in any contract or employment with, by or on behalf of a Grama Panchayat, Taluk Panchayat or Zilla Panchayat he shall, on conviction, be punished with fine which may extend to five hundred rupees:

Provided that no person shall, by reason of being a shareholder, in or member of, any company, be held to be interested in any contract entered into between such company and the Grama Panchayat, Taluk Panchayat or Zilla Panchayat unless he is a Director of such company:

Provided further that nothing in this section shall apply to any person who, with the sanction of the Commissioner, enters into a contract with a Grama Panchayat, Taluk Panchayat or Zilla Panchayat.

281. Wrongful obstruction of certain officers.- Any person who prevents the Chief Executive Officer, Executive Officer or the Secretary or any person to whom such officer has lawfully delegated his powers of entering on or into any place, building or land from exercising his lawful power of entering thereon or therein shall, on conviction, be punished with simple imprisonment for a term which may extend to one month or with fine which may extend to five hundred rupees or with both.

282. Prohibition against obstruction of Adhyaksha or Upadhyaksha, etc.,- Any person obstructing an Adhyaksha, Upadhyaksha, Secretary or member of a Grama Panchayat, or Adhyaksha, Upadhyaksha, Executive Officer or member of a Taluk Panchayat, or Adhyaksha, Upadhyaksha, Chief Executive Officer or member of a Zilla Panchayat, or any person employed by the Grama Panchayat or Taluk Panchayat or Zilla Panchayat or any person with whom a contract has been entered into by or on behalf of the Grama Panchayat, Taluk Panchayat or Zilla Panchayat in the discharge of his duty or of anything which he is empowered or require to do by virtue, or in consequence, of this Act or any rule, bye-law, regulation or order made thereunder shall, on conviction, be punished with fine which may extend to five hundred rupees.

283. Prohibition against removal or obliteration of notice.- Any person, who without authority in that behalf, removes, destroys, defaces or otherwise obliterates any notice exhibited or any sign or mark erected by or under the orders of a Grama Panchayat, Taluk Panchayat or Zilla Panchayat or its executive authority, shall, on conviction, be punished with fine which may extend to one hundred rupees.

284. Penalty for not giving information or giving false information.- Any person who is required by this Act or by any notice or other proceedings issued thereunder to furnish any information fails to furnish such information or knowingly furnishes false information, shall, on conviction, be punished with fine which may extend to one hundred rupees.

285. Bidding prohibited.- (1) No member or employee of the Grama Panchayat, Taluk Panchayat or Zilla Panchayat or any officer having any duty to perform in connection with the sale of movable or immovable property under this Act shall directly or indirectly bid for or acquire interest in, any property sold at such sale.

(2) Any person who contravenes the provisions of sub-section (1) shall, on conviction, be punished with fine which may extend to five hundred rupees, and if he is an officer or employee of the Grama Panchayat or Taluk Panchayat or Zilla Panchayat shall also be liable for dismissal from service.

286. Application of the term "Public Servant" to members of panchayats and their officers and servants.- Every member of Grama Panchayat, Taluk Panchayat or Zilla Panchayat and every officer and servant employed under the Grama Panchayat, Taluk Panchayat or Zilla Panchayat shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code and the Prevention of Corruption Act, 1988 (Central Act 49 of 1988) for the time being in force.

287. Fines to be credited to the Panchayat Fund.- All fines imposed by a Magistrate for any offence under this Act, or under any rule, regulations or bye-law made thereunder in any prosecution instituted by or on behalf of a Grama Panchayat, Taluk Panchayat or Zilla Panchayat shall be credited to its fund.

288. Damage to any property of Panchayats and how made good.- If through any act, neglect or default on account of which any person shall have incurred penalty imposed by or under this Act and any damage to the property of any Grama Panchayat, Taluk Panchayat or Zilla Panchayat shall have been caused by such person, he shall be liable to make good such damage as well as to pay such penalty and the value of the damage shall in case of dispute be determined by the Magistrate. The person incurring such penalty be convicted, and non-payment of such value on demand the same shall be levied by distress, and the Magistrate shall issue a warrant accordingly.

289. Restrictions with respect to institution of suits against Panchayats.- (1) No suit for damage or compensation shall be instituted against any Grama Panchayat, Taluk Panchayat or Zilla Panchayat or any of its officers, or any person acting under its direction, for anything done or purporting to be done under this Act or any rule, bye-law regulation or order made thereunder until the expiration of two months next after notice in writing shall have been delivered or left at the office of the Grama Panchayat or Taluk Panchayat or Zilla Panchayat concerned or at the place of abode of such

officer or person, such notice shall state the cause of action, the relief sought, the amount of compensation, if any, claimed and the name and the place of abode of the intending plaintiff.

(2) If any person to whom any notice is given under sub-section (1) tenders the amount to the plaintiff before the suit is instituted and if the plaintiff does not recover in any such action more than the amount so tendered, he shall not recover any costs incurred after such tender and the defendant shall be entitled to costs as from the date of tender.

(3) When the defendant in any suit is a member, officer or servant of such Grama Panchayat, Taluk Panchayat or Zilla Panchayat or any person acting under its direction, the Secretary, Executive Officer, or Chief Executive Officer as the case may be, shall determine whether defense should be undertaken by such Grama Panchayat, Taluk Panchayat or Zilla Panchayat and be paid for out of its fund.

(4) Nothing in this section shall be deemed to apply to any suit instituted under section 38 of the Specific Relief Act, 1963 (Central Act 47 of 1963).

290. Government not to obtain licences and permissions.- Nothing in this Act or in any rule, bye-law or regulation made thereunder shall be construed as requiring the taking out of any licence or the obtaining of any permission under this Act or any such rule, bye-law or regulation in respect of any place in the occupation or under the control of the Central Government or the State Government or in respect of any property of the Central Government or State Government.

291. Injunctions not to be granted in election proceedings.- Notwithstanding anything contained in any law for the time being in force, no court shall grant any permanent or temporary injunction or make any interim order restraining any proceeding which is being or about to be taken under this Act for the conduct of any election under this Act.

292. Punishment for disobedience of orders and notices not punishable under any other section.- Whoever disobeys or fails to comply with any lawful direction given by way of written notice issued by or on behalf of a Grama Panchayat, Taluk Panchayat or Zilla Panchayat under any power conferred by this Act, or fails to comply with the conditions subject to which any permission was given to him by the Grama Panchayat, Taluk Panchayat or Zilla Panchayat concerned under any power so conferred, shall, on conviction, if the disobedience or failure is not an offence punishable under any other section, be punished with fine which may extend to one hundred rupees and with further fine which may extend to five rupees for every day during which the said disobedience or failure continues after the date of first conviction:

Provided that when the notice fixes a time within which a certain act is to be done,

and no time is specified in this Act the Magistrate shall determine whether the time so fixed was reasonable.

293. In default of owner or occupier, panchayat may execute works and recover expenses.- (1) Whenever under the provisions of this Act any work is required to be executed by the owner or occupier of any building, or land, and default is made in the execution of such work, the Grama Panchayat, Taluk Panchayat or Zilla Panchayat concerned whether any penalty is or is not provided for such default, may cause such work to be executed, and the expenses thereby incurred shall, unless otherwise expressly provided in this Act, be paid to it by the person by whom such work ought to have been executed, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter XIII either in one sum or by instalments as the Panchayat concerned may deem fit.

(2) If the defaulter is the owner of the building or land, the Panchayat concerned may, by way of additional remedy, whether a suit or proceeding has been brought or taken against such owner or not, require, subject to the provisions of sub-section (3), the payment of all or any part of the expenses payable by the owner for the time being from the person who then or at any time thereafter occupies the building or land under such owner, and in default of payment thereof by such occupier on demand, the same may be levied from such occupier, and every amount so leviable shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter XIII. Every such occupier shall be entitled to deduct from the rent payable by him to his landlord so much as has been so paid by or recovered from such occupier in respect of any such expenses.

(3) No occupier of any building or land shall be liable to pay more money in respect of any expenses charged on the owner thereof, than the amount of rent which is due from such occupier for the building or land in respect of which such expenses are payable at the time of the demand made upon him, or which at any time after such demand and notice not to pay the same to his landlord has accrued and become payable by such occupier, unless he neglects or refuses upon application made to him for that purpose by a Grama Panchayat, Taluk Panchayat or Zilla Panchayat truly to disclose the amount of his rent and the name and address of the person to whom the rent is payable, but the burden of proof that the sum demanded of any such occupier is greater than the rent which was due by him at the time of such demand or which has since accrued, shall be upon such occupier:

Provided that nothing herein contained shall be deemed to affect any special contract made between any such occupier and the owner respecting payment of the expenses of any such works as aforesaid.

294. Expenses or costs how determined and recovered.- If a dispute arises with respect to any expenses or costs which are by this Chapter directed to be paid,

the amount, and if necessary the apportionment of the same, shall, save where it is otherwise expressly provided in this Act, be ascertained and determined by the Grama Panchayat, Taluk Panchayat or Zilla Panchayat concerned and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter XIII.

295. Bar of suits etc.- (1) No civil court shall entertain a suit objecting to an assessment demand or charge made or imposed under this Act, or for the recovery of any sum of money collected under the authority of this Act, or for damages on account of any assessment or collection of money under the said authority, if the provision of this Act have been in substance and effect complied with.

(2) No, suit or other legal proceeding shall lie against a Chief Executive Officer or Executive Officer or Secretary or any other officer of the Government or a Grama Panchayat or Taluk Panchayat or Zilla Panchayat or any member, officer, servant or agent of such Grama Panchayat, Taluk Panchayat or Zilla Panchayat acting under its direction in respect of anything done or purporting to have been lawfully done and in good faith under this Act or any rule, regulation, bye-law or order made thereunder except with the previous sanction of the Zilla Panchayat or such officer as the Zilla panchayat may specify.

(3) No suit or other legal proceeding shall lie against the Government in respect of anything done under this Act, or any rule, regulation or bye-law made thereunder.

296. Jurisdiction of Magistrate.- Any prosecution under this Act or under any rule, regulation or bye-law made thereunder may, save as therein otherwise provided, be instituted before any Magistrate, and every fine or penalty imposed under or by virtue of this Act or any rule, regulation or bye-law made thereunder and also all claims to compensation or other expenses for the recovery of which no special provision is otherwise made in this Act, may be recovered on application, to such Magistrate by the distress and sale of any movable property within the limits of his jurisdiction belonging to the person from whom the money is claimed.

[296-A. Panchayat Ombudsman.- (1) The State Government shall by notification appoint for each of the Zilla Panchayat, Taluk Panchayat, Grama Panchayat or for one or more of such Panchayats such number of officers of the State Government to be the Panchayat Ombudsman.

(2) Where more than one officer is appointed for the same panchayat area the jurisdiction of each of the Panchayat Ombudsman shall be specified in the notification issued under sub-section (1).

(3) The Panchayat Ombudsman appointed under sub-section (1), shall be the complaints received against any elected members, officers and officials of the Panchayat Raj Institutions within their respective jurisdictions.

296-B.- The powers and functions of Panchayat Ombudsman.- (1) The Panchayat Ombudsman shall have power to investigate any allegation or action taken by panchayaths and the panchayat institutions and the institutions funded by Panchayat elected members, the officers and officials of the panchayat institutions which are substantially controlled or funded by the Panchayaths.

(2) The Panchayat Ombudsman shall submit a report to the Government on all the matters including allegations against elected members, officer or official of such panchayaths or institutions or functionaries on the reference made to him by the Government or the suo motu action initiated by him.

Explanation-1.- For the purpose of this section, the Panchayat Institutions include autonomous societies and associations such as Village Water and Sanitation Committees, Watershed Committees, Tank User's Committees which enjoy certain degree of functional autonomy in their operations.

Explanation-2.- Institutions funded by panchayat includes Banks and financial institutions, Non-Governmental Organisations and other institutions that have been advanced funds by the Zilla Panchayat or Taluk Panchayat or Grama Panchayat for providing certain services to the specified or general category of persons.

296-C. Provisions relating to complaints and investigations.- (1) Subject to the provisions of this Act, any person may make a complaint involving the action or grievance, or allegations to the Panchayat Ombudsman against elected members officer or officials of the Zilla Panchayat, Taluk Panchayat or the Grama Panchayat in respect of any matter,-

- (i) in which there is omission to do any work entrusted to him under the Act or Rules made thereunder;
- (ii) for his failure of service, including negligence, improper performance, irregular actions, nepotism, favouritism and the like actions;
- (iii) the complaint may also include the delays or failure in respect of any or all of the following, namely:-
 - (a) disposal of applications/petitions/appeals;
 - (b) payments due from the panchayats/panchayat institutions;
 - (c) convening monthly meetings of the panchayats;
 - (d) selection of beneficiaries in the panchayat/panchayat institutions
 - (e) discharge of statutory functions conferred on the panchayat bodies under the Act or rules made thereunder;
 - (f) such other functions as may be prescribed.

(2) Every complaint or allegation made under sub-section (1) shall be in the form of

statement supported by Affidavit and shall be in such form and in such manner as may be prescribed.

(3) The Panchayat Ombudsman may after giving an opportunity of being heard to such elected member, officers or the official investigate in such manner as may be prescribed and send a report to the Government as the case may be which he considers appropriate in the circumstances of the case.

296-D. Powers of Panchayat Ombudsman to investigate and take evidence.-

(1) For the purpose of any investigation including the preliminary enquiry if any under this Act, the Panchayat Ombudsman may require any person, in his opinion, is able to furnish information or produce documents relevant to the investigation to furnish any such information or produce any such document.

(2) For the purpose of any such investigation (including the preliminary inquiry), Panchayat Ombudsman shall have the powers of a civil court while trying a suit under the code of Civil Procedure, 1908, in respect of the following matter, namely:-

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) requiring the discovery and production of any document;
- (c) receiving evidence on affidavits;
- (d) requisitioning any public record or copy thereof from any court or officer;
- (e) issuing commissions for the examination of witnesses or documents;
- (f) such other matters as may be prescribed.

(3) Any proceeding before the Panchayat Ombudsman shall be deemed to be a judicial proceeding within the meaning of section 193 of the Indian Penal Code.

(4) No person shall be required or authorised by virtue of this Act to furnish any such information or answer any such question or produce so much of any document;

- (a) as might prejudice the affairs of the State of Karnataka or the security or defence or international relations of India (including India's relations with the Government of any other country or with any international organisation); and
- (b) as might involve the disclosure of proceedings of the Cabinet of the State Government or any Committee of that Cabinet,

Explanation,- For the purpose of this sub-section, a certificate issued by the Chief Secretary certifying that any information, answer or portion of a document is of the nature specified in clause (a) or clause (b), shall be binding and conclusive.

(5) For the purpose of investigation under this Act, no person shall be compelled to

give any evidence or produce any document which he could not be compelled to give or produce in proceedings before a Court.

296-E. Matters not subject to investigation.- The Panchayat Ombudsman shall not investigate any matter,-

- (i) which the Lokayukta or the uplokayukta is investigating under the provisions of the Karnataka Lokayukta Act, 1984 (Karnataka Act 4 of 1985); or
- (ii) which is being investigated by a competent authority under any provisions of the Central Act or State enactments.

296-F. Reports of Panchayat Ombudsman.- (1) If, after investigation of any action or allegation involving a grievance has been made, the Panchayat Ombudsman is satisfied that such actin has resulted in injustice or undue hardship to the complainant or to any other person, he may by a report in writing, recommend to the Government that such injustice or hardship shall be died or redressed in such manner and within such time as may be specified in the report.

(2) If, after investigation of any action involving an allegation has been made, the Panchayat Ombudsman is satisfied that such action or allegation is substantiated either wholly or partly, he shall make specific report in writing to the Government communicating his findings and recommendations along with the relevant documents, materials and otehr evidence in support of his findings and recommendations.]¹

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

297. Alternative procedure by suit.- In lieu of any process of recovery allowed by or under this Act in case of failure to realise by such process the whole or any part of any amount recoverable under the provisions of Chapter XIII or of any compensation, expenses, charges or damages awarded under this Act, the Grama Panchayat, Taluk Panchayat or Zilla Panchayat concerned may sue in any court of competent jurisdiction the person liable to pay the same, as also any other person who may have in any way caused any injury to any property, rights or privileges of the Grama Panchayat, Taluk Panchayat or Zilla Panchayat.

298. Punishment for offences under this Act and powers to compound.- (1) Whoever,-

- (a) erects, alters , adds to or reconstructs a building without the written permission required by section 64 or in contravention of any of the conditions imposed by it;
- (b) uses any place without a licence required by sections 66, 67, 68, and 69 or in contravention of any of the conditions or during the suspension of the licence; or

(c) contravenes any other provision of the Act, shall on conviction, be punished with fine which may extend to five hundred rupees, and in the case of a continuing offence with a fine which may extend to five rupees for every day after the first conviction during which the offence continues.

(2) Upon a conviction under clause (b) of sub-section (1) in respect of any place, the magistrate shall on the application of the Grama Panchayat, Taluk Panchayat or Zilla Panchayat as the case may be, but not otherwise, order such place to be closed, and thereupon appoint such persons or take such other steps to prevent such place being so used; and every person who so uses or permits the use of a place after it has been ordered to be closed, shall be punished with fine which may extend to five rupees for each day during which he continues to use or permits such use of the place after it has been so ordered to be closed.

(3) (a) A Grama Panchayat, Taluk Panchayat or Zilla Panchayat or such officer as the Zilla Panchayat may authorise in this behalf may accept by way of composition a sum of money not exceeding five hundred rupees from any person, who, in the opinion of the Grama Panchayat, Taluk Panchayat or Zilla Panchayat or the authorised officer, as the case may be, has committed,-

(i) any of the aforesaid offences referred to in sub-section (1), or

(ii) any other offence under this Act or under any rule, regulation or bye-law made thereunder which may by notification be declared by the Government as compoundable; and on such composition no proceeding shall be taken against such person in respect of such offence.

(b) On the composition of any offence under clause (a) if proceedings in any criminal court have been instituted against the person concerned in respect of the offence the composition shall be deemed to amount to an acquittal and no further proceedings shall be taken against such person in respect of such offence.

299. Powers of police officers.- (1) Any police officer may arrest any person committing in his presence any offence against any of the provisions of this Act or of any regulation or bye-law made thereunder if the name and address of such person is not known to him and if he declines to give his name and address, or if the police officer has reason to doubt the accuracy of such name and address given, and such person may be detained at the station house until his name and address shall be correctly ascertained.

(2) Any person arrested under sub-section (1) shall be informed as soon as may be, of the grounds for such arrest and shall be produced before the nearest Magistrate within a period of twenty-four hours of such arrest excluding the time necessary for the journey from the place of arrest to the court of the Magistrate and no such person shall be detained in custody beyond the said period without the authority of a Magistrate.

(3) It shall also be the duty of all police officers to give immediate information to the Adhyaksha or Secretary of the Grama Panchayat, Adhyaksha or Executive officer of Taluk Panchayat, Adhyaksha or Chief Executive Officer of the or Zilla Panchayat the commission of any offence against the provisions of this Act or of any rule, regulation or bye-law madethereunder, or where a member of the Grama Panchayat, Taluk Panchayat or Zilla Panchayat is arrested within twenty-four hours of such arrest and to assist all officers and servants of the Grama Panchayat, Taluk Panchayat or Zilla Panchayat in the exercise of their lawful authority.

300. Annual administration report.- (1) As soon as may be after the first day of April in every year and not later than such date as may be fixed by the Government the Secretary of the Grama Panchayat shall place before the Grama Panchayat a report of the administration of the Grama Panchayat during the preceding official year in such form and with such details as the Government may direct and shall forward the report with the resolution of the Grama Panchayat thereon to the Zilla Panchayat.

(2) As soon as may be after the first day of April in every year and not later than such date as may be fixed by the Government, the Executive Officer of the Taluk Panchayat shall place before the Taluk Panchayat a report of the administration of the Taluk Panchayat during the preceding official year in such form and with such details as the Government may direct and shall forward the report with the resolution of the Taluk Panchayat thereon to the Zilla Panchayat.

(3) Zilla panchayat shall on receipt of the reports under sub-section (1) and (2) review the working of the Grama Panchayats and Taluk Panchayats and shall submit a consolidated report in this behalf to the Government.

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

(5) The report submitted under sub-sections (3) and (4) to the Government shall together with a memorandum by the Government reviewing the working of the Grama Panchayats, Taluk Panchayats and Zilla Panchayats, shall be laid before both the Houses of the State Legislature.

301. Adjustment of Government dues etc.- If a Grama Panchayat, Taluk Panchayat or Zilla Panchayat makes default in the payments of any amount, loan installments or interest due to the Government, the Karnataka State Electricity Board or the salaries, allowances or leave and pensionary contributions of Government servant deputed for service under such Panchayats, the Government may make an order directing the person having the custody of the Fund of the Panchayats

concerned to pay the amount due in priority to any other charge against such fund and such person shall so far as the amounts to the credit of such Fund admit be bound to comply with the order.

¹[302. Consequences of absorption of part of a panchayat area or on an area within the limits of the district or Taluk into a larger urban area etc.- (1) If during the term of office of a member of a Grama Panchayat or Taluk Panchayat or Zilla Panchayat, any area within the limits of a panchayat area, Taluk or district being a whole area comprised in a territorial constituency represented by such member is included in, any larger urban area, smaller urban area or transitional area or if such area within the limits of a panchayat area of Taluk is converted into a smaller urban area or transitional area (hereinafter referred to as other local area) notwithstanding anything contrary contained in this Act, or any other law for the time being in force, the following consequences shall ensue with effect from the date of such inclusion, or conversion namely:-

1. 302 and 302A Substituted by Act 10 of 1997 w.e.f. 14.8.1997.

(a) such members shall cease to be a member of the Zilla panchayat or Taluk Panchayat or Grama Panchayat, and the total number of elected members of such Zilla Panchayat or Taluk Panchayat or Grama Panchayat as the case may be, as determined already shall stand reduced accordingly;

(b) so much of the Zilla panchayat or Taluk Panchayat or Grama Panchayat fund or other property vested in such Zilla panchayat, Taluk Panchayat or Grama Panchayat, shall be transferred to the fund of such local authority of the other local area, as the Government may by order in writing direct;

(c) the rights and liabilities of the Zilla Panchayat, Taluk Panchayat or Grama Panchayat in respect of civil and criminal proceedings, contracts and other matters or things (Including arrears of taxes, fees, cess and rates) arising in, or relating to the part of the area included in, or converted into the other local area shall vest in the local authority of the other local area and such rights and liabilities may be enforced by or against such local authority under the relevant law governing the local authority or the rules, bye laws and orders made thereunder.

302A. Constitution of new district or taluk by altering limits of the existing districts and taluks.- (1) If during the term of office of the members of a Zilla Panchayat of a district or Taluk Panchayat of a taluk (hereinafter referred to as an existing Zilla Panchayat or existing Taluk Panchayat) a new district or taluk is constituted (hereinafter referred to as new district or as the case may be, new taluk) under the Karnataka Land Revenue Act, 1964 by altering the limits of such district or taluk, notwithstanding anything to the contrary contained in this Act, the following consequences shall ensue with effect from the date of such constitution of a new district or taluk, namely:-

(a) there shall be a Zilla Panchayat for the new district, or as the case may be, a Taluk Panchayat for the new taluk which shall consist of members of the existing Zilla Panchayat or Taluk Panchayat representing the territorial constituencies, the whole or major part of the area comprised in which is included in the new district or new taluk and other members referred to in section 120 or 159, as the case may be, and the total number of members of the existing Zilla Panchayat or Taluk Panchayat already determined shall stand reduced accordingly;

(b) the Zilla Panchayat of the new district or Taluk Panchayat of the new taluk shall at its first meeting after the constitution of the new district or taluk, as the case may be, elect one of its members to be Adhyaksha, and one of its members other than the Adhyaksha to be the Upadhyaksha;

(c) the Zilla Panchayat of the new district or Taluk Panchayat of the new taluk shall, as soon as may be elect members of the committees under section 148, or as the case may be, under section 186;

(d) the members of the Zilla Panchayat of the new district, or as the case may be, Taluk panchayat of the new taluk shall, subject to the provisions of sections 128, 129, 135, 136, 167, 168, 174 and 175 hold office for the unexpired portion of their term of office as members in the existing Zilla Panchayat, or as the case may be, existing Taluk Panchayat;

(e) the term of office of the Adhyaksha and Upadhyaksha and the members referred to in clauses (b) and (c) shall, subject to the provisions of sections 138, 140, 148, 177, 179 and 186 expire on such date as the government may by notification specify

(2) Any appointment, notification, notice, tax, order, scheme, licence, permission, rule, regulation, bye-law or form made issued or imposed in respect of the existing Zilla Panchayat or Taluk Panchayat shall continue in force and be deemed to have been made, issued or imposed in respect of Zilla Panchayat or Taluk Panchayat of the new district or as the case may be, new taluk until it is superceded or modified by any appointment, notification, notice, tax, order, scheme, licence, permission, rule, regulation, bye-law or form made, issued, imposed or granted under the Act:

Provided that where a new district or new taluk is constituted by altering the limits of two or more existing districts or taluks, the Government may, by notification, direct that from the date specified thereunder, only such appointment, notification, notice, tax, order, scheme, licence, permission, rule, regulation, bye-law and form made, issued or imposed in respect of such of the existing Zilla Panchayats or Taluk Panchayats shall be applicable to the Zilla Panchayat of the new district and Taluk Panchayat of the new taluk and only such appointments, notifications, notice, tax, order, scheme, licence, permission, rule, regulation, bye-law and form shall thereupon continue in force.