

THE TELANGANA PANCHAYAT RAJ ACT, 2018.

(ACT No. 5 OF 2018)

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THE TELANGANA PANCHAYAT RAJ ACT, 2018.

ACT No. 5 OF 2018.*

[30th March, 2018]

AN ACT TO PROVIDE FOR THE CONSTITUTION OF GRAM PANCHAYATS, MANDAL PRAJA PARISHADS AND ZILLA PRAJA PARISHADS AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

Be it enacted by the Legislature of the State of Telangana in the Sixty-ninth Year of the Republic of India as follows:-

PART-I Preliminary

1. (1) This Act may be called the Telangana Panchayat Raj Act, 2018. Short title, extent, application and commencement.

(2) It extends to the whole of the State of Telangana except,-

(a) the Municipal Corporations governed by any law relating to Municipal Corporations for the time being in force in the State;

(b) the Municipalities governed by the law relating to municipalities for the time being in force in the State;

(c) a Notified area declared under section 389A of the Telangana Municipalities Act, 1965; Act 6 of 1965.

* Received the assent of the Governor on the 29th March, 2018.

Act XLIV of 1956. (d) the mining settlements governed by the Telangana Mining Settlements Act, 1956; and

Central Act 41 of 2006. (e) the cantonments governed by the Cantonments Act, 2006.

(3) In their application to the Scheduled Areas in the State as referred to in clause (1) of article 244 of the Constitution of India; the remaining provisions of this Act shall apply subject to the provisions of Part VII of this Act.

(4) It shall come into force on such date and in such area as the Government may, by notification in the Telangana Gazette, appoint and they may appoint different dates for different areas and for different provisions.

Definitions.

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

(1) **"Backward Classes"** means any socially and educationally Backward Classes of citizens recognized by the Government for purpose of clause (4) of article 15 of the Constitution of India;

(2) **"building"** includes a house, out-house, shop, stable, latrine, shed (other than a cattle shed in an agricultural land) poultry shed, farm house, hut, wall and any other such structure whether of masonry, bricks, wood, mud, metal or other material whatsoever;

(3) **"casual vacancy"** means a vacancy occurring otherwise than by efflux of time, and 'casual election' means an election held to fill a casual vacancy;

(4) **"Chairperson"** means the Chairperson of a Zilla Praja Parishad elected under section 176;

(5) **"Chief Executive Officer"** means the Chief Executive Officer of the Zilla Praja Parishad appointed under section 182;

(6) **"Collector"** means any officer in-charge of Revenue Division and includes a Deputy Collector, a Sub-Collector and an Assistant Collector;

(7) **"Commissioner"** means any officer who is authorized by the Government to exercise any of the powers or discharge any of the duties of the Commissioner under this Act;

(8) **"Company"** means a Company including a foreign company as defined in the Companies Act, 2013; Central Act 18 of 2013.

(9) **"Election Authority"** means such authority not being a member or office bearer of any local authority as may, by notification, be appointed by the State Election Commissioner;

(10) **"Factory"** means a factory as defined in the Factories Act, 1948, and includes any premises including the precincts thereof wherein any industrial, manufacturing or trade process is carried on with the aid of steam, water, oil, gas, electrical or any other form of power which is mechanically transmitted and is not generated by human or animal agency; Central Act 63 of 1948.

(11) **"Finance Commission"** means the Finance Commission constituted by the Governor under section 244 of this Act;

(12) **"Government"** means the State Government;

(13) **"Gram Kantam"** means a traditional dwelling area of the village represented by part where there are no survey numbers;

(14) **"Gram Panchayat"** means the body constituted for the local administration of a village under this Act;

(15) **"Gram Panchayat Tribunal"** means a Tribunal constituted under section 141;

(16) **"Gram Sabha"** means the Gram Sabha which comes into existence under section 6;

(17) **"House"** means a building or a hut fit for human occupation, whether as a residence or otherwise and includes any shop, factory, workshop or warehouse or any building used for garaging or parking buses or as a bus-stand, poultry shed, farm house, cattle shed (other than a cattle shed in any agricultural land) or dairy shed;

(18) **"Hut"** means any building which is constructed principally of wood, mud, leaves, grass, or thatch and includes temporary structure of whatever size or any small building of whatever material made, which the Gram Panchayat may declare to be a hut for the purposes of this Act;

Act 19 of 1972. (19) **"Junior Civil Judge"** means the Junior Civil Judge appointed under the Telangana Civil Courts Act, 1972;

(20) **"Latrine"** includes privy, water-closet and urinal;

Act 7 of 1974. (21) **"Mandal"** means such area in a district as may be declared by the Government by notification to be a Mandal under section 3 of the Telangana Districts (Formation) Act, 1974, excluding the areas covered under the Telangana Municipalities Act, 1965 and the Municipal Corporations

governed by any law relating to Municipal Corporations for the time being in force in the State;

(22) **"Mandal Praja Parishad"** means a Mandal Praja Parishad constituted or reconstituted under section 142;

(23) **"Mandal Parishad Development Officer"** means the Officer referred to under section 162;

(24) **"Markets",-**

(a) Private Market means any market other than a public market;

(b) Public Market means any market owned, constructed, repaired or maintained by a Gram Panchayat;

(25) **"Notification"** means a notification published either in the Telangana Gazette or as the case may be District Gazette concerned and the word 'notified' shall be construed accordingly;

(26) **"Nuisance"** includes any act, omission, place or thing which causes or is likely to cause injury, danger, annoyance or offence to the sense of sight, smell or hearing or disturbance to rest or sleep of which is or may be dangerous to life, or injurious to health or property;

(27) **"Ordinary Vacancy"** means a vacancy occurring by efflux of time and ordinary election means an election held to fill an ordinary vacancy;

(28) **"Owner"** includes,-

(a) the person for the time being receiving or entitled to receive whether on his own account or on behalf of another person as agent, trustee, guardian, manager or

receiver for another person or for any religious or charitable purpose, the rent or profits of the property in connection with which the word is used; and

(b) the person for the time being in-charge of the animal or vehicle in connection with which the word is used;

(29) **"Panchayat Secretary"** means a person appointed under section 42;

(30) **"Population"** means population as per the latest census of which the relevant figures have been published;

(31) **"Prescribed"** means prescribed by the Government by rules made under this Act;

(32) **"President"** means the President of a Mandal Praja Parishad elected under section 147;

(33) **"Private Road"** means any street, road, square, Court, alley, passage, or riding-path which is not a 'public road', but does not include a pathway made by the owner of premises on his own land to secure access to, or the convenient use of such premises;

(34) **"Public Road"** means any street, road, square, Court, alley, passage and includes,-

(a) the roadway over any public bridge or cause way;

(b) the footway attached to any such road, public bridge or cause-way; and

(c) the drains attached to any such road, public bridge or cause way, and the land, whether covered or not by any pavement, verandah or other structure, which lies on either side of the road way up to the boundaries of the

adjacent property, whether that property is private property or property belonging to Government;

(35) **"Qualifying Date"** in relation to the preparation and publication of every electoral roll under this Act, means the first day of January of the year in which it is so prepared and published;

(36) **"Registered Voter"** in the 'Mandal Praja Parishad' or 'registered voter in the District' means a person whose name appears in the electoral roll prepared and published under section 11 for any Gram Panchayat or Gram Panchayats comprised in the Mandal or as the case may be, in the District;

(37) **"Residence", "reside"** – A person is deemed to have his 'residence' or to 'reside' in any house if he sometimes uses any portion thereof as a sleeping apartment, and a person is not deemed to cease to reside in any such house merely because he is absent from it or has elsewhere another dwelling in which he resides, if he is at liberty to return to such house at any time and has not abandoned his intention of returning;

(38) **"Roznamcha"** means a diary in which details of strangers and non-residents are maintained;

(39) **"Sarpanch"** means the Sarpanch of a Gram Panchayat elected under section 15;

(40) **"Scheduled Castes"** and 'Scheduled Tribes' shall have the meaning respectively assigned to them in clause (24) and clause (25) of article 366 of the Constitution of India;

(41) **"State Election Commission"** means the State Election Commission constituted under section 196;

(42) **"State Election Commissioner"** means a State Election Commissioner appointed by the Governor under sub-section (2) of section 196;

(43) **"Technical Sanction Authority"** means an Urban Development Authority as defined in clause (44) and the Director, Town and Country Planning or such Authority as notified by the Government;

(44) **"Urban Development Authority"** means such authority as have been notified under the Telangana Urban Development Authority Act, 1975 and shall also include Hyderabad Metropolitan Development Authority or any other Metropolitan Development Authority;

(45) **"Village"** means any local area which is declared to be a village under this Act;

(46) **"Village Organization"** is a federation of self help groups formed at village level and registered under the Telangana Mutually Aided Cooperative Societies Act, 1995;

Act 30 of 1995.

(47) **"Ward"** means a territorial division of a Gram Panchayat;

(48) **"Water-course"** includes any river, stream or channel, whether natural or artificial;

(49) **"Year"** means the financial year;

(50) **"Zilla Praja Parishad"** means a Zilla Praja Parishad constituted under section 172.

PART - II GRAM PANCHAYAT

CHAPTER - I CONSTITUTION, ADMINISTRATION AND CONTROL OF GRAM PANCHAYATS

3. (1) On and from the date of commencement of this Act, all the villages specified in Schedule VIII shall stand and deemed to have been declared as villages by the names and jurisdiction specified in columns (4), (5), (6) and (7) thereof, for the purposes of this Act.

Declaration of a village for the purposes of this Act.

(2) The Government may, subject to sub-section (3), by notification, amend or alter the Schedule, so as to,-

(a) form a new village by separation of local area from any village or by uniting two or more villages or parts of villages or by uniting any local area to a part of any village;

(b) increase the local area of any village;

(c) diminish the local area of any village;

(d) alter the boundaries of any village;

(e) alter the name of any village;

(f) merge a village or a part of a village to any Nagar Panchayat or Municipality or Municipal Corporation;

(g) remove a village from the purview of this Act;

(h) describe the area of the Village.

(3) A copy of every notification proposed to be issued under sub-section (2), shall be laid, in draft, before each

House of the State Legislature, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both the Houses agree in disapproving the issue of notification or both the Houses agree in making any modifications in the notification, the notification shall not be issued or as the case may be, shall be issued only in such modified form as may be agreed upon by both the Houses of the State Legislature.

(4) From the date of notification under sub-section (2), the Schedule VIII shall stand amended or altered; as notified.

(5) The Government may pass such orders as it may deem fit,-

(a) as to the disposal of the property vested in a Gram Panchayat which has ceased to exist, and the discharge of its liabilities; and

(b) as to the disposal of any part of the property vested in a Gram Panchayat which has ceased to exercise jurisdiction over any local area, and the discharge of the liabilities of the Gram Panchayat relating to such property or arising from such local area;

An order made under this sub-section may contain such supplemental, incidental and consequential provisions as the Commissioner may deem necessary, and in particular may direct,—

(i) that any tax, fee or other sum due to the Gram Panchayat or where a Gram Panchayat has ceased to exercise jurisdiction over any local area, such tax, fee, or

other sum due to the Gram Panchayat as relates to that area, shall be payable to such authorities as may be specified in the order; and

(ii) that appeals, petitions, or other applications with reference to any such tax, fee or sum which are pending on the date on which the Gram Panchayat ceased to exist or, as the case may be, on the date on which the Gram Panchayat ceased to exercise jurisdiction over the local area, shall be disposed off by such authorities as may be specified in the order.

(6) Any decision made by the Government under this section shall not be questioned in a court of law.

4. (1) A Gram Panchayat shall be deemed to have been constituted,-

Constitution of
Gram Panchayats
for villages and
their
incorporation.

(a) for every village which has been specified in Schedule VIII, on and from the date following the date on which the present term of the elected body of the existing Gram Panchayat corresponding to the areas covered by such village expires;

(b) for every village which has been specified in Schedule VIII, where there is no elected body for the existing Gram Panchayat corresponding to the areas covered by such village as on the date of commencement of this Act, on such date of commencement, and

(c) for any village added subsequently to Schedule VIII by a notification in terms of section 3, from the date of such notification.

(2) Subject to the provisions of this Act, the administration of the village shall vest in the Gram Panchayat, but the Gram Panchayat shall not be entitled to

exercise functions expressly assigned by or under this Act or any other law to its Sarpanch, or to any other local authority, or other authority.

(3) Every Gram Panchayat shall be a body corporate by the name of the village specified or subsequently included as the case may be in Schedule VIII, shall have perpetual succession and a common seal, and subject to any restriction or qualification imposed by or under this Act or any other law, shall be vested with the capacity of suing or being sued in its corporate name, of acquiring, holding and transferring property, of entering into contracts, and of doing all things necessary, proper or expedient for the purposes for which it is constituted.

Township.

5. (1) The Government may declare, by a notification in the Telangana Gazette a village or any other area to be a township if it is an industrial or institutional colony, a labour colony, a project area, a health resort or a place of religious importance.

(2) If the area declared as township under sub-section (1) comprises a village, or forms part of a village the Government shall issue a notification in terms of sub-section (2) of section 3 either to remove the village or as the case may be, exclude such part from the village.

(3) In regard to any area other than a place of religious importance declared to be a township, the Government shall, by notification in the Telangana Gazette constitute a Township Committee, which shall consist of a "Chairperson" and such number of members as nominated by the Government and they would hold office during the pleasure of the Government.

(4) A notification issued by the Government under sub-section (3) may direct that any functions vested in a Gram

Panchayat by or under this Act shall be transferred to and performed by the township committee and shall provide for,—

(i) the restrictions and conditions subject to which the township committee may perform its functions; and

(ii) any other matter incidental to or connected with the transfer of the functions of a Gram Panchayat to the township committee including the apportionment of the revenues between the township committee and the Gram Panchayat concerned or any contributions or compensation that shall be paid by the township committee to the Gram Panchayat concerned.

(5) Every township committee shall, in regard to the conduct of its business, follow such procedure as may be prescribed.

(6) The Government may, by notification in the Telangana Gazette, direct that any of the provisions of this Act or of the law relating to municipalities for the time being in force, or of any rules made thereunder or of any other enactment for the time being in force elsewhere in the State but not in the village or local area of specified part thereof referred to in sub-section (1) shall apply to that village, local area or part to such extent and subject to such modifications, additions and restrictions as may be specified in the notification.

6. (1) There shall come into existence a Gram Sabha for every village on the date of its formation under section 3. **Gram Sabha.**

(2) A Gram Sabha shall consist of all persons whose names are included in the electoral roll for the Gram Panchayat referred to in section 4 and such persons shall be deemed to be the members of the Gram Sabha.

(3) (a) Gram Sabha shall meet once in two months on such day and at such place and at such time as fixed by the Gram Panchayat, and in any case within a period of 10 days from such date;

(b) the Sarpanch or in his absence the Upa-Sarpanch shall convene such meetings of the Gram Sabha; and

(c) the Sarpanch or as the case may be the Upa-Sarpanch as the convenor of meetings of the Gram Sabha shall, invite the members of the Mandal Praja Parishad, the Zilla Praja Parishad and the State Legislature representing the area of the Gram Panchayat to such meetings.

(4) Every meeting of the Gram Sabha shall be presided over by the Sarpanch or in his absence the Upa-Sarpanch or in the absence of both of them by one of the members of the Gram Panchayat as decided by them.

(5) The Gram Panchayat shall place before the Gram Sabha a report on the developmental programmes relating to the Gram Panchayat during the previous period and those that are proposed to be undertaken during the current period, and the expenditure therefor, the annual statement of accounts, audit report and the administration report of the preceding year. If in any circumstances, any decision of the Gram Sabha could not be implemented, the Sarpanch shall report the reasons therefor, before the Gram Sabha.

(6) While conducting six Gram Sabhas in a year at least two Gram Sabhas shall be conducted with a focus on women, senior citizens and disadvantaged sections.

(7) The Panchayat Secretary shall with the approval of the Gram Panchayat prepare and display the Agenda for the Gram Sabha, in the manner prescribed and communicate

agenda to the members with the subjects as mentioned in sub-section (8).

(8) The following subjects may be reviewed by the Gram Sabha:-

(a) Sanitation: Solid and liquid waste management, safe disposal of garbage by converting it into compost; promotion of open defecation free village.

(b) Maintenance of Street lights: Conservation of Energy;

(c) Plantation and maintenance of trees under different schemes in Gram Panchayat;

(d) Create Awareness on Family Welfare, Education, Public Health, abolition of child labour, bonded labour, social evils etc;

(e) Maintenance of internal roads, culverts and drains;

(f) Maintenance of Community Assets – Common sites, Public places, buildings, community halls, parks etc;

(g) Promoting Cultural activities – Fairs and festivals, Sports and Games;

(h) The collection and compilation of details required to formulate development plans of the Panchayat;

(i) Formulation of proposals and fixing of priority of schemes and development programmes to be implemented in the Gram Panchayat;

(j) Preparation of final list of eligible beneficiaries in the order of priority relating to all the beneficiary-oriented schemes on the basis of the criteria fixed;

(k) Rendering assistance to implement effectively the development schemes by providing facilities locally required;

(l) Mobilizing voluntary service, Shramadanam and contribution in cash or in kind for the development plans;

(m) Locating street lights, public taps, public wells, public sanitation units, such other public utility schemes;

(n) Formulation of schemes to impart awareness on matters of public interest like cleanliness, environmental protection, pollution control and to create awareness on health and hygiene;

(o) Promoting communal harmony, unity and goodwill among the people within the Gram Panchayat;

(p) Monitoring and rendering assistance to the beneficiaries engaged in the developmental activities within the area of the Gram Panchayat;

(q) Verifying the persons getting various kinds of welfare assistance from the Government such as pensions etc;

(r) Collection of information regarding the detailed estimates of works proposed to be implemented in the Gram Panchayat;

(s) Follow up action taken on the decisions of the Gram Sabha and the detailed reasons for not implementing any of the decisions;

(t) Proposal of Gram Panchayat relating to fresh taxation or enhancement of existing taxes;

(u) Promotion of adult education;

(v) Conservation and maintenance of public properties;

(w) Promotion of self help group activities;

(x) Such other functions as may be prescribed from time to time by the Government.

(9) The Gram Sabha shall have the right to know about the budgetary provisions, the details of plan outlay, item wise allocation of funds and details of the estimates and cost of materials of works executed or proposed to be executed within the area of the Gram Panchayat.

(10) The quorum for the Gram Sabha meetings shall be as follows:

(i)	Upto 500 voters	..	50 Members
(ii)	501 to 1000 voters	..	75 Members
(iii)	1001 to 3000 voters	..	150 Members
(iv)	3001 to 5000 voters	..	200 Members
(v)	5001 to 10000 voters	..	300 Members
(vi)	Above 10000 voters	..	400 Members

Provided that when the meeting of a Gram Sabha is not held within one hour of the scheduled time for want of quorum, it shall be adjourned. The adjourned meeting shall be held at any time after two hours and the business at such adjourned meeting may be transacted without the requirement of the requisite quorum:

Provided further that the proceedings of every Gram Sabha shall be video-graphed and minuted and proceedings shall be uploaded in the website.

(11) Resolutions shall be passed on majority basis by show of hands, in the meetings of the Gram Sabha in respect of any issue within its jurisdiction; however, effort should be made to take decision on the basis of general consensus as far as possible.

(12) The Gram Sabha shall observe such rules of procedure at its meetings as may be prescribed.

(13) All the Village Level Functionaries of the Departments listed in Schedule – VII shall attend the Gram Sabha and implement the resolutions of the Gram Sabha following the established procedure failing which they shall be liable for disciplinary action.

Total strength of a Gram Panchayat.

7. (1) A Gram Panchayat shall consist of such number of elected members inclusive of its Sarpanch as may be notified from time to time, by the Commissioner in accordance with the following Table and for greater clarity, Schedule VIII shown the number of members against the Gram Panchayats concerned:-

TABLE

Gram Panchayat with a Population at the last census. (1)	Number of members (2)
Up to 300	5
Exceeding 300 but not exceeding 500	7
Exceeding 500 but not exceeding 1,500	9
Exceeding 1,500 but not exceeding 3,000	11
Exceeding 3,000 but not exceeding 5,000	13
Exceeding 5,000 but not exceeding 10,000	15

Exceeding 10,000 but not exceeding 15,000	17
Exceeding 15,000 but not exceeding 25,000	19
Exceeding 25,000	21

(2) The Member of the Mandal Parishad Territorial Constituency shall be permanent invitee to the meetings of Gram Panchayats and he shall have the right to speak in and otherwise to take part in the proceedings of any meeting of the Gram Panchayat or Gram Panchayats functioning within the local limits of the respective jurisdiction; but shall not, by virtue of this section be entitled to vote at any such meeting.

(3) One person who is either a retired employee or a senior citizen having passion for development of village, one President of a Village Organization and one donor to the Gram Panchayat shall be co-opted in the manner prescribed. They shall have the right to speak in and otherwise take part in proceedings of any meeting, but they shall not be entitled to vote at any such meeting.

8. All members of the Gram Panchayat shall be elected by the registered voters in the ward by the method of secret ballot and in accordance with such rules as may be made in this behalf. **Election of Members.**

9. (1) The seats (wards) of members of Gram Panchayats in the State shall be reserved for Scheduled Tribes, Scheduled Castes, Backward Classes and Women, by notification, in the manner specified below. **Reservation of seats of members of Gram Panchayat.**

(2) Out of the total strength of elected members determined under section 7, the Revenue Divisional Officer shall, in respect of each Gram Panchayat in his jurisdiction determine in the first instance, the number of wards to be reserved, in the Gram Panchayat concerned, for the members belonging to Scheduled Tribes and the

Scheduled Castes subject to the condition that the number of wards so reserved shall bear, as nearly as may be, the same proportion to the total number of wards to be filled by direct election to the Gram Panchayat as the population of Scheduled Tribes or as the case may be, of the Scheduled Castes in that Gram Panchayat bears to the total population of that Gram Panchayat, subject to the condition that the Revenue Divisional Officer shall, in the Scheduled Areas, allocate not less than one half of the total number of seats in each Gram Panchayat for being reserved for Scheduled Tribes.

(3) In the villages where 100% (hundred percent) population is Scheduled Tribes, all the wards in every Gram Panchayat of such villages shall be filled up by persons belonging to Scheduled Tribes only.

(4) The Revenue Divisional Officer shall, in addition to the reservation made under sub-section (2), reserve for the Backward Classes such number of wards, as may be allocated to them in each Gram Panchayat, in his jurisdiction. The number of offices of members of Gram Panchayats in the State reserved for Backward Classes shall not be less than thirty four per cent of the total number of offices of the members of Gram Panchayats in the State. For the purpose of reserving wards for the Backward Classes in respect of the Gram Panchayat, the Revenue Divisional Officer shall determine the number of wards to be reserved for the Backward Classes in each Gram Panchayat on the basis of the proportionate percentage of Backward Classes of that Mandal arrived at in the following manner.

NOTE:- In order to arrive at the "proportionate percentage of Backward Classes" of the Gram Panchayat, the following formula shall be adopted:

$$\begin{array}{ccccc}
 & & \text{Reservation for} & & \\
 & & \text{Backward} & & \\
 & & \text{Classes in the} & & \\
 & & \text{State 34\%} & & \\
 \text{Mandal} & & & & \text{Mandal} \\
 \text{Proportionate} & & & & \text{Backward} \\
 \text{Percentage of} & = & \text{-----} & \times & \text{classes} \\
 \text{Backward} & & & & \text{percentage} \\
 \text{Class} & & \text{State} & & \\
 & & \text{Percentage of} & & \\
 & & \text{Backward} & & \\
 & & \text{Classes} & &
 \end{array}$$

Explanation:- (i) State percentage of Backward Classes shall be as projected by the Directorate of Economics and Statistics;

(ii) Mandal Backward Classes percentage is the figure as projected by the Directorate of Economics and Statistics;

(5) (a) Where the reservation for Scheduled Tribes, Scheduled Castes and Backward Classes reaches or exceeds 100% (hundred percent), in such case, the reservation for Backward Classes shall be calculated by arriving at a percentage to the remaining offices after so reserving for Scheduled Tribes and Scheduled Castes.

(b) Notwithstanding anything contained in clause (a), the Revenue Divisional Officer shall for the purpose of reservation of Wards for Backward Classes in Gram Panchayat located in Scheduled Areas, determine in the first instance number of wards remaining after reserving seats for Scheduled Tribes and Scheduled Castes in each such Gram Panchayat and arrive at the number of wards to be reserved for Backward Classes computed only on the basis of such remaining wards applying the proportionate percentage of population of Backward Classes in the Mandal.

(6) The Revenue Divisional Officer shall reserve one-half of the number of wards reserved for Scheduled Tribes, Scheduled Castes and Backward Classes and one-half of the unreserved wards for Women, in each Gram Panchayat.

(7)(a) The Revenue Divisional Officer shall then communicate the number of wards of Gram Panchayats to be reserved in each Gram Panchayat for the members of Scheduled Tribes, Scheduled Castes, Backward Classes and Women to Mandal Parishad Development Officer concerned.

(b) The Mandal Parishad Development Officer shall, in turn, on receipt of communication under clause (a) shall reserve in respect of wards allotted under sub-section (2) to the Scheduled Tribes in the Gram Panchayat in the first instance in such wards where the proportion of voters belonging to Scheduled Tribes to the total number of voters in the ward concerned is the highest in the descending order.

(c) After excluding the wards reserved for Scheduled Tribes in the respective Gram Panchayat, the Mandal Parishad Development Officer shall reserve the wards from among the remaining wards, for Scheduled Castes allotted under sub-section (2) above, in the wards where the proportion of voters belonging to Scheduled Castes to the total number of voters in the ward concerned is the highest in the descending order.

(d) The reservation of wards for Backward Classes in the Gram Panchayat allotted under sub-section (4) shall be made by the Mandal Parishad Development Officer from among the wards remaining after reserving wards for Scheduled Tribes and Scheduled Castes in each Gram Panchayat where the proportion of voters belonging to the

Backward Class to the total voters in the ward concerned is the highest in the descending order.

Provided that no reservation for Backward Classes shall be made in such of those Gram Panchayats where there are no Backward Class voters:

Provided further that where there are no Backward Class Voters in a Gram Panchayat in a Mandal or where the proportion of Backward Class voters is lower than their proportion in the Mandal, the reservation of Ward Members for Backward Classes proportionate to the shortage noted shall be shifted to such of those Gram Panchayats within the concerned Mandal in proportion to the Backward Class voters in Gram Panchayats arranged in a descending order, subject to the condition that the total number of ward members to be allotted to Backward Classes in the Mandal shall remain the same thus ensuring that the number of wards reserved for BCs in a Mandal is equal to Mandal proportion as calculated in sub-section (4).

(e) The reservation of wards for women in the Gram Panchayats allotted under sub-section (6), shall be made by the Mandal Parishad Development Officer in each category i.e., Scheduled Tribe, Scheduled Caste, Backward Class and Unreserved, on the basis of draw of lots.

(8) The reservation of wards for Scheduled Tribes, Scheduled Castes, Backward Classes and Women shall be by rotation as far as practicable, commencing from the first ordinary election held under this Act:

Provided that such rotation shall be effected after completion of two consecutive terms:

Provided further that the wards allotted to Scheduled Tribes, Scheduled Castes, Backward Classes during the

earlier ordinary elections shall not be allotted to the same categories till a cycle of reservation in that category is completed.

(9) (a) While allotting the wards by rotation Scheduled Tribes, Scheduled Tribes (women), Scheduled Castes, Scheduled Castes (women), Backward Classes, Backward Classes (women), Unreserved and Unreserved (women) shall be treated as separate categories:

Provided that, such of those wards which could not be reserved in the first and second cycles though they were eligible in the descending order but were allotted to the other categories due to order of preference in allotment as per descending order or proportionate population, in those categories shall be allotted first before going to the wards in the second cycle.

(b) Those wards, which lost their reservation as a result of repeating the reservation second time in that cycle, should be reserved in the ensuing elections in those districts or wherever applicable.

Explanation:- For the removal of doubts, it is hereby declared that,-

(i) For purposes of reserving wards under this section any fraction less than one-half shall be ignored and any fraction equal to or more than one-half shall be counted as one.

(ii) The expression "Revenue Divisional Officer" under this section shall include the Sub-Collector or Assistant Collector in-charge of a Revenue Division.

(iii) In case where the reservation for Scheduled Tribes or Scheduled Castes cannot be made due to non availability

of their voters in required number of wards, then the reservation shall be made in descending order in such of those wards where the voters of Scheduled Tribes / Scheduled Castes are available in the first instance, and thereafter, the remaining reservation of Wards shall be made on the basis of draw of lots.

Example:- If there are eight wards in a Gram Panchayat of which six are to be reserved for Scheduled Tribes, whereas, Scheduled Tribes voters are available only in three wards then the reservation for the remaining three wards shall be made by draw of lots from among the other five wards by the Mandal Parishad Development Officer concerned.

(10) Nothing in this section shall be deemed to prevent women and the members of the Scheduled Tribes, Scheduled Castes and Backward Classes from standing for election to the un-reserved wards in the Gram Panchayat.

(11) The Government is competent to issue any clarification for the purpose of removing any difficulty in implementing the provisions of this section for the smooth conduct of elections.

10. For the purpose of electing members to a Gram Panchayat, the Commissioner shall, subject to such rules as may be prescribed divide the village into as many wards as there are seats, determined under section 7, on a territorial basis in such a manner that all wards shall have, as far as practicable, equal number of voters and allot not more than one seat for each ward.

Division of wards.

11. (1) The electoral roll for Gram Panchayat shall be prepared by the person authorized by the State Election Commissioner in such manner by reference to such qualifying date as may be prescribed and the electoral roll

Preparation and publication of electoral roll for a Gram Panchayat.

for the Gram Panchayat shall come into force immediately upon its publication in accordance with the rules made by the Government in this behalf. The electoral roll for the Gram Panchayat shall consist of such part of the electoral roll for the Assembly Constituency published under the Representation of the People Act, 1950 as revised or amended under the said Act, upto the qualifying date, as relates to the village or any portion thereof:

Provided that any amendment, transposition or deletion of any entries in the electoral roll, or any inclusion of names in the electoral roll of the Assembly Constituencies concerned, made by the Electoral Registration Officer under section 22 or section 23, as the case may be, of the Representation of the People Act, 1950, upto the date of election notification, for any election held under this Act, shall be carried out in the electoral roll of the Gram Panchayat and any such names included shall be added to the part relating to the respective Ward.

Explanation:- Where in the case of any Assembly Constituency there is no distinct part of the electoral roll relating to the village, all persons whose names are entered in such roll under the registration area comprising the village and whose addresses as entered are situated in the village shall be entitled to be included in the electoral roll for the Gram Panchayat prepared for the purposes of this Act.

(2) The said electoral roll for a Gram Panchayat,–

(a) shall, unless otherwise directed by the Government, for reasons to be recorded in writing, be revised in the prescribed manner by reference to the qualifying date:-

(i) before each ordinary election; and

(ii) before each casual election to fill a casual vacancy in the office of the Sarpanch and member of a Gram Panchayat; and

(b) shall be prepared and published in any year, in the prescribed manner, by reference to the qualifying date, if so directed by the State Election Commission:

Provided that if the electoral roll is not prepared and published as aforesaid, the validity or continued operation of the said electoral roll, shall not thereby be affected.

(3) The electoral roll published under sub-section (1) shall be the electoral roll for the Gram Panchayat and it shall remain in force till a fresh electoral roll for the Gram Panchayat is published under this section.

(4) The electoral roll for the Gram Panchayat shall be divided into as many parts as there are wards so that each part consists of the voters residing in the concerned ward and for this purpose the electoral roll may be rearranged if such rearrangement is found necessary.

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

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

Explanation:- In this section, the expression "Assembly Constituency" shall mean a constituency provided by law for

the purpose of elections to the Telangana Legislative Assembly.

**Rearrangement
and republication
of electoral rolls.**

12. Where, after the electoral roll for the Gram Panchayat has been published under sub-section (1) of section 11, the village is divided into wards for the first time or the division of the village into ward is altered or the limits of the village are varied, the person authorized by the State Election Commissioner in this behalf shall in order to give effect to the division of the village into wards or to the alteration of the wards or to the variation of the limits, as the case may be, authorize a re-arrangement and republication of the electoral roll for the Gram Panchayat or any part of such roll in such manner, as the State Election Commissioner may direct.

**Identification of
Backward Class
voters.**

13. The Government shall identify all the Backward Class voters. This activity shall be conducted as per the schedule issued by the Government which shall be not more than fifteen days.

**Term of office of
members.**

14. (1) Save as otherwise provided in this Act the term of office of members elected at ordinary elections shall be five years from the date appointed by the Commissioner for the first meeting of the Gram Panchayat after the ordinary elections.

(2) Ordinary vacancies in the office of elected members shall be filled at ordinary elections which shall be fixed by the State Election Commission to take place on such day or days before the occurrence of the vacancies, provided such day or days shall not fall beyond three months prior to the occurrence of the vacancies.

(3) (a) Every casual vacancy in the office of an elected member of Gram Panchayat shall be reported by the Panchayat Secretary to the election authority within fifteen

days from the date of occurrence of such vacancy and shall be filled within four months from that date;

(b) a member elected in a casual vacancy shall enter upon office forthwith but shall hold office only so long as the member in whose place he is elected would have been entitled to hold office if the vacancy had not occurred;

(c) no casual election shall be held to a Gram Panchayat within six months before the date on which the term of office of its members expires by efflux of time.

15. (1) There shall be a Sarpanch for every Gram Panchayat, who shall be elected in the prescribed manner by the persons whose names appear in the electoral roll for the Gram Panchayat, from among themselves. A person shall not be qualified to stand for election as Sarpanch, unless he is atleast twenty-one years of age:

Election and term of office of Sarpanch or Upa-Sarpanch.

Provided that a Member of the Legislative Assembly of the State or a Member of the Legislative Council of the State or of either House of Parliament who is elected to the office of Sarpanch or Upa-Sarpanch shall cease to hold such office unless within one month from the date of election to such office he ceases to be a Member of the Legislative Assembly of the State or a Member of the Legislative Council of the State or of either House of Parliament by resignation or otherwise.

(2) The election of the Sarpanch may be held at the same time and in the same place as the ordinary elections of the members of the Gram Panchayat.

(3) Save as otherwise expressly provided in, or prescribed under this Act, the term of office of the Sarpanch who is elected at an ordinary election shall be five years

from the date appointed by the Commissioner for the first meeting of the Gram Panchayat after the ordinary election.

(4) Subject to the provisions of sub-section (5), any casual vacancy in the office of the Sarpanch shall be filled within one hundred and twenty days from the date of occurrence of such vacancy, by a fresh election under sub-section (1); and a person elected as Sarpanch in any such vacancy shall hold office only so long as the person in whose place he is elected would have been entitled to hold office if the vacancy had not occurred.

(5) Unless the Commissioner otherwise directs, no casual vacancy in the office of the Sarpanch shall be filled within six months before the date on which the ordinary election of the Sarpanch under sub-section (1) is due.

(6) The provisions of sections 20 to 27 shall apply in relation to the office of the Sarpanch as they apply in relation to the office of an elected member of the Gram Panchayat.

(7) The Sarpanch shall be an ex-officio member of the Gram Panchayat and shall be entitled to vote at meetings of the Gram Panchayat.

(8) A person shall be disqualified for election as Sarpanch if he is in arrears of any dues, otherwise than in a fiduciary capacity to a Mandal Praja Parishad, or if is interested in a subsisting contract made with or any work being done for, the Mandal Praja Parishad within whose jurisdiction the Gram Panchayat is situated or any other Gram Panchayat within the jurisdiction of that Mandal Praja Parishad:

Provided that a person shall not be deemed to have any interest in such contract or work by reason only of his having a share or interest in,-

(i) A company as a mere shareholder but not as a director; or

(ii) Any lease, sale or purchase of immovable property or any agreement for the same; or

(iii) An agreement for the loan of money or any security for the payment of money only; or

(iv) Any newspaper in which any advertisement relating to the affairs of any of the aforesaid Gram Panchayat is inserted.

Explanation:- For the removal of doubt it is hereby declared that where a contract is fully performed it shall not be deemed to be subsisting merely on the ground that the Mandal Praja Parishad has not performed its part of the contractual obligation.

(9) For every Gram Panchayat one of the members shall be elected to be Upa-Sarpanch by the Gram Panchayat, in the prescribed manner. If at an election held for the purpose, no Upa-Sarpanch is elected, fresh election shall be held:

Provided that before an election of Upa-Sarpanch is held, every casual vacancy in the office of an elected member of a Gram Panchayat shall be filled.

(10) A Special meeting for the election of the Upa-Sarpanch shall be called on the same date on which the results of the ordinary elections to the Gram Panchayat have been published. The notice of the meeting for election of

Upa-Sarpanch shall be given to the members so elected by affixture of the same on the notice board at the office of the Gram Panchayat, immediately after such publication:

Provided that if, for any person, the election of the Upa-Sarpanch is not held on the date aforesaid the special meeting for the election of the Upa-Sarpanch shall be held on the next day, whether or not it is a holiday observed by the Gram Panchayat:

Provided further that the State Election Commission may, from time to time, for reasons to be recorded in writing direct or permit the holding of the election of the Upa-Sarpanch on any other day.

Training for the Sarpanches and Ward Members.

16. All Ward Members, Upa-Sarpanches, Sarpanches elected under this Act, shall undergo training on developmental activities of Panchayat Raj Institutions, the Telangana Panchayat Raj Act, 2018 and the rules made thereunder, in the manner prescribed.

Reservation of office of Sarpanch.

17. (1) The offices of Sarpanches of Gram Panchayats in the State shall be reserved for Scheduled Tribes, Scheduled Castes, Backward Classes and Women, by notification, in the manner specified below.

(2) (a) Out of the total number of offices of Sarpanch in the State, the Commissioner shall determine in the first instance, the number of offices of Sarpanches of Gram Panchayats to be reserved for the members belonging to Scheduled Tribes and Scheduled Castes.

(b) The number of offices to be reserved to the Scheduled Tribes and Scheduled Castes as may be determined by the Commissioner, shall be subject to the condition that the number of offices so reserved shall, bear as nearly as may be the same proportion to the total

number of offices to be filled in the State, as the population of the Scheduled Tribes or as the case may be Scheduled Castes in the State bear to the total population of the State:

Provided that while computing the total population of the State for the purpose of making reservation to the Scheduled Tribes and Scheduled Castes under this sub-section, the population of the Scheduled area and the population of the villages where the 100% (hundred percent) population is Scheduled Tribes shall be excluded.

(3) The Commissioner thereafter shall, allot to each District the number of offices of the Sarpanches on the basis of the proportionate population of the Scheduled Tribes or of the Scheduled Castes in the District to the total population of the Scheduled Tribes or as the case may be the Scheduled Castes of the State:

Provided that in the villages located in the Scheduled areas and the villages where the 100% (hundred percent) population is the Scheduled Tribes, all the Offices of the Sarpanches shall be reserved for the Scheduled Tribes only.

(4) For the purposes of determining the number of offices to be reserved for Backward Classes, the Commissioner, shall determine 34% (thirty four percent) of the offices to the members belonging to the Backward Classes and allot to each district on the basis of the proportion of population of Backward Classes in the State.

(5) The Commissioner shall, reserve one-half of the number of offices reserved for Scheduled Tribes, Scheduled Castes and Backward Classes and one-half of the unreserved offices in each District, for women.

(6) The Commissioner, thereafter shall, communicate the number of offices so reserved for Scheduled Tribes, Scheduled Castes, Backward Classes, and women in respect of each District, to all the District Collectors, in respect of the Gram Panchayats falling within their respective districts.

(7)(a) The District Collector, on receipt of the communication under sub-section (6) shall, determine, in the first instance, the number of offices of Sarpanches to be reserved in each Mandal Praja Parishad for Scheduled Tribes and Scheduled Castes subject to the condition that the number of offices so reserved shall bear as nearly as may be, the same proportion as the population of the Scheduled Tribes or as the case may be, Scheduled castes in the Mandal bears to the total population of the Scheduled Tribes or Scheduled castes in district concerned:

Provided that in the villages located in the Scheduled areas and the villages where the 100% (hundred percent) population is the Scheduled Tribes, all the offices of the Sarpanches shall be reserved for the Scheduled Tribes only;

(b) The number of offices of Sarpanches to be reserved for the Backward Classes shall be on the basis of the projected population of Backward Classes in the Mandal to the total projected population of the Backward Classes in the District.

For the purpose of determining number of offices of Sarpanches to be reserved for the Backward Classes, the District Collector shall arrive at this number on the basis of the Mandal proportionate percentage of Backward Classes arrived at in the manner specified below:

NOTE:-

$$\begin{array}{ccccc}
 \text{Mandal} & & \text{Reservation for} & & \\
 \text{Proportionate} & & \text{Backward Classes} & & \\
 \text{Percentage of} & = & \text{in the State} & \times & \text{Mandal} \\
 \text{Backward} & & \text{-----} & & \text{Backward} \\
 \text{Class} & & \text{State Percentage} & & \text{classes} \\
 & & \text{of Backward} & & \text{percentage} \\
 & & \text{Classes} & &
 \end{array}$$

Explanation:- (i) State percentage of Backward Classes shall be as projected by the Directorate of Economics and Statistics;

(ii) Mandal Backward Classes percentage is the figure as projected by the Directorate of Economics and Statistics;

(c) The District Collector shall reserve for women one-half of the number of offices reserved for Scheduled Tribes, Scheduled Castes and Backward Classes and one-half of the unreserved offices in each Mandal, for women.

(8) The District Collector, thereafter shall communicate the number of offices to be reserved for Scheduled Tribes, Scheduled Castes, Backward Classes and Women in respect of each Mandal, to the Revenue Divisional Officer.

(9) (a) The Revenue Divisional Officer in turn, shall, allot offices of Sarpanches in each Mandal Praja Parishad for the members belonging to Scheduled Tribes, Scheduled Castes and Backward Classes. He shall allot offices to the Scheduled Tribes in the first instance where the proportion of population of the Scheduled Tribes in the Gram Panchayat to the total population of the Gram Panchayat concerned is the highest in the descending order;

(b) After excluding the Gram Panchayats reserved for Scheduled Tribes, the Revenue Divisional Officer, shall reserve from among the remaining Gram Panchayats, the offices for the Scheduled Castes allocated to each Mandal where the proportion of the population of the Scheduled Castes in Gram Panchayat to the total population of the Gram Panchayat concerned is the highest in the descending order;

(c) After excluding the Gram Panchayats reserved for Scheduled Tribes and Scheduled Castes in the Mandal Praja Parishad, the Revenue Divisional Officer shall reserve from among the remaining Gram Panchayats, the offices for the Backward classes where the proportion of voters belonging to Backward Classes in the Gram Panchayat to the total voters in the Gram Panchayat is the highest in the descending order;

(d) The Revenue Divisional Officer shall reserve one-half of the offices for women in each of the categories from out of the Scheduled Tribes, Scheduled Castes, Backward Classes and unreserved categories on the basis of draw of lots.

(10) (a) The reservation of offices for Scheduled Tribes, Scheduled Castes, Backward Classes and Women shall be by rotation as far as practicable commencing from the first ordinary election held under this Act. The offices reserved to Scheduled Tribes, Scheduled Castes, Backward Classes during the earlier ordinary elections shall not be again reserved to the same categories till a cycle of reservation in that category is completed, except in the case of offices reserved for Scheduled Tribes in the Gram Panchayats in the Scheduled Areas and the villages where hundred percent population is Scheduled Tribes:

Provided that such rotation shall be effected after completion of two consecutive terms;

(b) If a new Gram Panchayat is formed after ordinary general elections to Gram Panchayats, to determine the category of reservation to that Gram Panchayat proportionate reservation as provided above will be notionally worked out taking that new Gram Panchayat into consideration. If this new worked out reservation results in a clear additional seat for any one category, the Gram Panchayat newly created would be allotted to that category. If it does not, then the reservation for the newly created Gram Panchayat shall be decided on the basis of draw of lots:

Provided that this does not apply to Gram Panchayats located in the Scheduled areas and the villages where 100% (hundred percent) population is Scheduled Tribes;

(c) For allotting the offices by rotation to the Scheduled Tribes, Scheduled Tribes (women), Scheduled Castes, Scheduled Castes (women), Backward Classes, Backward Classes (women), Unreserved and Unreserved (women) shall be treated as separate categories:

Provided that such of those offices which could not be reserved in the first and second cycle though they were eligible in the descending order but were allotted to the other categories due to order of preference in allotment as per descending order or proportionate population, in those categories shall be allotted first before going to the offices in the second cycle;

(d) Those offices, which lost their reservation as a result of repeating the reservation second time in that cycle, should be reserved in the ensuing elections in those districts or wherever applicable.

Explanation:- (i) Fraction will be rounded off in descending order only to the extent required to arrive at actual number as per percentage.

(ii) The expression "Revenue Divisional Officer" shall include the Sub-Collector or Assistant Collector in-charge of Revenue Division, for the purposes of this section.

(11) Nothing in this section shall be deemed to prevent women and the members of the Scheduled Tribes, Scheduled Castes and Backward Classes from standing for election to the unreserved offices.

(12) The Government is competent to issue any clarification for the purpose of removing any difficulty in implementing the provisions of this section for smooth conduct of the elections.

Fresh elections in certain cases.

18. (1) If at an ordinary or casual election, no person is elected to fill a vacancy a fresh election shall be held on such day as the officer or authority authorized by the State Election Commissioner in this behalf, may fix.

(2) The term of office of a member of a Gram Panchayat elected under this section shall expire at the time at which it would have expired if he had been elected at the ordinary or casual election, as the case may be.

Qualification of candidates.

19. No person shall be qualified for election as a member of a Gram Panchayat unless his name appears on its electoral roll and he is not less than twenty-one years of age.

Disqualification of certain office holders etc.

20. (1) No village servant and no officer or servant of the Government of India or any State Government or of a local authority or an employee of any institution receiving aid from the funds of the Government and no office bearer of any body constituted under a law made by the Legislature of the

State or of Parliament shall be qualified for being chosen as or for being a member of a Gram Panchayat.

Explanation:- For the purpose of this section the expression “village servant” means any person who holds any of the village offices of neeradi, kawalkar, sethasindhi or any such village office by whatever designation it may be locally known.

(2) A person who having held an office under the Government of India or under the Government of any State or under any local authority, has been dismissed for corruption or for disloyalty to the State or to the local authority shall be disqualified for a period of five years from the date of such dismissal.

(3) For the purposes of sub-section (2), a certificate issued by the State Election Commissioner to the effect that a person having held office under the Government of India or under the Government of State or under any local authority has or has not been dismissed for corruption or for disloyalty to the State or to the local authority shall be conclusive proof of that fact:

Provided that no certificate to the effect that a person has been dismissed for corruption or for disloyalty to the State or to the local authority shall be issued unless an opportunity of being heard has been given to the said person.

(4) Apart from the disqualification specified in sub-sections (1) and (2) of this section and sections 21, 22, 23, 24 and 25 a person shall be disqualified for being chosen as, and for being a member of a Gram Panchayat if he is otherwise disqualified by or under any law for the time being in force for the purposes of elections to the Legislature of the State:

Central Act 43 of 1951.

Provided that where a person is convicted for an offence specified under sub-section (1) or sub-section (2) of section 8 of the Representation of People Act, 1951, or under section 21 of this Act, while he is a member or office bearer of a Gram Panchayat, Mandal Praja Parishad or Zilla Praja Parishad, the disqualification arising out of such conviction shall not take effect until the expiry of the time for filing an appeal against such conviction and where an appeal is filed until the disposal of the appeal:

Provided further that a person convicted for an offence under sub-section (1) of section 8 of the Representation of People Act, 1951 shall be disqualified for being chosen as or for continuing as a member of a Gram Panchayat, Mandal Praja Parishad or a Zilla Praja Parishad for a period of six years from the date of conviction and a person convicted under sub-section (2) thereof shall be disqualified for a period of six years from the date of conviction and for a further period of five years from the date of release.

Disqualification of candidates.

21. (1) A person who has been convicted by a Criminal Court,-

Central Act 22 of 1955.

(a) for an offence under the Protection of Civil Rights Act, 1955; or

(b) for an offence involving moral delinquency shall be disqualified for election as a Member for a period of five years from the date of conviction or where he is sentenced to imprisonment while undergoing sentence and after a period of five years from the date of expiration thereof.

(2) A person shall be disqualified for being chosen as a member if on the date fixed for scrutiny of nomination for election, or on the date of nomination under sub-section (2) of section 18 he is,-

(a) of unsound mind and stands so declared by a competent Court;

(b) an applicant to be adjudicated an insolvent or an un-discharged insolvent;

(c) interested in a subsisting contract made with, or any work being done for, the Gram Panchayat, Mandal Praja Parishad, Zilla Praja Parishad or any State or Central Government:

Provided that a person shall not be deemed to have any interest in such contract or work by reason only of his having a share or interest in,—

(i) a company as a mere share-holder but not as a Director;

(ii) any lease, sale or purchase of immovable property or any agreement for the same; or

(iii) any agreement for the loan of money or any security for the payment of money only; or

(iv) any newspaper in which any advertisement relating to the affairs of the Gram Panchayat is inserted.

Explanation:- For the removal of doubts it is hereby declared that where a contract is fully performed it shall not be deemed to be subsisting merely on the ground that the Gram Panchayat, Mandal Praja Parishad, Zilla Praja Parishad, the State or Central Government has not performed its part of the contractual obligations;

(d) already a member of a Nagar Panchayat or a Municipality constituted under the Telangana Municipalities Act, 1965, or a member of a Municipal Corporation

Act 6 of 1965.

constituted under any law relating to Municipal Corporations for the time being in force in the State of Telangana;

(e) employed as paid legal practitioner on behalf of the Gram Panchayat or as legal practitioner against the Gram Panchayat;

(f) employed as a Manager or Secretary of any Company or Corporation (other than a co-operative society) in which not less than twenty-five per cent of the paid up share capital is held by the State Government;

Central Act 2 of 1974. (g) an Honorary Magistrate under the Code of Criminal Procedure, 1973 with jurisdiction over any part of the village;

(h) already a member of the Gram Panchayat whose term of office will not expire before his fresh election can take effect or has already been elected as a member of the Gram Panchayat whose term of office has not yet commenced;

(i) in arrears of any dues including the sums surcharged otherwise than in a fiduciary capacity, to the Gram Panchayat up to and inclusive of the previous year, in respect of which a bill or notice has been duly served upon him and the time, if any, specified therein for payment has expired:

Provided that where any person has paid such dues into the Government treasury or into a bank approved by the Government to the credit of the Gram Panchayat fund and obtained a challan or receipt therefor in token of such payment, he shall not be disqualified to become a member of the Gram Panchayat on and from the date of such payment.

(3) A person having more than two children shall be disqualified for election or for continuing as member:

Explanation: A person having more than two children before thirty first May, 1995 shall not be disqualified so long as the number of children does not increase.

22. Any person who is convicted of any offence punishable under Chapter IXA of the Indian Penal Code, 1860, and any person against whom a finding of having indulged in any corrupt practice is recorded in the verdict in an election petition filed in accordance with section 242, or any person convicted of an offence punishable under Chapter II of Part V of this Act, shall be disqualified for contesting in any election held under this Act, for a period of six years from the date of such conviction or verdict, as the case may be.

Disqualification on ground of corrupt practice of election offences.

Central Act 45 of 1860.

23. If the State Election Commission is satisfied that a person,-

Disqualification for failure to lodge account of election expenses.

(a) has failed to lodge an account of election expenses within the time and in the manner required by or under this Act; and

(b) has no good reason or justification for the failure, the State Election Commission shall, after following the procedure prescribed, by order published in the Telangana Gazette declare him,-

(i) to be ineligible for a period of three years from the date of the said order to contest any election held for any office under this Act; and

(ii) to have ceased to hold office in case he is elected.

Disqualification for failure to discharge the duties and perform the functions of Gram Panchayat.

24. A Sarpanch or as the case may be, Upa-Sarpanch who has been removed on the grounds of failure to discharge the duties and perform the functions as assigned to him under this Act shall be disqualified for contesting elections for a period of six years.

Disqualification of members.

25. Subject to the provisions of section 27, a member shall cease to hold office as such if he,–

(a) is or becomes subject to any of the disqualifications specified in section 21;

(b) is elected as a member to a Ward/Office reserved for Scheduled Castes or Scheduled Tribes or Backward Classes on the basis of a community certificate and subsequently the said community certificate is cancelled under section 5 of the Telangana (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of issue of Community Certificates Act, 1993;

Act 16 of 1993.

(c) is removed by the District Collector based on a resolution passed by the Gram Panchayat unanimously for misconduct by the member;

(d) absents himself from the meetings of the Gram Panchayat for a period of ninety days, reckoned from the date of the commencement of his term of office, or if within the said period, less than three ordinary meetings have been held, absents himself from three consecutive ordinary meetings held after the said date:

Provided that in the case of woman member, a period of not more than six months at a time shall be excluded in reckoning the period of absence aforesaid, if for reasons of physical disability due to advanced stage of pregnancy and delivery, such member absents herself from meetings after

giving a written intimation to the Panchayat Secretary of the date from which she would be absent:

Provided further that no meeting from which a member absented himself shall be counted against him under this clause if,-

(i) due notice of that meeting was not given to him in the prescribed manner; or

(ii) the meeting was held on requisition of members.

Explanation:- For the purpose of this clause,-

(i) "Ordinary Meeting" shall mean a meeting held after giving a notice of at least three days before the day of the meeting;

(ii) Where a meeting other than an ordinary meeting intervenes between ordinary meeting and another ordinary meeting, those two ordinary meetings shall be regarded as being consecutive to each other.

26. Where a person ceased to be a member under section 20 or clause (a) of section 25 read with section 21, he shall be restored to office for such portion of the period for which he was elected as may remain unexpired at the date of such restoration, if and when the conviction or the sentence is annulled on appeal or revision or the disqualification caused by the sentence is removed by an order of the Government; and any person elected to fill the vacancy in the interim shall, on such restoration, vacate office.

Restoration of members to office.

27. (1) Where an allegation is made that any person who is elected as a member of a Gram Panchayat is not qualified or has become disqualified under sections 19, 20, 21, 22, 23, 24 and 25 by any voter or authority to the Panchayat

Authority to decide questions of disqualification of members.

Secretary in writing and the Panchayat Secretary has given intimation of such allegation to the member through the District Panchayat Officer and such member disputes the correctness of the allegation so made, or where any member himself entertains any doubt whether, or not he has become disqualified under any of those sections, such member or any other member may, and the Panchayat Secretary, at the direction of the Gram Panchayat or the District Collector shall, within a period of two months from the date on which such intimation is given or doubt is entertained, as the case may be, apply to the District Court having jurisdiction over the area in which office of the Gram Panchayat is situated for decision.

(2) Pending such decision, the member shall be entitled to act as if he is qualified or were not disqualified.

**Bar of
Jurisdiction.**

28. No order passed or proceedings taken under the provisions of this Act shall be called in question in any Court, in any suit, or application, and no injunction shall be granted by any Court, except the Gram Panchayat Tribunal or a District Court in respect of any action taken or about to be taken in pursuance of any power conferred by or under this Act.

**Resignation of
Sarpanch, Upa-
Sarpanch or
members.**

29. (1) The Sarpanch, Upa-Sarpanch or any member may resign his office in the manner prescribed.

(2) (a) Notwithstanding that the resignation of a person from the office has taken effect under sub-section (1) the District Collector may by notification record a finding, with reasons therefor, that such person is guilty of willful omission or refusal to carry out, or disobedience of, the provisions of the Act or any rules, bye-laws, regulations or lawful orders made thereunder or abuse of the powers vested in him, while he held the office:

Provided that the District Collector shall before issuing such notification give the person concerned an opportunity for explanation:

Provided further that no action under this clause shall be taken after the expiration of one year from the date on which the resignation has taken effect;

(b) A person aggrieved by the notification issued under clause (a) may, within thirty days from the date of publication of such notification prefer an appeal to the Commissioner and the Commissioner shall in case the appeal is allowed, cancel such notification;

(c) A person in respect of whom a notification was issued under clause (a) shall, unless the notification is cancelled under clause (b), be ineligible for election for a period of three years from the date of publication of such notification.

30. (1) A motion expressing want of confidence in the Upa-Sarpanch, may be made by giving a written notice of intention to move the motion in such form and to such authority as may be prescribed, signed by not less than one half of the total number of members of the Gram Panchayat, and further action on such notice shall be taken in accordance with the procedure prescribed:

Motion of no-confidence in Upa-Sarpanch.

Provided that no notice of motion under this section shall be made within two years of the date of assumption of office by the Upa-Sarpanch:

Provided further that no such notice shall be made against the same Upa-Sarpanch more than twice during his term of office and the second no-confidence motion shall not be initiated before the expiry of two years from the date of first no-confidence motion.

Explanation:- For the removal of doubt, it is hereby declared that for the purpose of this section the expression “total number of members” means, all the members who are entitled to vote irrespective of any vacancy existing in the office of such members at the time of meeting:

Provided that a suspended office bearer or member shall also be taken into consideration for computing the total number of members and he shall also be entitled to vote in a meeting held under this section.

(2) If the motion is carried with the support of atleast one half of the total number of members, the District Collector shall by notification remove him from office and the resulting vacancy shall be filled in the same manner as a casual vacancy.

Explanation:- For the purpose of this section, in the determination of one half of the total number of members, any fraction below 0.5 shall be ignored and any fraction of 0.5 or above shall be taken as one.

Cessation of Upa-Sarpanch.

31. The Upa-Sarpanch shall cease to hold the office as such on the expiry of his term of office as a member of the Gram Panchayat or on his otherwise ceasing to be such member.

Functions, duties and responsibilities of the Sarpanch.

32. (1) The Sarpanch shall,—

(a) exercise all the powers and perform all the functions specifically conferred or imposed on the Sarpanch by this Act or the rules made thereunder;

(b) exercise administrative control over the Panchayat Secretary and supervise his work for the purpose of implementation of the resolutions of the Gram Panchayat or any committee thereof;

(c) incur contingent expenditure up to such limit as may be fixed by the Government from time to time and authorize payment and refunds with the approval of Gram Panchayat;

(d) act only within the terms of sanction given in any resolution of the Gram Panchayat;

(e) maintain sanitation in the village;

(f) take up plantation and maintain Green coverage in the village;

(g) for the purpose of effective functioning of the Gram Panchayat, the Sarpanch shall reside in the village and visit the Gram Panchayat office regularly.

(2) Failure of Sarpanch in performing the duties prescribed in sub-section (1) shall result in removal of the Sarpanch by the District Collector after providing him due opportunity for explanation.

33. A Sarpanch shall be deemed to have been removed from the office as such if he fails to convene the meetings of the Gram Sabha as required under sub-section (3) of section 6.

Deemed removal of Sarpanch for failure to convene the meetings of Gram Sabha.

34. A Sarpanch and Panchayat Secretary shall be deemed to have been removed from the office as such if they fail to get the accounts of the Gram Panchayat audited within the period as required under the proviso to sub-section (3) of section 284.

Deemed removal of Sarpanch and Panchayat Secretary for failure to close and audit of the accounts.

35. (1) If at any time it appears to the District Collector, that a Gram Panchayat has made default in performing any function or discharging any duty imposed by or under this Act, or any relevant law for the time being in force, the

Power of Government to take action in default of a Gram Panchayat.

District Collector may, by order in writing fix a period for performing such function. If the Gram Panchayat fails to perform such function within the stipulated period, the Gram Panchayat shall be liable for dissolution by the Government. In such an event, the District Collector shall submit a report to the Government recommending dissolution of the Gram Panchayat and the Government may pass appropriate orders.

(2) If such function or duty is not performed or discharged by the Gram Panchayat within the period so fixed, the District Collector may appoint some person to perform that function or discharge that duty and may direct that the expense incurred in that regard shall be paid by the person having the custody of the Gram Panchayat Fund, in priority to any other charges against such fund except charges for the service of authorized loans.

Power to issue directions.

36. (1) Notwithstanding anything contained in this Act, it shall be competent for the Government or the Commissioner or the District Collector to issue such directions as they may consider necessary to the Sarpanch for the proper working of the Gram Panchayat, or for the implementation of the resolutions thereof.

(2) The Sarpanch of the Gram Panchayat, shall implement the directions issued under sub-section (1) and shall not do anything in derogation to the aforesaid directions. The Sarpanch, who contravenes the provisions of this section shall be deemed to have omitted or refused to carry out the directions of the Government or the Commissioner or the District Collector, for the proper working of the Gram Panchayat, and shall be liable for action under section 37.

Powers of District Collector to remove Sarpanch and intimate deemed removal.

37. (1) If in the opinion of the District Collector the Sarpanch,-

(i) omitted or refused to carry out the orders of the District Collector or Commissioner or Government for the proper working of the concerned Gram Panchayat; or

(ii) abused his position or the powers vested in him;
or

(iii) is guilty of misconduct in the discharge of his duties; or

(iv) is guilty of embezzlement of Gram Panchayat Funds; or

(v) persistently defaulted in the performance of his functions and duties entrusted to him under the Act to the detriment of the functioning of the Gram Panchayat or has become incapable of such performance;

The District Collector may remove such Sarpanch after giving him an opportunity for explanation.

(2) Notwithstanding anything contained in sub-section (1), the Sarpanch shall be deemed to have been removed from office under sections 33 and 34 for the reasons specified therein. However, the fact of such deemed removal shall be intimated to the Sarpanch in writing by the Collector:

Provided that the proceedings for recovery, criminal action or any such action initiated under sub-sections (1) and (2) may be continued notwithstanding the fact that the Sarpanch ceased to hold office by resignation or otherwise and shall be concluded within one year from the date of such cessation and where on such conclusion the authority competent to remove him, records a finding after giving an opportunity of making a representation to the person concerned that the charge or charges proved against him

are sufficient for his removal, then the provision of sub-section (4) shall apply to the person against whom such finding is recorded.

(3) Where the Sarpanch has been, removed under sub-section (1); or has been intimated under sub-section (2) of the deemed removal under section 33 or 34, he shall not be eligible for election as a member for a period of six years from the date of the removal.

(4) The resultant vacancies shall be filled as casual vacancies.

(5) If the District Collector is of the opinion that a Sarpanch of a Gram Panchayat omitted or refused to carry out the orders of Government for the proper working of the concerned Gram Panchayat or abused his position or the powers vested in him, and that the further continuance of such person in office would be detrimental to the interests of the concerned Gram Panchayat or the inhabitants of the village, the District Collector, by order, suspend such Sarpanch from office for a period not exceeding six months, pending investigation into the said charges and action thereon under the foregoing provisions of this section:

Provided that no order under this sub-section shall be passed unless the person concerned has had an opportunity of making a representation against the action proposed:

Provided further that it shall be competent for the Commissioner to extend, from time to time, the period of suspension for such further period not exceeding six months, so however that total period of suspension shall not exceed twelve months:

Provided also that a person suspended under this sub-section shall not be entitled to exercise the powers and perform the functions attached to his office and shall not be entitled to attend the meetings of the concerned Gram Panchayat except a meeting held for the consideration of a no-confidence motion.

(6) Any Sarpanch aggrieved by an order of removal passed by the District Collector under sub-section (1), or by an intimation under sub-section (2) may, within thirty days from the date of receipt of the order or as the case may be the intimation, prefer an appeal to the Gram Panchayat Tribunal.

38. (1) When the office of Sarpanch is vacant, the Upa-Sarpanch shall exercise the powers and perform the functions of the Sarpanch until a new Sarpanch is declared elected and assumes office.

(2) If the Sarpanch has been continuously absent from jurisdiction for more than fifteen days or is restrained by an order of a Court from exercising the powers and performing the functions of the Sarpanch, or is incapacitated for more than fifteen days, his powers and functions during such absence, restraint or incapacity shall devolve on the Upa-Sarpanch.

(3) When the Sarpanch is under suspension or when the office of Sarpanch is vacant or the Sarpanch has been continuously absent from jurisdiction for more than fifteen days or is restrained by an order of a Court from exercising the powers and performing the functions of the Sarpanch or is incapacitated for more than fifteen days and the Upa-Sarpanch also is under suspension or there is either a vacancy in the office of Upa-Sarpanch or the Upa-Sarpanch has been continuously absent from jurisdiction for more than fifteen days or is restrained by an order of a Court from

Devolution and delegation of Sarpanch's powers and functions and filling up of vacancies in the office of Sarpanch.

exercising the powers and performing the functions of the Upa-Sarpanch or is incapacitated for more than fifteen days, the powers and functions of the Sarpanch shall devolve on a member of Gram Panchayat appointed by the Collector in this behalf.

The member so appointed shall be styled as the temporary Sarpanch and he shall exercise the powers and perform the functions of the Sarpanch until a new Sarpanch or Upa-Sarpanch is declared elected or either the Sarpanch or the Upa-Sarpanch ceases to be under suspension or returns to jurisdiction or ceases to be restrained by an order of a court or recovers from his incapacity, as the case may be.

Removal of temporary Sarpanch.

39. The Collector, may, by order, for sufficient cause to be specified therein remove the temporary Sarpanch appointed under sub-section (3) of section 38 after giving him an opportunity to show cause against such removal.

Rights of Individual Members.

40. (1) All suggestions made by any member shall be attended by the Panchayat Secretary.

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

(3) Every member shall have access during office hours to the records of the Gram Panchayat:

No Sarpanch, Upa-Sarpanch or members to receive remuneration.

41. No Sarpanch, Upa-Sarpanch or members shall receive, or be paid from the funds at the disposal of or under the control of the Gram Panchayat, any salary or other remuneration for services rendered by him whether in his capacity as such or in any other capacity. Nothing in this

section shall prevent the Sarpanch from receiving any honorarium fixed by order, by the Government.

42. (1) A Panchayat Secretary shall be appointed by the Commissioner, for any Gram Panchayat or for any group of Gram Panchayats which may be notified by him in this behalf:

Appointment of Panchayat Secretary for a Gram Panchayat.

Provided that before notifying a group of Gram Panchayats under this sub-section, the Commissioner shall obtain the approval of the Government.

(2) Save as otherwise prescribed; no Panchayat Secretary appointed under sub-section (1) shall undertake any work unconnected with his office without the sanction of the Government.

(3) The Panchayat Secretary shall be subordinate to the Gram Panchayat.

43. (1) The Panchayat Secretary shall,-

Duties and Responsibilities of Panchayat Secretary.

(i) inform the Sarpanch and members of the scheduled due date on which a meeting of the Gram Panchayat is to be convened;

(ii) with the approval of, or on the direction of the Sarpanch arrange for such meetings.

If the Panchayat Secretary fails to discharge the above duties, he shall be liable for disciplinary action under the relevant rules.

(2) He shall attend the meetings of the Gram Sabha and Gram Panchayat or of any Committee thereof and shall be entitled to take part in the discussions thereat but he shall not be entitled to vote or to move any resolution.

(3) He shall be responsible for furnishing a copy of the resolutions to the Extension Officer (PR&RD) within three days from the date of meeting.

(4) The Panchayat Secretary shall be responsible for implementing the resolutions of the Gram Panchayat and of the Committee thereof.

(5) The Panchayat Secretary shall,-

(i) maintain "Roznamcha" by recording daily movement of strangers, non-residents visiting the Gram Panchayat and significant events taken place; and inform the Sarpanch;

(ii) for ensuring proper sanitation in the village,-

(a) make rounds in the Gram Panchayat daily in early hours for monitoring sanitation; during the rounds supervise the work of the sanitation staff and take their daily attendance and make proper allocation of the work; prepare weekly Sanitation plan of the Gram Panchayat so as to ensure cleaning of all streets, public places and institutions, schools, colonies on regular basis; ensure the regular desilting of drains so as to ensure the free flow of drainage water at all times; ensure the collection, transportation and safe disposal of waste in the dumping yard regularly; ensure proper maintenance of Tri-cycles, tractors and other waste lifting vehicles; and ensure the spreading of bleaching and lime as per standards;

(b) take up all measures for control of mosquito growth like spray of anti larval liquids and use of gambusia fish. A log book shall be maintained for spraying activities and register for distribution of gambusia fish.

(c) ensure maintenance of sanitation and cleanliness in all public institutions situated in the Gram Panchayat such as schools, anganwadi centers, animal husbandry centers, community halls etc.,

(d) ensure sweeping of roads and removal of deposits of mud/debris on public places;

(e) take steps for closing of defunct and abandoned (unused) old wells, bore wells and pits;

(iii) take steps for construction of magic soak pits and community soak pits;

(iv) report any problem related to supply of drinking water to the officer concerned and he shall coordinate with the drinking water official for timely supply of water;

(v) take up immediate measures in case of any outbreak of seasonal or communicable diseases and ensure medical assistance to the affected people;

(vi) take up plantation as per local needs in and around the Village and ensure minimum eighty five percent survival of them. He shall maintain register on the plantation and their survival;

(vii) maintain a register of assets movable and immovable and take all measures for protection of the Gram Panchayat lands and assets. He shall also get all the Gram Panchayat lands registered on the name of Gram Panchayat;

(viii) take steps for removal of all encroachments in the Gram Panchayats on public places;

(ix) take action for timely conduct of auctions for the remunerative assets such as daily market, weekly market of Gram Panchayats;

(x) make proper entries in the books of account for every receipt and expenditure;

(xi) exercise administrative control over the staff of the Gram Panchayat subject to general superintendence and control of the Sarpanch and Gram Panchayat and pay their salaries;

(xii) be responsible for safe custody of Gram Panchayat fund and other funds received by the Gram Panchayat;

(xiii) be responsible for the safety and maintenance of the records of the Gram Panchayat and shall computerize all statutory records; and update the same on weekly basis, in the Panchayat Raj website;

(xiv) be primarily responsible for collection of total demand of all taxes and non-taxes. He shall ensure that the demand for all the assessments are served within fifteen days after its approval by the Gram Panchayat and collected in the first quarter. The Gram Panchayat shall approve the demand as prepared by the Panchayat Secretary within fifteen days and also approve any fresh assessments proposed by the Panchayat Secretary with or without modifications. Failure to perform the above responsibilities and duties shall lead to deemed removal of the Panchayat Secretary.

Failure to approve the demand shall be sufficient reason for the dissolution of Gram Panchayat.

(xv) maintain registers of births, deaths and marriages;

(xvi) be responsible for reporting of casual vacancy occurred for the post of Sarpanch, Upa-Sarpanch and Ward Members of Gram Panchayat to the District Collector;

(xvii) maintain household wise statistics, employment status, housing status, status of landless labour, vulnerable groups;

(xviii) ensure that ninety percent of street lights and related equipment are working at all times;

(xix) make arrangements for door to door collection of waste, segregation of wet and dry waste, transportation to dumping yard through rickshaw or otherwise;

(xx) ensure regular payment of current consumption charges.

(6) Social forestry and plantation:

(i) The Panchayat Secretary, shall also take necessary measures for plantation of wild fruit bearing trees outside the habitations of the Gram Panchayat in the common lands, barren hills and so on;

(ii) supply minimum of six saplings to every house owner. It is the owner's obligation to plant these saplings and protect them. In the event of failure of a house owner to comply with this requirement, and after inspection by Panchayat Secretary, a penalty of an amount equal to the property tax shall be imposed by the Gram Panchayat on the house owner;

(iii) take up avenue plantation in all internal roads and in the vicinity of the Gram Panchayat and community and block plantation in vacant Government and institutional lands;

(iv) ensure survival of at least eighty five percent of planted saplings in the village by regular watering and maintenance;

(v) be responsible for raising of nursery for the Gram Panchayat and growing of saplings strictly as per local needs and soil condition must be ensured. The size of the nursery shall be such as may be prescribed and preference shall be given to fruit bearing and useful plants such as drumstick, gooseberry, mango, tamarind, neem, lime, guava, etc.,

(7) The Panchayat Secretary shall arrange for collection and updation of village statistics on monthly basis (live stock, assets etc.,)

(8) For effective functioning of the Gram Panchayat, the Panchayat Secretary shall reside in the village.

(9) The Panchayat Secretary shall discharge all the duties and perform all the functions specifically conferred or imposed on him by or under this Act and subject to all restrictions and conditions imposed by or under this Act, be responsible for the due fulfillment of the purpose thereof.

(10) The performance report in respect of duties assigned to the Panchayat Secretary shall be published in public domain every month, and if any short comings are found, the Panchayat Secretary shall be liable for disciplinary action.

(11) The Panchayat Secretary shall be responsible for carrying out the instructions given by the Government from time to time.

(12) Permission or any other order of the Gram Panchayat shall be issued next day itself by the Panchayat Secretary.

44. In case of emergency, like floods, fire accidents, earth quakes, epidemics, failure of drinking water supply, the Sarpanch, direct the execution of any work or the doing of any act which requires the sanction of the Gram Panchayat or any of its Committees and the immediate execution or the doing of which is, in his opinion, necessary for the service or safety of the general public, but he shall report the action taken under this section and the reasons thereof to the Gram Panchayat, Gram Sabha and the concerned Committee at its next meeting:

**Emergency
functions of
Sarpanch.**

Provided that he shall not direct the execution of any work or the doing of any act in contravention of any order of the Government or exceed an amount prescribed by the Government or the expenditure shall not exceed an amount prescribed by the Government.

45. (1) Subject to such rules as may be made under the proviso to article 309 of the Constitution of India, the Government, shall fix and may alter the number, designations and grades of and the salaries, fees and allowances payable to such employees of a Gram Panchayat as may be prescribed.

**Employees of
Gram Panchayat.**

(2) Government shall, pay out of the Consolidated Fund of the State, the salaries, allowances, leave allowances, pension and contributions, if any, towards provident fund or pension-cum-provident fund of the employees referred to in sub-section (1).

(3) The classification and methods of recruitment, conditions of service, pay and allowances, and discipline and conduct of the employees referred to in sub-section (1) shall be regulated in accordance with such rules as may be made under the proviso to article 309 of the Constitution of India. These employees shall be transferable anywhere within the State subject to Presidential Order republished vide. G.O.Ms.No.674, General Administration (SPF) Department, dated 20.10.1975 in the manner prescribed.

(4) Every holder of the post specified in sub-section (1), who is appointed immediately before the commencement of this Act, shall, notwithstanding anything in this Act, continue to hold such post, subject to such rules as may be made under the proviso to article 309 of the Constitution, and until provision in that behalf is so made, the law for the time being in force regulating the recruitment and conditions of service applicable to such holder immediately before such commencement shall continue to apply to such holder.

(5) All employees of the Gram Panchayats shall be subordinate to the Gram Panchayat.

(6) The Government may, from time to time by order, give such directions to any Gram Panchayat or its employees, authority or person thereof, as may appear to them to be necessary for the purpose of giving effect to the provisions of this section and section 42; and the Gram Panchayat, Employees, authority or person shall comply with all such directions.

Meetings of the Gram Panchayat and presidency at the meetings.

46. (1) A meeting of the Gram Panchayat shall be held atleast once in a month in the manner prescribed.

(2) Save as otherwise provided by or under this Act, every meeting of a Gram Panchayat shall be presided by Sarpanch, in his absence by the Upa-Sarpanch and in the

absence of both Sarpanch and Upa-Sarpanch, by a member chosen by the meeting to preside for occasion.

(3) All decisions and resolutions of the Gram Panchayat shall be taken by majority of the Members including Sarpanch.

47. (1) The minutes of the proceedings shall be recorded by the Panchayat Secretary.

**Minutes of
proceedings.**

(2) The Minutes Book shall be kept in the office of the Gram Panchayat. Panchayat Secretary shall be responsible for the safe keeping of the records. He shall be responsible for any missing records. Proper documentation of all the records shall be done and handed over under proper acknowledgement, on transfer, by the Panchayat Secretary.

(3) The presiding authority and Ward Members present shall sign the minutes of the proceedings immediately after conclusion of the meeting. If the Presiding authority refuses to sign on the proceedings, majority of Ward Members may report the fact to the Collector (Panchayat). The Collector shall after due enquiry pass an order on the validity of such resolution or otherwise.

(4) The Panchayat Secretary shall forward the copy of the minutes of every meeting, to the Extension Officer (PR&RD), within three days after the date of the meeting. All the resolutions shall be displayed in the Gram Panchayat notice board and shall also be uploaded in the Panchayat Raj website.

(5) The Extension Officer (PR&RD) shall examine the validity of such resolutions and report to the Collector, inconsistency with the Act and relevant rules, if any noticed in the resolution.

(6) The proceedings of every Gram Panchayat and of all committees thereof shall be governed by such rules as may be prescribed and by resolutions, not inconsistent with such rules or the provisions of this Act.

Power to cancel or suspend a resolution of a Gram Panchayat.

48. (1) The Commissioner may either suo-moto or on a reference made to him by the Extension Officer (PR&RD), in the manner prescribed by order in writing, cancel any resolution passed by a Gram Panchayat, if in his opinion such resolution,-

(a) is not legally passed; or

(b) is in excess or abuse of the powers conferred by or under this Act, or any other law; or

(c) on its execution is likely to cause danger to human life, health or safety or is likely to lead to a riot or affray.

(2) If in the opinion of the District Collector, immediate action is necessary to suspend a resolution on any of the grounds referred to in clause (c) of sub-section (1), he may make a report to the Commissioner and the Commissioner may, by order in writing, suspend the resolution.

Standing Committees of Panchayats.

49. (1) For every Gram Panchayat there shall be Committees by name "Standing Committees" specified below. The composition, including co-option of eminent persons having expertise in related subjects, who are not members of the Gram Panchayat and the duties and responsibilities and other related matters of the Standing Committees, shall be such as may be prescribed.

(a) Standing Committee for Sanitation, dumping yard and burial ground.

(b) Standing Committee for Street lights.

(c) Standing Committee for Plantation and Green cover improvement.

(d) Standing Committee for works and shandies.

(2) All the Standing Committees shall steer and monitor the comprehensive participatory Gram Panchayat Development Plans approved by the Gram Sabha.

(3) Committees will review and monitor all the subjects entrusted to it. Any recommendations and observations made by the Committees shall be considered by the Gram Panchayat for the appropriate action.

50. (1) The Gram Panchayat shall approve a report prepared by the Panchayat Secretary on its administration for each year, as soon as may be after the close of such year and not later than prescribed date, in such form and with such details as may be prescribed and place it before the Gram Panchayat for its consideration. The Panchayat Secretary shall forward copy of such report to the Extension Officer (PR&RD).

**Administration
Report.**

(2) The Panchayat Secretary shall prepare progress report of Gram Panchayat administration every month and place before the Gram Panchayat in the manner prescribed.

51. (1) The Commissioner shall supervise the administration of all Gram Panchayats in the State himself or through officers appointed by him and shall also exercise the powers and perform the functions vested in him by or under this Act.

**Powers of
inspecting and
superintending
officers and of the
Government.**

(2) Every Gram Panchayat shall be inspected atleast once in a quarter.

(3) (a) The Government or Commissioner or District Collector may appoint such other officers as they may consider necessary for the purpose of inspecting or superintending the operations of all or any of the Gram Panchayats constituted under this Act;

(b) In particular and without prejudice to the generality of the foregoing provisions, the Government may appoint District Panchayat Officers, Divisional Panchayat Officers, and Extension Officers (PR&RD) and define the territorial jurisdiction of each such officer for the above purpose;

(c) The Government shall have power to regulate the classification, methods of recruitment, conditions of service, salary and allowances and discipline and conduct of the officers referred to in clauses (a) and (b) and of the members of their establishment.

(4) The cost of the officers and the members of the establishment aforesaid shall be paid out of the Consolidated Fund of the State.

(5) The District Panchayat Officers, the Divisional Panchayat Officers and the Extension Officers (PR&RD) shall exercise such powers and perform such functions as may be prescribed or as may be delegated to them under this Act.

(6) The Commissioner or the District Collector or any officer appointed under sub-section (3) or any other officer or person whom the Government or the Commissioner or the District Collector may empower in this behalf may enter on and inspect or cause to be entered on and inspected,-

(a) any immovable property or any work in progress under the control of any Gram Panchayat or Panchayat Secretary;

(b) any school, hospital, dispensary, vaccination station, choultry or other institutions maintained, by or under the control of, any Gram Panchayat and any records, registers or other documents kept in such institution;

(c) the office of any Gram Panchayat and any records, registers or other documents kept therein;

Gram Panchayats and their Sarpanches, Panchayat Secretaries and employees shall be bound to afford to the officers and persons aforesaid, such access, at all reasonable times, to Gram Panchayat property or premises, and all documents as may, in the opinion of such officers or persons, subject to such rules as may be prescribed be necessary to enable them to discharge their duties under this section.

(7) The Government in this behalf may,-

(a) direct the Gram Panchayat to make provision for and to execute or provide any public work or amenity or service of the description referred to in section 52;

(b) call for any record, register or other document in the possession, or under the control, of any Gram Panchayat or Sarpanch;

(c) require any Gram Panchayat or Sarpanch to furnish any return, plan, estimate, statement, account or statistics;

(d) require any Gram Panchayat or Sarpanch to furnish any information or report on any matter connected with such Gram Panchayat;

(e) record in writing for the consideration of any Gram Panchayat or Sarpanch any observations in regard to its or his proceedings or functions.

(8) The focus on inspections shall be primarily on the duties and responsibilities as specified in the Act.

(9) The Inspection officer shall on his visit to the village, sign and record any remarks deemed necessary on a register maintained for inspection officers in the prescribed proforma. He shall submit the inspection report with due findings and endorsement to the next higher officer. In case the higher authority at a later date finds any omission or irregularity committed by a Gram Panchayat but not reported by the Inspecting officers, the Inspection Officer shall be liable for disciplinary action.

(10) (a) The Extension Officer (PR&RD) shall inspect all Gram Panchayats in the Mandal atleast once in three months. He shall ensure eighty five percent survival of plantation in his jurisdiction;

(b) The District Panchayat Officer shall inspect atleast five Gram Panchayats in a month.

(11) The inspection shall be conducted in accordance with the format, as may be prescribed by the Commissioner,-

(a) covering all the responsibilities;

(b) quantifying the functions; and

(c) evolving the bench marks for every function

as provided under the Act in respect of the Gram Panchayat, Sarpanch, Panchayat Secretary.

(12) The annual inspection programme of an authority shall be approved by the next higher authority at the beginning of every financial year.

(13) The Inspecting Authorities shall prepare a monthly advance tour programme and obtain the approval of next higher authority.

(14) The Inspecting Authority shall also submit tour diaries to next higher authorities, which shall be reviewed regularly and approved.

(15) The Inspecting Authority shall send inspection report to Gram Panchayat and submit a copy of the same to the next higher authority within one week of completion of inspection and seek a report from Sarpanch and Panchayat Secretary who are bound to submit such report within a fortnight.

(16) On receipt of a report from the Sarpanch and Panchayat Secretary, the same shall be submitted to the higher authority.

(17) The Higher Authority shall in turn, submit a report to the District Collector, on the lapses pointed out by the Inspecting Authority and the report of the Sarpanch and Panchayat Secretary, on the same.

The District Collector shall take immediate action on the lapses reported, if any, where the explanation is not satisfactory.

(18) Inspecting officers shall also make surprise inspections in addition to programmed ones.

(19) The District Collector shall supervise and monitor the functioning of Panchayat Secretaries of all grades, Extension Officer (PR&RD), Divisional Panchayat Officers and District Panchayat Officers regularly. The District Collector shall be called as Collector (Panchayat) for the purpose of this Act and he shall be the Competent Authority to take disciplinary action against all the above officers, for failure to discharge their duties.

CHAPTER - II

DUTIES AND RESPONSIBILITIES AND PROPERTY OF GRAM PANCHAYATS.

Duties and Responsibilities of Gram Panchayat.

52. (1) Subject to the provisions of this Act and the rules made thereunder, the Gram Panchayat shall primarily be responsible for the following:-

- (a) Maintenance of proper sanitation;
- (b) Maintenance of different plantations;
- (c) Maintenance of street lights;
- (d) Collection of taxes and non-taxes.

(2) It shall be the duty of the Gram Panchayat to make provisions for the following:-

(A) Sanitation:

(i) Making village clean by taking up regular sanitation activities;

(ii) Construction of toilets for hundred percent households on saturation basis;

(iii) Provision of sanitation facilities in all public institutions;

(iv) Construction of community latrines wherever necessary;

(v) Construction of drains and their maintenance;

(vi) Adoption of solid and liquid waste management methods;

(vii) The Gram Panchayat shall impose a fine of rupees five hundred whenever anyone throws garbage on the roads and in the drains and other public places.

(B) Social Forestry and Plantation:

(i) Establishment of nurseries;

(ii) Planting a minimum of forty thousand saplings in a year;

(iii) Taking care of maintenance and survival of plants;

(iv) Shall maintain clean environment and protect bio-diversity;

(v) The Gram Panchayat shall take necessary action for plantation of wild fruit bearing trees outside the habitation in the common lands, barren hills etc.,

(C) Preparation of Gram Panchayat Development Plan:

(i) Gram Panchayat shall strive to transform the village into a model village and shall accordingly prepare a perspective plan for the Gram Panchayat.

Explanation:- A model village is defined as one having;

- (a) Clean and green surroundings;
- (b) Burial ground and crematorium;
- (c) Dumping yard for preparation of compost from garbage;
- (d) Toilets to every household and no open defecation;
- (e) Well maintained vegetable market;
- (f) Sports ground;

(ii) Preparation of village profile as prescribed by the Government;

(iii) Preparation of an Integrated Perspective Five Year Development Plan, with a financial outlay of hundred and twenty five percent of previous year's finances and expected finances of current year which shall be an aggregate of annual plans duly prioritizing the needs. Different sources of funding like Mahatma Gandhi National Rural Employment Guarantee Scheme, Central Finance Commission, State Finance Commission, Swatch Bharat Mission, Member of Parliament Local Area Development Scheme, Assembly Constituency Development Programme, Own Source Resources, Corporate Social Responsibility and any other funds shall be taken into consideration while preparing such plan. The Gram Panchayat shall in the beginning of the financial year plan all types of works in

accordance with the above and declare shelf of works by prioritizing the works which are planned to be taken up in the financial year. No deviation from the above can take place without the approval of the Gram Sabha;

(iv) Maintenance of records relating to population census, cattle and crop census, census of un-employed persons, families below poverty line etc., for the purpose of preparation and implementation of Perspective Development Plan.

(D) Registration of Marriage, Birth and Deaths, in the village.

(E) Layout Approvals and Building Permissions:

Regulation of all layout approvals and building constructions in accordance with this Act and rules made in this behalf.

(F) Records:

Maintenance of proper records and accounts relating to income and expenditure.

(G) Community Assets:

Construction and maintenance of the following community assets,-

(i) internal public road within Gram Panchayat and of all bridges, culverts, road, dams and cause ways on such roads (other than the roads vested in the Mandal Praja Parishad and Zilla Praja Parishad and the roads classified by the Government as National and State Highways);

(ii) all buildings vested in the Gram Panchayat;

(iii) Crematoria.

(H) Public Convenience and Health:

(i) Regulation of slaughtering of animals and sale of meat, fish and other easily perishable food stuffs etc.,

(ii) Controlling of eating places;

(iii) Prevention of food adulteration;

(iv) Issue of licenses to dangerous and offensive trades;

(v) Issue of license to domestic dogs and to control stray dogs and pigs;

(vi) Establishment and management of public cattle pounds;

(vii) Preventive and remedial measures connected with any epidemics or communicable diseases;

(viii) Sinking and repairing of wells and water works for supply of protected water for drinking purposes;

(ix) construction and maintenance of crematoria (Vaikuntadhamam) and burial-grounds and the disposal of unclaimed dead bodies of human beings or of animals;

(x) Control of fairs, jataras and festivals;

(xi) establishment of village shandies, markets.

(I) Social Empowerment:

(i) welfare of vulnerable groups in the village such as tribal and nomadic groups, senior citizens, orphans, sick, crippled and destitute etc.,

(ii) awareness building against social evil like Gudumba, practicing black magic such as Banamathi, consumption of narcotics, dowry, abuse of women and children, child marriage;

(iii) campaign of legal awareness, social harmony, cooperative sector, self help groups, family welfare, adult education, health etc.,

(iv) awareness building on Government Schemes like Family Welfare, Education, Public Health etc.,

(v) organization of Shramadanam for community development;

(vi) Preservation and Promotion of Local Culture.

(J) Street lights:

(i) Purchase electric items and equipment only from approved firms with appropriate warranty. There will be monthly submission of expenditure report on street light items by the Gram Panchayat to the Extension Officer (PR&RD) and also to the Gram Sabha;

(ii) Regular payment of current consumption charges as a first priority.

(K) All procurements and execution of works shall be done as per Government rules and procedure prescribed for the same.

(L) Make assessment of tax on new and old properties within the Gram Panchayat and also monitor the tax collection done by the Panchayat Secretary and other employees of the Gram Panchayat. Reconciliation of all the accounts done by the Panchayat Secretary shall be approved by the Gram Panchayat and forward to the Extension Officer (PR&RD) atleast once in a quarter.

(3) The Government may, in addition to the matters specified in sub-sections (1) and (2) subject to such rules as may be made in this behalf, entrust the Gram Panchayats with any other duties and functions, in relation to the subjects specified in Schedule-I, from time to time.

(4) If the Gram Panchayat fails to discharge duties, perform the functions assigned to it under this Act, the entire Gram Panchayat shall be liable for any action under the provisions of this Act, including its dissolution.

(5) No suit for damages for failure or for enforcement of the duty to make provision in respect of any of the matters specified in this section shall be maintainable against any Gram Panchayat or Sarpanch or Panchayat Secretary or employees of the Gram Panchayat.

Transfer of
management of
forests to Gram
Panchayats.

53. (1) Subject to any law for the time being in force the Government may, by notification, transfer to any Gram Panchayat with its consent and subject to such conditions as may be agreed upon, the management and maintenance of forest adjacent to the village; and they may by a like notification withdraw management and maintenance of such forest from the Gram Panchayat after giving an opportunity to the Gram Panchayat to make its representation.

(2) When the management and maintenance of any forest is transferred to Gram Panchayat under sub-section (1), the income derived by the Gram Panchayat from the

forest under its management and maintenance or the expenditure incurred by the Gram Panchayat, for such a management and maintenance shall be apportioned between the Government and the Gram Panchayat in such manner as the Government may, by order, determine.

54. (1) Subject to such rules as may be prescribed, the Government, the District Collector or the Revenue Divisional Officer, Mandal Praja Parishad or Zilla Praja Parishad or any person or body of persons, may transfer to the Gram Panchayat, with its consent and subject to such conditions, as may be agreed upon, the management of any institutions, or the execution or maintenance of any work, or the exercise of any power or the discharge of any duty, whether within or without the village and whether provided for in this Act or not.

Transfer to Panchayats of Institutions or works.

(2) When the management of any institution is transferred to the Gram Panchayat under sub-section (1), all property, endowments and funds belonging thereto, shall be held by the Gram Panchayat in trust for the purposes to which such property, endowments and funds were lawfully applicable at the time of such transfer.

55. (1) (a) The Government, may, by notification, make over to Gram Panchayat, with its consent, the management and superintendence of any charitable endowment in respect of which powers and duties attached to the said Government under the provisions of the Telangana Escheats and Bona Vacantia Act, 1974 and thereupon all powers and duties attaching to the Government in respect thereof shall attach to the Gram Panchayat as if it had been specifically named in the said regulation or law, and the Gram Panchayat shall manage and superintendence such endowment.

Power of Government to transfer, resume, control of endowments and inams.

Act No.35 of 1974.

(b) The Government may, by notification in the Telangana Gazette, resume the management and

superintendence of any endowment made over to a Gram Panchayat under clause (a) and upon such resumption, all the powers and duties attaching to the Gram Panchayat in respect of the endowment shall cease and determine.

(2) The Government may assign to a Gram Panchayat with its consent a charitable inam resumed by the Government or any authority provided that the net income from such inam can be applied exclusively to any purpose to which the funds of such Gram Panchayat may be applied and may revoke any assignment so made.

(3) No order of resumption under clause (b) of sub-section (1) or of revocation under sub-section (2), shall be passed unless the Gram Panchayat has had an opportunity of making its representation.

Limitation of power to accept donations and trusts.

56. A Gram Panchayat may accept donations for, or trust relating exclusively to the furtherance of any purpose to which its funds may be applied.

Maintenance of cattle pounds.

57. The Cattle pounds in a Gram Panchayat shall be established and maintained, subject to the provisions of the Cattle Trespass Act, 1871, in the manner prescribed.

Central Act 1 of 1871.

Vesting of public roads in Gram Panchayats.

58. (1) All public roads in any village, other than National Highways, State Highways and roads vesting in Zilla Praja Parishad or Mandal Praja Parishad shall vest in the Gram Panchayat together with all pavements, stones and other materials thereof, all works, materials and other things provided therefor, all sewers, drains, drainage works, tunnels and culverts, whether made at the cost of the Gram Panchayat fund or otherwise, in alongside or under such roads, and all works, materials and things appertaining thereto:

Provided that the Gram Panchayat shall take steps to remove encroachments on, and prevent, un-authorized use of any road, other than a National Highway passing through the Gram Panchayat.

(2) The Government may, after giving an opportunity to the Gram Panchayat of making a representation by notification, exclude from the operation of this Act any such public road, sewer, drain, drainage work tunnel or culvert and may also modify or cancel such notification.

59. All rubbish, sewage, filth and other matter collected by a Gram Panchayat under this Act shall belong to it.

Collected sewage etc., to belong to Gram Panchayat.

60. Any property or income which by custom belongs to or has been administered for the benefit of the villages in common or the holders in common of village land generally or of lands of a particular description or of lands under a particular source of irrigation, shall vest in the Gram Panchayat and be administered by it for the benefit of the villagers or holders aforesaid.

Vesting communal property or income in Gram Panchayat.

61. (1) Notwithstanding anything in the Telangana Ferries Act, 1314 Fasli, the management of a Government ferry in the State other than a ferry mentioned in sub-section (2) shall vest,-

Vesting of the management of ferries in Gram Panchayat etc.

Act II of 1314F.

(a) in the case of a ferry connecting any public road under the management of a Gram Panchayat and lying wholly within the jurisdiction of that Gram Panchayat, in such Gram Panchayat and in the case of a ferry connecting any public road under the management of a Gram Panchayat and lying within the jurisdiction of more than one Gram Panchayat, in a joint committee of the Gram Panchayat concerned;

(b) in the case of a ferry connecting any public road under the management of a Mandal Praja Parishad and lying wholly within the jurisdiction of that Mandal Praja Parishad in such Mandal Praja Parishad, and in the case of ferry connecting any public road under the management of a Mandal Praja Parishad and lying within the jurisdiction of more than one Mandal Praja Parishad in a joint committee of the Mandal Praja Parishad concerned;

(c) in the case of a ferry connecting any public road under the management of Gram Panchayat or a Mandal Praja Parishad and lying partly within the jurisdiction of a municipality, in a joint committee or a Mandal Praja Parishad as the case may be, and the Municipality concerned.

(2) The Government may, subject to such conditions as may be agreed upon transfer the management of any such ferry connecting a National Highway or a State Highway and lying wholly within the jurisdiction of a Gram Panchayat or a Mandal Praja Parishad to such Gram Panchayat or Mandal Praja Parishad and in case the said ferry is lying within the jurisdiction of more than one Gram Panchayat or Mandal Praja Parishad to the Zilla Praja Parishad concerned.

(3) The constitution and powers of the procedure to be adopted by any joint committee referred to in sub-section (1) and the method of resolving any difference of opinion arising between the local authorities concerned in connection with the work of such committee shall be in accordance with such rules as may be prescribed.

(4) The income realized by a Zilla Praja Parishad, Mandal Praja Parishad or a Gram Panchayat from any ferry under its management under sub-section (1) or sub-section (2) shall form part of its funds. The income realized by joint committee referred to in sub-section (1) or by a Zilla Praja Parishad under sub-section (2) from a ferry under its

management shall be apportioned in equal shares between the local authorities concerned and the amount so apportioned shall form part of the funds of such local authorities.

Explanation:- For the purpose of this section, the expression 'Government Ferry' shall have the meaning assigned to it in the Telangana Ferries Act, 1314 Fasli.

62. (1) The crematorium, burial grounds, dumping yards, cattle stands, cart-stands, topes, which are at the disposal of the Government and are not required by them for any specific purpose shall vest in the Gram Panchayat subject to such restrictions and control as may be prescribed.

Certain
Government
Porambores to
vest in Gram
Panchayat etc.

(2) The Government may, at any time by notification in the Telangana Gazette, direct that any porambores referred to in sub-section (1) shall cease to vest in the Gram Panchayat if it is required by them for any specific purpose and thereupon such porambores shall vest in the Government.

(3) The Gram Panchayat shall have power, subject to such restrictions and control as may be prescribed, to regulate the use of any other porambores which is at the disposal of the Government, if the Gram Panchayat is authorized in that behalf by an order of the Government.

(4) The Gram Panchayat shall, subject to such restrictions and control as prescribed, plant tree on any poramboke the use of which is regulated by it under sub-section (3).

Explanation:- If any question arises whether a land is a poramboke or not, for the purposes of this section, the question shall be referred to the Government whose decision thereon shall be final.

Acquisition of immovable property required by Gram Panchayat.

Central Act 30 of 2013.

Act No.21 of 2017.

63. Any immovable property which any Gram Panchayat may require for the purpose of this Act or any rules made thereunder may be acquired under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 as amended by the Telangana Amendment Act, 2017 and on payment of the compensation awarded under the said Act, in respect of such property and of any other charges incurred in acquiring it, the said property shall vest in the Gram Panchayat.

CHAPTER – III TAXATION AND FINANCE

Taxes leviable by Gram Panchayat.

64. (1) A Gram Panchayat shall levy in the village,-

(a) a House-tax;

(b) kolagaram or katarusum that is to say, tax on the village produce sold in the village by weight or measurement or number subject to such rules as may be prescribed;

(c) such other tax as the Government may, by notification, direct any Gram Panchayat or class of Gram Panchayats to levy subject to such rules as may be prescribed:

Provided that no such notification shall be issued and no such rule shall be made except with the previous approval of the Legislature of the State.

(2) Subject to such rules as may be prescribed the Gram Panchayat may also levy in the village,-

(i) a tax on agricultural land for a specific purpose;

(ii) fees for use of porambokes or communal land under the control of the Gram Panchayat;

(iii) fees for the occupation of building including chavadies and sarais under the control of the Gram Panchayat;

(iv) special taxes;

(v) user charges;

(vi) encroachment fee (land rent).

(3) Every Gram Panchayat may, with the previous approval of the prescribed authority also levy, in respect of lands lying within its jurisdiction, a duty in the form of a surcharge at such rate, not exceeding twenty-five naya paise in the rupee, as may be fixed by the Gram Panchayat on the local cess leviable under section 135 of the Telangana District Boards Act, 1955 and on the education tax leviable under section 37 of the Telangana Education Act, 1982.

Act 1 of 1956.

Act 1 of 1982.

(4) Any resolution of a Gram Panchayat abolishing an existing tax or reducing the rate at which a tax is levied shall not be carried into effect without the previous approval of the Commissioner.

(5) The manner of collection of the above taxes and devolution thereof shall be as may be prescribed by the Government.

65. (1) The House-tax referred to in clause (a) of sub-section (1) of section 64 shall, subject to such rules as may be prescribed, be levied on all houses in the village on any one of the following basis, namely:-

House Tax.

- (a) annual rental value, or
- (b) capital value, or
- (c) such other basis as may be prescribed.

(2) The house-tax shall, subject to the prior payment of the land revenue, if any due to the Government in respect of the site of the house be a first charge upon the house and upon the movable property, if any found within or upon the same and belonging to the person liable to pay such tax.

(3) The House-tax shall be levied once in every year and all the demand notices shall be served within a month from the commencement of financial year. Total collection of the house tax shall be completed within three months from the date of issue of demand notice. Save as otherwise expressly provided in the rules made under sub-section (1), house tax should be paid by the owner within thirty days from the receipt of demand notice. It shall be levied at such rates as may be fixed by the Gram Panchayat, not being less than the minimum rates and not exceeding the maximum rates, prescribed in regard to the basis of levy adopted by the Gram Panchayat.

(4) The Government may make rules providing for,-

(i) the exemption of special classes of houses from the tax;

(ii) the manner of ascertaining the annual or capital value of houses or the categories into which they fall for the purposes of taxation;

(iii) the persons who shall be liable to pay the tax and the giving of notice of transfer of houses;

(iv) the grant of exemptions from the tax on the ground of poverty;

(v) the grant of vacancy and other remissions; and

(vi) the circumstances in which, and the conditions subject to which houses constructed, reconstructed or demolished, or situated in areas included in, or excluded from the village, during any year, shall be liable or cease to be liable to the whole or any portion of the tax;

(vii) rebates for payment of house tax in lump-sum and in advance.

(5) If the occupier of a house pays the house-tax on behalf of the owner thereof, such occupier shall be entitled to recover the same from the owner and may deduct the same from the rent then or thereafter due by him to the owner.

66. (1) The Government may, by order published in the Telangana Gazette, for special reasons to be specified in such order direct any Gram Panchayat to levy the house-tax referred to in clause (a) of sub-section (1) of section 64 at such rates and with effect from such date not being earlier than the first day of the year immediately following that in which the order is published, as may be specified in the order.

Levy of house-tax on a direction by Government.

Such direction may be issued in respect of all buildings in a Gram Panchayat or in respect of only such buildings belonging to the undertakings owned or controlled by the State Government or Central Government and the buildings belonging to the State Government as may be specified therein.

(2) When an order under sub-section (1) has been published, the provisions of this Act relating to house-tax shall apply as if the Gram Panchayat had, on the date of publication of such order, by resolution determined to levy the tax at the rate and with effect from the date specified in the order, and as if no other resolution of the Gram Panchayat under section 64 determining the rate at which and the date from which the house-tax shall be levied, had taken effect.

(3) A Gram Panchayat shall not alter the rate at which the house-tax is levied in pursuance of an order under sub-section (1) or abolish such tax except with the previous sanction of the Government.

**Special tax
leviable by a
Gram Panchayat.**

67. Subject to such rules as may be prescribed, a Gram Panchayat shall levy a special tax on houses at such rates as may be prescribed, to provide for expenses connected with the construction, maintenance, repair, extension and improvement of water or drainage works or the lighting of the public streets and public places and other similar works.

**Composition of
tax payable by
owner of a factory
or a contiguous
group of
buildings.**

68. Subject to such conditions and restrictions as may be prescribed, a Gram Panchayat may, on application by the owner of a factory or a contiguous group of buildings, permit him to compound all or any of the taxes payable by him under this Act, by paying in lieu thereof such lump-sum amount as may be agreed upon between him and the Gram Panchayat with the approval of the District Collector. Where there is no such agreement the matter may be referred to the Commissioner in the manner prescribed and the Commissioner shall, after giving to the Gram Panchayat and the owner of the factory or a contiguous group of buildings concerned an opportunity of making a representation, decide the lump-sum amount payable by the owner of the factory or a contiguous group of buildings under this

section. The decision of the Commissioner in this regard shall be final.

69. Subject to such restrictions and control as may be prescribed, a Gram Panchayat may write off any tax, fee or other amount whatsoever due to it, whether under a contract or otherwise, or any sum payable in connection therewith, if in its opinion such tax, fee, amount or sum is irrecoverable:

Power to write off irrecoverable amounts.

Provided that where the District Collector or any of his subordinate is responsible for the collection of any tax, fee or other amount due to a Gram Panchayat, the power to write off such tax, fee or amount or any sum payable in connection therewith on the ground of its being irrecoverable, shall be exercised by the Chief Commissioner of Land Administration or subject to his control by the District Collector or any officer authorized by him.

70. (1) All moneys received by the Gram Panchayat shall constitute a fund called the 'Gram Panchayat Fund' and shall be applied and disposed of in accordance with the provisions of this Act and other laws:

Gram Panchayat Fund.

Provided that the Gram Panchayat shall credit, subject to such rules as may be prescribed, the proceeds of any tax or fee levied under this Act, to a special fund earmarked for the purpose of financing any specific public improvement. A separate account shall be kept of the receipts into and the expenditure from such special fund.

(2) Subject to the provisions of sub-section (1), the receipts which shall be credited to the Gram Panchayat fund shall include,-

(i) the house-tax and any other tax or any cess or fee, levied under this Act;

Act 16 of 1966.

(ii) any payment made to the Gram Panchayat by a market committee in pursuance of the relevant provisions under the Telangana (Agricultural Produce and Livestock) Markets Act, 1966;

(iii) the taxes and tolls levied in the village on vehicles, animals during any specific occasions to be notified by the Government under the provisions of any law for the time being in force in the State;

Act 23 of 2017.

(iv) any payment made to the Gram Panchayat by the Government under the provisions of the Telangana Goods and Services Tax Act, 2017;

(v) the amount contributed by the Mandal Praja Parishad to the Gram Panchayat in respect of markets in the village classified as Mandal Praja Parishad markets or paid by the Mandal Praja Parishads to the Gram Panchayat towards the latter's share of the income derived from such markets as per the apportionment made under section 106 and the amount paid by a Zilla Praja Parishad or any of the joint committees referred to in section 61 to the Gram Panchayat towards the latter's share of the income derived from a ferry under the management of the Zilla Praja Parishad or joint committee as the case may be as per the apportionment made under the said section;

(vi) fees for the temporary occupation of village sites, roads and other similar public places or parts thereof in the village;

(vii) fees levied by the Gram Panchayat in pursuance of any provision in this Act, or any rule or order made thereunder;

(viii) income from endowments and trusts under the management of the Gram Panchayats;

(ix) the net assessment on service inams which are resumed by Government after the commencement of this Act;

(x) income derived from village fisheries, vested in the Gram Panchayat including the weeds and reeds;

(xi) income derived from ferries under the management of the Gram Panchayat;

(xii) unclaimed deposits and other forfeitures;

(xiii) all income derived from land vested in the Gram Panchayat or the use of which is regulated by the Gram Panchayat and also the penalty and penal assessment, if any, levied in respect of unauthorized occupation thereof under any law for the time being in force;

(xiv) all income derived from trees standing on porambokes although the use of the porambokes is not vested in the Gram Panchayat;

(xv) income from leases of Government property obtained by the Gram Panchayat;

(xvi) grants received from the Government, the Zilla Praja Parishad or Mandal Praja Parishad;

(xvii) income from investments of amount taken from the Gram Panchayat Fund;

(xviii) all other receipts accruing from the sources of Gram Panchayat revenue specified in this Act; and

(xix) all sums other than those enumerated above which arise out of, or are received in aid of, or for expenditure on any institutions or services maintained or

financed from the Gram Panchayat Fund or managed by the Gram Panchayat.

(3) All moneys received by the Gram Panchayat shall be lodged in the nearest Government treasury:

Provided that the amounts received as funds under the schemes of Central or State Government from time to time, shall be lodged in nearby Nationalized Banks or Co-operative Banks or Post Offices in such manner as may be prescribed.

(4) All cheques against the Gram Panchayat Fund shall be signed jointly by the Sarpanch and Upa-Sarpanch. All orders related to the above will be issued by the Sarpanch on behalf of the Gram Panchayat.

**Expenditure from
Gram Panchayat
Fund.**

71. (1) The purposes to which the Gram Panchayat Fund may be applied include all objects declared under section 52 of this Act or any rules made thereunder; or by any other laws or rules; and the fund shall be applicable thereto within the village as per the sectoral allocations subject to such rules or special orders as the Government may prescribe or issue and shall, subject as aforesaid, be applicable to such purposes outside the village if the expenditure is authorized by this Act or specially sanctioned by the Commissioner.

(2) It shall be the duty of every Gram Panchayat to provide for the payment of,-

(i) any amounts falling due on any loans contracted by it;

(ii) the salaries, allowances, Employees Provident Fund contributions etc., of non-provincialized staff;

(iii) sums due under any decree or order of a Court;

(iv) contributions, if any levied by the Mandal Praja Parishad subject to such limits as may be specified by Commissioner; and

(v) any other expenses rendered under this Act or any other law.

(3) A Gram Panchayat may, with the sanction of the Commissioner, contribute to any fund for the defence of India.

(4) A Gram Panchayat may, with the sanction of the Commissioner, also,-

(i) contribute towards the expenses of any public exhibition, ceremony or entertainment in the village;

(ii) contribution to any charitable fund or to the funds of any institution for the relief of the poor or the treatment of diseased or infirm or the reception of diseased or infirm persons or the investigation of the causes of disease;

(iii) contribute to the funds of any institution established for promoting community development or the aims of Panchayat Raj; and

(iv) defray any other extraordinary charges to be recorded in writing and submitted to the Gram Sabha.

(5) All the works shall be executed through tender system, including e-tender in the manner prescribed.

72. The cost of the preparation and revision of the electoral roll, the cost of the election expenses, including the conduct of elections to the Gram Panchayat and the cost of maintenance of election establishment employed in connection therewith, shall be borne by the Government.

Election expenses to be borne by the Government.

**Preparation and
sanction of
budget.**

73. (1) The Gram Panchayat shall every year prepare in the manner prescribed by the Government, the estimated budget, and then place it before the Gram Sabha for prioritization and approval and after approval in Gram Sabha the same shall be placed before the Gram Panchayat. The Gram Panchayat shall, within one month from the date of approval by the Gram Sabha, sanction such budget without any deviation:

Provided that if for any reasons, the budget is not sanctioned by the Gram Panchayat under this sub-section before the expiration of the period of one month aforesaid, the Gram Panchayat shall submit the budget to the Extension Officer (PR & RD), who shall sanction it with such modifications if any, as he thinks fit.

(2) Where the budget is sanctioned by the Gram Panchayat, it shall be forwarded by the Gram Panchayat on or before such date as may be prescribed to the Extension Officer (PR&RD). The Extension Officer (PR&RD) shall make such suggestions or modifications as he may deem fit within one month from the date of its receipt and return it to the Gram Panchayat which shall consider the same and approve the budget, at a special meeting convened for the purpose; and the Budget so approved at such meeting shall be final. If the Extension Officer (PR&RD) fails to give the approval within the prescribed time above, the budget is deemed to have been approved and for such dereliction of duty the Extension Officer (PR&RD) is liable for disciplinary action, after providing an opportunity to him.

(3) If during the course of a financial year, a Gram Panchayat finds it necessary to alter the figures shown in the budget with regard to its receipts or to the distribution of the amounts to be expended on the different services undertaken by it, a supplementary or revised budget may be sanctioned as provided in sub-sections (1) and (2) above.

74. If the expenditure incurred by the Government or by any other Gram Panchayat or the Mandal Praja Parishad or Zilla Praja Parishad or by any other local authority in the State for any purpose authorized by or under this Act is, such as to benefit the inhabitants of the village, the Gram Panchayat may, with the sanction of the District Collector, and shall, if so directed by him, make a contribution towards such expenditure.

Contribution to expenditure by other local authorities.

CHAPTER - IV PUBLIC SAFETY, CONVENIENCE AND HEALTH

75. (1)(a) The Gram Panchayat may, in the interests of public health, regulate or prohibit the washing of animals or of clothes or other articles or fishing in any public spring, tank or well or in any water-course, or part thereof and may set apart any such place for drinking or for bathing or for washing animals or clothes or for any other specified purpose;

Setting apart of public tanks etc., for certain purposes.

(b) The powers conferred by clause (a) may, in the case of any private spring, tank, well or water-course, be exercised by the Gram Panchayat, with the consent of the owner of such place;

(c) The Gram Panchayat may, in the interests of public health, regulate or prohibit the washing of animals or of clothes or of other articles, in any private spring, tank, well or water-course from which the public have a right to take water for drinking purposes.

(2) The Gram Panchayat on receipt of a certificate from any health or medical officer in the service of the Government, the Gram Panchayat or the Mandal Praja Parishad or Zilla Praja Parishad stating that the water in any well, tank, spring or other sources of water supply to which the public have access in the village, is likely to endanger or

cause the spread of any dangerous disease, shall by public notice, prohibit the use of such water, and such notice shall be served by affixing a copy of it near the source of water supply and by beat of drum stating the number of days during which such prohibition shall last. The Gram Panchayat may modify the notice or extend the period of operation thereof without the production of a further certificate.

Prohibition
against the places
so set apart for
purposes other
than those
notified.

76. No person shall,-

(a) bathe in or defile, the water in any place set apart for drinking or cooking purposes either by a Gram Panchayat or in the case of private property, by the owner thereof; or

(b) deposit any offensive or deleterious matter in the bed of any place set apart as aforesaid when such bed is dry; or

(c) wash clothing in any place set apart as aforesaid;
or

(d) wash any animal or any cooking utensil or wool, skins, or other foul or offensive substances or deposit any offensive or deleterious matter in any other place set apart as aforesaid or set apart for bathing or for washing clothes;
or

(e) allow the water from a sink, sewer, drain, engine or boiler, or any other offensive matter belonging to him or flowing from any building or land belonging to or occupied by him, to pass into any place set apart as aforesaid or set apart for bathing or for washing clothes.

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

77. Where a mosque, temple, mutt or any place of religious worship or institution or any place which is used for holding

fairs or festivals or for other like purposes is situated within the limits of a village or in the neighbourhood thereof and attracts either throughout the year or on particular occasions a large number of persons, any special arrangements necessary for public health, safety or convenience whether permanent or temporary shall be made by the Gram Panchayat but the Government may, after consulting the trustee or other person having control over such place require him to make such recurring or non-recurring contribution to the funds of the Gram Panchayat.

78. The Gram Panchayat may contract with the owner or occupier of any premises to remove rubbish or filth or any particular kind of rubbish or filth, from such premises or any place belonging thereto, on such terms and conditions as agreed to by such person in writing as to times and periods of removal and other matters as may deem fit and suitable to the Gram Panchayat and on payment of fees at such rate calculated to cover the cost of the service as the Gram Panchayat may fix.

Removal of rubbish or filth and debris.

79. (1) Every owner or person having the control of any place used at the commencement of this Act as a place for burying, cremation or otherwise disposing of the dead, shall, if such place was not already registered under any law applicable thereto, apply to the Gram Panchayat to have such place registered under this Act, failing which it shall be construed as an offence under section 268 of the Indian Penal Code.

Registration of burial and cremation grounds.

Central Act 45 of 1860.

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

80. (1) No new place for the disposal of the dead whether private or public, shall be opened, formed, constructed or

Licensing of places for disposal of the dead.

used, unless a license is obtained, from the Gram Panchayat on application.

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

(3) The Gram Panchayat to which an application is made, may, in consultation with the District Health Officer,-

(a) grant or refuse a license, or

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

Provided that the Joint Collector may cancel or modify any order or resolution passed by Gram Panchayat under sub-section (3) by affording an opportunity to the Gram Panchayat to explain the ground therefor.

Provision of cremation and burial grounds.

81. A Gram Panchayat may, if no sufficient provision exists, provide at the cost of the Gram Panchayat Fund, places to be used as burial or burning grounds or crematoria, and may charge rents and fees for the use thereof.

A book to be kept of places registered, licensed or provided.

82. (1) A book shall be kept at the office of every Gram Panchayat in which the places registered, licensed or provided under section 79, section 80, section 81 and all such places registered, licensed or provided before the commencement of this Act shall be recorded.

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

83. (1) No person shall bury, burn or otherwise dispose of or cause or suffer to be buried, burnt or otherwise disposed of any corpse in any place within two hundred meters of a dwelling place or any source of drinking water supply other than a place registered, licensed, provided as aforesaid.

Prohibition against burying or cremation in unauthorized places.

(2) Whoever violates this provision is liable for penalty of rupees not more than five thousand to be paid to the respective Gram Panchayat.

84. The person having control of a place for disposing of the dead shall give information of every burial, burning or other disposal, of a corpse at such place as recorded in the prescribed register to any person appointed by the Gram Panchayat.

Notices to be given to Gram Panchayat of burials.

85. (1) If a Gram Panchayat is satisfied,-

(a) that any registered or licensed place for the disposal of the dead is in such a state or a situation as to be or be likely to become, dangerous, to the health of persons living in the neighbourhood thereof; or

(b) that any burial ground is overcrowded with graves, and if in the case of a public burial or burning ground or other place as aforesaid, another convenient place duly authorized for the disposal of the dead exists or has been provided for the persons who would ordinarily make use of such place it may, with the approval of District Panchayat Officer, give notice that it shall not be lawful after a period of not less than two months to be specified in such

Prohibition against use of burial and cremation grounds dangerous to health or overcrowded with graves.

notice to bury, burn or otherwise dispose of any corpse at such place.

(2) Every notice given under sub-section (1) shall be published by affixture to the notice board in the office of the Gram Panchayat and in the village by beat of drum.

(3) No person shall, in contravention of any notice under this section and after the expiration of the period specified in such notice, bury, burn or otherwise dispose of, or cause or permit to be buried, burnt or otherwise disposed of, any corpse at such place. Any violation of this sub-section is liable for a punishment of one month simple imprisonment.

**Power to control
stray pigs or
dogs.**

86. A Gram Panchayat may, and if so required by the District Magistrate shall, give public notice that un-licensed pigs or dogs, straying within the specified limits will be handed over to the Animal Protection Committee as prescribed:

Provided that if there is any outbreak of epidemic diseases or a situation leading to such outbreak, or endangering to human life due to proliferation of stray dogs and pigs, the Gram Panchayat shall take suitable action to restrain such stray dogs and pigs.

**Prohibition
against allowing
outflow of filth.**

87. (1) No owner or occupier of any premises shall allow the water from any sink, drain, latrine, or stable or any other filth, to flow out of such premises to any portion of a public road except a drain or cesspool or to flow out of such premises in such a manner as to cause nuisance by the soakage of the said water or filth into the walls or ground at the side of a drain forming a portion of such public road.

(2) Whoever violates this provision is liable for a penalty of not more than rupees five thousand to be paid to the

respective Gram Panchayat and rupees one thousand per day on continuing of such offence.

88. (1) If it appears necessary to improve the sanitary conditions of any area within the village, the Gram Panchayat may issue a written notice, requiring the owner or occupier of any of the lands, and houses in area, within a reasonable period to be specified in the notice,-

Power as to
sanitation and
conservancy.

(a) to remove a hut to privy either wholly or in part;

(b) to construct in a building, private drains therefor or to alter or to remove, any private drain thereof;

(c) to cause any land or building to be cleansed to the satisfaction of the Gram Panchayat;

(d) where any land or building contains a well, pool, ditch, pond, tank, or any drain, filth or stagnant water which is injurious to health or offensive to the neighbourhood or is otherwise a source of nuisance, to cause the same to be filled up, cleansed or deepened or to cause the water to be removed therefrom or drained off or to take such other action as may be deemed necessary by the Gram Panchayat;

(e) to cause any land overgrown with vegetation, under growth, prickly-pear, or jungle which is in any manner injurious to health or dangerous to the public or offensive to the neighbourhood or any impediment to efficient ventilation, to be cleared of the vegetation, undergrowth, prickly-pear or jungle;

(f) to convert any step well into a draw-well:

Provided that the Gram Panchayat shall hear and decide objections, if any, raised by the person on whom a notice is so served.

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

**Prohibition
against working of
quarry near public
roads.**

89. (1) No person shall work a quarry in or remove stones, earth or other material from any place within twenty meters of a public road or of other immovable property vesting in or belonging to the Gram Panchayat except under a license issued by a Gram Panchayat. The Gram Panchayat may either grant or refuse to grant a license within a period of fifteen days by giving reasons.

(2) If, in the opinion of the Gram Panchayat, the working of any quarry or the removal of stone, earth or other material from any place is dangerous to any person residing in or having legal access to the neighbourhood thereof or creates or is likely to create a nuisance as defined in section 268 of IPC, the Gram Panchayat may require the owner or person having control of the said quarry or place to discontinue working the same or to discontinue removing stone, earth or other material from such place or to take such action in respect of such quarry or place as it shall deem necessary for the purpose of preventing danger or of abating the nuisance arising or likely to arise therefrom.

**Prohibition
against
obstruction in or
over public roads.**

90. No person shall build any wall or erect any fence or other obstruction or projection or make any encroachment in or over any public road, except as hereinafter provided.

91. (1) No door, gate, bar or ground floor window shall, without a license from the Gram Panchayat, be hung or placed so as to open outwards upon any public road vested in the Gram Panchayat.

Prohibition against and regulation of door, gate, bar or ground window opening outwards.

(2) The Gram Panchayat may require the owner of such door, gate, bar or ground floor window to alter it, so that no part thereof when open shall project over the public road.

92. The Gram Panchayat may require the owner or occupier of any building to remove or alter any projection, encroachment or obstruction other than a door, gate, bar or ground floor window, situated against or in front of such building and in or over any public road vested in such Gram Panchayat.

Removal of encroachment.

93. (1) The Gram Panchayat may grant a license for a limited period of not exceeding fifteen days subject to such conditions and restrictions as it may think fit for the temporary erection of pandal and other structures in a public road vested in such Gram Panchayat or in any other public place the control of which is vested in such Gram Panchayat:

Power to allow certain projection and erections.

Provided that any damage caused to the public street, road, place, approach road, service road etc., shall duly be compensated by the person who applied for such temporary erection:

Provided further that if the projection, construction or occupation, as the case may be, is likely to be injurious to health or cause public inconvenience or otherwise materially interfere with the use of the road as such, no license shall be granted.

(2) The Government may, by notification, restrict and place under such control as they may think fit the exercise,

by any Gram Panchayat of the powers under sub-section (1).

(3) On the expiry of any period for which license has been granted under this section, the Gram Panchayat may without notice, cause any projection or construction put up under sub-section (1) to be removed, and the cost of so doing shall be recoverable, in the manner hereinafter provided from the person to whom the license was granted.

Prohibition of building on sewer, drain etc.,

94. (1) No building permission shall be given over any sewer or drain or within Full Tank Level of a tank or surplus weir of tanks or any part of sewer or drain or upon any ground which has been covered, raised or levelled wholly or in part by road sweepings or other rubbish.

(2) The Gram Panchayat shall, without any prior notice, demolish such construction, projection which is detrimental to the public health and environment.

(3) The District Collector may, on the report of the District Panchayat Officer or any inspecting officer authorized by him, order for demolition of such structure referred to in sub-section (1) above and the cost of demolition shall be recovered from the Sarpanch and the Panchayat Secretary proportionately and also take action under section 268 on the Gram Panchayat.

Prohibition against making holes and causing obstruction in public roads.

95. (1) No person shall make a hole or cause any obstruction in any public road vested in a Gram Panchayat except with the previous permission of the Gram Panchayat and subject to such conditions as the Gram Panchayat may impose.

(2) When such permission is granted such person shall, at his own expense, cause such hole or obstruction to be

sufficiently fenced and enclosed until the hole or obstruction is sufficiently lighted during the night.

(3) If any person contravenes the provisions of this section, the Gram Panchayat shall fill up the hole or remove the obstruction or cause the hole or obstruction to be lighted, as the case may be, and may recover the cost of so doing from such person along with penal charges as prescribed.

96. (1) No person shall plant any tree on any public road or other property vesting in or belonging to a Gram Panchayat, except with the previous permission of the Gram Panchayat and on such conditions as may be imposed.

**Prohibition
against planting
or felling trees on
public roads
without
permission.**

(2) No person shall fell, remove, destroy, lop or strip bark, leaves or fruits from, or otherwise damage any tree vesting in or belonging to a Gram Panchayat and growing on any such public road or property, except with the previous permission or order of the Gram Panchayat and on such conditions as the Gram Panchayat may impose.

97. (1) The Gram Panchayat shall not allow any person to encroach any land which is set apart for any public purpose and is vested in or belongs to Gram Panchayat.

**No encroachment
to be allowed on
Gram Panchayat
properties.**

(2) In case of any un-authorized occupation, the Gram Panchayat shall remove such un-authorized occupations, without any notice, and recover the cost of removal along with penal charges.

(3) If any damage to the property of the Gram Panchayat has been caused by any person occupying any land un-authorizedly, he shall be liable to pay compensation to the Gram Panchayat for such damage, as may be decided by the Gram Panchayat.

Public markets.

98. (1) The Gram Panchayat may provide places for use as public markets and, with the sanction of the District Collector, close any such market or part thereof.

(2) Subject to such rules as may be made, the Gram Panchayat may levy one or more of the following fees in any public market at such rates, not exceeding the maximum rates, if any, prescribed in this behalf, as the Gram Panchayat may think fit,-

(a) fees for the use of, or for the right to expose goods for sale in, such market;

(b) fees for the use of shops, stall, pens or stands in such markets;

(c) fees on animals brought for sale into or sold in such markets;

(d) license fees on brokers, commission agents, weigh men and measures practicing their calling in such market.

License for private markets.

99. (1) No person shall open a new private market or continue to keep open a private market unless he obtains from the Gram Panchayat a license to do so in the manner prescribed.

(2) Application for such license shall be made by the owner of the place in respect of which the license is sought not less than thirty and not more than ninety days before such place is opened as a market, or the commencement of the year for which the license is sought to be renewed, as the case may be.

(3) The Gram Panchayat shall, as regards private markets already lawfully established and may, as regards

new private markets, grant the license applied for, subject to such regulations as to supervision and inspection and to such conditions as to sanitation, drainage, water supply, width of paths and ways, weights and measures to be used, and rents and fees to be charged in such market, or the Gram Panchayat may, for reasons to be recorded in writing, refuse to grant any such license for any new private market. The Gram Panchayat may, however, at any time for breach of any condition of the license suspend or cancel the license granted under this section. The Gram Panchayat may also modify any of the conditions of the license to take effect from a specified date.

(4) When a license is granted, refused, suspended, cancelled or modified under this section, the Gram Panchayat shall cause a notice of such grant, refusal, suspension, cancellation or modification in the local language of the village to be pasted conspicuously at or near the entrance to the place in respect of which the license was sought or had been obtained.

(5) Every license granted under this section shall expire at the end of the year.

(6) Any person aggrieved by an order of the Gram Panchayat under sub-section (3) may appeal against such order to the District Collector who may, if he thinks fit, suspend the execution of the order, pending the disposal of the appeal.

100. When a license granted under section 99 permits the levy of any fees of the nature specified in sub-section (2) of section 98 a fee not exceeding fifteen percent of the gross income of the owner from the market in the preceding year, shall be charged by the Gram Panchayat for such license.

Fee for license.

Powers
exercisable by
Gram Panchayat
in respect of
public markets.

101. The Gram Panchayat may expel from any public market any person who or whose servant has been convicted or found to be disobeying any bye-laws for the time being in force in such market, and may prevent such persons from further carrying on by himself or his servants or agents, any trade or business in such market, or occupying any shop, stall or other place therein and may determine any lease or tenure which such person may possess in any shop, stall or place.

Powers
exercisable by the
Gram Panchayat
in respect of
private markets.

102. (1) The Gram Panchayat may by notice require the owner, occupier or farmer of any private market to,-

(a) construct approaches, entrances, passages, gates, drains and cess-pits for such market and provide it with latrines sufficiently as the Gram Panchayat may think fit;

(b) roof and pave the whole or any portion of it or pave any portion of the floor with such material as will in opinion of the Gram Panchayat secure imperviousness and ready cleansing;

(c) ventilate it properly and provide it with an adequate supply of water;

(d) provide passages of sufficient width between the stalls and make such alterations in the stalls, passages, shops, doors or other parts of the market as the Gram Panchayat may direct;

(e) keep it in a clean and proper state, remove all filth and refuse therefrom and dispose of them at such place and in such manner as the Gram Panchayat may direct; and

(f) make such other sanitary arrangements as the Gram Panchayat may consider necessary.

(2) If any person, after notice given to him in that behalf by the Gram Panchayat, fails within the period and in the manner laid down in the said notice, to carry out any of the works specified in sub-section (1), the Gram Panchayat may suspend the license of the said person, or may refuse to grant him a license until such work is completed.

(3) It shall not be lawful for any person to keep open any private market during such suspension or until the license is renewed.

(4) No owner, occupier, agent or manager in-charge of any private market or of any shop, stall, shed or other place therein, shall keep the same causing nuisance, or fails to curb the nuisance in such market, shop, stall, shed or other place, he shall remove such shop, stall, shed or other place at once to a place to be specified by the Gram Panchayat.

103. If any question arises as to whether any place is a market or not, the Gram Panchayat, shall make a reference thereon to the District Collector for decision and his decision shall be final.

Decisions of disputes as to whether places are markets.

104. No person shall sell or expose for sale any animal or article,-

Prohibition of sale in unlicensed private market.

(a) in any unlicensed private market; or

(b) any public or licensed private market without the permission of the Gram Panchayat or licensee, as the case may be, or of any person authorized in this behalf.

105. The Gram Panchayat may, prohibit by public notice or license or regulate, the sale or exposure for sale of any animals or articles in or upon any public road or place or part thereof.

Prohibition against sale in or upon public roads.

Classification of markets.

106. (1) The Commissioner shall have power to classify public and private markets situated in a village as Mandal Praja Parishad markets and Gram Panchayat markets and provide for the control of any such market and for the apportionment of the income derived therefrom between the Zilla Praja Parishad, Mandal Praja Parishad and the Gram Panchayat or the payment of a contribution in respect thereof to the Gram Panchayat or the Zilla Praja Parishad or Mandal Praja Parishad as the case may be.

(2) In the case of markets classified as Mandal Praja Parishad Markets, the Gram Panchayat shall not exercise any of the powers conferred on them by sections 98 to 105 or both inclusive.

Classification of public roads, fairs and festivals.

107. The classification of public roads, fairs and festivals, choultries, dispensaries and libraries in any Gram Panchayat area shall vest with the Gram Panchayat unless otherwise classified by the Commissioner.

Public landing places, parking places and cart-stands.

108. Subject to such rules as may be prescribed the Gram Panchayat may,-

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

Provided that it shall be open to the Gram Panchayat to compound any un-authorized parking, by collecting such lump-sum amount as may be fixed by it;

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

109. (1) No person shall open a new private parking place and cart-stand or continue to keep open a private parking place and cart-stand unless he obtains from the Gram Panchayat a license to do so. Such license shall be renewed every year.

Private parking places and Cart-stands.

(2) The Gram Panchayat shall as regards private parking places and cart-stands already lawfully established, and may, at its discretion, as regards new private parking places and cart-stands, grant the license applied for subject to such conditions as the Gram Panchayat may think fit as to supervision and inspection, conservancy and such other matters as may be prescribed, or the Gram Panchayat may refuse to grant such license, for any new parking places and cart-stands.

(3) The Gram Panchayat may modify conditions of the license to take effect from a specified date.

(4) The Gram Panchayat may at any time suspend or cancel any license granted under sub-section (2) for breach of the conditions thereof.

(5) The Gram Panchayat may levy on every grant or renewal of a license under this section, a fee.

110. Subject to such rules as may be made, every Gram Panchayat shall provide designated places for use as public slaughter-houses and charge rents and fees for their use.

Public slaughter houses.

111. The Government shall have power to make rules for,-

(a) prohibiting or regulating the slaughter, cutting up or skinning of animals specified in the rules, on all occasions not excepted therein, at places other than public slaughter houses;

Prohibition or regulation of the use of places for slaughtering animals and licensing of slaughterers.

(b) licensing persons to slaughter animals in the rules for purposes of sale to the public; and

(c) inspection of slaughter-houses and of the meat therein and the payment of remuneration to the officers employed for such inspection.

Purposes for which places may not be used without license.

112. (1) The Gram Panchayat may notify in the prescribed manner, that no place within the limits of the village shall be used for any one or more of the purposes specified in the rules made in this behalf without a license issued by the Gram Panchayat in the prescribed manner and except in accordance with the conditions specified in such license:

Provided that no such notification shall take effect until the expiry of a period of sixty days from the date of publication:

Provided that if no order is passed on the application for issuance of license by the Gram Panchayat, either approving or rejecting it, within a week from the date of such application, approval shall be deemed to have been given and such deemed approval may be notified in a manner as may be prescribed by the Government.

(2) Appeal against the rejection of license shall lie to the District Collector.

Development of land and making of a layout.

113. (1) It shall be the obligation of every owner or developer to make a layout and to form a street or road when disposing of lands as building sites.

(2) The owner or developer of any agricultural land who intends to make a layout to utilize or sell such land for building purposes shall make an application to the Gram Panchayat duly submitting a copy to the Technical Sanction Authority, only after conversion of agricultural land to non-

agriculture use under the Telangana Agricultural Land (Conversion for Non-agricultural Purposes) Act, 2006 from the competent authority under the said Act. Act 3 of 2006.

(3) (a) The Gram Panchayat shall within seven days from the receipt, forward the proposals to the Technical Sanction Authority for technical approval:

Provided that if the Gram Panchayat fails to forward the proposal within seven days it shall be deemed to have been forwarded to the Technical Sanction Authority;

(b) The Technical Sanction Authority shall within thirty days, communicate owner or developer to carry out the activities such as formation of roads, provision of drains, drinking water, street lights etc., to be taken up in the layout, in addition to the registration of common sites and roads in favour of Gram Panchayat;

(c) The Technical Sanction Authority, on receipt of letter from the owner or developer complying with the requirements as stated in clause (b) shall, inspect the proposed layout; and

(i) accord final approval within thirty days, if the said requirements have been complied with; or

(ii) reject the layout application within thirty days, in case of non-compliance with the said requirements;

(d) The Gram Panchayat on receipt of the communication from the Technical Sanction Authority shall, within seven days,-

(i) accord approval; or

(ii) inform the owner or developer the rejection of application in the manner prescribed.

(4) The Government shall provide a software or online application of layout approvals and prescribe templates and time periods for various stages for speedy disposal of applications.

(5) The official concerned of the Technical Sanction Authority who fails to accord approvals within the prescribed period, shall be liable for disciplinary action and a penalty as prescribed in addition to withholding of promotion.

(6) All layouts sanctioned shall be executed within a period of two years from the date of approval by the Gram Panchayat. If the sanctioned layout is not executed within the said period, shall be invalid.

(7) The owner or developer shall mortgage fifteen percent of the saleable land in the layout to the Gram Panchayat as surety for carrying out the developments and complying with other conditions within the prescribed period, in the failure of which, the Gram Panchayat shall be empowered to sell away the mortgaged plots and utilize the amount so realized for completing the development works. In such an eventuality, the owner or developer shall be black-listed and shall not be allowed to undertake any development works in the entire State.

(8) No piece of land for building purposes shall be sold by any owner or developer which is not a part of an approved layout:

Provided that it shall not be applicable to plots of land in Grama Kantam having an existing building.

(9) Any owner or developer who sells, for building purposes, any piece of land which is a part of land demarcated and set apart for public purposes in an approved layout; shall be penalized with imprisonment upto a period of three years.

(10) The Gram Panchayat shall be liable for dissolution under section 268 of this Act, if any layout is sanctioned without the approval of the Technical Sanction Authority, as specified in this section.

(11) Provisions with regard to authorized and unauthorized layouts existing as on thirty first of March 2018:

(a) The Gram Panchayat within three months of commencement of this Act shall notify and publish all the layouts existing in the Gram Panchayat as on the date of commencement of this Act;

(b) The respective Technical Sanction Authority shall verify with reference to satellite maps and physical inspection of sites, classify the layouts in different categories;

(c) Further action on each of those categories in accordance with rules made in this behalf; shall be as specified in the Table below:-

Sl.No.	Category	Action
1.	Layouts approved by the competent authority and works completed without any deviations.	Building permissions may be given.

- | | | |
|----|--|---|
| 2. | Layouts approved by the competent authority, but work not commenced. | May be allowed to complete the work within the stipulated time. |
| 3. | Layouts approved by the competent authority but got lapsed after expiry of two years; | May be considered for renewal under the rules. |
| 4. | Layouts approved by the competent authority, where work commenced but not completed and deviations are found,- | |
| | (a) where basic amenities are not provided | The owners/developers have to provide the same, failing which three times the cost of such amenities, as estimated by the concerned, shall have to be paid to the Gram Panchayat. |
| | (b) where there is deviation in road width or common site. | Alternate land has to be provided in the same layout out of the unregistered plots; or if land cannot be provided, five times market value of the land as on that date in lieu of the land shall have to be paid to the Gram Panchayat. |
| 5. | Work completed on un-authorized layouts: | The owner or developer shall provide basic amenities, if not done already. With regard to the deviation in road width or common site shall |

compensate the deviation by providing alternate land in that layout only out of unregistered plots. If the land cannot be provided ten times market value of the land prevailing on that day shall be paid to the Gram Panchayat:

6. Work commenced and not completed in unauthorized lay-outs. The owner or developer shall provide basic amenities, if not done already. With regard to the deviation in road width or common site shall compensate the deviation by providing alternate land in that layout only out of unregistered plots. If the land cannot be provided ten times market value of the land prevailing on that day shall be paid to the Gram Panchayat:
7. Layouts which are not sanctioned by the competent authority and no work commenced Shall not be regularized.

(d) Any layout regularization shall be done only by the respective Technical Sanction Authority.

114. (1) No piece of land shall be used as a site for the construction of a building and no building shall be constructed or reconstructed and no addition or alteration shall be made to an existing building without the approval of

**Approval of
building
permissions.**

the Gram Panchayat in accordance with the provisions of any rules or bye-laws made under this Act, relating to the use of building sites or the construction or reconstruction of buildings.

(2) The Government shall provide a software for online application of building permissions and prescribe templates and time periods for various stages for speedy disposal of applications.

(3) All building permissions shall be sanctioned within fifteen days from the date of application, if such application is accompanied by all valid and required documents as prescribed. All residential buildings with Ground plus two Floors upto a height of 10 meters with a site area upto 300 Square meters only shall be permitted by Gram Panchayat:

Provided that the Panchayat Secretary shall verify the documents submitted along with application within twenty four hours of its submission and certify that all required documents have been submitted:

Provided that if the application for the building permission is not accompanied by all required documents, such application shall be returned with reasons in writing to the applicant within seven days:

Provided further that, if the Gram Panchayat does not take a decision on the application within fifteen days, the approval will be deemed to have been given if all valid documents have been submitted to the Gram Panchayat concerned, in the manner prescribed.

(4) All building permissions other than those specified in sub-section (3) shall be given by the respective Technical Sanction Authority:

Provided that the application for the same shall be made to the Gram Panchayat in the prescribed format duly submitting a copy to the Technical Sanction Authority. The Gram Panchayat shall within seven days from the receipt, forward the proposals to the Technical Sanction Authority for technical approval;

Provided that if the Gram Panchayat fails to forward the proposal within seven days it shall be deemed to have been forwarded to the Technical Sanction Authority.

Provided that if no decision is taken on the application within fifteen days, the official concerned of the Technical Sanction Authority, shall be liable for disciplinary action and a penalty as prescribed.

(5) The amount collected by the Technical Sanction Authority on account of building permissions and layout approvals in such area, a part of such amount as prescribed by the Government shall be remitted to the concerned Gram Panchayat.

(6) No building permission shall be accorded in any piece of land which is not converted for non-agriculture use by the competent authority under the Telangana Agricultural Land (Conversion for Non-agricultural Purposes) Act, 2006. If any deviation is found in this matter, the Gram Panchayat shall be liable for action under this Act.

Act 3 of 2006.

(7) No building permission shall be given on any piece of land which is not covered by an approved layout:

Provided that the Government may exempt certain buildings from technical approval in the manner prescribed:

Provided further that the buildings and houses falling under the existing settlement areas notified as Gram Kantam

or farm buildings or industrial and non residential buildings abutting highways or main roads are exempted from approved layout provisions, subject to payment of required layout charges; and the building permission is necessary as per building rules in existence.

(8) The Gram Panchayat shall be liable for dissolution under section 268, if any un-authorized building comes up in the Gram Panchayat area or if any deviation is found in the permitted building plan or if any permission is granted contrary to any rules made in this behalf.

Power of Gram Panchayat to issue directions for abatement of nuisance or environmental pollution caused by steam or other power.

115. (1) If any factory, workshop or work-place in which steam power, water power, electrical power or any other power is used, nuisance or environmental pollution is caused, then the Gram Panchayat may issue such directions as it thinks fit for the abatement of nuisance or environmental pollution within a reasonable time to be specified for the purpose.

(2) If there has been willful default in carrying out such directions or if abatement is found impracticable, the Gram Panchayat may,-

(a) prohibit the use of the particular kind of fuel employed; or

(b) restrict the noise or vibration by prohibiting the working of the factory, workshop or work-place between the hours of 6.00 p.m. and 8.00 a.m.

Form of licenses, notices, permissions.

116. All licenses, notices, permissions, given, issued or granted, as the case may be, under the provisions of this Act, shall be in accordance with such rules as may be made in this behalf.

117. The Government may, either generally or in any particular case, make such order or give such directions as they may deem fit, in respect of any action taken or omitted to be taken under section 112 or section 115.

Power of Government to pass order or give directions.

118. (1) The Gram Panchayat shall be the authority to whom application shall be made for license to permit holding of any temporary event for recreation such as exhibition, circus, games, music and dance performance etc., under this Act, in respect of any place or building to be used exclusively for purposes other than the holding of cinematography exhibitions and who may grant or refuse such license.

Authority to grant permission for temporary recreation events.

(2) An appeal from the order of the Gram Panchayat granting, refusing, revoking or suspending a license under the Act shall lie to the District Collector.

CHAPTER - V GENERAL, MISCELLANEOUS AND SUPPLEMENTAL PROVISIONS (GRAM PANCHAYATS)

119. (1) The Gram Panchayat may, in the manner prescribed, cause a name to be given to any street and shall cause a number to be affixed to the side or outer door of any building or to some place at the entrance of such building and in like manner, may, from time to time, cause such name or number to be altered.

Power to name streets and number buildings.

(2) No person shall, without lawful authority destroy, pull down, or deface any such name or number or any number assigned to any building in any such area.

(3) When a number has been affixed, the owner of the building shall be bound to maintain such number and to replace it if removed or defaced, and if he fails to do so, the

prescribed authority may, by notice require him, to replace it.

General provisions regarding licenses and permissions.

120. (1) Every license and permission granted under this Act or any rule or bye-law made under this Act shall specify the period, if any, for which, and the restrictions, limitations and conditions subject to which the same is granted and shall be signed by the Sarpanch or by some person duly authorized by him in this behalf.

(2) Save as otherwise expressly provided in or may be prescribed under this Act, for every such license or permission, fees may be charged on such units and at such rates as may be fixed by the Gram Panchayat:

Provided that a person who is a barber, washer-man, medari or kummara or other village artisan by profession shall not be liable to pay any fees in relation to the license granted to him for the use of any place in the Gram Panchayat for exercising his profession or transacting his business as such.

(3) Every order of the authority competent under this Act or any rule or bye-law made thereunder to pass an order refusing, suspending, cancelling or modifying a license or permission shall be in writing and shall state the grounds on which it proceeds:

Provided that every application for a license or permission under this Act shall be disposed of within fifteen days from the date of receipt thereof or from the date of receipt of approvals or completion of other formalities prescribed, failing which, it shall be deemed that license or permission is granted.

(4) Subject to the special provisions regarding private markets, any license or permission granted under this Act or

any rule or bye-law made thereunder, it may at any time, after giving the persons concerned an opportunity of making a representation be suspended or revoked by the Gram Panchayat, if any of the restrictions, limitations or conditions laid down in respect thereof is evaded or infringed by the grantee, or if the grantee is convicted of a breach of any of the provisions of this Act, or of any rule, bye-law or regulation made under it, in any matter to which such license or permission relates or if the grantee has obtained the same by misrepresentation or fraud.

(5) It shall be the duty of the Gram Panchayat to inspect places in respect of which a license or permission is required by or under this Act, and he may enter any such place between sunrise and sunset, and also between sunset and sunrise if it is open to the public or any industry is being carried on it at that time; and if he has reason to believe that anything is being done in any place without a license or permission where the same is required by or under this Act, or otherwise than in conformity with the same, he may at any time by day or night without notice enter such place for the purpose of satisfying himself whether any provision of law, rules, bye-laws or regulations, any condition of a license or permission or any lawful direction or prohibition is being contravened; and no claim shall lie against any person for any damage or inconvenience necessarily caused by the exercise of powers under this sub-section by the Gram Panchayat or any person to whom he has lawfully delegated his powers; or by the use of any force necessary for effecting an entrance under this sub-section.

(6) When any license or permission is suspended or revoked or when the period for which it was granted, or within which application for renewal should be made has expired, whichever expires later, the grantee shall for all purposes of this Act, or any rule or bye-law made under this Act, be deemed to be without a license or permission, until

the order suspending or revoking the license or permission is cancelled or subject to sub-section (11) until the license or permission is renewed as the case may be.

(7) The grantee of every license or permission shall, at all reasonable times, while such license or permission remains in force produce the same at the request of the Gram Panchayat.

(8) Whenever any person is convicted of an offence in respect of the failure to obtain a license or permission or to make a registration as required by the provisions of this Act or any rule or bye-law made thereunder, the Magistrate shall, in addition to any fine which may be imposed recover summarily and pay over to the Gram Panchayat the amount of the fee chargeable for the license or permission or for registration and may, in his discretion, also recover summarily and pay over to the Gram Panchayat such amount if any as he may fix as the costs of the prosecution.

(9) Save as otherwise expressly provided in or may be prescribed under this Act, every application for a license or permission or for registration under this Act or any rule, bye-law or regulation made thereunder or for renewal thereof, shall be made not less than thirty and not more than ninety days before the commencement of the period or such less period as is mentioned in the application.

(10) Recovery of the fee under sub-section (8) shall not entitle the person convicted to a license or permission or to registration as aforesaid.

(11) The acceptance by or on behalf of a Gram Panchayat of the pre-payment of the fee for a license or permission or for registration shall not entitle the person making such pre-payment to the license or permission or of registration as the case may be but only to refund of the fee

in case of refusal of the license or permission or of registration, but an applicant for the renewal of a license or permission or registration, shall, until communication of orders on his application, be entitled to act as if the license or permission or registration had been renewed and save as otherwise specially provided in this Act, if orders on an application for license or permission or for registration are not communicated to the applicant within thirty days or such longer period as may be prescribed in any class of cases after the receipt of the application by the Gram Panchayat, the application shall be deemed to have been allowed for the period, if any, for which it would have been ordinarily allowed and subject to the law, rules, bye-laws and regulations and all conditions ordinarily imposed.

121. (1) An appeal shall lie to the District Collector from,-

Appeal from the order of Gram Panchayat.

(a) any order of the Gram Panchayat granting, refusing, suspending or revoking a license or permission;

(b) any other order of the Gram Panchayat that may be made appealable by rules made under section 286.

122. In any case in which no time is fixed by the foregoing provisions of this Act for the presentation of an appeal allowed thereunder, such appeal shall, subject to the provisions of section 6 of the Limitation Act, 1963 be presented within thirty days after the date of receipt of the orders from which the appeal is preferred.

Limitation of time for appeal.

Central Act 36 of 1963.

123. Nothing in this Act or in any rule, bye-law or regulation made thereunder shall be construed as requiring the taking out of any license 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 State or Central Government or of a Mandal Praja Parishad or a Zilla Praja Parishad or of a

Government and Market Committees not to obtain licenses and permissions.

Act 16 of 1966.

Market Committee constituted under the Telangana (Agricultural Produce and Livestock) Markets Act, 1966 or in respect of any property of the State or Central Government or of any property belonging to such Mandal Praja Parishad or Zilla Praja Parishad or Market Committee.

Time for complying with notice, order and power to enforce in default.

124. (1) Whenever by any notice, requisition or order under this Act, or under any rule, bye-law or regulation made thereunder, any person is required to execute any work or to take any measures or to do anything, a reasonable time shall be fixed in such notice, requisition or order within which the work shall be executed or the measures taken or the thing done.

(2) If such notice, requisition or order is not complied with within the time so fixed,-

(a) The Gram Panchayat may cause such work to be executed or may take any measures or do anything which may in his opinion be necessary for giving due effect to the notice, requisition or order and all expenses thereby incurred by the Gram Panchayat shall be paid by the person or persons upon whom a notice was served and shall be recoverable in the manner hereinafter provided; and further

(b) if no penalty has been specially provided in this Act for failure to comply with such notice, requisition or order the said person shall be punishable with fine not more than rupees five thousand for every such offence.

Powers of entry and inspection.

125. (1) Subject to such restrictions and conditions as may be prescribed, the Gram Panchayat may authorize any person to enter, between sunrise and sunset on any day any place, building or land with or without notice and with or without assistants or workmen in order to make an inquiry, inspection, test, examination, survey, measurement or valuation or to execute any other work which is authorized

by the provisions of this Act or of any rule, bye-law, regulation or order made thereunder or which it is necessary to make or execute for any of the purposes of this Act or in pursuance of any of the said provisions.

(2) No claim shall lie against any person for any damage or inconvenience necessarily caused by the exercise of powers under sub-section (1) or the use of any force necessary for effecting an entrance under that sub-section.

126. The Gram Panchayat may authorize any person to examine and test the weights and measures used in the markets and shops in the village with a view to the prevention and punishment of offences relating to such weights and measures under Chapter XIII of the Indian Penal Code.

Testing of weights and measures.

Central Act 45 of 1860.

127. (1) The Gram Panchayat may require the Village-Level Functionaries of all Departments specified in Schedule-VII having jurisdiction over the Gram Panchayat to furnish information on any matter falling within such categories as may be prescribed in respect of villages within its jurisdiction or any part thereof or any person or property therein and such Village-Level Functionaries of all Departments shall comply with such order.

Power to call for information from Village-Level Functionaries of all Departments.

(2) The order shall specify the period within which it may be complied with but the Gram Panchayat may, from time to time, extend such period.

128. Save as otherwise expressly provided in this Act, no person shall be tried for any offence against this Act or any rule or bye-law made thereunder, unless complaint is made within twelve months of the commission of the offence, by the police, by the Sarpanch or Panchayat Secretary or person expressly authorized in this behalf by the Gram Panchayat:

Persons empowered to prosecute.

Provided that failure to take out a license, obtain permission or secure registration under this Act, shall, for the purposes of this section be deemed a continuing offence until the expiration of the period, if any, for which the license, permission or registration is required and if no period is specified, complaint may be made at any time within twelve months from the commencement of the offence.

Power to compound offences.

129. (1) The Gram Panchayat may, subject to such restrictions and control, as may be prescribed, compound for a sum not more than rupees five thousand, any offence against the provisions of this Act or any rule or bye-law made thereunder, which may by rules, be declared compoundable.

(2) On payment of the amount by way of compounding no further proceedings shall be taken or continued against the defaulter in regard to the offence or alleged offence so compounded, unless it is a continuing offence.

(3) Nothing in this section shall apply to election offences.

Prosecutions and compounding to be reported to Extension Officer (PR&RD).

130. Every prosecution instituted or offence compounded by the Gram Panchayat shall be reported by it to the Extension Officer (PR&RD).

Notice of action against Gram Panchayat.

131. (1) Subject to the provisions of section 130, no suit or other legal proceeding shall be brought against any Gram Panchayat or the Sarpanch or the Panchayat Secretary or any member, or any employee of such Gram Panchayat or against any person acting under the direction of such Gram Panchayat, Sarpanch, Panchayat Secretary, member, or any employee in respect of any act done or purporting to be done under this Act or in respect of any alleged neglect or

default in the execution of the provisions of this Act or any rule, bye-law, regulation or order made thereunder until the expiration of two months next after notice in writing stating the cause of action, the nature of the relief sought, the amount of compensation claimed and the name and place of residence of the intended plaintiff, has been left at the office of the Gram Panchayat and if the proceeding is intended to be brought against any such Sarpanch, Panchayat Secretary, member, an employee or a person also delivered to him or left at his place of residence, and unless such notice is given the Court shall not entertain such suit or legal proceeding.

(2) Every such proceeding shall, unless it is a proceeding for the recovery of immovable property or for a declaration of title thereto, be commenced within six months after the date on which the cause of action arose or in case of a continuing injury or damage, during such continuance or within six months after the ceasing thereof.

(3) If any Gram Panchayat or person to whom notice is given under sub-section (1) tenders amounts to the plaintiff before the proceeding is commenced and if the plaintiff does not in such proceeding recover more than the amount so tendered, he shall not recover any costs incurred by him after such tender, and the plaintiff shall also pay all costs incurred by the defendant after such tender.

132. Every Police Officer in whose jurisdiction the village is situated shall be bound to assist the Gram Panchayat and its officers and servants in the exercise of their lawful authority.

Assistance of police to the Gram Panchayat.

133. Any person who prevents the Sarpanch or Panchayat Secretary or any person who has been lawfully delegated powers of entering on or into any place, building or land, from exercising his lawful power of entering thereon or there

Wrongful restraint of Sarpanch or Panchayat Secretary or their delegates.

into shall be deemed to have committed an offence under section 344 of the Indian Penal Code.

Punishment for obstructing Gram Panchayat.

134. Whoever obstructs a Gram Panchayat or the Sarpanch or the Panchayat Secretary or a member of the Gram Panchayat or any person employed by the Gram Panchayat or any person with whom it has contracted in the performance of its duty under the provisions of this Act or of any rule made thereunder, or prevents or tries to prevent any person from doing anything which he is empowered or required to do, by virtue of this Act, or removes any mark set up for the purpose of indicating any level or direction, incidental to the carrying out of any work authorized by this Act, or removes, destroys, or defaces or otherwise obliterates any notice put up or exhibited by the Gram Panchayat or under its authority, shall be liable on conviction to a fine not more than rupees five thousand.

Penalty for not giving information or giving false information.

135. Any person required by this Act or by any notice or other proceedings issued thereunder to furnish any information, omits to furnish such information or knowingly furnishes false information shall be punishable with fine not more than rupees five thousand.

Special provisions in the case of Gram Panchayats.

136. (1) Notwithstanding anything in this Act, when a local area is notified as a village under section 3, for the first time, the District Collector shall appoint a Special Officer to exercise the powers and perform the functions of the Gram Panchayat and its Sarpanch until the members and Sarpanch thereof who are duly elected assume office.

(2) The Special Officer shall cause arrangements for the election of the members of the Gram Panchayat to be made before such date as may be fixed by the Commissioner in this behalf:

Provided that the Commissioner may, from time to time, postpone the date so fixed, if for any reason, the elections cannot be completed before such date.

(3) The Government, or as the case may be, an officer authorized by the Government, shall appoint a special officer or a person-in-charge or a committee of persons-in-charge to a Gram Panchayat, if for any reason, the process of election to such Gram Panchayat is not completed.

(4) The special officer or person-in-charge or the Committee of persons-in-charge, appointed under subsection (3) shall exercise the powers and perform the functions of the Gram Panchayat and its Sarpanch until the members and Sarpanch elected thereof assume office.

137. All roads, markets, wells, tanks, reservoirs and water ways vested in or maintained by a Gram Panchayat shall be open to the use and enjoyment of all persons, irrespective of their caste, creed and language.

Public roads, markets, wells, tanks etc., to be open to all.

138. A Gram Panchayat shall have power to farm out the collection of any fees due to it under this Act or any rule, bye-law or regulation made thereunder, for any period not exceeding three years at a time on such condition as it thinks fit.

Power to farm out fees.

139. (1) The Commissioner may, at the request of the Gram Panchayat or otherwise, by notification, declare that any of the provisions of the law relating to municipalities for the time being in force or of any rule made thereunder including those relating to taxation, shall be extended to and be in force in the village or any specified area therein.

Extension of provisions of law relating to District Municipalities or of rules thereunder.

(2) The provisions so notified shall be construed with such alterations not affecting the substance as may be

necessary or proper for the purpose of adopting them to the village or specified area therein.

(3) Without prejudice to the generality of the foregoing provision, all references to a municipal council or the Chairperson or the Gram Panchayat thereof shall be construed as references to the Gram Panchayat or the Sarpanch or the Gram Panchayat thereof, all references to any officer or servant of a municipal council as references to corresponding officer or servant of the Gram Panchayat and all references to the municipal limits as references to the limits of the village or the specified area therein, as the case may be.

Transfer of functions of Gram Panchayats to other local authorities or vice versa.

140. Notwithstanding anything in this Act, or in any law relating to other local authorities, the Government may, in consultation with the Mandal Praja Parishad or Zilla Praja Parishad or other local authority as the case may be, and the Gram Panchayat concerned, by notification and subject to such restrictions and conditions and to such control and revision as may be specified therein, direct that,-

(i) any power or function vested in the Gram Panchayat by or under this Act, shall be transferred to and exercised and performed by the Mandal Praja Parishad or Zilla Praja Parishad or the other local authority; and

(ii) any power or function vested in the Mandal Praja Parishad or Zilla Praja Parishad or the other local authority shall be transferred to and exercised and performed by a Gram Panchayat.

Explanation:- For the purposes of this section, "local authority" includes, the Telangana Industrial Infrastructure Corporation Limited.

CHAPTER - VI

CONSTITUTION, POWERS AND FUNCTIONS OF TRIBUNAL FOR GRAM PANCHAYATS

141. (1) The State Government shall constitute a Gram Panchayat Tribunal to hear and decide appeals preferred under sub-section (6) of section 37.

**Constitution,
Powers and
Functions of the
Tribunal.**

(2) The Gram Panchayat Tribunal shall be a three member Tribunal. The State Government shall appoint one person who has a background of working with local bodies and two other persons of eminence to be the members of the Tribunal.

(3) The tenure and other conditions of service of a member appointed under sub-section (2) shall be as may be prescribed. The salaries and allowances of the member shall be paid out of the Consolidated Fund of the State.

(4) The powers and procedures to be followed by the Gram Panchayat Tribunal shall be such as may be prescribed. The Tribunal shall decide the case within a period of preferably three months and in any case not more than six months. The Tribunal shall not have the power to grant a stay on the orders under sub-section (1) and intimation under sub-section (2) of section 37.

(5) The Tribunal shall have an establishment consisting of such officers and other employees appointed on such terms and conditions as may be prescribed. Their salaries and allowances shall be paid out of the Consolidated Fund of the State.

(6) An appeal shall lie with the Government on the orders of the Tribunal.

(7) No Court shall have jurisdiction over any matter for which provision is made in this Chapter for appeal to the Gram Panchayat Tribunal.

PART - III

CONSTITUTION AND INCORPORATION, COMPOSITION, RESPONSIBILITIES, FUNCTIONS, POWERS ETC., OF MANDAL PRAJA PARISHADS

Constitution and
incorporation of
Mandal Praja
Parishads.

142. (1) There shall be constituted, by the Government, by notification from time to time and with effect on and from such date, as may be specified therein, a Mandal Praja Parishad for each Mandal.

Act No.7 of 1974.

(2) Where under sub-section (2) of section 3 of the Telangana Districts (Formation) Act, 1974, a Mandal is re-delimited or a new Mandal is formed, the Government may, by notification, reconstitute the Mandal Praja Parishad for the re-delimited Mandal or constitute a new Mandal Praja Parishad for the new Mandal. On such reconstitution or constitution the Mandal Praja Parishad or Mandal Praja Parishads concerned functioning immediately before such reconstitution or constitution, shall stand abolished:

Provided that in reconstituting the Mandal Praja Parishad the Government may direct that the President, the Vice-President or an elected member of the Mandal Praja Parishad which was functioning immediately before such re-delimitation and who is otherwise qualified to hold such office in the reconstituted Mandal Praja Parishad shall be the President, Vice-President or elected member of the reconstituted Mandal Praja Parishad, as if he was elected to such office in the reconstituted Mandal Praja Parishad.

(3) Where after a Mandal Praja Parishad is constituted for a Mandal, a part of such Mandal is included in a neighbouring Municipality or Municipal Corporation, and,-

(i) in case the residuary part of the Mandal is viable for the constitution of a separate Mandal Praja Parishad, such residuary part shall be re-delimited into a separate Mandal under the Telangana Districts (Formation) Act, 1974 and a Mandal Praja Parishad shall be constituted for such newly formed Mandal and that portion of the Mandal prior to its re-delimitation which is included in the neighbouring Municipality or Municipal Corporation shall be included in an adjoining Mandal which forms part of such Municipality or Municipal Corporation; or

(ii) in case the residuary portion of the Mandal is not viable to be constituted into a separate Mandal Praja Parishad, it shall be competent for the Government,-

(a) to include such residuary portion of the Mandal in the adjoining Mandal or Mandals and abolish the Mandal Praja Parishad constituted for such Mandal; or

(b) to form a new Mandal by adding to such residuary portion, areas from the adjoining Mandal or Mandals and constitute a Mandal Praja Parishad for such new Mandal:

Provided that where a Mandal Praja Parishad is constituted under clause (i) or sub-clause (b) of clause (ii), the Government may direct that the President, Vice-President or an elected member of the abolished Mandal Praja Parishad who is otherwise qualified to hold such office in the newly constituted Mandal Praja Parishad shall be the President, Vice-President or elected member of the newly constituted Mandal Praja Parishad as if he was elected to such office in the newly constituted Mandal Praja Parishad.

Explanation:- For the removal of doubts it is hereby declared, that,-

(i) the President, Vice-President or an elected member of the newly constituted Mandal Praja Parishad, continued under this sub-section, shall hold office only for the residue of the term of the President, Vice-President or an elected member of the abolished Mandal Praja Parishad:

Provided further that where a Mandal Praja Parishad is abolished under clause (a), the President, Vice-President or an elected member holding office immediately before such abolition shall unless he is continued under the foregoing proviso cease to hold their respective offices.

(4) Every Mandal Praja Parishad shall, by the name of the Mandal for which it is constituted or reconstituted, be a body corporate having perpetual succession and a common seal with power to acquire, hold and dispose of property and to enter into contracts and may by its corporate name sue and be sued.

(5) The notification under sub-section (2) may contain such supplemental, incidental and consequential provisions as the Government may deem necessary and the Government may, from time to time, amend any such notification.

**Composition of
Mandal Praja
Parishad.**

143. (1) Every Mandal Praja Parishad shall consist of the following members, namely:-

(i) persons elected under section 145;

(ii) the Member of the Legislative Assembly of the State representing a constituency which comprises either wholly or partly the Mandal concerned;

(iii) any Member of the Legislative Council of the State who is a registered voter in the Mandal concerned;

(iv) the Member of the House of the People representing a constituency which comprises either wholly or partly the Mandal concerned;

(v) any Member of the Council of States who is a registered voter in the Mandal concerned;

(vi) one person belonging to minorities to be co-opted in the prescribed manner by the members specified in clause (i) from among persons who are registered voters in the Mandal and who are not less than 21 years of age.

(2) No person shall be a member in more than one of the categories specified in sub-section (1). A person who is or becomes a Member of a Mandal Praja Parishad in more than one such category shall, by notice in writing signed by him and delivered to the Mandal Parishad Development Officer, within fifteen days from the date of the first meeting referred to in sub-section (11) of section 147, intimate in which one of the said categories he wishes to serve, and thereupon he shall cease to be the Member of in the other category or categories. In default of such intimation within the aforesaid period, his membership in the Mandal Praja Parishad in the category acquired earlier shall, and his membership acquired later in the other shall not, cease at the expiration of such period. The intimation given under this sub-section shall be final and irrevocable:

Provided that where a person is elected from more than one constituency he shall retain only one seat and vacate the other seat or seats in the manner prescribed failing which he shall be deemed to have vacated all the seats.

144. For the purpose of electing the members specified in clause (i) of sub-section (1) of section 143, the Commissioner, subject to such rules as may be made in this behalf, divide each Mandal Praja Parishad area into as many

Division of Mandal into constituencies.

territorial constituencies as he may, by notification specify in such manner that as far as practicable, shall consist of a population ranging between three thousand and four thousand, and that the ratio between the population of each constituency and the number of seats allotted to it shall, as far as practicable, be the same throughout the Mandal Praja Parishad area:

Provided that the ratio between the population of the territorial area of a Mandal Praja Parishad and the number of seats in such Mandal Praja Parishad to be filled by election shall, as far as practicable, be the same throughout the State.

Election of members from territorial constituencies.

145. (1) One member shall be elected to the Mandal Praja Parishad from each territorial constituency specified in section 144 by the method of secret ballot, by the persons who are registered voters in the Mandal Praja Parishad concerned:

Provided that a registered voter in the Mandal Praja Parishad shall be entitled to contest from any territorial constituency of the Mandal Praja Parishad.

(2) For purposes of preparation and publication of the electoral roll for the elections to the office of member under this section, the provisions of sections 11 and 12 shall, mutatis mutandis apply, subject to such rules as may be made in this behalf.

Reservation of seats of members of Mandal Praja Parishad.

146. (1) The seats of members of Mandal Praja Parishads in the State shall be reserved for Scheduled Tribes, Scheduled Castes, Backward Classes and Women, by notification, in the manner specified below.

(2) In every Mandal Praja Parishad out of the total strength of elected members determined under section 144 the District Collector shall in respect of each Mandal Praja

Parishad in the District determine, in the first instance, the number of Mandal Praja Parishad Territorial Constituencies (hereinafter referred to as MPTC) to be reserved in the Mandal Praja Parishad concerned for the members belonging to Scheduled Tribes and the Scheduled Castes, subject to the condition that the number of MPTCs so reserved shall bear, as nearly as may be, the same proportion to the total number of MPTCs to be filled by direct election to the Mandal Praja Parishad as the population of Scheduled Tribes or as the case may be, of the Scheduled Castes, in that Mandal bears to the total population of that Mandal and communicate the same to all the Revenue Divisional Officers in the District in respect of the Mandals falling within their respective jurisdiction, subject to the condition that the District Collector shall, in the Mandal Praja Parishad wholly located in the Scheduled Areas, allocate not less than one half of the total number of MPTCs in each Mandal Praja Parishad for being reserved for Scheduled Tribes.

(3) The number of seats of members of Mandal Praja Parishads in the State reserved for Backward Classes shall not be less than 34% (thirty-four percent) of the total number of seats of the members of Mandal Praja Parishads in the State. For the purpose of reserving MPTCs for Backward Classes in respect of the Territorial Constituencies of the Mandal Praja Parishads in the District, the District Collector, shall determine the number of MPTCs to be reserved for the Backward Classes in each Mandal Praja Parishad, on the basis of the proportionate percentage of Backward Classes of the Mandal in the manner specified below and communicate the same to the concerned Revenue Divisional Officers in the District in respect of the Mandal Praja Parishads falling within their respective jurisdiction.

NOTE:- In order to arrive at the Mandal proportionate percentage of Backward Classes the following formula shall be adopted:

$$\begin{array}{c} \text{Mandal} \\ \text{Proportionate} \\ \text{Percentage of} \\ \text{Backward} \\ \text{Class} \end{array} = \frac{\begin{array}{c} \text{Reservation for BCs in} \\ \text{the State} \end{array}}{\text{State Percentage of BCs.}} \times \begin{array}{c} \text{Mandal} \\ \text{BC\%} \end{array}$$

Explanation:- (i) State percentage of Backward Classes is the figure as projected by the Directorate of Economics and Statistics.

(ii) Mandal Backward Class percentage is the figure as projected by the Directorate of Economics and Statistics.

(4) Notwithstanding anything contained in sub-section (3), the District Collector shall, for purposes of reservation of MPTCs for Backward Classes in the Mandal Praja Parishad wholly located in the Scheduled Areas, determine in the first instance the number of MPTCs remaining after reserving seats for Scheduled Tribes and Scheduled Castes in each such Mandal Praja Parishad and arrive at the number of MPTCs to be reserved for Backward Classes computed only on the basis of such remaining MPTCs applying the proportionate percentage of population of Backward Classes in the Mandal.

(5) The District Collector shall reserve one-half of the number of MPTCs reserved for Scheduled Tribes, Scheduled Castes and Backward Classes and one-half of the unreserved seats for Women in each Mandal Praja Parishad.

(6) The District Collector while communicating the number of MPTCs to be reserved for Scheduled Tribes,

Scheduled Castes and Backward Classes shall also communicate to the Revenue Divisional Officer, the number of MPTCs to be reserved for Women from among the said categories and also the number of MPTCs to be reserved for Women from among the unreserved MPTCs in respect of each Mandal Praja Parishad.

(7) If a new MPTC is formed after ordinary elections to Mandal Praja Parishads proportionate reservation as provided in sub-sections (2) to (6) shall be worked out taking the new MPTC into consideration to determine the category of reservation to that MPTC. If this new worked out reservation, results in a clear additional seat for any one category, the MPTC newly created shall be allotted to that category. If it does not result in additional seat, then the reservation for the newly created MPTC shall be decided on the basis of draw of lots.

(8) (a) The Revenue Divisional Officer, shall reserve in respect of each Mandal Praja Parishad in his Revenue Division, MPTCs allotted to the Scheduled Tribes in such Mandal Praja Parishads in the first instance, where the proportion of the population of Scheduled Tribes in the MPTC to the total MPTC population of the is the highest in the descending order;

(b) after excluding the MPTCs reserved for Scheduled Tribes in the respective Mandal Praja Parishad, the Revenue Divisional Officer shall reserve from among the remaining MPTCs for the Scheduled Castes allocated to each Mandal Praja Parishad under sub-section (2) in Territorial Constituencies where the proportion of the population of the Scheduled Castes in the MPTC to the total population of the MPTC is the highest in the descending order;

(c) after excluding the MPTCs reserved for Scheduled Tribes and Scheduled Castes in respect of a Mandal Praja

Parishad, the Revenue Divisional Officer shall reserve from the remaining MPTCs for Backward Classes where the proportion of voters belonging to Backward Classes to the total number of voters in the MPTC is the highest in the descending order;

(d) the Revenue Divisional Officer shall reserve MPTCs for Women from out of the reserved and unreserved categories on the basis of draw of lots.

(9) (a) The reservation of MPTCs for Scheduled Tribes, Scheduled Castes, Backward Classes and Women shall be, by rotation commencing from the first ordinary election under this Act. The MPTCs allotted to Scheduled Tribes, Scheduled Castes, Backward Classes during the earlier ordinary elections shall not be allotted to the same categories till a cycle of reservation in that category is completed:

Provided such rotation shall be effected after completion of two consecutive terms;

(b) for allotting the seats by rotation Scheduled Tribe, Scheduled Tribe (women), Scheduled Caste, Scheduled Caste (women), Backward Classes, Backward Classes (women), Unreserved and Unreserved (women) shall be treated as separate categories:

Provided that such of those seats which could not be reserved in the first and second cycle though they were eligible in the descending order but were allotted to the other categories due to order of preference in allotment as per descending order or proportionate population, in those categories shall be allotted first before going to the seats in the second cycle;

(c) those seats, which lost their reservation as a result of repeating the reservation second time in that cycle, should be reserved in the ensuing elections in those districts or wherever applicable.

Explanation:- For the removal of doubts, it is hereby declared that,-

(i) for purposes of reserving seats under this section any fraction less than one-half shall be ignored and any fraction equal to or more than one-half shall be counted as one.

(ii) the expression Revenue Divisional Officer shall include the Sub-Collector or Assistant Collector in-charge of a Revenue Division, for the purposes of this section.

(10) Nothing in this section shall be deemed to prevent women and the members of the Scheduled Tribes, Scheduled Castes and Backward Classes from standing for election to the unreserved seats.

147. (1) For every Mandal Praja Parishad there shall be one President and one Vice-President who shall be elected by and from among the elected members specified in clause (i) of sub-section (1) of section 143 by show of hands duly obeying the party whip given by such functionary of the recognized political party, as may be prescribed. If at an election held for the purpose no President or Vice-President is elected, fresh election shall be held. The names of the President and the Vice-President so elected shall be published in the prescribed manner:

Election, reservation and term of office of President and Vice-President.

Provided that if a Member of the Legislative Assembly, Legislative Council of the State or of either House of Parliament is elected to either of the said offices, he shall cease to hold such office unless within fifteen days from the date of election to such office, he ceases to be a Member of

the Legislative Assembly, the Legislative Council of the State or of either House of Parliament by resignation or otherwise:

Provided further that a member voting under this subsection in disobedience of the party whip shall cease to hold office in the manner prescribed and the vacancy caused by such cessation shall be filled as a casual vacancy.

(2) The offices of President in the State shall be reserved for Scheduled Tribes, Scheduled Castes, Backward Classes and Women, by notification, in the manner specified below.

(3) Out of the total number of offices of President in the State, the Commissioner, shall determine in the first instance, the number of offices of President of Mandal Praja Parishads to be reserved for the members belonging to Scheduled Tribes and Scheduled Castes in the non-scheduled area of the State, subject to the condition that the number of offices so reserved shall bear as nearly as may be, the same proportion to the total number of offices to be filled by direct election to the Mandal Praja Parishads as the population of Scheduled Tribes or Scheduled Castes in the State bears to the total population of the State.

(4) The Commissioner shall thereafter allot to each District on the basis of the proportion of the population of the Scheduled Tribes or as the case may be of the Scheduled Castes in the non-scheduled area of the District to the total population of the Scheduled Tribes or of the Scheduled Castes in the State and communicate the same to all the District Collectors:

Provided that all the Offices of Presidents of Mandal Praja Parishads located in the Scheduled Area shall be reserved for Scheduled Tribes only.

(5) The Commissioner shall reserve 34% (thirty four percent) of the offices to the members belonging to Backward Classes, while determining the number of offices to be reserved for Backward Classes, and allot to each District on the basis of proportionate population of Backward Classes in the district.

(6) The Commissioner shall reserve one-half of the number of offices reserved for Scheduled Tribes, Scheduled Castes and Backward Classes and one-half of the unreserved offices, for women in each District.

(7) The Commissioner, thereafter shall communicate to the District Collector, the number of offices to be reserved for Scheduled Tribes, Scheduled Castes, Backward Classes and Women in respect of each District, to the District Collector.

(8) (a) The District Collector in turn shall reserve the Mandal Praja Parishads in the District and allot to the Scheduled Tribes in the first instance, where the proportion of the population of Scheduled Tribes in Mandal to the total population of the Mandal concerned is the highest in the descending order;

(b) after excluding the Mandal Praja Parishads reserved for Scheduled Tribes, the District Collector shall reserve from among the remaining Mandal Praja Parishads the offices for the Scheduled Castes allocated to each District under sub-section (4) where the proportion of the population of the Scheduled Castes of the Mandal to the total population of the Mandal concerned is the highest in the descending order;

(c) the reservation of the offices for Backward Classes in each District shall be made by the District Collector after excluding the Mandal Praja Parishads reserved for

Scheduled Tribes and Scheduled Castes, where the proportion of Backward Class voters in the Mandal to the total voters in the Mandal concerned is the highest in the descending order;

(d) the District Collector shall reserve offices for Women from out of the reserved and un-reserved categories on the basis of draw of lots.

(9) (a) The reservation of Offices for Scheduled Tribes, Scheduled Castes, Backward Classes and Women shall be by rotation commencing from the first ordinary election held under this Act. The offices of Presidents reserved to the Scheduled Tribes, Scheduled Castes, Backward Classes during the earlier ordinary elections shall not be reserved to the same categories till a cycle of reservation in that category is completed, except the offices reserved for Scheduled Tribes in the Mandal Praja Parishads wholly located in the Scheduled Areas:

Provided that such rotation shall be effected after completion of two consecutive terms;

(b) candidates elected from any of the Territorial Constituencies shall be eligible to contest for the office of the President, provided such candidate belongs to the same category for which the office is reserved and though not elected from a reserved Territorial constituency;

(c) if a new Mandal is formed after ordinary general elections to Mandal Praja Parishads, to determine the category of reservation to the office of President of that Mandal Praja Parishad, proportionate reservation as provided from sub-section (3) to (7) shall be worked out taking the new Mandal Praja Parishad into consideration. If this new worked out reservation, results in a clear additional seat for any one category, the Mandal Praja Parishad newly

created shall be allotted to that category. If it does not result in additional seat then the reservation for the newly created Mandal Praja Parishad shall be decided on the basis of draw of lots;

(d) for allotting the offices by rotation Scheduled Tribe, Scheduled Tribe (women), Scheduled Caste, Scheduled Caste (women), Backward Classes, Backward Classes (women), Unreserved and Unreserved (women) shall be treated as separate categories:

Provided, such of those offices which could not be reserved in the first and second cycle though they were eligible in the descending order but were allotted to the other categories due to order of preference in allotment as per descending order or proportionate population, in those categories shall be allotted first before going to the offices in the second cycle;

(e) those offices, which lost their reservation as a result of repeating the reservation second time in that cycle, should be reserved in the ensuing elections in those districts or wherever applicable.

Explanation:- Fraction will be rounded off in descending order only to the extent required to arrive at actual number as per percentage, under this sub-section.

(10) Nothing in this section shall be deemed to prevent women and members of the Scheduled Tribes, Scheduled Castes, Backward Classes from standing for election to the unreserved offices.

(11) The first meeting of the Mandal Praja Parishad to elect a President and Vice-President shall be called as soon as may be, after the results of the ordinary elections to the office of elected members of the Mandal Praja Parishad

have been published. The notice of the date and time of the meeting for the election of President and Vice-President shall be given to the elected members in the prescribed manner:

Provided that if, for any reason, the election of the President or Vice-President is not held on the date fixed as aforesaid, the meeting for the election of the President and Vice-President shall be held on the next day, whether or not it is a holiday observed by the Mandal Praja Parishad.

(12) Every President or Vice-President shall cease to hold office on the expiration of his term of office as a member.

(13) Save as otherwise expressly provided in, or prescribed under this Act, the term of office of the President or Vice-President who is elected at an ordinary election shall be five years from the date appointed by the State Election Commissioner for the first meeting of the Mandal Praja Parishad after the ordinary election.

(14) Any casual vacancy in the office of the President or Vice-President shall be filled within a period of six months from the date of occurrence of the vacancy by a fresh election under sub-section (11) and a person elected as President or Vice-President in any such vacancy shall hold office only so long as the person in whose place he is elected would have been entitled to hold office if the vacancy had not occurred.

Resolution of disputes relating to cessation for disobedience of party whip.

148. Where a member against whom a proceeding that he ceased to hold office as a consequence of the disobedience of the party whip is issued in pursuance of the second proviso to sub-section (1) of section 147 and the affected member disputes the correctness of the proceedings, he may apply to the District Court having jurisdiction over the

area in which the office of the Mandal Praja Parishad is situated, for a decision.

149. Save as otherwise provided in this Act,-

Term of office of members of Mandal Praja Parishad.

(i) an ex-officio member of the Mandal Praja Parishad shall hold office so long as he continues to hold the office by virtue of which he became such ex-officio member;

(ii) a member elected at an ordinary election or a co-opted member shall hold office for a term of five years from the date appointed by the State Election Commissioner for the first meeting of the Mandal Praja Parishad after the said ordinary election.

150. No person shall be eligible for election as member of a Mandal Praja Parishad unless his name appears in the electoral roll of the Mandal Praja Parishad concerned and he has completed the age of twenty-one years.

Qualification of candidates for election.

151. (1) A member of the Mandal Praja Parishad shall be disqualified for election as President or Vice-President if he is in arrears of any dues, otherwise than in a fiduciary capacity to a Gram Panchayat, a Mandal Praja Parishad or the Zilla Praja Parishad or if he is interested in a subsisting contract made with or any work being done, for any Gram Panchayat in the Mandal or the Mandal Praja Parishad or the Zilla Praja Parishad within whose jurisdiction the Mandal Praja Parishad is situated or any other Mandal Praja Parishad within the jurisdiction of that Zilla Praja Parishad:

Disqualifications.

Provided that a person shall not be deemed to have any interest in such contract or work by reason only of his having a share or interest in,-

(i) a company as a mere shareholder but not as a director;

(ii) any lease, sale or purchase of immovable property or any agreement for the same; or

(iii) any agreement for the loan of money for any security for the payment of money only; or

(iv) any newspaper in which any advertisement relating to the affairs of any of aforesaid Mandal Praja Parishad is inserted.

(2) The provisions of sections 20, 21, 22, 23, 24, 25, 26 and 27 shall apply to a member of the Mandal Praja Parishad as they apply to a member of the Gram Panchayat subject to the variations that for the expression "Gram Panchayat", "Panchayat Secretary", "Sarpanch", "Upa-Sarpanch" and "District Panchayat Officer", the expressions "Mandal Praja Parishad", "Mandal Parishad Development Officer", "President", Vice-President", and "Chief Executive Officer" shall respectively be substituted:

Provided that nothing in clause (d) of section 25 shall apply to a member of the Mandal Praja Parishad specified in clause (ii), clause (iii), clause (iv) and clause (v) of sub-section (1) of section 143.

Resignation of President, Vice-President or Member.

152. The President, the Vice-President, elected member or co-opted member may resign his office in such manner as may be prescribed.

Permanent invitees to the meetings of the Mandal Praja Parishad.

153. The Collector, the Sarpanches of all the Gram Panchayats within the jurisdiction of the Mandal Praja Parishad and the member of the Zilla Praja Parishad specified in clause (i) of sub-section (3) of section 172 elected from the Mandal concerned, the Chairperson, Zilla

Praja Parishad and the President of Agricultural Marketing Committee shall be permanent invitees to the meetings of the Mandal Praja Parishad and they shall have the right to speak in and otherwise to take part in the proceedings of any meeting of a Mandal Praja Parishad functioning within the local limits of their respective jurisdictions but shall not, by virtue of this section be entitled to vote at any such meeting.

154. (1) The President of a Mandal Praja Parishad may for purposes of consultation, invite a person other than an office bearer of any political party having experience and specialized knowledge of the subject under the consideration of the Mandal Praja Parishad to attend that particular meeting of the Mandal Praja Parishad. Such person shall have the right to speak in, and otherwise to take part in the proceedings of such meeting, but shall not, by virtue of this section be entitled to vote at any such meeting.

President of Mandal Praja Parishad may invite certain persons to attend its meetings.

(2) A person attending a meeting under sub-section (1) shall be entitled to such allowances as may be prescribed.

155. Every Mandal Praja Parishad shall in regard to the conduct of business at its meetings, follow such rules as may be prescribed.

Rules for the conduct of the business at a meeting of a Mandal Praja Parishad.

156. (1) Subject to the provisions of this Act, the administration of the Mandal shall vest in the Mandal Praja Parishad. Every Mandal Praja Parishad shall endeavour to instill among the people within its jurisdiction spirit of self help and initiative and harness their enthusiasm for raising the standard of living. It shall perform all the responsibilities and functions entrusted to it and exercise all the powers conferred on by or under this Act, and such other

Responsibilities, functions and powers of a Mandal Praja Parishad.

responsibilities, functions and powers as may be entrusted to it and conferred on it by the Government for carrying out the purposes of this Act, but it shall not perform the responsibilities and functions and exercise the powers expressly assigned by or under this Act, or any other law to its President or to the Mandal Parishad Development Officer or to the Zilla Praja Parishad or any other authority. It shall do extension and review functions at the Mandal level effectively.

(2) Every Mandal Praja Parishad shall, perform such responsibilities and functions entrusted to it and exercise such powers as may be conferred on it by rules made in this behalf, in regard to the subjects enumerated in Schedule-I and in particular in Schedule-II.

(3) Notwithstanding anything in this Act, the Mandal Praja Parishad may with the prior approval of the Zilla Praja Parishad levy contributions from the funds of the Gram Panchayats in the Mandal.

(4) Every Mandal Praja Parishad may levy with the prior sanction of the Government a duty in the form of a surcharge on any tax imposed by a Gram Panchayat or on land cess or local cess levied within its jurisdiction in such manner and subject to such maximum as may be prescribed.

(5) Approval of the Gram Panchayat Perspective Development Plan for five years and Annual Plan.

(6) Approval of Labour Budget Plans of Gram Panchayat under the Mahatma Gandhi National Rural Employment Guarantee Act, 2005 execution and supervision of Mahatma Gandhi National Rural Employment Guarantee Scheme works shall be done by the Mandal Praja Parishad.

(7) Supervision of the Adult Education activities.

(8) Implementation of Khadi and village industries Commission's activities.

(9) Implementation of self employment and livelihood schemes and bank linkages for Self Help Groups.

157. (1) Notwithstanding anything in the Act and subject to the rules made in this behalf, two or more Gram Panchayats may,-

Maintenance of common water works and other institutions.

(i) construct and maintain water works for supply of water for washing and bathing purposes and protected water for drinking purposes from a common source, and

(ii) entrust to Mandal Praja Parishad with its consent and on such terms as may be agreed upon the management of any institution or the execution or maintenance of any work.

(2) Subject to the provisions of this Act, and the rules made thereunder, two or more Mandal Praja Parishads may establish and maintain common dispensaries, Child Welfare Centers and institutions of such other kind, as may be prescribed.

158. A Mandal Praja Parishad may, at any time require the Mandal Parishad Development Officer to furnish any document in his custody. The said officer shall comply with every such requisition.

Power of Mandal Praja Parishad to call for documents from the Mandal Parishad Development Officer.

159. A Mandal Praja Parishad may require any Gram Panchayat of any village within the jurisdiction of the Mandal Praja Parishad to furnish any information on any matter

Power of Mandal Praja Parishad to call for information from Gram Panchayat.

falling within such categories as may be prescribed in respect of such village or any person or property therein required for the purposes of this Act.

**Responsibilities,
Functions and
Powers of the
President and
Vice-President.**

160. (1) The President of a Mandal Praja Parishad shall,-

(a) exercise administrative control over the Mandal Parishad Development Officer for the purposes of implementation of the resolution of the Mandal Praja Parishad;

(b) preside over and conduct the meetings of the Mandal Praja Parishad; and

(c) have full access to all records of the Mandal Praja Parishad.

(2) In case of emergency like floods, fire accidents, earth quakes, epidemics, failure of drinking water supply etc., the President, may, in consultation with the Mandal Parishad Development Officer, direct the execution of any work or the doing of any act which requires the sanction of the Mandal Praja Parishad or any of its committees and the immediate execution or the doing of which is, in his opinion, necessary for the service or safety of the general public, but he shall report the action taken under this section and the reasons therefor to the Mandal Praja Parishad and the concerned Committee at its next meeting:

Provided that he shall not direct the execution of any work or the doing of any act in contravention of any order of the Commissioner or the Government.

(3) The Vice-President shall perform such responsibilities and functions and exercise such powers of the President as the President may, from time to time, delegate to him in writing.

(4) When the office of the President is vacant, the Vice-President of the Mandal Praja Parishad shall perform the responsibilities and functions and exercise the powers of the President until a new President is elected.

(5) If the President has been continuously absent from the Mandal for more than fifteen days, or is incapacitated for more than fifteen days, his responsibilities, functions and powers during such absence or incapacity shall devolve on the Vice-President.

(6) When the office of the President is vacant or the President has been continuously absent from the Mandal for more than fifteen days or is incapacitated for more than fifteen days and there is either a vacancy in the office of the Vice-president or the Vice-President has been continuously absent from the Mandal for more than fifteen days or is incapacitated for more than fifteen days, the responsibilities, functions and powers of the President shall devolve on a member of the Mandal Praja Parishad, appointed by the Government, in this behalf.

The member so appointed shall be styled as the temporary President and he shall perform the responsibilities and functions and exercise the powers of the President subject to such restrictions and conditions as may be prescribed until a new President or Vice-President, assumes office after his election or until the President or the Vice-President, returns to the Mandal or recovers from his incapacity, as the case may be.

161. Any member of Mandal Praja Parishad may draw the attention of the President or the Mandal Parishad Development Officer to any neglect in the execution of Mandal Praja Parishad work, to any waste of Mandal Praja Parishad property or to the needs of any locality and may suggest any improvement which may appear desirable.

Right of individual member to draw attention in respect of Mandal Praja Parishad.

**Responsibilities,
functions and
powers of the
Mandal Parishad
Development
Officer.**

162. (1) The Mandal Parishad Development Officer shall be the Chief Executive Authority of the Mandal Praja Parishad. He shall be responsible for implementing the resolutions of the Mandal Praja Parishad and shall also perform such responsibilities and functions and exercise such powers as may be entrusted to him by the Government. He shall also exercise such powers of supervision over the Gram Panchayats in the Mandal as may be prescribed.

(2) The Mandal Parishad Development Officer shall, with the approval of, or on the direction of the President, convene the meetings of the Mandal Praja Parishad so that atleast one meeting of the Mandal Praja Parishad is held every month and if the Mandal Parishad Development Officer fails to discharge that duty, with the result that no meeting of the Mandal Praja Parishad is held within a period of ninety days from the last meeting, he shall be liable to disciplinary action under the relevant rules:

Provided that where the President fails to give his approval for convening the meeting so as to hold a meeting within a period of ninety days aforesaid, the Mandal Parishad Development Officer may himself convene the meeting in the manner prescribed.

(3) The Mandal Parishad Development Officer shall ordinarily attend the meeting of the Mandal Praja Parishad and shall be entitled to take part in the discussions thereat but he shall not be entitled to vote or to move any resolution.

(4) Subject to the provisions of section 163 the staff borne on the establishment of the Mandal Praja Parishad and the staff working in institutions and schemes transferred by the Government or the Head of the Department of Government to the Mandal Praja Parishad shall be under the

administrative control and supervision of the Mandal Parishad Development Officer.

(5) Notwithstanding anything in sub-section (1) of section 156 and subject to all other provisions of this Act, and the rules made thereunder, the Mandal Praja Parishad shall have power to issue such specific direction as it may think fit regarding the performance by the Mandal Parishad Development Officer of any of the responsibilities and functions assigned to him under this Act.

(6) The Government shall, pay out of the Consolidated Fund of the State, the salaries, allowances, leave allowances, pension and contribution, if any, towards the provident fund or pension-cum-provident fund of the Mandal Parishad Development Officer appointed by them for Mandal Praja Parishad.

(7) The Government shall have power to make rules to regulate the classification and methods of recruitment, conditions of services, pay and allowances and disciplinary conduct of the Mandal Parishad Development Officer.

163. The Mandal Parishad Development Officer and other officers and staff of a Mandal Praja Parishad and the staff employed in the institutions and schools under the Mandal Praja Parishad shall be subordinate to the Mandal Praja Parishad.

The Mandal Parishad Development Officer and other officers and staff of a Mandal Praja Parishad to be subordinate to the Mandal Praja Parishad.

164. (1) The Government may, at any time create such posts of officers and other employees of Mandal Praja Parishad as they may consider necessary for carrying out the purposes of this Act.

Officers and other employees of Mandal Praja Parishad.

(2) All appointments to the posts created under sub-section (1) and transfer of the holders of such posts shall be made subject to the provisions of the Telangana Public Employment (Regulation of Age of Superannuation) Act, 1984, the Telangana (Regulation of Appointments to Public Services and Rationalization of Staff Pattern and Pay Structure) Act, 1994 and such rules as may be made under the proviso to article 309 of the Constitution of India.

Act 23 of 1984.

Act 2 of 1994.

(3) The Government shall pay, out of the Consolidated Fund of the State, the salaries, allowances, leave allowances, pension and contributions, if any, towards the provident fund or pension-cum-provident fund of the officers and other employees of a Mandal Praja Parishad who hold any of the posts referred to in sub-section (1).

(4) The classification and methods of recruitment, conditions of service, pay and allowances and discipline and conduct of the officers and other employees referred to in sub-section (3), shall be regulated in accordance with the provisions of the Telangana Public Employment (Regulation of Age of Superannuation) Act, 1984, the Telangana (Regulation of Appointments to Public Services and Rationalization of Staff Pattern and Pay Structure) Act, 1994 and such rules as may be made under the proviso to article 309 of the Constitution; until rules in that behalf are so made the law for the time being in force regulating the recruitment and conditions of service, pay and allowances and conduct, applicable to such holder shall continue to apply to such holder.

(5) The Government may, from time to time, by order give such directions to any Mandal Praja Parishad or any officer, authority, or person thereof as may appear to them to be necessary for the purpose of giving effect to the provisions of this section and the Mandal Parishad

Development Officer, authority or person shall comply with all such directions.

165. (1) There shall be paid to the members of a Mandal Praja Parishad including its President and Vice-President and to the Members of the State Legislature and of either House of Parliament for attending a meeting of Mandal Praja Parishad such allowances as may be prescribed.

Allowances for attending a meeting of the Mandal Praja Parishad.

(2) There shall also be paid to the President in respect of his tours on duty whether within or outside the Mandal but within the District such allowances as may be prescribed.

166. (1) All moneys received by a Mandal Praja Parishad shall constitute a fund called the Mandal Praja Parishad Fund and shall be applied for the purposes specified in this Act and for such other purposes and in such manner as may be prescribed.

Mandal Praja Parishad Fund.

(2) All moneys received by the Mandal Praja Parishad shall be lodged in the nearest Government Treasury:

Provided that the amounts received as funds under the schemes of Central or State Government from time to time, shall be lodged in the nearby Nationalized Banks or Cooperative Banks or Post Offices in such manner as prescribed.

(3) All orders or cheques against the Mandal Praja Parishad Fund shall be signed by the Mandal Parishad Development Officer.

167. (1) The sources of income of a Mandal Praja Parishad shall consist of,-

Income and expenses of a Mandal Praja Parishad.

(i) funds relating to institutions and schemes transferred by the Government or Heads of Departments of the Government to the Mandal Praja Parishad;

(ii) funds relating to all development programmes, Centre or State and any other development institution funds specifically earmarked to be implemented by the Mandal Praja Parishad;

(iii) Central and State aid and aid received from the All India bodies and institutions for the development of cottage and village industries, khadi, silk, coir, handicrafts and the like;

(iv) donations and contributions received by the Mandal Praja Parishad from Gram Panchayats or from the public in any form;

(v) such income of the Zilla Praja Parishad as the Government may, by order, allocate to it;

(vi) such share of the land revenue, State taxes or fees as may be prescribed;

(vii) proceeds from taxes, surcharge or fee which the Mandal Praja Parishad is empowered to levy under this Act or any other law;

(viii) such contributions as the Mandal Praja Parishad may levy from Gram Panchayats;

(ix) any other income from remunerative enterprises and the like.

(2) Government may also make an annual grant at the rate as may be prescribed.

(3) The expenses of the Mandal Praja Parishad shall include the salaries and allowances of its officers and other employees, the allowances to be paid under sections 154 and 165 or any item of expenditure directed by the Government for carrying out the purposes of this Act and such other expenses as may be necessary for such purposes.

168. The cost of the election expenses including the conduct of elections to the Mandal Praja Parishad and the cost of maintenance of election establishment employed in connection therewith shall be borne by the Government.

Election expenses to be borne by the Government.

169. (1) The Mandal Parishad Development Officer shall, in each year frame and place before the Mandal Praja Parishad on or before the prescribed date a budget showing the probable receipts and expenditure during the following year, and the Mandal Praja Parishad shall sanction the budget with such modifications, if any, as it thinks fit.

Budget of Mandal Praja Parishad.

(2) The budget as so sanctioned shall be submitted by the Mandal Parishad Development Officer on or before such date as may be prescribed, to the Zilla Praja Parishad and where there is no such Zilla Praja Parishad to the District Collector, and if the Zilla Praja Parishad or the District Collector, as the case may be, is satisfied that adequate provision has not been made therein for giving effect to the provisions of this Act, it or he shall have power to approve the budget with such modifications as may be necessary to secure such provisions.

(3) If, for any reason the budget is not sanctioned by the Mandal Praja Parishad under sub-section (1) before the date referred to in sub-section (2), the Mandal Parishad Development Officer shall submit the budget to the District Collector who shall sanction it with such modifications, if any, as he thinks fit and forward it to the Zilla Praja Parishad

which shall thereupon approve the budget as if it were submitted to it under sub-section (2), where there is no Zilla Praja Parishad for the District, the sanction accorded by the District Collector shall be final.

(4) If, in the course of a year, the Mandal Praja Parishad finds it necessary to make any alterations in the budget with regard to its receipts or items of expenditure, a revised or supplemental budget may be framed, submitted and sanctioned or approved as far as may be in the manner provided in sub-sections (1), (2) and (3).

Joint Committee of Mandal Praja Parishad and other local authorities.

170. A Mandal Praja Parishad may, and if so required by the Government shall, join with one or more than one other local authority in constituting a joint committee for any purpose for which they are jointly responsible.

Constitution, powers and functions of Joint Committee.

171. The constitution, powers and procedure of the Joint Committee referred to in section 170 and the method of settling differences of opinion arising in connection with such committee between the local authorities concerned shall be in accordance with such rules as may be prescribed.

PART - IV CONSTITUTION, INCORPORATION, COMPOSITION, RESPONSIBILITIES, FUNCTIONS, POWERS OF ZILLA PRAJA PARISHADS.

Constitution, incorporation and Composition of Zilla Praja Parishad.

172. (1) There shall be constituted, by the Government, by notification, a Zilla Praja Parishad for a district with effect from such date as may be specified therein.

(2) Every Zilla Praja Parishad shall, by the name of the District for which it is constituted, be a body corporate having perpetual succession and a common seal with power to acquire, hold and dispose of property and to enter

into contracts and may by its corporate name, sue and be sued.

(3) Every Zilla Praja Parishad shall consist of the following members, namely:-

(i) persons elected under section 174;

(ii) the Member of the Legislative Assembly of the State representing the constituency which comprises either wholly or partly the district concerned:

Provided that such Member of the Legislative Assembly shall have right to speak in and otherwise to take part in the proceedings of a meeting of any Standing Committee of the Zilla Praja Parishad but he shall not be entitled to vote at a meeting of such Standing Committee, unless he is also a member of that Standing Committee:

Provided further that no Member of the Legislative Assembly representing a constituency the whole of which forms part of the local area within the jurisdiction of any of the Municipal Corporations or any of the Municipalities in the State shall be the member of the Zilla Praja Parishad, of the concerned district;

(iii) the Member of the Legislative Council of the State who is a member of the Mandal Praja Parishad:

Provided that such Member of the Legislative Council of the State shall have the right to speak in, and otherwise to take part in the proceedings of a meeting of any Standing Committee of the Zilla Praja Parishad, but he shall not be entitled to vote at a meeting of that Standing Committee, unless he is also a member of that Standing Committee;

(iv) the Member of the House of the People representing the constituency which comprises either wholly or partly the district concerned:

Provided that no Member of the House of the People representing a constituency the whole of which forms part of the local area within the jurisdiction of any of the Municipal Corporations in the State shall be the Member of the Zilla Praja Parishad:

Provided further that a Member of the House of the People representing a constituency which comprises more than one district including a portion of any district, shall be a member of the Zilla Praja Parishad of all such districts with the right to speak in, and otherwise to take part in the proceedings of their meetings with voting rights; he shall also have the right to speak in and otherwise to take part in the meetings of any Standing Committee of the Zilla Praja Parishad but he shall not be entitled to vote at a meeting of any Standing Committee unless he is also a member of that Standing Committee.

(v) the Member of the Council of States who is a registered voter in the district:

Provided that such Member of the Council of State shall have the right to speak in, and otherwise to take part in the proceedings of a meeting of any Standing Committee of the Zilla Praja Parishad, but he shall not be entitled to vote at a meeting of that Standing Committee, unless he is also a member of that Standing Committee;

(vi) two persons belonging to minorities to be co-opted in the prescribed manner by the members specified in clause (i) from among persons who are registered voters in the District and who are not less than twenty one years of age.

(4) No person shall be a Member in more than one of the categories specified in sub-section (3). A person who is or becomes a Member of a Zilla Praja Parishad in more than one such category, shall, by notice in writing signed by him and delivered to the Chief Executive Officer, within fifteen days from the date of the first meeting of the Zilla Praja Parishad referred to in sub-section (9) of section 176, intimate in which one of the said categories he wishes to serve, and thereupon, he shall cease to be the member in the other category or categories. In default of such intimation within the aforesaid period, his membership in the Zilla Praja Parishad in the category acquired earlier shall, and his membership acquired later in the other category shall not, cease at the expiration of such period. The intimation given under this sub-section shall be final and irrevocable.

(5) No person other than a Member of the House of the People shall be entitled to be a member of more than one Zilla Praja Parishad at a time.

173. For purposes of electing the members specified in clause (i) of sub-section (3) of section 172 every Mandal in the District shall be a territorial constituency and the State Election Commissioner shall allot not more than one seat for each such territorial constituency.

Mandal to be a territorial constituency.

174. (1) One member shall be elected to the Zilla Praja Parishad from each territorial constituency specified in section 173 by the method of secret ballot by the registered voters in the territorial constituency concerned:

Election of members from territorial constituencies.

Provided that a registered voter in the district shall be entitled to contest from any territorial constituency of the Zilla Praja Parishad.

(2) For purposes of preparation and publication of the electoral roll for the elections to the office of member under this section, the provisions of sections 11 and 12 shall, mutatis mutandis apply subject to such rules as may be made in this behalf.

Reservation of seats of members of Zilla Praja Parishad.

175. (1) The seats of members of Zilla Praja Parishads in the State shall be reserved for Scheduled Tribes, Scheduled Castes, Backward Classes and Women, by notification, in the manner specified below.

(2) In every Zilla Praja Parishad, out of the total strength of the elected members determined under section 174, the District Collector shall determine, in the first instance, the number of Zilla Praja Parishad Territorial Constituencies (hereinafter referred to as ZPTC) to be reserved for the members belonging to Scheduled Tribes and the Scheduled Castes, subject to the condition, that the number of ZPTCs so reserved shall bear, as nearly as may be, the same proportion to the total number of ZPTCs to be filled by direct election to the Zilla Praja Parishad as the population of Scheduled Tribes or as the case may be of the Scheduled Castes in that Zilla Praja Parishad bears to the total population of that District falling within the jurisdiction.

(3) The number of seats of members of Zilla Praja Parishad in the State reserved for Backward Classes shall not be less than 34%(thirty-four percent) of the total number of offices of the members of Zilla Praja Parishads in the State. For the purpose of reserving ZPTCs for Backward Classes in respect of the Territorial Constituencies in the District, the District Collector, shall determine the number of ZPTCs to be reserved for the Backward Classes in each district on the basis of the proportionate percentage of Backward Classes of District in the manner specified below.

NOTE:- In order to arrive at the District Proportionate percentage of Backward Classes the following formula shall be adopted:

$$\begin{array}{l} \text{District} \\ \text{Proportionate} \\ \text{Percentage} \\ \text{of Backward} \\ \text{Class} \end{array} = \frac{\begin{array}{l} \text{Reservation for BCs} \\ \text{in the State} \\ \text{State Percentage of} \\ \text{BCs.} \end{array}}{\text{-----}} \times \text{District BC\%}$$

Explanation:- (i) State percentage of Backward Classes shall be as projected by the Directorate of Economics and Statistics.

(ii) District Backward Class percentage is the figure as projected by the Directorate of Economics and Statistics.

(4) The District Collector shall reserve one-half of the number of ZPTCs reserved for Scheduled Tribes, Scheduled Castes and Backward Classes and one-half of the unreserved ZPTCs for women in each Zilla Praja Parishad.

(5) (a) The District Collector shall reserve in respect of ZPTCs and allot to the Scheduled Tribes in the District, in the first instance in such Zilla Praja Parishad Territorial Constituencies, where the proportion of population of the Scheduled Tribes in the ZPTCs to the total population of the ZPTC concerned is the highest in the descending order;

(b) after excluding the ZPTCs reserved for Scheduled Tribes, the District Collector, shall reserve from the remaining ZPTCs the offices for the Scheduled Castes allocated to each District under sub-section (2) where the proportion of the Scheduled Castes of the ZPTC to the total population of the ZPTC concerned is the highest in the descending order;

(c) the reservation of ZPTCs for Backward Classes in the District as allocated under sub-section (3) shall be made by the District Collector after excluding the Zilla Praja Parishad Territorial Constituencies reserved for Scheduled Tribes and Scheduled Castes where the proportion of voters of Backward Classes in the ZPTC to the total voters in the ZPTC concerned is the highest in the descending order;

(d) the District Collector shall reserve ZPTCs for Women as allocated under sub-section (4), out of the reserved and unreserved categories on the basis of draw of lots.

(6) The District Collector shall reserve seats with regard to Zilla Praja Parishad Territorial Constituency in the first instance and thereafter reserve offices with regard to President, Mandal Praja Parishad.

(7) (a) The reservation of ZPTCs for Scheduled Tribes, Scheduled Castes, Backward Classes and Women shall be by rotation commencing from the first ordinary election held under this Act. The ZPTCs allotted to the Scheduled Tribes, Scheduled Castes, Backward Classes during the earlier ordinary election shall not be allotted to the same categories till a cycle of reservation in that category is completed:

Provided such rotation shall be effected after completion of two consecutive terms;

(b) for allotting the seats by rotation, Scheduled Tribe, Scheduled Tribe (women), Scheduled Caste, Scheduled Caste (women), Backward Classes, Backward Classes (women), Unreserved and Unreserved (women) shall be treated as separate categories:

Provided, such of those seats which could not be reserved in the first and second cycle though they were

eligible in the descending order but were allotted to the other categories due to order of preference in allotment as per descending order or proportionate population, in those categories shall be allotted first before going to the seats in the second cycle;

(c) those seats which lost their reservation as a result of repeating the reservation second time in that cycle, should be reserved in the ensuing elections in those districts or wherever applicable.

Explanation:- For the removal of doubts, it is hereby declared that, for purposes of reserving seats under this section, any fraction less than one-half shall be ignored and any fraction equal to or more than one-half shall be counted as one.

(8) Nothing in this section shall be deemed to prevent women and members of the Scheduled Tribes, Scheduled Castes, Backward Classes from standing for election to the unreserved seats.

176. (1) For every Zilla Praja Parishad there shall be one "Chairperson" and one "Vice-Chairperson" who shall be elected by and from among the elected members specified in clause (i) of sub-section (3) of section 172 by show of hands duly obeying the party whip given by such functionary of the recognized political party as may be prescribed. If at an election held for the purpose, no "Chairperson" or "Vice-Chairperson" is elected fresh election shall be held. The names of the "Chairperson" and "Vice-Chairperson" so elected shall be published in the prescribed manner:

Election of
"Chairperson"
and "Vice-
Chairperson".

Provided that if a Member of the Legislative Assembly, the Legislative Council of the State or of either House of Parliament is elected to either of the said offices, he shall

cease to hold such office unless within fifteen days from the date of election to such office he ceases to be Member of the Legislative Assembly and Legislative Council of the State or of either House of Parliament by resignation or otherwise:

Provided further that a member voting under this subsection in disobedience of the party whip shall cease to hold office in the manner prescribed and the vacancy caused by such cessation shall be filled as a casual vacancy.

(2) The offices of Chairperson of Zilla Praja Parishad in the State shall be reserved for Scheduled Tribes, Scheduled Castes, Backward Classes and Women, by notification, in the manner specified below.

(3) Out of the total number of offices of Chairperson in the State, the Commissioner, shall determine in the first instance the number of offices of Chairpersons of Zilla Praja Parishads to be reserved in the State for the members belonging to Scheduled Tribes and the Scheduled Castes, subject to the condition that the number of offices so reserved shall bear, as nearly as may be, the same proportion to the total number of offices to be filled in the State as the population of the Scheduled Tribes, or as the case may be, the Scheduled Castes in the State bears to the total population of the State.

(4) The Commissioner, shall reserve 34% (thirty four percent) of the offices of Chairperson of Zilla Praja Parishads in the State, to the members belonging to Backward Classes.

(5) The Commissioner shall reserve one-half of the number of offices of Chairperson reserved for Scheduled Tribes, Scheduled Castes and Backward Classes and one-half of the unreserved offices for women in the State.

(6) (a) The Commissioner, shall on determining the number under sub-section (3) in respect of the State, reserve offices of Chairpersons and allot to the Scheduled Tribes in the first instance where the proportion of the population of Scheduled Tribes of the District to the total population of the district is the highest in the descending order;

(b) after excluding the offices of Chairperson reserved for Scheduled Tribes, the Commissioner shall reserve from among the remaining offices for the Scheduled Castes determined under sub-section (3) where the proportion of the population of the Scheduled Castes of the District to the total population of the district is the highest in the descending order;

(c) after excluding the offices of Chairperson reserved for Scheduled Tribes and Scheduled Castes, the Commissioner shall reserve from among the remaining offices for the Backward Classes determined under sub-section (4) where the proportion of voters of Backward Classes of the District to the total voters in the district is the highest in the descending order;

(d) the Commissioner, shall reserve offices of Chairpersons for Women determined under sub-section (5), from out of the reserved and unreserved categories on the basis of draw of lots.

(7) (a) The reservation of offices of Chairperson for Scheduled Tribes, Scheduled Castes, Backward Classes and Women shall be by rotation commencing from the first ordinary election held under this Act. The offices of Chairperson of Zilla Praja Parishads reserved for Scheduled Tribes, Scheduled Castes, Backward Classes during the earlier ordinary elections shall not be reserved for the same

categories till a cycle of reservation in that category is completed:

Provided such rotation shall be effected after completion of two consecutive terms;

(b) candidates elected from any of the Territorial Constituencies shall be eligible to contest for the office of the Chairperson, Zilla Praja Parishad, provided such candidate belongs to the same category for which the office is reserved and though not elected from a reserved Territorial constituency;

(c) if a new Zilla Praja Parishad is formed after ordinary general elections to Zilla Praja Parishads, to determine the category of reservation to that Zilla Praja Parishad, the proportionate reservation as provided from sub-sections (3) to (6) shall be worked out taking the new Zilla Praja Parishad into consideration. If this new worked out reservation results in a clear additional seat for any one category, the Zilla Praja Parishad newly created shall be allotted to that category. If it does not result in additional seat, then the reservation for the newly created Zilla Praja Parishad shall be decided on the basis of draw of lots.

Note: When there is a competition for one office between two or more categories, the category which is becoming eligible for such reservation in its earlier cycle gets precedence over others. e.g. In case where there is a tie between Backward Classes category and another category and if the Backward Classes category is in first cycle and the other category is in second cycle, the Backward Classes category will get precedence over the other category, being in the earlier cycle than the latter;

(d) for allotting the offices by rotation, Scheduled Tribe, Scheduled Tribe (women), Scheduled Caste,

Scheduled Caste (women), Backward Classes, Backward Classes (women), Unreserved and Unreserved (women) shall be treated as separate categories:

Provided that, such of those offices which could not be reserved in the first and second cycle though they were eligible in the descending order but were allotted to the other categories due to order of preference in allotment as per descending order or proportionate population, in those categories shall be allotted first before going to the offices in the second cycle;

(e) those offices, which lost their reservation as a result of repeating the reservation second time in that cycle, should be reserved in the ensuing elections in those districts or wherever applicable.

Explanation:- Fraction will be rounded off in descending order only to the extent required to arrive at actual number as per percentage, for the purpose of this section.

(8) Nothing in this section shall be deemed to prevent women and the members of the Scheduled Tribes, Scheduled Castes, Backward Classes from standing for election to the unreserved offices.

(9) The first meeting of the Zilla Praja Parishad to elect a "Chairperson" and "Vice-Chairperson" shall be called as soon as may be, after the results of the ordinary elections to the office of elected members of the Zilla Praja Parishad have been published. The notice of the date and time of the meeting for the election of "Chairperson" and "Vice-Chairperson" shall be given to the elected members in the prescribed manner:

Provided that if, for any reason, the election of the "Chairperson" or "Vice-Chairperson" is not held on the date

fixed as aforesaid, the meeting for the election of the "Chairperson" and "Vice-Chairperson" shall be held on the next day, whether or not it is a holiday observed by the Zilla Praja Parishad.

(10) Every "Chairperson" or "Vice-Chairperson" shall cease to hold office on cessation as an elected member.

(11) Save as otherwise expressly provided in, or prescribed under this Act, the term of office of the "Chairperson" or "Vice-Chairperson" who is elected at an ordinary election shall be five years from the date appointed by the State Election Commission for the first meeting of the Zilla Praja Parishad after the ordinary election.

(12) Any casual vacancy in the office of the "Chairperson" or "Vice-Chairperson" shall be filled within a period of six months from the date of occurrence of the vacancy by a fresh election under sub-section (9) and a person elected as "Chairperson" or "Vice-Chairperson" in any such vacancy shall hold office only so long as the person in whose place he is elected would have been entitled to hold office if the vacancy had not occurred.

Resolution of disputes relating to cessation for disobedience of party whip.

177. Where a member against whom a proceedings that he ceased to hold office as a consequence of the disobedience of the party whip is issued in pursuance of the second proviso to sub-section (1) of section 176 and the affected member disputes the correctness of the proceedings, he may apply to the District Court having jurisdiction over the area in which the office of the Zilla Praja Parishad is situated, for a decision.

178. Save as otherwise provided in this Act,-

Term of office of a Member of a Zilla Praja Parishad.

(i) an ex-officio member of the Zilla Praja Parishad shall hold office so long as he continues to hold the office by virtue of which he became such ex-officio member;

(ii) a member elected at an ordinary election or a co-opted member shall hold office for a term of five years from the date appointed by the State Election Commission for the first meeting of the Zilla Praja Parishad after the said ordinary election.

179. No person shall be eligible for election as member of a Zilla Praja Parishad unless his name appears in the electoral rolls of the Zilla Praja Parishad concerned and he has completed the age of twenty one years.

Qualification of candidates for election.

180. (1) A member of the Zilla Praja Parishad shall be disqualified for election as "Chairperson" or "Vice-Chairperson" if he is in arrears of any dues, otherwise than in a fiduciary capacity to any Gram Panchayat, Mandal Praja Parishad in the District or the Zilla Praja Parishad or if he is interested in a subsisting contract made with or any work being done for any Gram Panchayat, Mandal Praja Parishad in the District or the Zilla Praja Parishad:

Disqualifications.

Provided that a person shall not be deemed to have any interest in such contract or work by reason only of his having a share or interest in,-

(i) a company as a mere shareholder but not as a director; or

(ii) any lease, sale or purchase of immovable property or any agreement for the same; or

(iii) any agreement for the loan of money or any security for the payment of money only; or

(iv) any newspaper in which any advertisement relating to the affairs of any of the aforesaid Gram Panchayat, Mandal Praja Parishad or Zilla Praja Parishad is inserted.

(2) The provisions of sections 20, 21, 22, 23, 24, 25, 26 and 27 shall apply to a member of the Zilla Praja Parishad, as they apply to a member of the Gram Panchayat subject to the variations that the expressions, Gram Panchayat, "Sarpanch", "Upa-Sarpanch" and "District Panchayat Officer", the expressions "Zilla Praja Parishad", "Chief Executive Officer", "Chairperson" "Vice-Chairperson" and "Chief Executive Officer" shall respectively substituted:

Provided that nothing in clause (d) of section 25 shall apply to a member of the Zilla Praja Parishad specified in clauses (ii) to (iv) of sub-section (3) of section 172.

Resignation of Chairperson, Vice-Chairperson or Member.

181. The "Chairperson", the "Vice-Chairperson", an elected member or Co-opted member may resign his office in such manner as may be prescribed.

Appointment of Chief Executive Officer and his responsibilities, functions and powers.

182. (1) There shall be Chief Executive Officer for every Zilla Praja Parishad who shall be appointed by the Government.

(2) Every Chief Executive Officer shall be liable to be transferred by the Government.

(3) Save as otherwise expressly provided by or under this Act, the executive power for the purpose of carrying out the provisions of this Act, shall vest in the Chief Executive Officer who shall,-

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

(b) lay down the duties of all officers and servants of, or holding office under Zilla Praja Parishad in accordance with the rules made by the Government.

(4) Subject to the provisions of this Act, and the rules made thereunder, the Chief Executive Officer,-

(a) shall be entitled to,-

(i) attend the meeting of the Zilla Praja Parishad or any of its Standing Committees including any meeting of the Mandal Praja Parishad and take part in the discussions thereat but shall not be entitled to vote or to move any resolution;

(ii) call for any information, return, statement of account or report from any officer or servant of, or holding office under the Zilla Praja Parishad or a Mandal Praja Parishad or Gram Panchayat.

(b) shall exercise supervision and control over the acts of the officers and servants holding office under the Zilla Praja Parishad or the institutions thereunder in matters of executive administration and those relating to accounts and records of the Zilla Praja Parishad or the institutions thereunder;

(c) shall have the custody of all papers and documents connected with the proceedings of the Zilla Praja Parishad and of its Standing Committees;

(d) shall be responsible for implementing the resolutions of the Zilla Praja Parishad and of the Standing Committees thereof;

(e) shall supervise and control the execution of all activities of the Zilla Praja Parishad;

(f) shall take necessary measures for the speedy execution of all works and development schemes of the Zilla Praja Parishad;

(g) shall have the power to enter upon and inspect any work, scheme or institution under the management of the Zilla Praja Parishad;

(h) shall have the power to enter upon and inspect any work, scheme or institution under the management of a Mandal Praja Parishad, if the Zilla Praja Parishad or any of its Standing Committees so direct;

(i) shall be the competent authority to enter into agreements and to sign and execute them in the name and on behalf of the Zilla Praja Parishad from time to time;

(j) shall implement such specific directions issued by the Zilla Praja Parishad as it may think fit regarding the performance by him of any of the functions assigned to him under the Act:

Provided that such directions are in conformity with the terms and conditions governing planning, community development and other development activities entrusted by the Government or any other authority.

(k) shall immediately execute the orders passed by the Government in exercise of the powers conferred by the Act and Rules made thereunder or any other law for the time

being in force and shall forthwith send a compliance report to the Government and place a copy thereof before the "Chairperson" and "Vice-Chairperson";

(l) shall perform such other responsibilities, functions and exercise such other powers as may be prescribed.

(5) The Chief Executive Officer shall, with the approval of, or on the direction of the "Chairperson" convene the meeting of the Zilla Praja Parishad so that atleast one meeting of the Zilla Praja Parishad is held every month and if the Chief Executive Officer fails to discharge that duty, with the result that no meeting of the Zilla Praja Parishad is held within a period of ninety days from last meeting, he shall be liable to disciplinary action under the relevant rules:

Provided that where the "Chairperson" fails to give his approval for convening the meeting so as to hold a meeting within the period of ninety days aforesaid the Chief Executive Officer may himself convene the meeting in the manner prescribed.

(6) Subject to the provisions of section 191 the staff borne on the establishment of the Zilla Praja Parishad and the staff working in institutions and schemes transferred by the Government or the Head of Department of Government to the Zilla Praja Parishad shall be under the administrative control and supervision of the Chief Executive Officer.

(7) The Government shall pay, out of the Consolidated Fund of the State, the salaries, allowances, leave allowances, pension and contributions, if any, towards the provident fund or provident fund-cum-pension fund of the Chief Executive Officer appointed under sub-section (1).

(8) The Government shall have power to make rules to regulate the classification and methods of recruitment,

conditions of service, pay and allowances and disciplinary conduct of the Chief Executive Officer appointed under sub-section (1).

**Standing
Committees of a
Zilla Praja
Parishad.**

183. (1) For every Zilla Praja Parishad there shall be constituted the following Standing Committees, the subjects assigned to each such Standing Committee being those specified against it, namely:-

(i) Standing Committee for Works, Planning and Finance:- Public works, District Plan, budget, taxation, finance and co-ordination of the work relating to other Committees.

(ii) Standing Committee for Rural Development:- Poverty Alleviation Programmes, Area Development Programmes, Employment, Housing, Co-operation, Thrift and small savings, industries including cottage, village and small scale industries, trusts and statistics.

(iii) Standing Committee for Agriculture:- Agriculture, Animal Husbandry, Soil Reclamation including contour bunding, Social Forestry, Fisheries and Sericulture.

(iv) Standing Committee for Education and Medical Services:- Education including Social Education, Medical Services, Public Health and Sanitation including drainage, relief for distress in grave emergencies.

(v) Standing Committee for Women Welfare:- Development of women and welfare of children.

(vi) Standing Committee for Social Welfare:- Social Welfare of Scheduled Castes, Scheduled Tribes and Backward Classes and Cultural Affairs.

(vii) Standing Committee for Works:- Communications, rural water supply, power and irrigation.

(2) Every Standing Committee shall consist of the "Chairperson" of the Zilla Praja Parishad who shall be ex-officio member and such other members as may be elected from the members of the Zilla Praja Parishad in accordance with the rules made in that behalf.

(3) The "Vice-Chairperson" shall be the ex-officio Member and "Chairperson" of the Standing Committee for Agriculture, two offices of the "Chairperson" of the Standing Committee shall be filled by nomination by the "Chairperson" of the Zilla Praja Parishad from among the women members of the Zilla Praja Parishad in the manner prescribed and the "Chairperson" of the Zilla Praja Parishad shall be the "Chairperson" of the rest of the four offices of the "Chairperson" of the Standing Committees.

(4) The powers and functions of the Standing Committee, the permanent invitees to it and other incidental and consequential matters shall be such as may be prescribed.

(5) The District Collector shall have right to participate in the meetings of all Standing Committees without voting rights.

(6) The decisions of the Standing Committees shall be subject to ratification by the general body of the Zilla Praja Parishad which shall have the power to approve, modify, rescind or reverse them.

184. (1) The following shall be the permanent invitees to the meetings of the Zilla Praja Parishad,-

**Permanent
invitees to Zilla
Praja Parishad.**

(i) the "Chairperson", District Co-operative Marketing Society;

(ii) the "Chairperson", Zilla Grandhalaya Samstha;

(iii) the "Chairperson", District Co-operative Central Bank;

(iv) the District Collector;

(v) all Presidents of Mandal Praja Parishads in the District.

(2) The permanent invitees shall be entitled to participate in the meetings of the Zilla Praja Parishad without right to vote.

Special invitees.

185. (1) The "Chairperson" or "Vice-Chairperson" of a Zilla Praja Parishad or the "Chairperson" of a Standing Committee thereof may, for purposes of consultation, invite a person other than an office bearer of any political party having experience and specialized knowledge of the subject under its consideration to attend its meeting. Such persons shall have the right to speak in and otherwise to take part in the proceeding of such meeting, but shall not, by virtue of this section, be entitled to vote at any such meeting.

(2) A person attending a meeting under sub-section (1) shall be entitled to such allowances as may be prescribed.

Rules for conduct of business at meetings.

186. Every Zilla Praja Parishad or a Standing Committee thereof shall in regard to the conduct of business at its meetings follow such rules as may be prescribed.

187. A Zilla Praja Parishad or a Standing Committee thereof may, at any time require the Chief Executive Officer to furnish any document in his custody and he shall comply with every such requisition.

Power of Zilla Praja Parishad or its Standing Committee to call for documents from Chief Executive Officer.

188. (1) The Zilla Praja Parishad perform such responsibilities, functions and exercise such powers as may be entrusted to it by rules made in this behalf with regards to the subjects enumerated in Schedule-I.

Responsibilities, functions and powers of the Zilla Praja Parishad.

(2) The Zilla Praja Parishad shall also have the power to,-

(i) examine and approve the budgets of Mandal Praja Parishads in the district;

(ii) distribute the funds allotted to the district by the Central or State Government among the Mandal Praja Parishads and Mandals in the district for which Mandal Praja Parishad is not constituted and the Gram Panchayats in the district as stipulated by the Government concerned;

(iii) co-ordinate and consolidate the plans prepared in respect of the Mandals in the district and prepare plans in respect of the entire district;

(iv) approve, allot funds, supervise the works of Mandal labour budgets under Mahatma Gandhi National Rural Employment Guarantee Act, 2005;

Central Act 42 of 2005.

(v) secure the execution of plans, projects, schemes or other works either solely relating to the individual Mandals or common to two or more Mandals in the district;

(vi) supervise the activities of the Mandal Praja Parishads and Gram Panchayats in the district;

(vii) exercise and perform such of the powers and functions of the District Board including the powers to levy any tax or fees, as may be transferred to it under this Act;

(viii) perform the responsibilities, functions and exercise such other powers in relation to any development programmes as the Government may by notification confer on or entrust to it;

(ix) advise Government on all matters relating to development activities and service utilities in the district, whether undertaken by local authorities or Government;

(x) advise Government on the allocation of work among Gram Panchayats and Mandal Praja Parishads and co-ordination of work between the said bodies and among the various Gram Panchayats themselves;

(xi) advise Government on matters concerning the implementation of any statutory or executive order specially referred by the Government to the Zilla Praja Parishad;

(xii) collect such data as it deems necessary;

(xiii) publish statistics or other information relating to the activities of the local authorities;

(xiv) require any local authority to furnish information regarding its activities;

(xv) accept trusts relating exclusively to the furtherance of any purpose for which its funds may be applied;

(xvi) establish, maintain or expand secondary, vocational and Industrial schools;

(xvii) borrow money for carrying out the purposes of this Act with the previous approval of the Government and subject to such terms and conditions as may be prescribed;

(xviii) supervision of Adult Education activities;

(xix) supervision of Khadi and Village Industries Commission's activities;

(xx) supervision of self employment and livelihood schemes and bank linkages for Self Help Groups;

(xxi) supervision of Startups, medium, small and micro enterprises;

(xxii) establishment and maintenance of Parks, play grounds and Stadiums;

(xxiii) promotion of sports, cultural activities and maintaining Communal harmony;

(xxiv) encouragement of bio-diversity activities, tree plantation and protection of environment;

(xxv) promotion and maintenance of Citizen Service Centers (e-Seva centers) and Information Technology related services.

(3) The Zilla Praja Parishad may, with the approval of the Government levy contributions from the funds of the Mandal Praja Parishads in the district.

Responsibilities,
functions and
powers of
"Chairperson" and
"Vice-
Chairperson" of
the Zilla Praja
Parishad.

189. (1) The "Chairperson" of Zilla Praja Parishad shall,-

(a) exercise administrative control over the Chief Executive Officer for the purposes of implementation of the resolutions of the Zilla Praja Parishad or any Standing Committee thereof;

(b) preside over and conduct the meetings of the Zilla Praja Parishad;

(c) have full access to all records of the Zilla Praja Parishad.

(2) The "Vice-Chairperson" shall perform such responsibilities, functions and exercise such powers of the "Chairperson" as the "Chairperson" may, from time to time delegate to him in writing.

(3) When the office of the "Chairperson" is vacant, the "Vice-Chairperson" of the Zilla Praja Parishad shall perform such responsibilities, functions and exercise such powers of the "Chairperson" until a new "Chairperson" is elected.

(4) If the "Chairperson" has been continuously absent from the district for more than fifteen days or is incapacitated for more than fifteen days his responsibilities, functions and powers during such absence or incapacity shall devolve on the "Vice-Chairperson".

(5) When the office of the "Chairperson" is vacant or the "Chairperson" has been continuously absent from the district for more than fifteen days or is incapacitated for more than fifteen days and there is either a vacancy in the office of the "Vice-Chairperson" or the "Vice-Chairperson" has been continuously absent from the district for more than fifteen days or is incapacitated for more than fifteen days, responsibilities, functions and the powers of the

“Chairperson” shall devolve on a member of the Zilla Praja Parishad, appointed by the Government:

The member so appointed shall be styled as the temporary “Chairperson” and he shall perform responsibilities, functions and exercise powers of the “Chairperson” subject to such restrictions and conditions as may be prescribed until a new “Chairperson” or “Vice-Chairperson” assumes office after his election or until the “Chairperson” or the “Vice-Chairperson” returns to the district or recovers from his incapacity as the case may be.

(6) It shall be the duty of the “Chairperson” or the person for the time being performing responsibilities, functions and exercising the powers of the “Chairperson” to convene the meetings of the Zilla Praja Parishad so that atleast one meeting of the Zilla Praja Parishad is held in every ninety days. If the “Chairperson” or such person fails to discharge that duty with the result, that no meeting is held within the said period of ninety days or within thirty days following such period, he shall with effect from the date of expiration of thirty days aforesaid cease to be the “Chairperson” or as the case may be, cease to perform the responsibilities, functions and exercise the powers of the “Chairperson” unless such cessation has otherwise occurred before that date, and for a period of one year from that date he shall not be eligible to be elected as “Chairperson” or to perform the responsibilities, functions and exercise the powers of the “Chairperson”:

Provided that in reckoning any such period of ninety days or the period of thirty days following such period as the case may be, referred to above any public holiday shall be excluded.

(7) Where the District Collector is satisfied that the “Chairperson” or the person for the time being performing

the responsibilities, functions and exercising the powers of the "Chairperson" has ex-facie ceased to be the "Chairperson", or as the case may be ceased to perform responsibilities, functions and exercise the powers of the "Chairperson" under sub-section (6) he shall forthwith intimate that fact by registered post to the "Chairperson" or such person.

Rights of individual members to draw attention in respect of Zilla Praja Parishad works.

190. Any member of a Zilla Praja Parishad may draw the attention of the "Chairperson" or Chief Executive Officer of the Zilla Praja Parishad to any neglect in the execution of Zilla Praja Parishad work to any waste of Zilla Praja Parishad property or to the needs of any locality and may suggest any improvement which may appear desirable.

Officers and other employees of the Zilla Praja Parishad.

191. (1) The Government may, at any time create such posts of officers and other employees of a Zilla Praja Parishad as they may consider necessary for carrying out the purposes of this Act.

Act 23 of 1984.

(2) All appointments to the posts created under sub-section (1) and transfer of the holders of such posts shall be made, subject to the provisions of the Telangana Public Employment (Regulation of Age of Superannuation) Act, 1984, the Telangana (Regulation of Appointments to Public Services and Rationalization of Staff Pattern and Pay Structure) Act, 1994 and such rules as may be made under the proviso to article 309 of the Constitution.

Act 2 of 1994

(3) The Government shall pay, out of the Consolidated Fund of the State, the salaries, allowances, leave allowances, pension and contributions, if any towards the provident fund or of a pension-cum-provident fund of the officers and other employees of a Zilla Praja Parishad who hold any of the posts referred to in sub-section (1).

(4) The classification and methods of recruitment, conditions of service, pay and allowances and discipline and conduct of the officer and other employees referred to in sub-section (1), shall be regulated in accordance with the provisions of the Telangana Public Employment (Regulation of Age of Superannuation) Act, 1984, the Telangana (Regulation of Appointments to Public Services and Rationalization of Staff Pattern and Pay Structure) Act, 1994 and such rules as may be made under the proviso to article 309 of the Constitution. Until the rules in that behalf are so made, the law for the time being in force regulating the recruitment and conditions of service, pay and allowances and discipline and conduct, applicable to such holder shall continue to apply to such holder.

(5) The Government, may from time to time, by order give such directions to any Parishad or any officer, authority or person thereof, as may appear to them to be necessary for the purpose of giving effect to the provisions of this section and the Zilla Praja Parishad, Officer, authority or person shall comply with all such directions.

192. (1) There shall be paid to the non-official members of a Zilla Praja Parishad and a Standing Committee thereof such allowances as may be prescribed for attending a meeting of the Zilla Praja Parishad or such committee.

Allowance for attending meeting of a Zilla Praja Parishad or a Standing Committee.

(2) There shall be paid to the "Chairperson" or "Vice-Chairperson" of the Zilla Praja Parishad in respect of their/his tours on duty, whether within or outside the district but not outside the State, such allowances as may be prescribed.

193. (1) All moneys received by the Zilla Praja Parishad shall constitute a fund called the Zilla Praja Parishad Fund and shall be applied for the purposes specified in this Act

Funds of the Zilla Praja Parishad.

and for such other purposes and in such manner as may be prescribed.

(2) All moneys received by the Zilla Praja Parishad shall be lodged in the nearest Government Treasury:

Provided that the amounts received as funds relating to all development programmes, Centre or State and any other Development Institution Funds shall be lodged in nearby Nationalized Banks or Cooperative Banks or Post Offices in the manner prescribed.

(3) All orders or cheques against the Zilla Praja Parishad Fund shall be signed by the Chief Executive Officer.

**Income and
expenses of a
Zilla Praja
Parishad.**

194. (1) The sources of income of Zilla Praja Parishad shall consist of,-

(i) the Central or State Government funds allotted to the Zilla Praja Parishad;

(ii) grants from All-India Bodies and Institutions for the development of cottage, village and small scale industries and the like;

(iii) such share of the land cess or local cess, State taxes or fees as may be prescribed;

(iv) proceeds from taxes or fees which the Zilla Praja Parishad may, under any law, levy;

(v) income from endowments or trusts administered by the Zilla Praja Parishad;

(vi) donations and contributions from the Mandal Praja Parishads or from the public in any form;

(vii) such contributions as the Zilla Praja Parishad may levy from the Mandal Praja Parishad with the previous approval of the Government;

(viii) any other income from remunerative enterprises and the like.

(2) The Government shall also make an annual grant at the rate as may be prescribed.

(3) The expenses of the Zilla Praja Parishad shall include the salaries and allowances of its officers and other employees, the allowances to be paid under section 185 and section 192, any item of expenditure directed by the Government for carrying out the purposes of this Act and such other expenses as may be necessary for such purposes.

195. (1) The Chief Executive Officer shall in each year, frame and place before the prescribed date, a budget showing the probable receipts and expenditure during the following year, and the Zilla Praja Parishad shall sanction the budget, with such modifications, if any, as it thinks fit.

**The Budget of the
Zilla Praja
Parishad.**

(2) The budget so sanctioned shall be submitted to the Government by the Chief Executive Officer through the "Chairperson" on or before such date as may be fixed by the Government and if the Government are satisfied that adequate provision has not been made therein or that it is otherwise unsatisfactory for giving effect to the provisions of this Act, they shall have the power to approve the budget with such modifications as they may consider necessary to secure such provision.

(3) If, for any reason, the budget is not sanctioned by the Zilla Praja Parishad under sub-section (1) before the date referred to in sub-section (2), the Chief Executive

Officer shall submit the budget to the Government who shall thereupon approve the Budget as if it were submitted to them under sub-section (2).

(4) If, in the course of a year, the Zilla Praja Parishad finds it necessary to make any alterations in the budget with regard to its receipts or items of expenditure a revised or supplemental budget may be framed, submitted and sanctioned or approved as far as may be, in the manner provided in sub-sections (1), (2) and (3).

PART - V

CONSTITUTION OF STATE ELECTION COMMISSION, CONDUCT OF ELECTION AND ELECTION OFFICERS.

CHAPTER - I

STATE ELECTION COMMISSION AND CONDUCT OF ELECTIONS.

Constitution of State Election Commission.

196. (1) There shall be constituted a State Election Commission for the superintendence, direction and control of the preparation of electoral rolls for and the conduct of elections to all the Panchayat Raj Institutions governed by this Act.

(2) The said Election Commission shall consist of a State Election Commissioner. The Governor on the recommendation of the Government shall appoint a person who is holding or who has held an office not less in rank than that of a Principal Secretary to Government as State Election Commissioner.

(3) The conditions of service and tenure of office of the State Election Commissioner shall be such as the Governor may by rules determine:

Provided that the State Election Commissioner shall not be removed from his office except in like manner and on the like grounds as a Judge of a High Court and the conditions of the service of the State Election Commissioner shall not be varied to his disadvantage after his appointment.

197. (1) All elections to the Panchayat Raj Institutions shall be held under the supervision and control of the State Election Commission and for this purpose it shall have power to give such directions as it may deem necessary to the Commissioner, District Collector or any officer or servant of the Government and the Panchayat Raj Institutions so as to ensure efficient conduct of elections under this Act.

**Powers and
functions of the
State Election
Commissioner.**

(2) The preparation of Electoral Rolls for the conduct of all elections under the Act shall be done under the supervision and control of the State Election Commission.

(3) For the purposes of this section the Government shall provide the State Election Commission with such staff as may be necessary.

(4) On the request of the State Election Commission, the State Government shall place at the disposal of the Commission such staff of the State Government, Gram Panchayats, Mandal Praja Parishads and Zilla Praja Parishads for the purpose of conduct of elections under this Act.

(5) The State Election Commissioner may, subject to control and revision, delegate his powers to such officers, as he may deem necessary.

(6) The State Election Commission shall issue the notification and schedule for general election and elections for casual vacancies in all Panchayat Raj Institutions. The schedule and the dates on which the elections will be

conducted shall be decided by the State Election Commission in concurrence with the State Government, which has to consider matters pertaining to Law and Order situation, internal security, availability of police, security personnel, home guards, central armed police forces and the logistics of their deployment, availability of staff for election related duties, availability and procurement of election related material and premises for polling and counting, conduct of elections to other legislative and statutory bodies, natural calamities and seasonal conditions including drinking water situation and agricultural season, major fairs and festivals, education calendar and examinations in schools and colleges, onset of any epidemic diseases, operations relating to collection of vital statistics like census or any other enumeration, and matters involving public interest and any other administrative exigencies:

Provided that in case multiple phases are required, the schedule of each phase shall have a gap of not more than five days from each other.

Notification and appointment of Returning Officers.

198. (1) For the purpose of holding elections to fill ordinary or casual vacancies, the State Election Commission shall, by notification under sub-section (6) of section 197, published in the Gazette, call upon such date or dates, as may be specified therein, the voters of the Gram Panchayat or Mandal Praja Parishad or Zilla Praja Parishad, as the case may be, to elect Sarpanch and members of the Gram Panchayat and/or Members of the Mandal Praja Parishad and/or Members of the Zilla Praja Parishad, in accordance with the provisions of the Act, the rules and orders, if any, made thereunder.

(2) The said notification shall specify the time Schedule for various stages of the ordinary elections as well as the elections to fill the casual vacancies, which shall be that,-

From the date of election notice under sub-section (3),

- (a) nomination shall be filed Within a period of three days (including the day of notice) upto 5.00 p.m. (whether or not it is a holiday)
- (b) scrutiny of nominations shall be completed on the fourth day by 5.00 p.m. (whether or not it is a holiday)
- (c) Appeal against rejection of nomination shall be filed, before the Revenue Divisional Officer/District Collector on the fifth day upto 5.00 p.m. (whether or not it is a holiday)
- (d) Disposal of appeal against rejection of nomination by the Revenue Divisional Officer/District Collector on the sixth day before 5.00 p.m. (whether or not it is a holiday)
- (e) withdrawal of candidatures shall be allowed on the seventh day upto 3.00 p.m. (whether or not it is a holiday)
- (f) publication of final list of contesting candidates on the seventh day itself, after the withdrawal of candidatures by 3.00 p.m. (whether or not it is a holiday)

- (g) polling shall be held, on the fifteenth day, wherever necessary (whether or not it is a holiday)
- (h) counting of votes and on the fifteenth day i.e. declaration of results, in the date of polling. respect of Gram Panchayats
- (i) counting of votes and on the time and date declaration of results in appointed by the State Election Commission. respect of members of Mandal Praja Parishads, and Zilla Praja Parishads; and offices of Presidents and Chairmen thereof

(3) The Returning Officer appointed for the purpose of conducting elections to the Gram Panchayats, Mandal Praja Parishads and Zilla Praja Parishads, shall as per the above time Schedule specified by the State Election Commission issue the Election Notice for election of the Sarpanch, members of the Gram Panchayat, Mandal Praja Parishad, Zilla Praja Parishad etc. and the time Schedule shall commence from that date.

Voting Machines at Elections.

199. Notwithstanding anything contained in this Act or the rules made thereunder, the giving and recording of votes by voting machines in such manner as may be prescribed, may be adopted in such ward or wards or 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 Machines" mean 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.

200. The State Election Commission shall by notification, specify the symbols that may be chosen by candidates contesting any election under this Act and the restrictions to which their choice shall be subject:

Symbols for elections under the Act.

Provided that the State Election Commission shall not in the case of elections to Gram Panchayats allot to any contesting candidate any symbol reserved for a recognized political party or a registered political party but in the case of elections to Mandal Praja Parishads and Zilla Praja Parishads, the State Election Commission shall allot symbols including the symbols reserved for a recognized political party or, as the case may be, symbols, if any, reserved for a registered political party where any candidate is set up by such political party.

201. For the purpose of reserving the offices of Sarpanch, President and Chairperson and members of the Gram Panchayats, Mandal Praja Parishads and Zilla Praja Parishads to the members belonging to the Backward Classes under this Act, the population figures of the Backward Classes, gathered in the Socio-Economic Survey conducted by the Telangana Backward Classes Co-operative Finance Corporation Limited, Hyderabad shall be taken as the basis.

Reservation to Backward Classes.

202. With a view to prevent impersonation of electors, provision may be made by rules made under this Act, for the production before the Presiding Officer of a polling station by every such elector, of his identity card before the delivery of a ballot paper or ballot papers to him, if under the rules

Voter Identity Cards.

Central Act 43 of 1950. made in that behalf under the Registration of Electors Rules, 1960 made under the Representation of the People Act, 1950, electors of the Legislative Assembly Constituency or Constituencies in which the Gram Panchayat, Mandal Praja Parishad Territorial Constituency or Zilla Praja Parishad Territorial Constituency, as the case may be, is situated, have been supplied with identity cards with or without their respective photographs attached thereto.

Reservation of offices to cease on the expiration of the period specified in article 334 of the Constitution of India.

203. The provisions of this Act relating to reservation of offices of Sarpanch, President and Chairperson and members of the Gram Panchayats, Mandal Praja Parishads and Zilla Praja Parishads for the Scheduled Castes and Scheduled Tribes shall cease to have effect on the expiration of the period specified in article 334 of the Constitution of India.

Injunctions not to be granted in election proceedings.

204. No proceeding which is being or about to be taken under this Act for the preparation or publication of any electoral roll or for the conduct of any election shall be called in question in any Court, in any suit, or application, and no injunction shall be granted by any Court restraining any action in this regard.

Requisitioning of premises for election purposes.

205. (1) If it appears to the State Election Commissioner that in connection with any election held under this Act,-

(a) any premises is/are needed for or 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 is needed or is likely to be needed for the purpose of transport of personnel or 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 State Election Commissioner may, by order in writing, requisition such premises or such vehicle, as the case may be, and may make such further orders as may appear to him to be necessary or expedient, in connection with the requisitioning:

Provided that no vehicle which is being lawfully used by a candidate or his agent for any purpose, connected with election of such candidate shall be requisitioned under this sub-section until the completion of the poll at such election.

(2) The requisition shall be effected by an order in writing addressed to the person deemed by the State Election Commissioner to be the owner or person in possession of the property and such order shall be served in the prescribed manner on the person to whom it is addressed.

(3) Whenever any premises is requisitioned under sub-section (1) the period of such requisition shall not be extended beyond the period for which such property is required for any of the purposes mentioned in that sub-section.

Explanation:- For purposes of this section 'premises' means any land, building or part of a building and includes a hut, shed or other structure or any part thereof and 'vehicle' means any vehicle used or capable of being used for the purpose of road transport, whether propelled by mechanical power or otherwise.

206. (1) Whenever in pursuance of section 205, the State Election Commissioner requisitions any premises, there shall be paid to the person interested compensation the amount of which shall be determined by taking into consideration the following, namely:-

Payment of compensation.

(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 requisition of the 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 where any person interested being aggrieved by the amount of compensation so determined makes an application within the prescribed time to the State Election Commissioner for referring the matter to an arbitrator, the amount of compensation to be paid shall be such as the arbitrator appointed in this behalf by the State Election Commissioner may determine:

Provided further that where there is any dispute as to the title to receive the compensation or as to the apportionment of the amount of compensation, it shall be referred by the State Election Commissioner to an arbitrator appointed in this behalf by the said Election Commissioner for determination and shall be determined in accordance with the decision of such arbitrator.

Explanation:- In this sub-section, the expression "person interested" means the person who was in actual possession of the premises requisitioned under section 205 immediately before the requisition or where no person was in such actual possession, the owner of such premises.

(2) Whenever in pursuance of section 205, the State Election Commissioner requisitions any vehicle, there shall be paid to the owner thereof compensation, the amount of which shall be determined by the State Election Commissioner on the basis of the fares or rates prevailing in the locality for the hire of such vehicle:

Provided that where the owner of such vehicle, being aggrieved by the amount of compensation so determined, makes an application within the prescribed time to the State Election Commissioner for referring the matter to an arbitrator, the amount of compensation to be paid shall be such as the arbitrator appointed in this behalf by the State Election Commissioner may determine:

Provided further that where immediately before the requisitioning, the vehicle 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 payable in respect of the requisition 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 the arbitrator appointed by the State Election Commissioner in this behalf may decide.

207. The State Election Commissioner may with a view to requisitioning any property under section 205 or determining the compensation payable under section 206 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.

Power to obtain information.

208. (1) Any person remaining in possession of any requisitioned premises in contravention of any order made under section 205 may summarily be evicted from such premises by an officer empowered by the State Election Commissioner in this behalf.

Eviction from requisitioned premises.

(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.

Penalty for contravention of any order regarding requisitioning.

209. If any person contravenes any order made under section 205 or section 207 he shall be punishable with imprisonment for a term, which may extend to one year or with fine or with both.

Electoral officers and staff deemed to be on deputation.

210. (1) Any officer or staff employed in connection with the preparation, revision and correction of the electoral rolls for, and the conduct of all elections shall be deemed to be on deputation to the State Election Commission for the period during which they are so employed and such officers and staff shall during that period, be subject to the control, superintendence and discipline of the State Election Commission.

(2) The Returning Officer, Assistant Returning Officer, Presiding Officer, Polling Officer and any other Officer appointed under this Act, and any police officer designated for the time being by the State Government for the conduct of any elections shall be deemed to be on deputation to the State Election Commission for the period commencing on and from the date of notification calling for such elections and ending with the date of declaration of the results of such elections and such officer shall, during that period, be subject to the control, superintendence and discipline of the State Election Commission.

CHAPTER - II ELECTION OFFENCES

Corrupt practices.

211. The following shall be deemed to be corrupt practices for the purposes of this Act:-

(1) Bribery, that is to say,-

(A) Any gift, offer or promise by a candidate or his agent or by any other person with the consent of a candidate or his election agent, of any gratification, to any

person whomsoever, with the object, directly or indirectly of inducing,-

(a) a person to stand or not to stand as or to withdraw or not to withdraw from being a candidate at an election; or

(b) an elector to vote or refrain from voting at an election, or as reward to,-

(i) a person for having so stood or not stood, or for having withdrawn or not having withdrawn his candidature; or

(ii) an elector for having voted or refrained from voting.

(B) The receipt of or agreement to receive, any gratification, whether as a motive or a reward,-

(a) by a person for standing or not standing as or for withdrawing or not withdrawing from being a candidate; or

(b) by any person whomsoever for himself or any other person for voting or refraining from voting or inducing or attempting to induce any elector to vote or refrain from voting, or any candidate to withdraw or not to withdraw his candidature.

Explanation:- For the purposes of this clause the term “gratification” is not restricted to pecuniary gratification or gratifications estimable in money and it includes all forms of entertainment and all forms of employment for reward but it does not include the payment of any expenses bonafide incurred at, or for the purpose of any election and duly entered in the account of election expenses.

(2) Undue influence, that is to say, any direct or indirect interference or attempt to interfere on the part of the candidate or his agent, or of any other person with the consent of the candidate or his election agent with the free exercise of any electoral right:

Provided that,-

(a) without prejudice to the generality of the provisions of this clause any such person as is referred to thereon, who,-

(i) threatens any candidate or any elector or any person in whom a candidate or an elector is interested, with injury of any kind including social ostracism and ex-communication or expulsion from any caste or community; or

(ii) induces or attempts to induce a candidate or an elector to believe that he, or any person in whom he is interested will become or will be rendered an object of divine displeasure or spiritual censure, shall be deemed to interfere with the free exercise of the electoral right of such candidate or elector within the meaning of this clause;

(b) a declaration of public policy, or a promise of public action, or the mere exercise of a legal right without intent to interfere with an electoral right, shall not be deemed to be interference within the meaning of this clause.

(3) The appeal by a candidate or his agent or by any other person with the consent of a candidate or his election agent to vote or refrain from voting for any person on the ground of his religion, race, caste, community or language or the use of, or appeal to religious symbols or the use of, or appeal to national symbols of the prospects of the election

of that candidate or for prejudicially affecting the election of any candidate:

Provided that no symbol allotted under this Act to a candidate shall be deemed to be a religious symbol or a national symbol for the purposes of this clause.

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

(5) The propagation of the practice or the commission of Sati or its glorification by a candidate or his agent or any other person with the consent of the candidate or his election agent for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate.

Explanation:- For the propose of this clause, "sati" and "glorification" in relation of Sati shall have the meanings respectively assigned to them in the Commission of Sati (Prevention) Act, 1987.

Central Act No.3 of 1987.

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

(7) The hiring or procuring, whether on payment or otherwise of any vehicle or vessel by a candidate or his agent or by any other person with the consent of a candidate or his election agent or the use of such vehicle or vessel for the free conveyance of any elector other than that the candidate himself, the members of his family or his agent to or from any polling station:

Provided that the hiring of a vehicle or vessel by an elector or by several electors at their joint costs for the purpose of conveying him or them to and from any such polling station or place fixed for the poll shall not be deemed to be a corrupt practice under this clause if the vehicle or vessel so hired is a vehicle or vessel not propelled by mechanical power:

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

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

(8) The incurring or authorizing of expenses in contravention of section 237.

(9) The obtaining or procuring or abetting or attempting to obtain or procure by a candidate or his agent, or by any other person with the consent of a candidate or his election agent, any assistance (other than the giving of vote) for the furtherance of the prospects of that candidate’s election, from any person in the service of the State, Central

Government, local authority or a corporation owned or controlled by the State or Central Government:

Provided that where any person, in the service of the State or Central Government or a local authority in the discharge or purported to discharge of his official duty, makes any arrangements or provides any facilities or does any other act or thing, for or in relation to, any candidate or his agent or any other person acting with the consent of the candidate or his election agent (whether by reason of the office held by the candidate or for any other reason), such arrangements, facilities or act or thing shall not be deemed to be assistance for the furtherance of the prospects of that candidate's election.

Explanation:- (1) In this section the expression agent includes an election agent, a polling agent, and any person who is held to have acted as an agent in connection with election with the consent of the candidate.

(2) For the purposes of sub-section (9) a person shall be deemed to assist in the furtherance of the prospects of a candidate's election, if he acts as an election agent of that candidate.

(3) For the purposes of sub-section (9), notwithstanding anything contained in any other law, the publication in the Telangana Gazette of the appointment, resignation, termination of service, dismissal or removal from service of a person in the service of the Government shall be conclusive proof,-

(i) of such appointment, resignation, termination of service, dismissal or removal from service, as the case may be; and

(ii) where the date of taking effect of such appointment, resignation, termination of service, dismissal or removal from service, as the case may be, is stated in such publication, also of the fact that such person was appointed with effect from the said date, or in the case of resignation, termination of service, such person ceased to be in such service with effect from the said date.

(4) For the purposes of sub-section (10), booth capturing shall have the same meaning as in section 226.

(10) Booth capturing by a candidate or his agent or other person.

Penalty for illegal hiring or procuring of conveyance at elections.

212. If any person is guilty of any such corrupt practices as specified in sub-section (9) of section 211 or in connection with an election he shall be punishable with imprisonment for a term, which may extend to three months and with fine, which may extend to three thousand rupees.

Promoting enmity between classes in connection with an election.

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

Prohibition of public meetings before the date of poll.

214. (1) No person shall,-

(a) convene, hold, attend, join or address any public meeting or procession in connection with an election; or

(b) display to the public any election matter by means of cinematography, television or other similar apparatus; or

(c) propagate any election matter to the public by holding, or by arranging the holding of, any musical concert or any theatrical performance or any other entertainment or amusement with a view to attracting the members of the public thereto, in any polling area during the period of forty-eight hours prior to the hour fixed for the conclusion of the poll in the case of Mandal Praja Parishads and Zilla Praja Parishads and forty-four hours prior to the hour fixed for the conclusion of the poll in the case of Gram Panchayats.

(2) Any person who contravenes the provisions of sub-section (1) shall be punishable with imprisonment for a term which may extend to two years or with fine or with both.

(3) In this section, the expression "election matter" means any matter intended or calculated to influence or affect the result of election.

215. (1) Any person who at a public meeting to which this section applies, acts or incites others to act in a disorderly manner for the purpose of preventing the transaction of the business for which the meeting was called together, shall be punishable with imprisonment which may extend to six months or with fine which may extend to two thousand rupees.

**Disturbance at
election meetings.**

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

(3) This section applies to any public meeting of a political character held in any constituency between the date of the issue of notification under this Act calling upon the constituency to elect a member or members or office bearers of a local authority and the date on which such election is held.

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

Restrictions on the printing of pamphlets, posters etc.

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

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

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

(b) unless, within a reasonable time after the printing of the document, one copy of the declaration is sent by the printer, together with one copy of the document,-

(i) where it is printed in the capital of the State, to the State Election Commissioner, and

(ii) in any other case, to the District Magistrate of the district in which it is printed.

(3) For the purpose of this section,-

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

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

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

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

**Maintenance of
secrecy of voting.**

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

218. (1) No person who is a District Election Officer or Returning Officer, or an Assistant Returning Officer or a Presiding Officer or Polling Officer, at an election, or an officer or clerk appointed by the Returning Officer or the Presiding officer to perform any duty in connection with an election shall in the conduct or the management of the election do any act other than the giving of vote for the furtherance of the prospects of the election of a candidate.

**Officers etc. at
elections not to
act for candidates
or to influence
voting.**

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

(a) to persuade any person to give his vote at an election, or

(b) to dissuade any person from giving his vote at an election, or

(c) to influence the voting of any person at an election in any manner.

(3) Any person who contravenes the provisions of sub-section (1) or sub-section (2) shall be punishable with imprisonment which may extend to six months or with fine or with both.

Prohibition of
canvassing in or
near polling
stations.

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

(a) canvassing for votes; or

(b) soliciting the vote of any elector; or

(c) persuading any elector not to vote for any particular candidates; or

(d) persuading any elector not to vote at the election;
or

(e) exhibiting any notice or signs (other than an official notice) relating to the election.

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

220. (1) No person shall, on the date or dates on which a poll is taken at any polling station,-

Penalty for disorderly conduct in or near polling stations.

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

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

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

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

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

Penalty for misconduct at the polling station.

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

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

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

Penalty for failure to observe procedure for voting.

222. If an elector, to whom a ballot paper has been issued, refuses to observe the procedure prescribed for voting, the ballot paper issued to him shall be liable for cancellation.

Prohibition of going armed to or near a polling station.
Central Act No.54 of 1959.

223. (1) No person other than Police Officer and any other person appointed to maintain peace and order, at a polling station who is on duty at the polling station, shall, on a polling day, go armed with arms, as defined in the Arms Act, 1959, of any kind with the neighbourhood of a polling station.

(2) If any person contravenes the provisions of sub-section (1), he shall be punishable with imprisonment for a term which may extend to two years or with fine or with both.

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

224. (1) If any person to whom this section applies is without reasonable cause guilty of any act or omission in breach of his official duty, he shall be punishable with fine which may extend to two thousand rupees.

Breaches of official duty in connection with elections.

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

(3) The persons to whom this section applies are the District Election Officers, Returning officers, Assistant Returning officers, Presiding officers, Polling officers and any other person appointed to perform any duty in connection with the receipt of nominations or withdrawal of candidatures or the recording or counting of votes at an election and the expression "official duty" shall for the purposes of this section be construed accordingly but shall not include duties imposed otherwise than by or under this Act.

225. If any person in the service of the State or Central Government or a local authority or a Corporation owned or controlled by the State or Central Government acts as an election agent or a polling agent or counting agent of a candidate at an election, he shall be punishable with imprisonment for a term which may extend to three months or with fine or with both.

Penalty for Government servants for acting as election agent, polling agent or counting agent.

226. (1) Whoever commits an offence of booth capturing shall be punishable with imprisonment for a term which shall not be less than one year but which may extend to three years and with fine, and where such offence is committed by a person in the service of the Government, he shall be punishable with imprisonment for a term which shall not be less than three years but which may extend to five years and with fine.

Offence of booth capturing.

Explanation:- For the purposes of this sub-section and section 241 "booth capturing" includes, among other things, all or any of the following activities, namely:-

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

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

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

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

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

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

Removal of ballot papers or ballot boxes from polling stations to be an offence.

227. (1) Any person who at any election fraudulently takes or attempts to take a ballot paper or ballot box out of polling station or willfully aids or abets the doing of any such act shall be punishable with imprisonment for a term which may

extend to five years and with fine which may extend upto five thousand rupees.

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

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

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

228. (1) No spirituous, fermented or intoxicating liquors or other substances of a like nature shall be sold, given or distributed at a hotel, eating house, tavern, shop or any other place, public or private, within a polling area during the period of forty-eight hours prior to the hour fixed for the conclusion of the poll in the case of Mandal Praja Parishads and Zilla Praja Parishads and forty-four hours prior to the conclusion of poll in the case of Gram Panchayats and also on the counting day.

Liquor not to be sold, given or distributed on polling day.

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

(3) Where a person is convicted of an offence under this section, the spirituous, fermented or intoxicating liquors or

other substances of a like nature found in his possession shall be liable to confiscation and the same shall be disposed off in such manner as may be prescribed.

**Adjournment of
poll in
emergencies.**

229. (1) If at an election the proceedings at any polling station are interrupted or obstructed by any riot or open violence or if at an election it is not possible to take the poll at any polling station or such place on account of any natural calamity or any other sufficient cause, the Presiding Officer for such polling station shall announce an adjournment of the poll to a date to be notified later and he shall forthwith inform the Returning Officer concerned.

(2) Whenever a poll is adjourned under sub-section (1), the Returning Officer shall immediately report the circumstances to the District Election Authority and the State Election Commission, and shall, as soon as may be, with the previous approval of the State Election Commission, appoints the day on which the poll shall recommence and fix the hours during which, the poll will be taken and shall not count the votes cast at such election until such adjourned poll shall have been completed.

(3) In every such case as aforesaid, the Returning Officer shall notify in such manner as the State Election Commission may direct, the date and hours of polling fixed under sub-section (2).

**Fresh poll in the
case of
destruction of
ballot boxes.**

230. (1) If at any election,-

(a) any ballot boxes or Electronic Voting Machines used at a polling station is unlawfully taken out of the custody of the Presiding Officer or the Returning Officer or is accidentally or intentionally destroyed or lost or is damaged or tampered with, to such an extent, that the result of the poll at that polling station cannot be ascertained; or

(b) any voting machine develops a mechanical failure during the course of the recording of votes; or

(c) any such error, human or mechanical or irregularity in procedure as is likely to vitiate the poll is committed at a polling station, the Returning Officer shall forthwith report the matter to the State Election Commission.

(2) Thereupon the State Election Commission shall, after taking all material circumstances into account, either,-

(a) declare the poll at that polling station to be void, appoint a day and fix the hours for taking a fresh poll at the polling station and notify the day so appointed and the hours so fixed in such manner as it may deem fit; or

(b) if satisfied that the result of a fresh poll at that polling station will not, in any way affect the result of the election or that the mechanical failure of the voting machine or the error or irregularity in procedure is not material, issue such directions to the Returning Officer as it may deem proper for the proper conduct and completion of the election.

(3) The provisions of this Act and of any rules or orders made thereunder shall apply to every such fresh poll as they apply to the original poll.

231. (1) If at any time before counting of votes is completed, any ballot papers used at a polling are unlawfully taken out of the custody of the Returning Officer or are accidentally or intentionally destroyed or lost or are damaged or tampered with, to such an extent that the result of the poll at that polling station cannot be ascertained, the Returning Officer shall forthwith report the matter to the State Election Commission.

Destruction, loss of ballot papers at the time of counting.

(2) Thereupon, the State Election Commission shall, taking all material circumstances into account, either,-

(a) direct that the counting of votes shall be stopped, declare the poll at that polling station to be void, appoint a day and fix the hours, for taking a fresh poll at that polling station and notify the date so appointed and hours so fixed in the manner as it may deem fit; or

(b) if satisfied that the result of a fresh poll at that station will not, in anyway, affect the result of the election, issue such directions to the Returning Officer as it may deem proper for the resumption and completion of the counting and for the further conduct and completion of the election in relation to which the votes have been counted.

(3) The provisions of this Act and of any rules or orders made thereunder shall apply to every such fresh poll as they apply to the original poll.

Impersonation at elections.

232. Whoever at an election applies for a ballot paper or votes in the name of any other person, whether living or dead or in a fictitious name or who having voted once at such election applies at the same election for a ballot paper in his own name, and whoever abets, procures or attempts to procure the voting by any person in any such way shall be punished with imprisonment for a term which may extend to five years and with fine which may extend to five thousand rupees.

Other offences and penalties thereunder.

233. (1) A person shall be guilty of an electoral offence if at any election he,-

(a) fraudulently defaces or fraudulently destroys any nomination paper; or

(b) fraudulently defaces or fraudulently destroys or removes any list, notice or other document affixed by or under the authority of a returning officer; or

(c) fraudulently defaces or fraudulently destroys any ballot paper or the official mark of any ballot paper or any declaration or identity or official envelope used in connection with voting by postal ballot; or

(d) without due authority supplies any ballot paper to any person or receives any ballot paper from any person or is in possession of any ballot paper; or

(e) fraudulently puts into any ballot box anything other than the ballot paper which he is authorized by law to put in; or

(f) without due authority destroys, takes, opens or otherwise interferes with any ballot box or ballot papers then in use for the purposes of the election; or

(g) fraudulently or without due authority, as the case may be, attempts to do any of the foregoing acts or willfully aids or abets the doing of any such acts.

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

(a) if he is a Returning Officer or an Assistant Returning Officer or a Presiding Officer at a polling station or any other officer or clerk employed on official duty in connection with the election, be punishable with imprisonment for a term which may extend to two years or with fine or with both;

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

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

Penalty for offences not otherwise provided for.

234. Whoever does any act in contravention of any of the provisions of this Act or of any rule, notification or order made, issued or passed thereunder and not otherwise provided for in this Act shall, on conviction, be punished with imprisonment which may extend to two years and with fine which may extend to two thousand rupees.

Offences by Companies.

235. (1) Where an offence under this Act, has been committed by a company, every person who at the time the offence was committed, was in charge of and was responsible to the company for the conduct of the business of the company as well as the company shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1) where any offence under this Act has been committed by a company and it is proved that offence has been

committed with the consent or connivance or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation:- For the purposes of this section,-

(a) "company" means anybody corporate and includes a firm or other association of individuals; and

(b) "director" in relation to a firm means a partner in the firm.

CHAPTER - III ELECTION EXPENSES

236. This Chapter shall apply to candidates of any election held under this Act.

Application of Chapter.

237. (1) Every candidate, at any election held under this Act shall, either by himself or by his election agent, keep a separate and correct account of all expenditure incurred in connection with the election, between the date on which the candidate concerned has been nominated and the date of declaration of the result of the election, both dates inclusive hereinafter in this Chapter referred to as "election expenses".

Account of election expenses.

Explanation-I:- "Election expenses" for purpose of this Act shall mean all expenses in connection with the election,-

(a) incurred or authorized by the contesting candidates or by his election agent;

(b) incurred, by any association, or body of persons, or by any individual (other than the candidate or his election

agent) aimed at promoting or procuring the election of the candidate concerned; and

(c) incurred by any political party, by which the candidate is set up, so as to promote or procure his election:

Provided that any expenses incurred by any political party as part of its general propaganda, (which is distinguishable from its election campaign for the promotion or procuring the election of a particular candidate), by words, either written or spoken or by signs or visible representations or by audio-visual devices or through print or electronic media or otherwise shall not constitute 'election expenses' for purposes of this Act.

Explanation-II:- For the removal of doubts, it is hereby declared that any expenses incurred in respect of any arrangements made, facilities provided or any other act or thing done by any person in the service of the Government and belonging to any of the classes mentioned in sub-section (9) of section 211 in the discharge or purported discharge of his official duty as mentioned in the proviso to that clause shall not be deemed to be expenses in connection with the election incurred or authorized by a candidate or by his election agent for the purposes of this sub-section.

(2) The account of election expenses shall contain such particulars, as may by order, be specified by the State Election Commission.

(3) The total of the said expenses shall not exceed such amount, as may by order, be specified by the State Election Commission.

238. (1) Every contesting candidate at an election shall, within forty-five days from the date of declaration of the result of the election, lodge with the Mandal Parishad Development Officer, an account of his election expenses, which shall be a true copy of the account kept by him or by his election agent under section 237.

Lodging of account with the Mandal Parishad Development Officer and Chief Executive Officer.

(2) The Mandal Parishad Development Officer shall submit the copies of election expenditure statements in respect of,

(a) the members of Gram Panchayat and Mandal Parishad directly to the State Election Commission;

(b) the members of Zilla Praja Parishad to the Chief Executive Officer, Zilla Praja Parishad concerned for onward submission to the State Election Commission.

CHAPTER - IV MISCELLANEOUS ELECTION MATTERS, VACATION OF SEATS AND OFFICES.

239. (1) If at any election,-

(a) booth capturing has taken place at a polling station or in such number of polling stations as is likely to affect the result of such election or that the result of the poll at that polling station cannot be ascertained; or

(b) booth capturing takes place in any place for counting of votes in such a manner that the result of the counting at that place cannot be ascertained, the returning officer shall forthwith report the matter to the State Election Commission.

Adjournment of poll or countermanding of election on the ground of booth capturing.

(2) The State Election Commissioner shall on the receipt of a report from the returning officer under sub-section (1)

and after taking all material circumstances into account, either,-

(a) declare that the poll at that polling station be void, appoint a day, and fix the hours, for taking fresh poll at that polling station and notify the date so appointed and hours so fixed in such manner as he may deem fit, or

(b) if satisfied that in view of the large number of polling stations involved in booth capturing the result of the election is likely to be affected or that booth capturing had affected counting of votes in such manner as to effect the result of the election, countermand the election in that constituency.

Explanation:- In this section “booth capturing” shall have the same meaning as in section 226.

Power to delegate.

240. The State Election Commissioner may, subject to such conditions and restrictions as the Government may, by general or special order, impose, by order in writing delegate to any officer or authority subordinate to him, either generally or as respects any particular matter or class of matters any of his powers under this Act.

Appointment of Observers.

241. (1) The State Election Commission may nominate an Observer who shall be an officer of Government to watch the conduct of election or elections for such specified area or areas in the district and to perform such other functions as may be entrusted to him by the Commission in relation thereto.

(2) The Observer nominated under sub-section (1) shall have the power to direct the Returning Officer for any of the wards or constituencies for which he has been nominated, to stop the counting of votes at any time before the declaration of the result, or not to declare the result, if in the

opinion of the Observer, booth capturing has taken place at a large number of polling stations or at counting centers or any ballot papers used at a polling station are unlawfully taken out of the custody of the Returning Officer or are accidentally or intentionally destroyed or lost or are damaged or tampered with to such an extent that the result of the poll at that polling station cannot be ascertained.

(3) Where an Observer has directed the Returning Officer under this section to stop counting of votes or not to declare the result, the Observer shall forthwith report the matter to the Commission and thereupon the Commission shall, after taking all material circumstances into account, issue appropriate directions under section 231 or section 239 in the matter of declaration of results.

(4) It shall be competent for the State Election Commission to appoint an Election Expenditure Observer for a group of wards or constituencies or for a Mandal or group of Mandals so as to ensure that the provisions of sections 237 and 238 are strictly adhered to and in that behalf the Commission may issue such instructions as it deems fit, from time to time, to such Observers.

242. No election held under this Act shall be called in question except by an election petition presented to such authority and in accordance with such rules as may be made in this behalf.

Election Petitions.

243. (1) No person shall be entitled to contest in the elections to the offices of member of the Gram Panchayat from more than one ward or to the office of member of the Mandal Praja Parishad or Zilla Praja Parishad from more than one territorial constituency.

Prohibition of holding dual offices and vacation of seats.

(2) No person shall be a member of the Gram Panchayat, member of the Mandal Praja Parishad or Zilla

Praja Parishad simultaneously and if he is so elected, he shall retain only one office and vacate the other office or offices in the manner prescribed.

(3) Where a person is elected to more than one office of member of the Gram Panchayat or Mandal Praja Parishad or Zilla Praja Parishad and Sarpanch or President or Chairman he shall retain one office and vacate the other office or offices in the manner prescribed except when his continuance as member of the Mandal Praja Parishad or Zilla Praja Parishad is necessary to continue as President or as the case may be the Chairman thereof.

PART VI FINANCE COMMISSION

Constitution of Finance Commission.

244. (1) There shall be constituted a Finance Commission once in every five years by the Governor on the recommendation made by the Government. The Finance Commission constituted prior to the commencement of this Act shall be deemed to have been constituted under this Act and shall be governed by the provisions of this Act.

(2) The Finance Commission shall consist of a Chairman and four other members of whom one shall be the Member-Secretary. The Governor shall by order appoint on the recommendation of the Government the Chairman and other members of the Commission.

(3) The Government shall make available to the Finance Commission such staff as may be necessary for the discharge of the functions conferred on the Finance Commission.

245. The Chairman of the Commission shall be selected from among persons who have had experience in public affairs and the other members shall be selected from among persons who,-

Qualifications for appointment as and the manner or selection of members of the Finance Commission.

(a) have special knowledge of the finances and accounts of Government; or

(b) have had wide experience in financial matters and in administration; or

(c) have special knowledge of economics.

246. Before appointing a person to be a member of the Commission, the Governor shall satisfy himself that the person will have no such financial or other interest as is likely to affect prejudicially his functions as a member of the Commission; and the Governor shall also satisfy himself from time to time with respect to every member of the Commission that he has no such interest and any person who is, or whom the Governor proposes to appoint to be a member of the Commission shall, whenever required by the Governor so to do, furnish to him such information as the Governor considers necessary for the performance by him of his duties under this section.

Personal interest to disqualify members.

247. A person shall be disqualified for being appointed as, or for being a member of the Commission,-

Disqualifications for being a member of the Finance Commission.

(a) if he is of unsound mind;

(b) if he is an un-discharged insolvent;

(c) if he has been convicted of an offence involving moral turpitude;

(d) if he has such financial or other interest as is likely to affect prejudicially his functions as a member of the Commission.

Term of office of members and eligibility for re-appointment.

248. Every member of the Commission shall hold office for such period as may be specified in the order of the Governor appointing him, but shall be eligible for reappointment:

Provided that he may, by letter addressed to the Governor, resign his office.

Conditions of service and salaries and allowances of members.

249. The members of the Commission shall render whole-time or part-time service to the Commission as the Governor may in each case specify and there shall be paid to the members of the Commission such fees or salaries and such allowances as the State Government may, by rules made in this behalf, determine.

Functions of the Finance Commission.

250. (1) The Finance Commission shall review the financial position of the Gram Panchayats, Mandal Praja Parishads and Zilla Praja Parishads and make recommendations to the Government as to,-

(a) the principles which should govern,-

(i) the distribution between the State and the said Gram Panchayats, Mandal Praja Parishads and Zilla Praja Parishads of the net proceeds of the taxes, duties, tolls and fees leviable by the State, which may be divided between them and the allocation between the said Gram Panchayats, Mandal Praja Parishads and Zilla Praja Parishads at all levels of their respective shares of such proceeds;

(ii) the determination of the taxes, duties, tolls and fees which may be assigned to or apportioned by, the said

Gram Panchayats, Mandal Praja Parishads and Zilla Praja Parishads;

(iii) the Grant-in-aid to the said Gram Panchayats, Mandal Praja Parishads and Zilla Praja Parishads from the Consolidated Fund of the State;

(b) the measures needed to improve the financial position of the said Gram Panchayats, Mandal Praja Parishads and Zilla Praja Parishads.

(2) The Government shall cause every recommendation made by the Commission under this section together with an explanatory memorandum as to the action taken thereon to be laid before the Legislature of the State.

251. (1) The Commission shall determine their procedure and in the performance of their functions shall have all the powers of a Civil Court under the code of Civil Procedure, 1908 while trying a suit in respect of the following matters, namely:-

Procedure and powers of the Commission.

Central Act v of 1908.

(a) summoning and enforcing the attendance of witnesses;

(b) requiring the production of any document;

(c) requisitioning any public record from any court or office.

(2) The Commission shall have power to require any person to furnish information on such points or matters as in the opinion of the Commission may be useful for, or relevant to, any matter under the consideration of the Commission.

Central Act No.2 of 1974.

(3) The Commission shall be deemed to be a Civil Court for the purposes of sections 345 (1) and 346 of the Code of Criminal Procedure, 1973.

Explanation:- For the purposes of enforcing the attendance of witnesses, the local limits of the Commission's jurisdiction shall be the limits of the territory of the State of Telangana.

PART VII

SPECIAL PROVISIONS RELATING TO THE PANCHAYATS, MANDAL PRAJA PARISHADS AND ZILLA PRAJA PARISHADS LOCATED IN THE SCHEDULED AREAS.

Application of this Part.

252. (1) The provisions of this Part shall apply to the Gram Panchayats, Mandal Praja Parishads and Zilla Praja Parishads constituted in the Scheduled Areas in the State.

(2) The provisions of this Part shall prevail over anything inconsistent therewith elsewhere in this Act.

Declaration of village in Scheduled Areas.

253. For the purposes of section 3, a village shall ordinarily consist of a habitation or a group of habitations or a hamlet or a group of hamlets thereof comprising a community or communities and managing the affairs in accordance with traditions and customs.

Functions of Gram Sabha.

254. (1) Every Gram Sabha shall be competent to safeguard and preserve the traditions and customs of the people, their cultural identity, community resources and without detriment to any law for the time being in force, the customary mode of dispute resolution.

(2) Every Gram Sabha shall,-

(i) approve plans, programmes and projects for social and economic development before such plans, programmes and projects are taken up for implementation by the Gram Panchayat, at the village level;

(ii) be responsible for the identification of selection of persons as beneficiaries, under poverty alleviation and other programmes.

(3) Every Gram Panchayat shall obtain from the Gram Sabha a certification of utilization of funds by that Gram Panchayat for the plans, programmes and projects referred to in sub-section (2).

255. The reservation of seats in the Scheduled Areas to every Gram Panchayat and Mandal Praja Parishad shall be in proportion to the population of the communities in that Gram Panchayat or the Mandal Praja Parishad as the case may be:

Provided that the reservation for the Scheduled Tribes shall not be less than one half of the total number of seats:

Provided further that all seats of Sarpanches of Gram Panchayats and Presidents of Mandal Praja Parishads shall be reserved for the Scheduled Tribes.

Reservation of seats of members of Gram Panchayats and Mandal Praja Parishads and Offices of Sarpanches of Gram Panchayats and Presidents of Mandal Praja Parishads.

256. The Government may nominate persons belonging to such Scheduled Tribes who have no representation in Mandal Praja Parishads:

Nomination of persons.

Provided that such nomination shall not exceed one tenth of the total members to be elected in that Mandal Praja Parishad.

257. The Gram Sabha of Gram Panchayat concerned where land is to be acquired, shall be consulted before

Acquisition of land in the Scheduled Areas.

Central Act 30 of 2013. making the acquisition of land in the Scheduled Areas for development projects under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and before resettling or rehabilitating persons evicted by such project in the Scheduled Areas, the actual planning and implementation of the projects in the Scheduled Areas shall be coordinated at the State level.

Management of minor water bodies in the Scheduled Areas. 258. Planning and management of minor water bodies in the Scheduled Areas shall be entrusted to Gram Panchayats, Mandal Praja Parishads or the Zilla Praja Parishads, as the case may be, in such manner as may be prescribed.

Minor minerals in the Scheduled Areas. 259. (1) The recommendations of the Gram Sabha, made in such manner as may be prescribed, shall be taken into consideration prior to grant of prospecting license or mining lease, for minor minerals in the Scheduled Areas.

(2) The prior recommendation of the Gram Sabha, made in such manner as may be prescribed, shall be taken into consideration for grant of concession for the exploitation of minor minerals by auction.

Powers and functions of Gram Panchayats and Mandal Praja Parishads. 260. (1) The Gram Panchayat or as the case may be, the Gram Sabha shall exercise such powers and perform such functions in such manner and to such extent as may be prescribed in respect of the following matters, namely:-

(a) enforcement of prohibition or regulation or restriction of the sale and consumption of any intoxicant;

(b) the ownership of minor forest produce;

(c) prevention of alienation of land in the Scheduled Areas and restoration of any unlawfully alienated land of Scheduled Tribes;

(d) Management of village markets by whatever name called; and

(e) Exercising control over money-lending to the Scheduled Tribes.

(2) The Mandal Praja Parishad shall exercise such powers and perform such functions in such manner and to such extent as may be prescribed, in respect of the following matters, namely:-

(a) exercising control over institutions and functionaries in all social sectors; and

(b) control over local plans and resources for such plans including tribal sub-plans.

PART - VIII MISCELLANEOUS

261. (1) Notwithstanding anything in the relevant District Boards Act or any other law, the Government may, by notification and subject to such control, restrictions, conditions and reservations as may be specified therein, direct that any powers exercisable or functions performable by the District Board by or under the relevant District Boards Act or any other law for the time being in force including the powers to levy any tax or fees, shall be transferred to a Mandal Praja Parishad or a Zilla Praja Parishad and thereafter the Mandal Praja Parishad or the Zilla Praja Parishad as the case may be, shall exercise and perform the powers and functions transferred to it.

Transfer of powers and functions of District Board to Mandal Praja Parishads and Zilla Praja Parishads.

(2) When any powers and functions of the District Board are transferred to a Mandal Praja Parishad or a Zilla Praja Parishad under sub-section (1), all references in the relevant District Boards Act or any other law for the time being in

force to the District Board with reference to such powers and functions shall be construed as references to the Mandal Praja Parishad or the Zilla Praja Parishad as the case may be.

Application of the relevant District Boards Act to Mandal Praja Parishads and Zilla Praja Parishads.

262. (1) The Government may, by notification, direct that such of the provisions of the relevant District Boards Act, including the provisions relating to the levy and collection of any tax or fee as may be specified in such notification, shall apply to the Mandal Praja Parishad and the Zilla Praja Parishad constituted under this Act.

For the purpose of facilitating the application of these provisions to the Mandal Praja Parishad and Zilla Praja Parishad constituted under this Act, the Government may, by notification, make such adaptations and modifications of the relevant District Boards Act and the rules made thereunder whether by way of repealing, amending or suspending any provisions thereof, as may be necessary or expedient and thereupon the relevant District Boards Act and the rules made thereunder shall have effect subject to the adaptations and modifications so made.

(2) Notwithstanding that no provision or insufficient provision has been made under sub-section (1) for the adaptations of the provisions of the relevant District Boards Act, or the rules made thereunder, any Court, Tribunal or Authority required or empowered to enforce these provisions may, for the purpose of facilitating their application to any Mandal Praja Parishad or the Zilla Praja Parishad construe these provisions in such manner, without affecting the substance, as may be necessary or proper in regard to the matter before the Court, Tribunal or Authority.

Motion of no-confidence in President or Chairperson.

263. (1) A motion expressing want of confidence in the President or Vice-President or Chairperson or Vice-Chairperson may be made by giving a written notice of

intention to move the motion in such form and to such authority as may be prescribed, signed by not less than one half of the total number of members of Mandal Praja Parishad or as the case may be the Zilla Praja Parishad and further action on such notice shall be taken in accordance with the procedure prescribed:

Provided that no notice of motion under this section shall be made within four years of the date of assumption of office by the person against whom the motion is sought to be moved:

Provided further that no such notice shall be made against the same person more than once during his term of office.

Explanation:- For the removal of doubts, it is hereby declared that for the purpose of this section the expression "total number of members" means, all the members who are entitled to vote in the election to the office concerned inclusive of the President or Chairperson but irrespective of any vacancy existing in the office of such members at the time of meeting:

Provided that a suspended office bearer or member shall also be taken into consideration for computing the total number of members and he shall also be entitled to vote in a meeting held under this section.

(2) If the motion is carried with the support of two thirds of the total number of members in the case of the President or a Vice-President or the Chairperson or Vice-Chairperson, the Government shall by notification remove him from office and the resulting vacancy shall be filled in the same manner as a casual vacancy.

Explanation:- For the purposes of the section, in the determination of two-thirds of the total number of members, any fraction below 0.5 shall be ignored and any fraction of 0.5 or above shall be taken as one.

Power to cancel or suspend resolution of a Mandal Praja Parishad or a Zilla Praja Parishad.

264. (1) The Government may either suo-moto or on a reference made to them by the Mandal Parishad Development Officer or as the case may be, the Chief Executive Officer, in the manner prescribed by order in writing, cancel any resolution passed by a Mandal Praja Parishad or a Zilla Praja Parishad or any Standing Committee of a Zilla Praja Parishad if in their opinion such resolution,-

(a) is not legally passed; or

(b) is in excess or abuse of the powers conferred by or under this Act, or any other law; or

(c) on its execution is likely to cause danger to human life, health or safety or is likely to lead to a riot or affray.

(2) The Government shall, before taking action under sub-section (1), give the, Mandal Praja Parishad or the Zilla Praja Parishad as the case may be, an opportunity for explanation.

(3) If in the opinion of the District Collector, immediate action is necessary to suspend a resolution on any of the grounds referred to in clause (c) of sub-section (1), he may make a report to the Government and the Government may, by order in writing, suspend the resolution.

Power of Government to take action in default of a Mandal Praja Parishad or a Zilla Praja Parishad.

265. (1) If at any time it appears to the Government that the Mandal Praja Parishad or the President thereof or the Zilla Praja Parishad or the Chairperson thereof has made

default in performing any function or discharging any duty imposed by or under this Act, or any relevant law for the time being in force, the Government may, by order in writing fix a period for performing such function or discharging such duty.

(2) If such function or duty is not performed or discharged by any authority aforesaid within the period so fixed, the Government may appoint some person to perform that function or discharge that duty and may direct that the expense incurred in that regard shall be paid by the person having the custody of the Mandal Praja Parishad Fund or the Zilla Praja Parishad Fund, as the case may be, in priority to any other charges against such fund except charges for the service of authorized loans.

266. (1) Notwithstanding anything contained in this Act, it shall be competent for the District Collector or Commissioner or the Government to issue such directions as they may consider necessary to the Mandal Parishad Development Officer or the Chief Executive Officer for the proper working of the Mandal Praja Parishad or as the case may be, the Zilla Praja Parishad or for the implementation of the resolutions thereof and the Mandal Parishad Development Officer, or as the case may be the Chief Executive Officer shall implement those directions, failing which, he shall be liable for disciplinary action under the relevant rules.

**Power of
Government to
issue directions.**

(2) The President of Mandal Praja Parishad, or as the case may be, the Chairperson of the Zilla Praja Parishad shall ensure that the Mandal Parishad Development Officer or as the case may be, the Chief Executive Officer implements the directions issued under sub-section (1) and shall not do anything in derogation to the directions of the District Collector or the Commissioner or the Government aforesaid. The President or the Chairperson who

contravenes the provisions of this section shall be deemed to have willfully omitted or refused to carry out the orders for the proper working of the Mandal Praja Parishad, or as the case may be, the Zilla Praja Parishad within the meaning of section 267.

**Powers of
Government to
remove President
or Chairperson.**

267. (1) If in the opinion of the Government the President or the Vice-President as the case may be, the Chairperson, the Vice-Chairperson,-

(i) willfully omitted or refused to carry out the orders of the Government for the proper working of the concerned local body; or

(ii) abused his position or the powers vested in him; or

(iii) is guilty of misconduct in the discharge of his duties; or

(iv) persistently defaulted in the performance of his functions and duties entrusted to him under the Act to the detriment of the functioning of the concerned local body or has become incapable of such performance.

the Government, may remove such President or Vice-President, or as the case may be Chairperson or the Vice-Chairperson, after giving him an opportunity for explanation:

Provided that the proceedings initiated under this sub-section may be continued notwithstanding the fact that the President or Vice-President, or as the case may be, Chairperson or the Vice-Chairperson, ceased to hold office by resignation or otherwise and shall be concluded within two years from the date of such cessation and where on such conclusion the authority competent to remove him, records a finding after giving an opportunity of making a

representation to the person concerned that the charge or charges proved against him are sufficient for his removal, then the provision of sub-section (3) shall apply to the person against whom such finding is recorded.

(2) Where the President or the Vice-President or the Chairperson or Vice-Chairperson is removed under sub-section (1), the vacancy shall, subject to the provisions of sub-section (3), be filled as casual vacancies.

(3) A President or a Vice-President or a Chairperson or a Vice-Chairperson removed from his office under this section shall not be eligible for re-election as President or Vice-President or Chairperson or Vice-Chairperson for a period of two years from the date of the removal.

(4) If the Government are satisfied that any elected member of a Mandal Praja Parishad or Zilla Praja Parishad is guilty of any misconduct while acting or purporting to act in the discharge of his duties, or in the performance of the functions, under this Act, the Government may, by order, remove such member, after giving him an opportunity for explanation, and any member so removed shall not be eligible for re-election as a member for a period of two years from the date of removal.

(5) Where a member of Mandal Praja Parishad or Zilla Praja Parishad is removed under sub-section (4), the vacancy shall be filled in such manner and within such time as may be prescribed.

(6) If the Government are of the opinion that any President or Vice-President or the Chairperson or Vice-Chairperson or any member of the Mandal Praja Parishad or Zilla Praja Parishad willfully omitted or refused to carry out the orders of Government for the proper working of the concerned local body or abused his position or the powers

vested in him, and that the further continuance of such person in office would be detrimental to the interests of the concerned local body or Mandal or District, the Government may, by order, suspend such President or Vice-President, or as the case may be, the Chairperson or Vice-Chairperson or member from office for a period not exceeding three months, pending investigation into the said charges and action thereon under the foregoing provisions of this section:

Provided that no order under this sub-section shall be passed unless the person concerned has had an opportunity of making a representation against the action proposed:

Provided further that it shall be competent for the Government to extend, from time to time, the period of suspension for such further period not exceeding three months, so however that total period of suspension shall not exceed six months:

Provided also that a person suspended under this sub-section shall not be entitled to exercise the powers and perform the functions attached to his office and shall not be entitled to attend the meetings of the concerned local body except a meeting held for the consideration of a no-confidence motion.

Powers of Government to dissolve Gram Panchayat, Mandal Praja Parishad or Zilla Praja Parishad.

268. (1) (i) If, at any time, it appears to the Government that a Gram Panchayat, Mandal Praja Parishad or a Zilla Praja Parishad is not competent to perform its functions or has failed to exercise its powers or perform its functions or has exceeded or abused any of the powers conferred upon it by or under this Act, or any other law for the time being in force, the Government may direct the Gram Panchayat, Mandal Praja Parishad, or as the case may be, Zilla Praja Parishad to remedy such incompetency, failure, excess or

abuse or to give a satisfactory explanation therefor and if the Gram Panchayat, Mandal Praja Parishad or the Zilla Praja Parishad fails to comply with such direction, the Government may dissolve it with effect from a specified date and reconstitute it either immediately or within six months from the date of dissolution, and cause any or all of the powers and functions of the Gram Panchayat, Mandal Praja Parishad or the Zilla Praja Parishad to be exercised and performed by such person or authority as the Government may appoint in that behalf during the period of its dissolution and any person or authority so appointed may, if the Government so direct, receive remuneration for the services rendered from the funds of the Gram Panchayat, Mandal Praja Parishad or the Zilla Praja Parishad, as the case may be;

(ii) with effect from the date specified for the dissolution of a Gram Panchayat, Mandal Praja Parishad or Zilla Praja Parishad under clause (i), all its members including its Sarpanch, Upa-Sarpanch, President or Vice-President and Chairperson or Vice-Chairperson, as the case may be, shall forthwith be deemed to have vacated their offices as such and they shall not be entitled to be restored to office after the expiration of the period of dissolution. The vacancies arising out of vacation of offices under this section shall be deemed to be casual vacancies and filled accordingly within a period of six months from the date of dissolution:

Provided that no casual elections to fill the vacancies under this section shall be held where the remainder of the period for which the dissolved Gram Panchayat, Mandal Praja Parishad or as the case may be, the Zilla Praja Parishad would have continued had it not been dissolved, is less than six months.

(2) The Government may, by notification, authorize the District Collector to exercise the powers of the Government under sub-section (1) in respect of Gram Panchayats.

(3) If, at any time, it appears to the Government that a Standing Committee of a Zilla Praja Parishad is not competent to perform its functions or has failed to exercise its powers or perform its functions or exceeded or abused any of the powers conferred upon it by or under this Act, or any other law for the time being in force, the Government may direct the Standing Committee to remedy such incompetency, failure, excess or abuse, or to give a satisfactory explanation therefor and if the Standing Committee fails to comply with such direction, the Government may dissolve the Standing Committee and direct the Zilla Praja Parishad to reconstitute the dissolved Standing Committee immediately thereafter.

Special provisions
in the case of
Gram Panchayat,
Mandal Praja
Parishad and Zilla
Praja Parishad.

269. (1) The Government, or as the case may be, an officer authorized by the Government, shall appoint a Special Officer or a Person-in-charge or a Committee of Persons-in-charge to a Gram Panchayat or a Mandal Praja Parishad or a Zilla Praja Parishad, if for any reason, the process of election to such Gram Panchayat or Mandal Praja Parishad or Zilla Praja Parishad is not completed, in accordance with the Act.

(2) The Special Officer or Person-in-charge or the Committee of Persons-in-charge, appointed under sub-section (1) shall exercise the powers, discharge the duties and perform the functions of the Gram Panchayat or Mandal Praja Parishad or Zilla Praja Parishad until the members, the Sarpanch and Upa-Sarpanch, members, the President and Vice-President of Mandal Praja Parishad and the members, the Chairperson and Vice-Chairperson of Zilla Praja Parishad elected thereof respectively, assume office.

(3) The term of the Special Officer or Person-in-charge or Committee of Persons-in-charge appointed under sub-section (1) shall be for a period of six months from the date of appointment or till the date of assumption of office, of the members and office bearers of Gram Panchayat, Mandal Praja Parishad and Zilla Praja Parishad respectively, whichever is earlier.

(4) Subject to such rules as may be made in this behalf, the administration of the Gram Panchayat or Mandal Praja Parishad or as the case may be, the Zilla Praja Parishad shall be carried on by the Special Officers or a Person-in-charge or a Committee of Persons-in-charge appointed under sub-section (1) in accordance with the provisions of the Act and the rules made thereunder.

Explanation:- Special Officer or a Person-in-charge or a Committee of Persons-in-charge is deemed to be Gram Panchayat or Mandal Praja Parishad or Zilla Praja Parishad respectively.

270. (1) No act of a Gram Panchayat shall be deemed to be invalid by reason only of a defect in the establishment of such Gram Panchayat or on the ground that the Sarpanch, Upa-Sarpanch or any member of such Gram Panchayat was not entitled to hold or continue in such office by reason of any disqualification or by reason of any irregularity or illegality in his election, as the case may be, or by reason of such act having been done during the period of any vacancy in the office of the Sarpanch, Upa-Sarpanch or member of such Gram Panchayat.

Acts of Gram Panchayats, Mandal Praja Parishads and Zilla Praja Parishads not to be invalidated by infirmity and vacancy.

(2) The provisions of sub-section (1) shall mutatis-mutandis apply to the acts of the Mandal Praja Parishad or a Zilla Praja Parishad or a Standing Committee thereof.

**Oath of
allegiance.**

271. (1) Every person who is elected to be the Sarpanch or member of a Gram Panchayat or the President or member of a Mandal Praja Parishad or the Chairperson or a member of a Zilla Praja Parishad shall, before taking his seat make, at a special meeting or any other meeting of the Gram Panchayat, Mandal Praja Parishad or the Zilla Praja Parishad, as the case may be, an oath or affirmation of his allegiance to the Constitution of India in the form prescribed.

(2) Any such Sarpanch, President or Chairperson or member who fails to make, within three months of the date on which his term of office commences or at one of the first three meetings held after the said date, whichever is later, the oath or affirmation laid down in sub-section (1) shall cease to hold his office and his seat shall be deemed to have become vacant.

(3) No such Sarpanch, President or Chairperson or member shall take his seat at a meeting of the Gram Panchayat, Mandal Praja Parishad, or as the case may be, of the Zilla Praja Parishad or do any act as such member unless he has made the oath or affirmation as laid down in this section.

(4) Where a person ceases to hold office under sub-section (2), the Panchayat Secretary, the Mandal Parishad Development Officer, or as the case may be, the Chief Executive Officer, shall report the same to the Gram Panchayat, Mandal Praja Parishad or the Zilla Praja Parishad at its next meeting and on application of such person made within thirty days of the date on which he has ceased to be Sarpanch, President or Chairperson or member under that sub-section the Gram Panchayat, Mandal Praja Parishad or the Zilla Praja Parishad may grant him further time which shall not be less than four months and not more than nine months for making the oath or affirmation and if he makes the oath or affirmation within the

time so granted, he shall, notwithstanding anything in this Act, continue to hold his office.

(5) Where on an application made by a person who ceases to hold office under sub-section (2), the Government are satisfied that such person for reasons beyond his control, has not been able to make the oath or affirmation within the period specified in sub-section (2) or within further time, if any, granted to him under sub-section (4), they may, by an order, grant such further time as they deem fit to the person to make the oath or affirmation. If such person makes the oath or affirmation within the time granted he shall, notwithstanding anything in this Act, continue to hold his office.

272. (1) Every Mandal Praja Parishad shall furnish to the Zilla Praja Parishad and every Zilla Praja Parishad shall furnish to the Government a report on its administration for each year, as soon as may be, after the close of such year, in such form and with such details as may be prescribed. The Mandal Praja Parishad shall, while furnishing the report to Zilla Praja Parishad as aforesaid send a copy thereof to the Government.

**Administration
report.**

(2) The Zilla Praja Parishad shall consider the administration report of each Mandal Praja Parishad and forward it to the Government with its remarks.

(3) The report of the Mandal Praja Parishad shall be prepared by the Mandal Parishad Development Officer and that of the Zilla Praja Parishad by its Chief Executive Officer and the Mandal Praja Parishad or the Zilla Praja Parishad shall consider and forward it to the Zilla Praja Parishad or the Government, as the case may be, with its resolution thereon.

(4) The administration report of the Gram Panchayat shall be prepared by the Panchayat Secretary; and the same shall be forwarded to District Panchayat Officer of the Gram Panchayat.

Recovery of sums due to the Gram Panchayats, Mandal Praja Parishads or Zilla Praja Parishads as arrears of land revenue.

273. Any sum due to, or recoverable, by a Gram Panchayat or a Mandal Praja Parishad or a Zilla Praja Parishad under this Act may be recovered as if it were an arrear of land revenue.

Power of entry of inspecting officers.

274. (1) Any officer or person whom the Government may empower in this behalf may enter on and inspect,-

(a) any movable or immovable property or any work in progress under the control of any Gram Panchayat, Mandal Praja Parishad or the Zilla Praja Parishad;

(b) any school, hospital, dispensary, vaccination station, choultry or other institution maintained by, or under the control of any Gram Panchayat, Mandal Praja Parishad or Zilla Praja Parishad and any records, registers or other documents kept in such institution;

(c) the office of any Gram Panchayat, Mandal Praja Parishad or Zilla Praja Parishad and any records, registers or other documents kept therein.

(2) The Gram Panchayat, Mandal Praja Parishad or the Zilla Praja Parishad be bound to afford to the officer or person referred to in sub-section (1) such access at all reasonable times, to its property or premises and to all documents as may, in the opinion of such officer or person, be necessary to enable him to discharge his duties under the said sub-section.

275. The Government or any officer or person duly empowered by them in this behalf, may,- **Power to call for records.**

(a) call for any record, register or other document including e-document in the possession or under the control of any Gram Panchayat or Mandal Praja Parishad or Zilla Praja Parishad;

(b) require any Gram Panchayat or Mandal Praja Parishad or Zilla Praja Parishad to furnish any return, plan, estimate, statement, account or statistics;

(c) require any Gram Panchayat or Mandal Praja Parishad or Zilla Praja Parishad to furnish any information or report on any matter connected with such Gram Panchayat or Mandal Praja Parishad or Zilla Praja Parishad; and

(d) record in writing for the consideration of any Gram Panchayat or Mandal Praja Parishad or Zilla Praja Parishad any observations, the Government, officer or person may think proper to make in regard to the proceedings or duties of such Gram Panchayat or Mandal Praja Parishad or Zilla Praja Parishad.

276. No suit, prosecution or other legal proceedings shall be instituted against any person for anything which is, in good faith, done or intended to be done under this Act or under the rules made thereunder. **Protection of acts done in good faith.**

277. The Chairperson, the Vice-Chairperson or a member of a Zilla Praja Parishad, the President, the Vice-President or a member of a Mandal Praja Parishad, the Sarpanch, Upa-Sarpanch or a member of a Gram Panchayat, the Chief Executive Officer, the Mandal Parishad Development Officer, the Panchayat Secretary or any officer or servant of a Zilla Praja Parishad or a Mandal Praja Parishad or the Gram **Chairperson, President, Sarpanch to be public servants.**

Central Act 45 of 1860. Panchayat shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

Power of Mandal Praja Parishad and Zilla Praja Parishad to make bye-laws.

278. (1) Subject to such rules as may be made, a Mandal Praja Parishad with the approval of the Zilla Praja Parishad and the Zilla Praja Parishad may, with the approval of the Government, make bye-laws for carrying out any of the purposes for which it is constituted.

(2) The Government shall have power to make rules regarding the procedure for making of bye-laws under this section, the publication thereof and the date on which they shall come into effect.

Delegation of powers.

279. (1) The Government may, by notification, authorize any officer or person to exercise any of the powers vested in them by this Act except the power to make rules and may, in like manner, withdraw such authority.

(2) The Commissioner or the District Collector may, by notification, authorize any officer or person to exercise any of the powers vested by or under this Act in the Commissioner or the District Collector, as the case may be, and may, in like manner, withdraw such authority.

(3) The exercise of any power delegated under sub-section (1) or sub-section (2) shall be subject to such restrictions and conditions as may be prescribed or as may be specified in the notification and also to control and revision by the delegating authority or where such authority is the Government, by such persons as may be empowered by the Government in this behalf. The Government shall also have power to control and revise the acts or proceedings of any person so empowered.

(4) The exercise of any power conferred on the Commissioner or the District Collector by any of the

provisions of this Act, including sub-sections (2) and (3) of this section, shall whether such power is exercised by the Commissioner or the District Collector himself or by any person to whom it has been delegated under sub-section (2), be subject to such restrictions and conditions as may be prescribed and also to control by the Government or by such person as may be empowered by them in this behalf. The Government shall also have power to control the acts or proceedings of any persons so empowered.

(5) (a) The State Election Commission may by notification, authorize any officer or person to exercise in any local area in the revenue district in regard to any Gram Panchayat or all Gram Panchayats in that area, any of the powers vested in him by or under this Act or in regard to any Mandal Praja Parishad or Zilla Praja Parishad in so far as it relates to the conduct of elections under this Act and may, in like manner, withdraw such authority;

(b) The provisions of sub-sections (3) and (4) shall apply, as far as may be, in regard to the power delegated under this sub-section;

(c) The State Election Commission may appoint such number of additional, joint, deputy or assistant election authorities, as it thinks fit to exercise such powers and perform such functions as are assigned by the State Election Commission.

(6) A Mandal Praja Parishad or a Zilla Praja Parishad or any person performing any responsibilities, functions and exercising powers by or under the provisions of this Act may delegate its or his responsibilities, functions or powers, in writing, to any person or authority, subject to such restrictions, limitations and conditions as may be prescribed and also to control and revision by the Government:

Provided that the Chairperson of a Zilla Praja Parishad shall not delegate his powers to any person or authority other than the Vice-Chairperson of the Zilla Praja Parishad, if he is in office.

Power to transfer institutions and works.

280. The Government may transfer any institutions or work under their management or control to a Zilla Praja Parishad or a Mandal Praja Parishad and a Zilla Praja Parishad may transfer any institution under its management or control to any Mandal Praja Parishad or Gram Panchayat, subject to such conditions, limitations and restrictions as may be specified by the Government or the Zilla Praja Parishad, as the case may be:

Provided that no such transfer shall be made unless the prior consent of the concerned Zilla Praja Parishad, Mandal Praja Parishad, as the case may be, is obtained.

Emergency powers of the Government, Commissioner and District Collector.

281. (1) Subject to such control as may be prescribed, the Government, the Commissioner or the District Collector may, in cases of emergency, direct or provide for the execution of any work or the doing of any act which a Gram Panchayat or Panchayat Secretary is empowered to execute or do and the immediate execution or doing of which is, in his opinion, necessary for the safety of the public, and may direct that the expense of executing such work or doing such act shall be paid by the person having the custody of the Gram Panchayat fund in priority to any other charges against such fund except charges for the service of authorized loans.

(2) The powers of the nature referred to in sub-section (1) may be exercised by the Government in the case of Mandal Praja Parishad or a Zilla Praja Parishad subject to the variation that for the expression "Panchayat Secretary", the expression "Mandal Parishad Development Officer", or as the case may be, "Chief Executive Officer" and for the

expression "Gram Panchayat Fund", the expression "Mandal Praja Parishad Fund", or as the case may be, the "Zilla Praja Parishad Fund" is substituted.

282. (1) The Government may, either suo-moto or on application from any person interested, call for and examine the record of a Gram Panchayat, Mandal Praja Parishad or a Zilla Praja Parishad or of its Standing Committees or of any authority, officer or person, in respect of any proceeding, other than those to which an appeal lies to the Gram Panchayat Tribunal under sub-section (6) of section 37, to satisfy themselves as to regularity of such proceeding or the correctness, legality or propriety of any decision or orders passed therein and, if in any case, it appears to the Government that any such decision or order should be modified, annulled or reversed or remitted for reconsideration, they may pass orders accordingly:

**Power of review
and revision by
Government.**

Provided that the Government shall not pass any order prejudicial to any party unless such party has had an opportunity of making a representation.

(2) The Government may stay the execution of any such decision or order pending exercise of their powers under sub-section (1) in respect thereof.

(3) The Government may suo-moto at any time or on an application received from any person interested within ninety days of the passing of an order under sub-section (1), review any such order if it was passed by them under any mistake, whether of fact or of law or in ignorance of any material fact. The provisions contained in the proviso to sub-section (1) and in sub-section (2) shall apply in respect of any proceeding under this sub-section as they apply to a proceeding under sub-section (1).

(4) Every application preferred under sub-section (1) shall be accompanied by a fee of fifteen rupees.

Liability of Sarpanch, President, Chairperson for loss, waste or misapplication of property.

283. (1) If, after giving the Sarpanch, Upa-Sarpanch, President, Vice-President, Chairperson, Vice-Chairperson or the Panchayat Secretary, the Mandal Parishad Development Officer, the Chief Executive Officer an opportunity of showing cause to the contrary, the Commissioner is satisfied that the loss, waste or misapplications of any money or other property owned by or vested in the Gram Panchayat, Mandal Praja Parishad, or as the case may be, the Zilla Praja Parishad is a direct consequence of misconduct or gross neglect, on the part of such person, the Commissioner may, by order in writing, direct such person to pay to the Gram Panchayat, Mandal Praja Parishad or as the case may be the Zilla Praja Parishad before the date fixed by him, the amount required to reimburse it for such loss, waste or misapplication, unless such person proves that he had acted in good faith.

(2) If the amount is not so paid, the Commissioner shall cause it to be recovered as arrears of land revenue and credited to the fund of the Gram Panchayat, Mandal Praja Parishad, or as the case may be, Zilla Praja Parishad.

(3) An appeal shall lie within thirty days from any decision of the Commissioner under this section to the Government whose decision thereon shall be final.

Accounts and Audit.

284. (1) The accounts of the Gram Panchayats, Mandal Praja Parishads and Zilla Praja Parishads shall be maintained in such manner and in such form as may be prescribed. The accounts maintained by the said local bodies shall be audited by the Director of State Audit appointed under section 3 of the Telangana State Audit Act, 1989.

Act 9 of 1989.

(2) For the purpose of proper maintenance of accounts and matters connected therewith or incidental thereto, it shall be competent for the Director of State Audit to issue such directions as he deems necessary to the Chief Executive Officer, who shall ensure that the said directions are carried out by the said local bodies.

(3) Notwithstanding anything contained in sub-section (1), every local body shall engage Chartered Accountants from out of the panels of Chartered Accountants made by the Commissioner or by the State Audit Department to get audited of the accounts maintained under sub-section (1) and for speedy finalization of their accounts:

Provided that a Sarpanch or as the case may be Panchayat Secretary of a Gram Panchayat shall have to close the accounts of the Gram Panchayat and get them audited before the end of third quarter of the succeeding financial year.

285. (1) No assessment or demand made, and no charge imposed, under the authority of this Act, shall be impeached or affected by reasons of any clerical error or by reason of any mistake,-

Assessment not to be impeached.

(a) in respect of the name, residence, place of business or occupation of any persons, or

(b) in the description of any property or thing, or

(c) in respect of the amount assessed, demanded or charged, provided that the provisions of this Act have in substance and effect been complied with; and no proceedings under this Act shall, merely for defect in form, be quashed or set aside by any Court.

(2) No suit shall be brought in any Court to recover any sum of money collected under the authority of this Act or to recover damages on account of assessment or collection of money made under the said authority:

Provided that the provisions of this Act have in substance and effect been complied with.

(3) No distraint or sale under this Act shall be deemed unlawful nor shall any person making same to be deemed a trespasser, on account of any error, defect, or want of form in the bill, notice, schedule, form, summons, notice of demand, warrant or distraint, inventory or other proceeding relating thereto, if the provisions of this Act and or the rules and bye-laws made thereunder have in substance and effect been complied with:

Provided that every person aggrieved by any irregularity may recover satisfaction for any special damage sustained by him.

(4) No proceeding which is being or about to be taken under this Act for the revision or amendment of the assessment books or restraining such revision or amendment from taking effect shall be called in question in any Court, in any suit or application, and no injunction shall be granted by any Court restraining any action in this regard.

***[PART - VIII-A
SPECIAL PROVISIONS IN RESPECT OF RESERVATIONS
FOR THE SEATS AND OFFICES IN GRAM PANCHAYATS,
MANDAL PRAJA PARISHADS AND ZILLA PRAJA
PARISHADS.**

285A. In pursuance of the Judgments of the Supreme Court of India, the upper ceiling of 50 percent vertical reservations in favour of SCs/STs/OBCs should not be breached in the context of local self Government, and accordingly, notwithstanding anything contained in sections 9, 17, 146, 147, 175, 176 and elsewhere in the Act providing for reservation in favour of Scheduled Castes, Scheduled Tribes and Backward Classes, the seats and offices to be reserved for Backward Classes shall be so determined, duly keeping in view the requirement of reservation in respect of SCs, STs therein, that the total number of seats/offices reserved for the SCs, STs and BCs shall not exceed 50 percent of the total number of seats or as the case may be the offices, in the respective local bodies, in the manner prescribed.]

**Reservation of
seats and offices
in Gram
Panchayats,
Mandal Praja
Parishads and
Zilla Praja
Parishads.**

**PART - IX
RULES, BYE - LAWS AND PENALTIES**

286. (1) The Government shall, in addition to the rule making powers conferred on them by any other provisions of this Act, have power to make rules generally to carry out all or any of the purposes of this Act.

**Power of
Government to
make rules for the
purposes of this
Act.**

(2) In particular, and without prejudice to the generality of the foregoing power, the Government may make rules,-

(i) as to all matters under this Act, relating to electoral rolls or the conduct of elections, not expressly provided for in this Act, including deposits to be made by candidates

*. Inserted by Telangana Ordinance No.2 of 2018.

standing for election and the conditions under which such deposits may be forfeited and the conduct of inquiries and the decision of disputes relating to electoral rolls or elections;

(ii) as to the interpellation of the Sarpanch, President or Chairperson by the members of the Gram Panchayat, Mandal Praja Parishad or, as the case may be, of the Zilla Praja Parishad and the moving of resolutions at meeting of a Gram Panchayat, Mandal Praja Parishad or the Zilla Praja Parishad;

(iii) as to the delegation of any function of a Gram Panchayat, Mandal Praja Parishad or a Zilla Praja Parishad respectively to the Sarpanch, President or Chairperson or any member or officer of the Gram Panchayat, Mandal Praja Parishad or Zilla Praja Parishad or any employee of the State or Central Government;

(iv) as to the transfer of allotments entered in the sanctioned budget of a Gram Panchayat, Mandal Praja Parishad or Zilla Praja Parishad from one head to another;

(v) as to the estimates of receipts and expenditure, returns, statements and reports to be submitted by Gram Panchayat, Mandal Praja Parishad or Zilla Praja Parishad;

(vi) as to the accounts kept by Gram Panchayats, Mandal Praja Parishads or Zilla Praja Parishads, the audit and publication of such accounts and the conditions under which rate payers may appear before auditors, inspect books and accounts and take exceptions to items entered or omitted;

(vii) as to the preparation of plans and estimates for works and the powers of Gram Panchayat, Mandal Praja Parishad or Zilla Praja Parishad and of servants of the State

or Central Government to accord professional or administrative sanction to estimates;

(viii) as to the powers of auditors to disallow and surcharge items, appeals against order of disallowance or surcharge and the recovery of sums disallowed or surcharged;

(ix) as to the powers of auditors, inspecting and superintending officers and officers authorized to hold inquiries to summon and examine witnesses and to compel the production of documents and all other matters connected with audit, inspection and superintendence;

(x) as to the conditions on which property may be acquired by a Gram Panchayat, Mandal Praja Parishad or Zilla Praja Parishad or on which property vested in or belonging to a Gram Panchayat, Mandal Praja Parishad or Zilla Praja Parishad may be transferred by sale, mortgage, lease, exchange or otherwise;

(xi) as to the conditions on which and the mode in which contracts may be made by or on behalf of Gram Panchayat, Mandal Praja Parishad or Zilla Praja Parishad;

(xii) as to the assessment and realization of taxes under this Act and the revision of and appeals against assessment;

(xiii) as to the acceptance in lieu of any tax or other amount due to a Gram Panchayat under this Act of any service by way of cartage or otherwise;

(xiv) as to the form and contents of licenses, permissions and notices granted or issued under this Act, the manner of their issue or the method of their service, and the modifications, suspension or cancellation thereof;

(xv) as to the powers of executive authorities to call for information on any matter, to summon and examine witnesses, and to compel the production of document;

(xvi) as to the regulation or registration of building and the use of sites for building;

(xvii) for the determination of any claim to trees growing on public roads or other property vesting in or belonging to Gram Panchayats or on porambokes or on lands, the use of which is regulated by them under section 96 and for the presumptions to be drawn in regard to the ownership of such trees;

(xviii) as to the provisions of cattle sheds by the Gram Panchayat wherein owners of cattle may stall cattle and as to the fees leviable in respect thereof;

(xix) as to the disposal of household and farm yard, waste yard, waste in the village, the acquisition of land by the Gram Panchayat for laying plots, for digging pits in which such waste may be thrown, the assignment of any of those plots to persons in the village and the conditions subject to which such assignment may be made including the rent to be charged;

(xx) as to the duties to be discharged by village officers in relation to Gram Panchayats and their executive authorities;

(xxi) for regulating the sharing between local authorities in the State, of the proceeds of any tax or income levied or obtained under this or any other Act;

(xxii) as to the accounts to be kept by owners, occupiers and farmers, private markets and the audit and inspection of such accounts;

(xxiii) as to the manner of publication of any notification or notices to the public under this Act;

(xxiv) for the use of the facsimiles of the signatures of the executive authorities and officers of Gram Panchayat, Mandal Praja Parishads or Zilla Praja Parishad;

(xxv) regarding proceedings of Gram Panchayats and their Committees; and

(xxvi) relating to assessment, levy and collection of taxes and the lodging of moneys received by the Gram Panchayat, Mandal Praja Parishad or Zilla Praja Parishad and payment of moneys from their funds.

(3) All rules made under this Act shall be published in the Telangana Gazette.

(4) Every rule made under the Act shall immediately after it is made, be laid before the Legislature of the State if it is in session, and if it is not in session, in the session immediately following for a total period of fourteen days which may be comprised in one session or in two successive sessions and if before the expiration of the session in which it is so laid or the session immediately following, the Legislature agrees in making any modification in the rule or in the annulment of the rule, the rule shall, from the date on which the modification or annulment is notified, have effect only in such modified form or shall stand annulled, as the case may be, so however that any such modification or annulment shall be without prejudice to the validity or anything previously done under the rule.

287. A rule under this Act may provide that a breach thereof shall be punishable with fine not more than rupees five thousand or in case of continuing breach with fine not

Penalties for breach of rules.

more than rupees one hundred for every day during which the breach continues after conviction for the first breach.

Bye-Laws and penalties for their breach.

288. (1) Subject to the provisions of this Act and of any other law and to such rules as may be prescribed, a Gram Panchayat may, with the approval of the Commissioner, make bye-laws for carrying out any of the purposes for which it is constituted.

(2) A bye-law made by the Gram Panchayat may provide that any person who commits a breach thereof shall be liable to pay by way of penalty such sum as may be fixed by the Gram Panchayat not exceeding rupees five thousand, or in case of a continuing breach, not exceeding one hundred rupees for every day during which the breach continues after a penalty has been levied for the breach.

(3) The Government shall have power to make rules regarding the procedure for the making of bye-laws, the publication thereof and the date on which they shall come into effect.

General provisions regarding penalties specified in Schedules III and IV.

289. (1) Whoever,-

(a) contravenes any of the provisions of this Act specified in the first and second columns of Schedule-III; or

(b) contravenes any rule or order made under any of the provisions so specified; or

(c) failing to comply with any direction lawfully given to him, or any requisition lawfully made upon him under or in pursuance of any of the said provision, shall be punishable with fine which may extend to the amount mentioned in that behalf in the fourth column of the said Schedule.

(2) Whoever after having been convicted of,-

(a) contravening any of the provisions of this Act specified in the first and second columns of Schedule IV; or

(b) contravening any rule or order made under any of the provisions so specified; or

(c) failing to comply with any directions lawfully given to him or any requisition lawfully made upon him under or in pursuance of any of the said provisions, continues to contravene the said provisions or the said rules or order or continues to fail to comply with the said direction or requisition shall be punishable for each day after the previous date of conviction during which he continues to do so with fine which may extend to the amount mentioned in that behalf in the fourth column of the said Schedule.

Explanation:- The entries in the third column of Schedules-III and IV headed 'subject' are not intended as definitions of the offences described in the provisions specified in the first and second columns thereof or even as abstracts of those provisions, but are inserted merely as references to the subject dealt with therein.

290. (1) Any person who having been the Sarpanch, Temporary Sarpanch or Upa-Sarpanch of a Gram Panchayat fails to handover any documents of, or any moneys or other properties vested in, or belonging to, the Gram Panchayat, which are in, or have come into, his possession or control, to his successor in office or other prescribed authority,-

Penalty for not handing over documents, moneys to the newly elected Sarpanch or Upa-Sarpanch of a Gram Panchayat.

(i) in every case, within a period of thirty days from the expiry of his term of office as such Sarpanch, Temporary Sarpanch or Upa-Sarpanch; and

(ii) in the case of person, who was the Upa-Sarpanch also within a period of thirty days on demand by the Sarpanch shall be punishable with imprisonment which may extend upto six months or with fine not exceeding five thousand rupees or with both, for every such offence.

(2) Any person who is convicted under sub-section (1) fails to handover any documents of, or any moneys or other properties vested in, or belonging to the Gram Panchayat, which are in or have come into his possession or control, to his successor in office, shall be punishable for each day after conviction during which he continues to persist the offence with a fine not exceeding one hundred rupees.

(3) In cases falling under sub-sections (1) and (2) the Court may, apart from ordering conviction for the offence, under the seizure of the documents, moneys or other properties of the Gram Panchayat from the person convicted.

Recovery of
amounts due as
taxes.

291. All costs, damages, compensation, penalties, charges, fees (other than school fees), expenses, rents (not being rents for land and buildings demised by the Gram Panchayat), contributions and other amounts which under this Act or any other law or rules or bye-laws made thereunder are due by any person to the Gram Panchayat may, if there is no special provision in this Act, or the rules made thereunder for their recovery, be demanded by a bill as provided in the rules for the recovery of taxes made under the Act and recovered in the manner provided therein.

Adjudication of
disputes between
local authorities.

292. (1) When a dispute exists between a local authority and one or more other local authorities in regard to any matter arising under the provisions of this Act or any other Act and the Government are of opinion that the local authorities concerned are unable to settle it amicably among

themselves, the Government may take cognizance of the dispute; and

(a) decide it themselves, or

(b) refer it for enquiry and report to an arbitrator or a board of arbitrators or to a joint committee constituted for the purpose by an order of the Government.

(2) The reports referred to in clause (b) of sub-section (1) shall be submitted to the Government who shall decide the dispute in such manner as they may deem fit.

(3) Any decision given under clause (a) of sub-section (1) or under sub-section (2) may be modified from time to time, by the Government in such manner as they deem fit, and any such decision with the modification, if any, made therein under this sub-section, may be cancelled at any time by the Government.

Any such decision or any modification therein or cancellation thereof shall be binding on all the local authorities concerned and shall not be liable to be questioned in any court of law.

(4) Where the local authority concerned is a cantonment authority the powers of the Government under this section shall be exercisable only with the concurrence of the Central Government.

293. (1) The provisions pertaining to the constitution of the Gram Panchayats, Mandal Praja Parishads or Zilla Praja Parishads under this Act shall be subject to the provisions in Schedules V and VI.

**Act to be read
subject to
Schedules V and
VI.**

(2) The Government shall have power, by notification published in the Telangana Gazette, to amend, add to or repeal the rules in the said Schedules.

Power to remove difficulties.

294. (1) If any difficulty arises in first giving effect to the provisions of this Act or as to the first constitution or reconstitution of any Gram Panchayat, Mandal Praja Parishad or Zilla Praja Parishad after the commencement of this Act, the Government, as occasion may require, may by order published in the Telangana Gazette, do anything which appears to them necessary for removing the difficulty.

(2) All orders made under sub-section (1) shall, as soon as may be after they are made, be placed on the table of Legislature of the State and shall be subject to such modification by way of amendments or repeal as the Legislature may make either in the same session or in the next session.

Repeal and Saving.

295. (1) The Telangana Panchayat Raj Act, 1994, is hereby repealed.

Act I of 1891.

(2) On such repeal the provisions of sections 8 and 18 of the Telangana General Clauses Act, 1891 shall apply, provided that on such repeal rules or provisions existing are not inconsistent with this Act.

(3) Notwithstanding the repeal of the Telangana Panchayat Raj Act, 1994 any appointment, notification, order, scheme, rule, form, notice or bye-law made or issued, and any license or permission granted under the Act shall, in so far as it is not inconsistent with the provisions of this Act continue in force and be deemed to have been made, issued or granted, under the provisions of this Act, unless it is superseded by any appointment, notification, order, scheme, rule, form, notice or bye-law made or issued, and any license or permission granted under the said provisions.

296. In the Telangana State Audit Act, 1989, in section 2, for clauses (c) and (d) the following clause shall be substituted, namely:

Amendment of Act 9 of 1989.

“(c) a Gram Panchayat, a township, a Mandal Praja Parishad or a Zilla Praja Parishad constituted under the Telangana Panchayat Raj Act, 2018.”

297. (1) The first ordinary elections to the Gram Panchayats, Mandal Praja Parishads and Zilla Praja Parishads in accordance with the provisions of this Act shall be held within a period not exceeding one year and six months from the date of commencement of this Act.

Transitional provision in regard to elections.

(2) Notwithstanding anything contained in this Act, for the purpose of the first ordinary elections to the Gram Panchayats under this Act, the Gram Panchayats shall be deemed to have been constituted for the villages specified in Schedule VIII, and accordingly the State Election Commission may prepare the voters list and conduct the elections to those Gram Panchayats prior to the date of their constitution as such in terms of section 4 of the Act:

Provided that such elected bodies under sub-section (2) shall take charge only on or after the date on which the Gram Panchayats are constituted in terms of section 4 of the Act.

Schedule - I
(Sections 52, 156 and 188)

1. Agriculture, including agricultural extension.
2. Land improvement, implementation of land reforms, land consolidation and soil conservation.
3. Minor irrigation, water management and watershed development.
4. Animal husbandry, dairying and poultry.
5. Fisheries.
6. Social forestry and farm forestry.
7. Minor forest produce.
8. Small scale industries, including food processing industries.
9. Khadi, village and cottage industries.
10. Rural housing.
11. Drinking water.
12. Fuel and fodder.
13. Roads, culverts, bridges, ferries, waterways and other means of communication.
14. Rural electrification, including distribution of electricity.
15. Non-conventional energy sources.
16. Poverty alleviation programme.
17. Education, including primary and secondary schools.
18. Technical training and vocational education.
19. Adult and non-formal education.
20. Libraries.
21. Cultural activities.

22. Markets and fairs.
23. Health and sanitation, including hospitals, primary health centers and dispensaries.
24. Family welfare.
25. Women and child development.
26. Social welfare, including welfare of the differently-abled.
27. Development of the weaker sections, and in particular of the Scheduled Castes and the Scheduled Tribes.
28. Public distribution system.
29. Maintenance of community assets.

Schedule - II

(Section 156)

RESPONSIBILITIES, FUNCTIONS AND POWERS OF THE MANDAL PRAJA PARISHAD

1. Community Development:

The execution of all programmes under community Development in association with Panchayats, co-operative societies, voluntary organizations and the people.

2. Agriculture:

The doing of everything necessary to step up agriculture production and in particular,–

- (i) Multiplication and distribution of improved seeds;
- (ii) distribution of fertilizers;
- (iii) popularization of improved techniques, methods and practices and improved implements;
- (iv) achieving self-sufficiency in green manure and composting of farmyard manure;
- (v) encouraging fruit and vegetable cultivation;
- (vi) reclamation of land and conservation of soil;
- (vii) providing credit for agricultural purposes;
- (viii) propagating and assisting in plant protection methods;
- (ix) laying out demonstration plots and working out better methods of farm managements;
- (x) bringing more acreage under irrigation by renovating and sinking wells, repairing and digging private tanks and maintaining Government minor irrigation sources and supply channels;

- (xi) utilizing more power for agricultural purposes;
- (xii) exploiting underground water sources by sinking wells, filterpoints and tube wells;
- (xiii) tree planting;
- (xiv) growing of village forests.

3. Animal Husbandry and Fisheries:

- (i) Up-grading local stock by introducing pedigree breeding bulls and castrating scrub bulls;
- (ii) Introducing improved breeds of cattle, sheep, pigs and poultry;
- (iii) Controlling contagious diseases by systematic protection;
- (iv) Introducing improved fodders and feeds;
- (v) Establishing and maintaining of artificial insemination centers, first aid centers and minor veterinary dispensaries;
- (vi) Educating the people about the importance of better cattle for both milk and draught.

4. Health and Rural Sanitation:

- (i) Expanding existing medical and health services and bringing them within the reach of people.
- (ii) Establishing and maintaining primary health centers and maternity centers.
- (iii) Providing protected drinking water facilities.
- (iv) Ensuring systematic vaccination.
- (v) Controlling epidemics.
- (vi) Providing drains and soakage pits for village and house drainage.
- (vii) Encouraging the use of Sanitary Latrines.

- (viii) Popularizing of smokeless chullas.
- (ix) Supervising the work in Government Hospitals.
- (x) Enlisting people's participation for the improvement of such hospitals.
- (xi) Securing the co-operation of the people and the improvement of such hospitals.
- (xii) Carrying out environment of the people and the Panchayats during epidemics.
- (xiii) Implementing health programme subject to the technical control of concerned district officers.

5. Education:

Maintenance of Primary and expansion to Elementary and Basic Schools and in particular,–

- (i) management of Government and taken over aided Elementary and Higher Elementary Schools;
- (ii) establishment of Adult Education Centers and Adult Literacy Centers;
- (iii) provision and improvement of accommodation for Schools with people's participation;
- (iv) Conversion of existing Elementary Schools into Basic School; and
- (v) Taking of such action as may be necessary for the promotion of education for all children until they complete the age of fourteen years.

6. Social Education:

The creation of a new outlook among the people and making them self-reliant, hard working and responsive to community action and in particular,–

- (i) establishment of information community and recreation centre;

- (ii) establishment of Youth Organization, Mahila Mandals, Farmer clubs and the like;
- (iii) establishment and popularization of libraries;
- (iv) organization of watch and ward;
- (v) encouragement of physical and cultural activities;
- (vi) organization of voluntary sanitary squads;
- (vii) training and utilization of the services of Gram Sahayaks.

7. Communications:

- (i) Formation and maintenance of inter village roads;
- (ii) Rendering such assistance as may be necessary for the formation and maintain of village roads which serve as feeders.

8. Co-operation:

The securing of economic development along democratic lines by the application of co-operation in its infinitely varying forms and in particular,–

- (i) establishment of Co-operative credit, Industrial, Irrigation, Farming and Multipurpose Societies in order to serve the maximum number of families;
- (ii) encouragement of thrift and small savings.

9. Cottage Industries:

Development of Cottage, Village and Small Scale Industries in order to provide better employment opportunities and thereby raise the standard of living and in particular,–

- (i) the establishment and maintenance of production cum-training centers;
- (ii) the improvement of the skills of artisans and craftsmen;

- (iii) the popularization of improved implements; and
- (iv) implementation of schemes for the development of Cottage, Village and Small Scale Industries financed by the Khadi and Village Industries Commission and the All India Boards.

10. Women Welfare:

The implementation of schemes specially designed for Welfare of women and children and in particular the establishment of Women and Child Welfare Centers, Literacy Centers, Crafts and Dress Making Centers and like.

11. Social Welfare:

- (i) The management of hostels subsidized by the Government for the benefit of Scheduled Tribes, Scheduled Castes and Backward Classes;
- (ii) The implementation of Rural Housing schemes;
- (iii) The maintenance of diseased beggars and control of vagrancy;
- (iv) The strengthening of Voluntary Social Welfare Organizations and Co-coordinating their activities;
- (v) The propagation of temperance and prohibition; and
- (vi) The removal of untouchability;

12. Emergency Relief:

Provision of emergency relief through voluntary efforts in case of distress owing to fires, floods, epidemics and other wide spread calamities.

13. Collection of Statistics:

Collection and compilation of such statistics as may be found necessary either by the Mandal Parishad, the Zilla Parishad or the Government.

14. Self-Help Programme:

Formulation and execution of suitable programmes for stepping-up production and for raising the incomes and standards living for the improvement of sanitation and for the provision of amenities for the people.

15. Trusts:

Management of trusts for the furtherance of any purpose to which the funds of the Mandal Parishads may be applied.

Schedule - III
(Section - 289)
ORDINARY PENALTIES

Imposing Provision		Subject	Fine which may be imposed (Rupees)
Section	Sub-Section or Clause		
(1)	(2)	(3)	(4)
75.	(2)	Disobeying notice prohibiting Use of Water to which public have access.	500
76.	(a)	Bathing etc, in places set apart for drinking purposes.	500
76.	(b)	Depositing any offensive etc., matter in places set apart from drinking purposes.	500
76.	(c)	Washing clothes in places set apart for drinking.	500
76.	(d)	Washing animals etc, in places set apart for drinking, bathing or washing clothes.	500
76.	(e)	Allowing water from a sink, sewer etc, into places set apart for drinking, bathing or washing clothes.	500

(1)	(2)	(3)	(4)
79.	(1)	Failure to register any place for the disposal of the dead.	1000
80.	(1)	Opening etc., or using any place for the disposal of the dead without a license.	1000
83.		Burying, Burning etc, of corpse within two hundred metres of dwelling place or source of drinking water supply.	1000
84.		Failure to give information of burials or burning in a burial ground or burning ground	200
85.	(3)	Buying or burning or otherwise disposing of a corpse in a prohibited place	1000
87.		Allowing filth to flow in public road etc.,	5000
88.	(1)	Failure to execute the work as required by the notice,	500
89.	(1)	Quarrying near a public road, etc without a license.	500
90.		Un-lawful building of wall or erecting of fence, etc., in or over public road.	1000

(1)	(2)	(3)	(4)
91.		Allowing doors, ground floor windows, to open towards without license or contrary to notice.	200
92.	(1)	Failure to remove or alter Encroachments etc.,	2000
94.	(1)	Unlawful construction of building over a drain on ground levelled etc. by rubbish.	2000
95.	(1)	Unlawful making of hole or placing obstruction in public roads.	500
	(2)	Failure to fence, enclose etc., hole or obstruction.	500
96.	(1)	Planting of trees without permission, on any public road or other property vested in a Gram Panchayat.	2000
96.	(2)	Felling, etc, without permission, of trees growing on public road or other property vested in a Gram Panchayat or on a poramboke or land the use of which is regulated by it under section 96.	2000
97.	(2)	Encroachment /Un authorized occupation of Gram Panchayat Property	2000

(1)	(2)	(3)	(4)
99.	(1)	Opening or keeping a private market in contravention of section 99.	5000
102.		Failure to obey direction to construction, approaches etc., for a private market or to roof etc.,	1000
104.		Sale or exposure for sale, in public or private market of animal or article without permission.	200
105.		Sale etc , articles in public roads or places after prohibition or without license or contrary to regulations.	100
108.	(b)	Using any public or road side as a landing or halting Place or as a cart-stand without license or contrary to license.	2000
109.	(1)	Opening a new private parking place and Cart-stand or continuing to Keep open a private cart-stand without license or contrary to license.	2000
111.	(a)	Slaughtering, cutting up or skinning etc, cattle etc., outside Slaughter house.	2000

(1)	(2)	(3)	(4)
111.	(b)	Slaughtering etc., any cattle etc., without license or contrary to license.	200
112.		Using a place for any of the purposes specified in the rules without license or contrary to license.	1000
115.		Disobedience of order regarding abatement of nuisance.	1000
119.	(2)	Unlawful defacement etc., of numbers assigned to buildings	50
119.	(3)	Failure to replace number when required to do so.	200
120.	(7)	Failure to produce license on request	50
137.		Obstructing a person in the use or enjoyment of a public road, market, well, tank, etc.,	1000

Note:- This Schedule corresponds to Schedule III of the repealed Act No.13 of 1994

Schedule - IV
(Section - 289)

PENALTIES FOR CONTINUING BREACHES

Imposing Provision		Subject	Fine which may be imposed (Rupees)
Section	Sub-Section or Clause		
(1)	(2)	(3)	(4)
75.	(2)	Disobeying notice prohibiting Use of Water to which public have access.	100
76.	(e)	Allowing water from a sink, sewer etc, into places set apart for drinking, bathing or washing clothes.	100
80.	(1)	Using any place for the disposal of the dead, without a license.	200
87.		Allowing filth to flow in public road etc.,	1000
88.	(1)	Failure to execute the work as required by the notice.	100
89.	(1)	Quarrying near a public road, etc., without a license.	100

(1)	(2)	(3)	(4)
90.		Un-lawful building of wall or erecting of fence, etc., in or over public road.	200
91.		Allowing doors, ground floor windows, to open towards without license or contrary to notice.	100
92.	(1)	Failure to remove or alter encroachments etc.	100
94.	(1)	Unlawful construction of building over a drain on ground levelled etc., by rubbish.	500
95.	(1)	Unlawful making of hole or placing obstruction in public road.	100
97.	(2)	Encroachment /Un authorized occupation of Gram Panchayat Property.	500
99.	(1)	Opening or keeping a private market in contravention of section 99.	1000
102.		Failure to obey direction to construction, approaches etc., for a private market or to roof etc.	100
104.		Sale or exposure for sale, in public or private market of animal or article without permission.	100

(1)	(2)	(3)	(4)
109.	(1)	Opening a new private cart-stand or continuing to keep open a private cart-stand without license or contrary to license Slaughter house.	200
112.		Using a place for any of the purposes specified in the rules without license or contrary to license.	200
115.		Disobedience of order regarding abatement of nuisance.	500

Note: This Schedule corresponds to Schedule IV of repealed Act No.13 of 1994.

SCHEDULE - V

(Section 293)

TRANSITIONAL PROVISIONS (GRAM PANCRA YATS)

1. Definitions:-

In these rules, unless the context otherwise requires,-

- (a) "Old Panchayats Act" means the **Telangana Panchayat Raj Act, 1994**;
- (b) "Gram Panchayat" means a Gram Panchayat constituted under the **old Panchayats Act**;
- (c) "Member" means a member of a Panchayat constituted under the old Panchayats Act;
- (d) "Sarpanch" means a Sarpanch of a Gram Panchayat constituted under the old Panchayats Act;
- (e) "this Act" means the **Telangana Panchayat Raj Act, 2018**.

2. Existing Panchayats to be deemed to be Gram Panchayats constituted under this Act:-

Every Panchayat for which there is an existing elected body on the date of commencement of this Act shall be deemed to be a Gram Panchayat under this Act and shall be governed by the provisions of this Act till the expiry of the present term of such elected body.

3. Total number of members of Panchayats:-

Notwithstanding anything contained in this Act, the total number of members of a Panchayat fixed under the old Panchayats Act, shall be deemed to be the total number of members of the Gram Panchayat as deemed to have been constituted under this Act by

virtue of rule 2 until their number is altered by the Commissioner under section 7(1) of this Act.

4. Term of office of existing Sarpanches and members:-

(1) The Sarpanches and members of a Gram Panchayat holding office on the commencement of this Act, shall subject to the provisions of sections 19 to 25 of this Act, shall continue to hold such office up to and inclusive of the date on which the current term of the elected body expires or up to the date on which special officers who may be appointed by the Commissioner assume office, whichever is earlier.

(2) Any vacancy in the office of the Sarpanch, the Upa-Sarpanch or a member of a Panchayat at the commencement of this Act or which may occur thereafter shall not be filled until the next ordinary elections.

5. First ordinary election:-

The State Election Commissioner shall cause, the first ordinary election under this Act to Gram Panchayats constituted under this Act. After such election the first meeting of the Gram Panchayats under sub-section (1) of section 14 shall be held on the dates appointed by the Commissioner.

6. Panchayat Secretary to be deemed to be Panchayat Secretary appointed under this Act:-

The Panchayat Secretaries of the Panchayats which are deemed to be Gram Panchayats from the date of commencement of this Act and holding office as such on the said date, shall be deemed to have been appointed under this Act.

7. Devolution of property, rights and liabilities:-

(1) All property, all rights of whatever kind used, enjoyed or possessed by, and all interests of whatever

kind, owned by or vested in, or held in trust, by or for any Gram Panchayat, as well as all liabilities legally subsisting against it, shall, on and from the date of commencement of this Act, and subject to such directions as the Government may, by general or special order give in this behalf, pass to the Gram Panchayats constituted or deemed to be constituted under this Act, to the extent such property, rights, interests and liabilities pertain to the territorial area over which the Gram Panchayat exercises its jurisdiction.

(2) All arrears of taxes or other payments by way of composition for a tax or due for expenses or compensation or otherwise due to a Panchayat at the commencement of this Act may be recovered as if they had accrued under this Act.

(3) All proceedings taken by or against any Panchayat or other authority or any person under the old Panchayats Act in so far as they are not inconsistent with this Act, be continued by or against such Gram Panchayat, authority or person under this Act.

8. Continuance of existing taxes:-

Subject to the provisions of this Act, any tax, cess, fee or duty which was being lawfully levied by or on behalf of any Panchayat at the commencement of this Act under any law, shall continue to be levied by or on behalf of the Gram Panchayat constituted or deemed to be constituted under this Act, at the rates fixed and in pursuance of the assessment made by or under such law for the year in which this Act was brought into force and in the subsequent years also until the Government, by general or special order; otherwise direct, or assessment is made by or under this Act whichever is earlier.

9. Villages or areas not falling within Schedule VIII:-

(1) Any village or any area which was governed by the provisions of the Old Panchayats Act and is not included or made part of any village, as the case may be, in Schedule-VIII to this Act shall be governed by the provisions of this Act till such time as the said village or area is upgraded, included or merged into any transitional area, smaller urban area, or a larger urban area. Thereafter, the said village or area shall cease to be governed by this Act.

(2) For any village or area specified in clause (1), during the period between the date of coming into effect of this Act and the up-gradation, inclusion or merger of such village or area into a transitional area, smaller urban area or larger urban area, as the case may be, such village or area shall continue to be governed by the Panchayat which was exercising jurisdiction over it prior to the commencement of this Act. On and from the day when the village or area is upgraded, included or merged into any transitional area, smaller urban area, or a larger urban area it shall cease to be governed by such Gram Panchayat.

10. Action taken under old Panchayats Act to continue:-

Any action taken under the old Panchayats Act by any authority, before the commencement of this Act shall, unless inconsistent with this Act, be deemed to have been taken by the authority competent to take such action under this Act, unless and until superseded by action taken by such authority, whether it be the same as the authority competent to take such action under the old Panchayats Act or not.

13. Removal of difficulties:-

If any difficulty arises in giving effect to the provisions of these rules, the Government, as occasion may require, may after previous publication, by notification

in the Telangana Gazette, do anything which appears to them necessary for removing the difficulty.

SCHEDULE - VI**(Section 293)****TRANSITIONAL PROVISIONS****(MANDAL PRAJA PARISHADS AND ZILLA PRAJA
PARISHADS)****1. Existing Mandal Praja Parishads and Zilla Praja Parishads to be deemed to be Mandal Praja Parishads and Zilla Praja Parishads constituted under this Act:**

(1) Notwithstanding anything contained in sections 142 (1) and 172 (1) of this Act, every Mandal Praja Parishad and Zilla Praja Parishad in existence at the commencement of this Act shall be deemed to be a Mandal Praja Parishad and Zilla Praja Parishad respectively constituted under this Act and shall be governed by the provisions of this Act.

(2) Nothing in this rule shall be construed as extending the current term of the elected body of existing Mandal Praja Parishad and Zilla Praja Parishad, as the case may be, beyond the term as would have been applicable to it under the Telangana Panchayat Raj Act, 1994 before it was repealed.

2. Term of office of existing members etc.,:

The President and Members of Mandal Praja Parishad or Chairperson and Members of Zilla Praja Parishad, as the case may be, holding office at the commencement of this Act, shall subject to the provisions of sections 151 and 180, continue to hold such office up to and inclusive of the date on which the present term of the Mandal Praja Parishad or Zilla Praja Parishad, as the case may be, expires or up to the date on which special officers who may be appointed by the Government assume office whichever is earlier.

3. The Mandal Parishad Development Officers and Chief Executive Officers deemed to be Mandal Parishad Development Officers and Chief Executive Officers appointed under this Act:

The Mandal Parishad Development Officers of existing Mandal Praja Parishads and Chief Executive Officers of existing Zilla Praja Parishads shall be deemed to have been appointed under this Act.

4. Devolution of property, rights and liabilities:

(1) All property, all rights of whatever kind, used, enjoyed, possessed by, and all interests of whatever kind, owned by or vested in, or held in trust, by or for any Mandal Praja Parishad or Zilla Praja Parishad, as the case may be, as well as all liabilities legally subsisting against it, shall, on and from the date of commencement of this Act, and subject to such directions as the Government may, by general or special order give in this behalf, pass to such Mandal Praja Parishad or Zilla Praja Parishad as the case may be, as deemed to be constituted under this Act.

(2) All arrears of taxes or other payments by way of compensation for tax or due for expenses or compensation or otherwise due to a Mandal Praja Parishad or Zilla Praja Parishad as the case may be at the commencement of this Act may be recovered as if they had accrued under this Act.

(3) All proceedings taken by or against any Mandal Praja Parishad or Zilla Praja Parishad as the case may be or other authority or any person under the old Panchayat Act in so far as they are not inconsistent with this Act, be continued by or against such Mandal Praja Parishad or Zilla Praja Parishad as the case may be, authority or person under this Act.

5. Continuance of existing taxes:

Any tax, cess, fee or duty which was being lawfully levied by or on behalf of any Mandal Praja Parishad or Zilla Praja Parishad as the case may be at the commencement of this Act under any law, shall continue to be levied by or on behalf of the Mandal Praja Parishad or Zilla Praja Parishad as the case may be at the rates fixed and in pursuance of the assessment made by or under such law for the year in which this Act was brought into force and in the subsequent years also until the Government, by general or special order, otherwise direct, or assessment is made by or under this Act whichever is earlier.

6. Action taken under the Telangana Panchayat Raj Act, 1994 to continue:

Any action taken under the Telangana Panchayat Raj Act, 1994, by any authority, before the commencement of this Act shall, unless inconsistent with this Act, be deemed to have been taken by the authority competent to take such action under this Act, unless and until superseded by action taken by such authority, whether it be the same as the authority competent to take such action under the Telangana Panchayat Raj Act, 1994 or not.

7. Removal of difficulties:

If any difficulty arises in giving effect to the provisions of these rules, the Government, as occasion may require, may after previous publication, by notification in the Telangana Gazette, do anything which appears to be necessary for removing the difficulty.

SCHEDULE - VII

[Section 6(13)]

Village Level Functionaries in the Gram Panchayat

S.No.	Description
1	Sakshara Bharath Coordinator
2	Agriculture Extension Officer
3	Anganwadi Worker
4	Auxiliary Nurse Midwife/Asha Worker
5	Electrical Assistant (Lineman/Helper)
6	Field Assistant
7	Fisheries Village Assistant or Fisheries Inspector
8	Forest Beat Officer
9	Fair Price Shop Dealer
10	Indira Kranti Patham/Village Organisation/Book Keeper
11	Livestock Assistant
12	Rural Water Supply Swatch Bharat Coordinator
13	Head Master
14	Village Revenue Assistant
15	Village Revenue Officer
16	Village Tribal Development Agency/Girijan Cooperative Corporation Assistant
17	Work Inspector

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