

असाधारण
EXTRAORDINARY

Daman 23rd October, 2015, 1 Kartika 1937 (Saka)

सं. : 64
No.

सरकारी राजपत्र
OFFICIAL GAZETTE



सत्यमेव जयते
भारत सरकार
Government of India

संघ प्रदेश दमण एवं दीव प्रशासन

U.T. ADMINISTRATION OF DAMAN & DIU

प्राधिकरण द्वारा प्रकाशित
PUBLISHED BY AUTHORITY

UT Administration of Daman & Diu
Department of Panchayati Raj Institutions
Secretariat, Daman

No.5/10/PRI/Adm-Rules/2015-16/ 273

Dated: 23/10/2015

NOTIFICATION

In exercise of the powers conferred by Sub Section (1) of Section 121 of the Daman and Diu Panchayat Regulations, 2012(No. 4 of 2012) the Administrator, Union Territory of Daman and Diu is hereby pleased to publish Draft "Daman and Diu Gram Panchayat (Committee) Rules, 2015" inviting objections/suggestions, if any, from the **general public**. Those who wish to file their objections/suggestions, if any, may do so in writing addressed to the Director Panchayat/Collector, Daman, Collectorate, Dholar, Moti Daman, Daman -396 220 within 30 days of publication of this Notification in the Official gazette of U.T. Administration of Daman and Diu.

**CHAPTER I
PRELIMINARY**

1. (1) These Rules may be called the **Daman and Diu Gram Panchayat (Committee) Rules, 2015.**
(2) It extends to the whole of the Union territory of Daman and Diu.
(3) it shall come into force on such date as the Administrator may, by notification in the Official Gazette, appoint.
2. **Definitions-** in these Rules, unless the context otherwise requires-
Words and expressions used, but not defined in these Rules, shall have meaning respectively assigned to them in the Daman & Diu Panchayat Regulation, 2012.

**CHAPTER II
Committees of Gram Panchayat.**

3. **Gram Panchayat Committees.**-(1) The Gram Panchayat in its first meeting in every financial year, shall constitute minimum two supervisory committees having not less than three and not more than five members each, elected by the members from amongst themselves.

- (2) The number of Committees to be constituted shall be decided by the Gram Panchayat, depending on the quantum of work for which it may require the assistance of various Committees, as it has to carry out works in various fields including sanitation, water supply, agriculture, infrastructure works, education, finance, social sector etc.
 - (3) The Extension Officer, the Junior Engineer, the Assistant Engineer, the Rural Engineer Public Works Department, having jurisdiction shall be *ex-officio* members of the works and finance committee.
 - (4) Ex-officio members mentioned in sub-rule (3) shall take part in the meeting of a committee and give suggestions without any right to vote.
4. **Functions of Works and Finance Committee.**-The functions of the Works and Finance Committee of the Gram Panchayat shall be to,-
- (a) assist in preparation of budget and plans;
 - (b) scrutinize monthly accounts and prepare a report;
 - (c) advise on giving periodical contracts for collection of fees or tools;
 - (d) advise on the levy of taxes;
 - (e) advise on extent of financial assistance or grants from the Administration for the implementation of development schemes;
 - (f) consider and make suggestions, if any, on various works proposed to be taken up by or entrusted to the Gram Panchayat;
 - (g) supervise implementation of all works taken up by or through Gram Panchayat including primary school buildings, minor irrigation, conservation of bunds, rural water supply, housing, construction of toilets;
 - (i) advice on various welfare schemes proposed to be taken up by or entrusted to the Gram Panchayat;
 - (j) supervise implementation of schemes taken up by the Gram Panchayat pertaining to agriculture, animal husbandry and fisheries.
5. **Functions of Welfare Committee.**-The functions of Welfare Committee of a

Gram Panchayat shall be to,-

- (a) supervise and make suggestions regarding primary school students welfare schemes including scholarships, mid-day meals, sarva shiksha abhiyan etc;
- (b) advise on maintenance of schools, anganwadis or balwadis, community halls, primary health centers, sub-centers, street lights, hand pumps , tube wells, agriculture pumps etc;
- (c) supervise and make suggestions regarding provision of dustbins, collection and disposal of garbage, cleaning and removal of floating material and silt from drains, nallas and ponds.

6. Chairperson of committee.- The Sarpanch or Upa-Sarpanch shall be *ex-officio* Chairperson of one of the committees.

7. Sarpanch or Upa-Sarpanch to be Chairperson of only one committee.- No Sarpanch or Upa-Sarpanch shall become Chairperson of more than one committee.

8. No Gram Panchayat member to be member of more than one Committee - No member of Gram Panchayat shall be at the same time member of more than one Committee.

9. Meeting's notice.- (1) Three clear days notice for ordinary meeting and one clear day notice for special meeting of a committee shall be given by the Chairperson.

(2) The meeting notice shall be properly served to all members of the committee and such notice shall specify the date, day, time and place of the meeting and the nature of the business to be transacted at the meeting.

(3) The quorum for a meeting of the committee shall be three.

10. Member Secretary of committee.-The Panchayat Secretary shall be the Member Secretary of each committee.

11. Presiding over meeting of committee.- The Chairperson of the committee shall preside over the meetings.

12. Decisions by majority.- All resolutions or propositions in the meetings of committee shall be discussed and passed by a majority of votes of members present and in case of

equality of votes, the chairperson shall have and exercise a second and casting vote.

13. Record of meetings.- (1) The Panchayat Secretary shall maintain a written record of proceedings of every meeting of Committees.

(2) The proceedings of a meeting shall be signed by all the members present in the said meeting and authenticated by the Chairperson.

(3) The proceedings of each meeting of a committee shall be placed before the Gram Panchayat in its immediately following meeting.

(4) The proceedings of each last meeting of a committee shall be read out by the Panchayat Secretary at the subsequent meeting and confirmed.

(5) The Chairperson of the committee shall append his signature on the proceedings confirmed under sub-rule (4).

(6) The meeting of a Committee shall be held in the office of the Gram Panchayat.

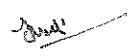
(7) All records of a committee shall be kept in Gram Panchayat Office in the custody of Panchayat Secretary.

14. Power of Gram Panchayat to review decision of committee.-The Gram Panchayat shall have the power to review, annul or modify, with two third majority of the members present, any decision of a committee, after making such inquiry as deemed fit.

15. Power of Gram Panchayat to dissolve committee.- Where after a period of three months from the constitution of a committee, the Gram Panchayat is satisfied that said committee is not functioning properly, it shall have the power to dissolve and re-nominate such committee.

16. The Goa, Daman & Diu Panchayat Rules, 1962, as extended to Daman & Diu on the above subjects, hereby cease to the extent in Daman & Diu.

By order and in the name of the
Administrator of Daman & Diu


(J. P. Agrawal)
Special Secretary (PRI)

**UT Administration of Daman & Diu
Department of Panchayati Raj Institutions
Secretariat, Daman.**

No. 5/10/PRI/Admn-Rules/2015-16/ 272

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**CHAPTER I
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(2) It extends to the whole of the Union territory of Daman and Diu.
(3) it shall come into force on such date as the Administrator may, by notification in the Official Gazette, appoint.
2. **Definition-** in these Rules, unless the context otherwise requires- Words and expressions used, but not defined in these Rules, shall have meaning respectively assigned to them in the Daman & Diu Panchayat Regulation, 2012.

CHAPTER II

Gram Sabha

3. Place of meeting- The meetings of the Gram Sabha shall ordinarily be held in the office of the village Panchayat or at any other convenient public place in the Panchayat Area accessible to all the members as may be determined by the Sarpanch or in his absence by the Upa Sarpanch.

4. Date of meeting of Gram Sabha –The 1st meeting of Gram Sabha in every financial year shall preferably be held on the first or Second Sunday of the month of April and thereafter, once in every quarter of the year on Sundays of the month and at such date and time as may be fixed by the Sarpanch or in his absence by the Upa Sarpanch.

5. General and extraordinary meetings.- The notice of general meeting of the Gram Sabha shall be given at least seven clear days before the date of such meeting and in the case of an extraordinary meeting, at least four clear days before the date of such meeting. Sarpanch shall convene atleast 4 (four) general meetings of the Gram Sabha in each financial year. Agenda of the meeting should be sent to all members along with the meeting notice.

6. Extraordinary meeting.- Block Development Officer or any other person authorized by the Collector of the District, shall convene an extra ordinary meeting of Gram Sabha within a period of 30 days, where the Sarpanch fails to convene the meeting as per the provisions of sub-section (1) of section (8) of the Regulation.

7. Mode of publication of notice of meetings.- A notice mentioning date, day, time and place of meeting, either general or extraordinary, of the Gram Sabha shall be published-

(a) by affixing it at office of the Gram Panchayat and at other conspicuous Public place or places in the Grams and habitations: and

(b) by making proper announcement through loudspeakers in all the Grams/ habitations to ensure wide publicity of the forthcoming meeting of the Gram Sabha.

8. Contents of the notice.- The notice of a meeting of the Gram Sabha shall specify the date, day, time and place of the meeting and the nature of the business to be transacted at the meeting. The business to be transacted at the first meeting in every financial year shall include items as provided in Sub-Section (1) of Section 9 of the Regulation.

9. Mode of placing proposals.- Any proposal which a person desires to place before a meeting of the Gram Sabha may be sent by him **to the Sarpanch or in his absence to the Upa- Sarpanch** at least two clear days before the date of the meeting. The Sarpanch or in his absence Upa- Sarpanch shall decide whether any such proposal received before or after the publication of the notice should be placed before the meeting of the Gram Sabha or not. The Sarpanch or in his absence Upa- Sarpanch may disallow any such proposal on any of the following grounds namely:

- (i) if the proposal is of a defamatory character.
- (ii) if the language used in the proposal is offensive.
- (iii) if the proposal is against public interest.
- (iv) if the proposal is in respect of matter which is subjudice etc.

If the proposal to be placed before the meeting of the Gram Sabha is to be disallowed on any other ground, the Sarpanch or in his absence the Upa- Sarpanch shall place the matter before the Gram Panchayat whose decision in the matter shall be final.

10. Consideration of proposals by Gram Panchayat.- A meeting of the Gram Panchayat shall be held on the day immediately preceding the date fixed for the

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DATED : 23 RD OCTOBER, 2015.

meeting of the Gram Sabha to consider the proposals coming before the meeting of the Gram Sabha.

11. Quorum of the meeting- A meeting of the Gram Sabha shall be held immediately, if the quorum of the meeting as laid down in section 8(3) of the Regulation, is complete. However, if the quorum is not complete, the meeting shall be adjourned for one hour and meeting of the Gram Sabha shall be held immediately, if one - tenth of the total numbers of its members are present, as laid down in section 8(3) of the Regulation. The decisions shall be taken by a majority of the members present and voting in the Gram Sabha meeting.

Even after adjournment for one hour, if the quorum of the meeting is not complete, the said meeting of Gram Sabha shall stand adjourned and Sarpanch or in his absence Upa-Sarpanch shall decide the next date of Gram Sabha meeting and a fresh notice of the meeting shall be given in the manner as specified in Rules 6, 7 & 8.

12. Business of the meeting.- (1) The minutes of the previous meeting shall be read at each meeting and shall be confirmed and signed by the person presiding the Gram Sabha meeting.

(2) Except with the permission of the person presiding at the meeting-

(a) no business, which is not included in the notice, shall be transacted at any meeting.

(b) the business to be transacted at a meeting shall ordinarily be taken in the order, in which it is entered in the notice.

(3) If the business of a meeting is left undisposed off, the person presiding at the meeting may, with the consent of the persons present, shall adjourn the meeting to a subsequent date, time and place to be announced

in the meeting. No other fresh business shall be transacted at such adjourned meeting.

13. Person presiding at the meeting may disallow discussion of proposition beyond the competence - The person presiding at the meeting may disallow the discussion of any proposition which he considers to be beyond the competence of the Gram Sabha and in doing so, he shall record his reasons in writing.

14. Discussion of proposition and decision on point of order.- All propositions, not disallowed by the person presiding at the meeting, shall be discussed at the meeting of the Gram Sabha. The person presiding at the meeting shall decide all points of order arising during the course of the meeting and his decision thereon shall be final.

15. Duty of the person presiding to preserve order.- It shall be the duty of the person presiding at the meeting to regulate the transaction of business at the meeting and to preserve order, and for this purpose, he shall have all the necessary powers.

16. Power of person presiding to cause withdrawal of member of obstructive conduct.- If any member disregards the authority of the person presiding at the meeting or is guilty of obstructive or offensive conduct in a meeting, the person presiding at the meeting shall have power to cause withdrawal of such person from the meeting by seeking Police assistance or by any other assistance which may be necessary for removal of such person or persons.

17. The Gram Sabha shall consider the various proposals placed before it including the matters as mentioned in sub-section 2 of section 9 of the regulation and make recommendations and suggestions to the Gram Panchayat.

18. The Gram Sabha, during its first meeting in the financial year, shall constitute a minimum of two supervisory committees having not less than three and not more than five members each, which shall be decided by the members of the Gram

Sabha, present during the meeting. The Works Committee may inspect and monitor the progress of all ongoing works and inform the Sarpanch and Block Development Officer, in writing, of any avoidable delay or substandard work on the part of contractor. The other committees shall look after health & sanitation, elementary education, agricultural, welfare activities etc and may inform/advise the Sarpanch and Block Development Officer accordingly.

19. The Panchayat Secretary shall obtain of the signatures or thumb marks, where a person is not able to append the signature, of the Sarpanch, the Upa-Sarpanch, members of Gram Panchayat and other members present at the meeting.

20. **Register of proceedings.-** The Panchayat Secretary shall maintain a register of proceedings. A record of the proceedings of every meeting of the Gram Sabha shall be kept in any of the following languages namely: Hindi, English or Gujarati in a bound book and a copy of the proceedings shall be sent within seven days of the meeting to the Block Development Officer and Collector of the District. The proceedings shall be signed by the Sarpanch or the person presiding over the meeting and countersigned by the Panchayat Secretary. The proceedings shall be open for the inspection, at all reasonable working times, by any member of the Gram Panchayat and members of Gram Sabha.

21. The Block Development Officer and Collector of the District shall keep upto date record of such proceedings in their offices for every Gram Sabha in their jurisdictions.

Chapter III

Gram Panchayat

22. Gram Panchayat to meet once in every month.- The Gram Panchayat shall meet at least once in every month on such date and time as may be determined, with the consent of members of Gram Panchayat, by the Sarpanch or in his absence by Upa-Sarpanch, as the case may be.

23. Panchayat Secretary to intimate date of meeting.- (1) The Panchayat Secretary shall, at least five clear days before the date fixed for any ordinary meeting and at least two clear days before the date of special meeting, send or cause to be sent to the Upa-Sarpanch and all members of Gram Panchayat, notice of the place, date and time and the business to be transacted at such meeting.

(2) A copy of the notice along with the details of the business to be transacted shall also be exhibited on the notice board of the Gram Panchayat.

24. Special meeting of Gram Panchayat.-(1) The Sarpanch or in his absence the Upa-Sarpanch, as the case may be, at his own motion or when called upon by Block Development Officer or the Collector of the District or by any Officer authorized in this behalf by the Administrator by a general or special order or on the written requisition of not less than half of the number of members of Gram Panchayat, shall call such special meeting within seven days from the date of the receipt of such call or requisition.

(2) The Panchayat Secretary shall at least two clear days before the date fixed for a special meeting send or cause to be sent to all the members notice of the place, date and time of such special meeting and of the business to be transacted thereat.

25. Service of notice.- Every notice for a meeting of Gram Panchayat shall be served,-

(a) personally by delivering it to the member to whom it is addressed; or

- (b) if such person is not available, by leaving it at his last known place of residence; or
- (c) by tendering the notice to some adult member or servant of his family; and
- (d) if none of the above means is feasible, then by causing the notice to be affixed on some conspicuous part of the building in which member resides.

26. Person to preside the meeting.- Every meeting of Gram Panchayat shall be presided over by the Sarpanch and in his absence by the Upa- Sarpanch.

27. Quorum.- The quorum for a meeting of the Gram Panchayat shall be one half of the total number of members of that Gram Panchayat including the Sarpanch and Upa- Sarpanch.

Explanation.- Where the number of members of a Panchayat is odd, in calculating half number for purposes of this rule, the fraction of member shall be counted as one.

28. Where at any time during a meeting it is brought to the notice of the person presiding over, that the number of members present inclusive of the person presiding over falls short of the quorum, the person presiding over, after waiting at least for fifteen minutes and not more than half an hour, shall adjourn the meeting to some other day and the business which remains indisposed of at such meeting and shall be disposed of at the adjourned meeting, whether there be a quorum or not.

29. Mode of placing proposals in meeting.- (1) Any proposal which a member of Gram Panchayat intend to place before a meeting of the Gram Panchayat, shall send the same to the Sarpanch at least seven clear days before the date of the meeting.

(2) The Sarpanch or in his absence the Upa-Sarpanch, as the case may be, shall decide whether any such proposal received before or after the publication of the notice can be placed before and discussed in the meeting or not.

(3) The Sarpanch or in his absence Upa-Sarpanch, as the case may be, may disallow the moving or discussion on any such proposal if it is,-

- (a) of a defamatory character;
- (b) containing offensive language;
- (c) against public interest;
- (d) in respect of matter which is *subjudice*, or
- (e) beyond the powers of Gram Panchayat.

(4) Where the Sarpanch or in his absence the Upa-Sarpanch, as the case may be, is satisfied that the proposal is to be disallowed he shall record reasons for such decision.

30. Consideration of proposal.-(1) A meeting of the Gram Panchayat shall be held on the date and time fixed for the meeting.

(2) All resolutions or propositions, shall be discussed and passed by a majority of votes of members present.

(3) In case of equality of votes, the person presiding over the meeting shall have a casting vote.

(4) Where in a meeting of Gram Panchayat, such resolution is passed which is beyond the scope of Panchayat, contravenes the national unity, integrity, communal harmony and disturbs public peace; the Deputy Collector of the concerned area shall have the power to suspend such a resolution in the public interest.

31. Discretion of member either to withdraw or move proposal.-(1)A proposal for which a member has given notice under sub-rule (1) of rule 28, shall be seconded by some other member of the Gram Panchayat.

(2) A member who has given notice shall, when called upon by the person presiding over, either,-

(a) State that he does not wish to move the proposal; or

(b) Move the proposal; in which case he shall place his proposal in the meeting by a formal speech in support thereof.

(3) Where a member when called upon is not present, any other member may, with the permission of the person presiding over, move the proposal in the name of such member.

(4) Where the member who has given the notice is not present and no other member is moving the proposal on his behalf or permission is not granted by the person presiding over the meeting to the other member to move the proposal, the proposal shall lapse.

32. Right of member moving and endorsing proposal to reply debate.- The member moving the proposal or the person endorsing the same may reply at the conclusion of the debate thereon, but no other member shall, without the express permission of the person presiding, speak more than once on the same proposal.

33. Person presiding to propose question on proposal.- After a proposal has been moved and seconded, the person presiding shall propose the question by reading the proposal for the consideration of the Gram Panchayat.

34. Proposal not to be withdrawn or altered after moving.- After a proposal has been moved and the person presiding over has proposed the question, it shall not be withdrawn or altered in substance, except with the permission of the person presiding over the meeting.

35. Amendment to proposal.- (1) After a proposal has been put for discussion, any member may propose amendment to the same.

- (2) Every amendment shall be relevant to, and within the scope of, the proposal to which it relates.
- (3) No amendment shall be moved which has merely the effect of negative vote.
- (4) An amendment shall not be moved in alternative.
- (5) Any number of amendments may be moved to the same proposal but no member shall move more than one amendment to the same proposal.
- (6) The person presiding over shall disallow any amendment which in his opinion is irrelevant or frivolous.

36. Transaction of business.- (1) The order of the business to be transacted at every general or special meeting and the time limit for discussion on each proposal shall be decided by the person presiding over the meeting.

- (2) Except with permission of the person presiding at the meeting, no business, which is not included in the notice, shall be transacted.
- (3) The business to be transacted shall ordinary be taken in the order in which it is entered in the notice.
- (4) The person presiding over the meeting shall have power to divide a proposal in two or more distinct proposals or any amendment into two or more amendments, as he may deem proper.
- (5) No proposal shall be discussed unless it is duly proposed and seconded:
Provided that a proposal by the presiding person need not be seconded by any other member.

37. Vote on proposal.-(1) On the conclusion of the debate on a proposal or where the person presiding is satisfied that the proposal has been sufficiently discussed, he may put the proposal to the vote of the meeting without further discussion.

- (2) Where the amendment has been proposed, the person presiding over shall first put to vote such amendment.

38. Manner of voting.- (1) Votes shall ordinarily be taken by word of mouth or by a show of hands, but may, if the majority of members so decide, be taken by secret ballot.

(2) Any member present at a meeting may refrain from voting if he so chooses.

39. Manner of voting by ballot.- (1) When votes are taken by ballot, each member shall record his vote on a voting paper which shall not be signed by him.

(2) The papers used for voting shall be kept in safe custody atleast for thirty days.

40. Member to address presiding person by rising in his seat.-(1) A member while proposing or discussing any proposal shall rise in his seat and address his speech to the presiding person.

Provided that where the person presiding over is satisfied that any member is unable to rise in his seat, he may allow such member to address the meeting by sitting.

41. Member to confine his speech to proposal.- A member while proposing or discussing any proposal shall confine his speech strictly to the proposal or the question before the meeting and shall refrain to make remarks which are held by the presiding person to be irrelevant or offensive.

42. Privilege of presiding person:- The person presiding over the meeting shall have the privilege to address the meeting at any stage of the debate.

43. Regulation of conduct of business.- (1) The person presiding over the meeting shall regulate the conduct of business at a Gram Panchayat meeting and maintain order.

(2) Where any member disregards the authority of the presiding person, or is guilty of obstruction or offensive conduct during the meeting, the presiding

person may ask him to behave properly and on his failure to do so direct him to withdraw from the meeting.

- (3) A member who intends to leave any meeting before it is concluded shall immediately before leaving, intimate his intention to the person presiding over the meeting.

44. Business to be transacted at special meeting.- In the special meeting of the Gram Panchayat only such business shall be transacted which is included in the notice of meeting.

45. Continuance of meeting.- (1) Where the business in a meeting of Gram Panchayat is left undisposed, the person presiding at the meeting may, with the consent of the members present, adjourn the meeting to a subsequent date and time.

(2) The decision of the next date of such meeting shall be taken in that very meeting,

otherwise the notice of the adjourned meeting shall be given in the manner specified in rule 23.

(3) No other fresh business shall be transacted at such adjourned meeting.

46. Confirmation of proceedings.- The minutes of the previous meetings shall be read by the Panchayat Secretary in each subsequent meeting and confirmed and signed by the person presiding at the meeting.

47. Register of proceedings.- (1) The Panchayat Secretary shall maintain a register of Proceedings in which the proposals placed in the meeting, names of members present at each meeting, the decisions arrived at, the names of the members voting for or against and of the members remaining neutral shall be entered.

(2) The Panchayat Secretary shall obtain the signatures or thumb marks, where a person is not able to append the signature, of the Sarpanch, Upa-Sarpanch and the Gram Panchayat members present in the meeting.

(3) The proceeding register shall be maintained in Gujarati language or in Hindi or in English language.

- (4) The proceedings shall be signed by the Sarpanch or the person presiding over the meeting. The Panchayat Secretary shall also sign the proceedings, after signature of the Sarpanch or the person presiding over the meeting.
- (5) The proceedings shall be open for inspection, at all reasonable working times, by any member of the Gram Panchayat.

48. Copy of proceedings to be sent to Block Development Officer and Collector of the District.-

- (1) Copies of the proceedings of every meeting of Gram Panchayat duly attested by the Sarpanch or Upa-Sarpanch, as the case may be, shall be caused to be delivered by the Panchayat Secretary in the Office of the Block Development Officer and Collector of the District within a week of holding of the meeting.
- (2) The Block Development Officer and Collector of the District shall keep up to date record of such proceedings in their Offices for every Gram Panchayat in the jurisdiction.
- (3) The period of a week under this rule may be relaxed by Collector of the District in any specific case, for reasons to be recorded in writing if he is satisfied that the delay has occurred in good faith.

CHAPTER IV

**Absence of Sarpanch, Upa-Sarpanch and
Members of Gram Panchayat.**

49. Absence from Office.-Where a Sarpanch or an Upa-Sarpanch or a member of a Gram Panchayat is,-

- (a) continuously absent from six consecutive meetings of the Gram Panchayat without the leave of Gram Panchayat; or
- (b) absent with leave of the Gram Panchayat for a period not exceeding one hundred and eighty days but after the expiry of such leave fails to attend the immediately following meeting of the Gram Panchayat, he

shall cease to a Sarpanch or an Upa-Sarpanch or a member, as the case may be, and his office shall be deemed to have been vacated.

50. Appeal against deemed vacancy.- (1) Any dispute as to whether a vacancy has occurred or not under rule 49 shall be referred for decision to the Collector of the District, who shall decide and make an Order in writing in the matter, after making such inquiry as he may deem proper, within thirty days.

(2) Any person aggrieved with the decision of the Collector of the District under sub- rule (1), may prefer an appeal within thirty days from the said decision, to the Administrator, whose decision shall be final.

51. Power of Upa-Sarpanch during leave of Sarpanch.-Whenever leave is granted under rule 49 to a Sarpanch, the Upa-Sarpanch of said Gram Panchayat shall perform the duties and exercise all the powers of a Sarpanch during the period of such leave.

CHAPTER V

RESTRICTIONS ON POWERS AND FUNCTIONS OF UPA-SARPANCH.

52. Upa-Sarpanch not to exercise certain powers of Sarpanch.- Save as otherwise expressly provided under rule 51, where due to death, resignation or disqualification of the Sarpanch, the office of Sarpanch is lying vacant, or the Administrator has made a specific order under the Regulation, a Upa-Sarpanch shall not-

- (a) except with the approval of the Gram Panchayat,-
 - (i) authorize payment in relation to any expenditure debitable to the Gram Panchayat fund, not being expenditure relating to disbursement of salaries of employees of the Gram Panchayat;
 - (ii) issue cheques, except for disbursing salaries of employees of the Gram Panchayat;

- (iii) sanction funds; or
- (iv) operate the Gram Panchayat fund in any manner whatsoever except as provided in sub- clause (i);
- (b) cancel, revise or modify any order passed by the Sarpanch;
- (c) commence any new work, or stop or suspend any work in progress provided for in the budget;
- (d) dismiss any temporary employee engaged by the Sarpanch under sub-section 4 of section 25 of the Regulation.

53. Upa-Sarpanch to inform Sarpanch about actions taken. – The Upa-Sarpanch shall inform the Sarpanch of the actions taken by him during his absence, immediately after the Sarpanch returns to duty.

CHAPTER VI
DETERMINATION OF ASSETS AND LIABILITIES
OF GRAM PANCHAYAT.

54. Assets of amalgamated Gram Panchayats.- In the case of amalgamation of two or more Gram Panchayats into one, all the assets and liabilities of the amalgamated Gram Panchayats shall stand transferred to the newly constituted Gram Panchayat.

55. Assets for newly constituted Gram Panchayat.- Where two or more Gram Panchayats are constituted out of an existing Gram Panchayat, the assets shall be divided in the following manner:-

- (a) the furniture and other movable property of the existing Gram Panchayat shall belong to the Gram Panchayat where the office of the existing Gram Panchayat is situated;

- (b) the amount of taxes collected by the existing Gram Panchayat and the amount of arrears due to the existing Gram Panchayat from the arrears of the newly constituted Gram Panchayats shall be transferred to the respective Gram Panchayats;
- (c) the grants given by the Administration to the existing Gram Panchayat, immediately prior to its reconstitution, shall be distributed after deducting the expenditure, if any, incurred by the said Gram Panchayat out of these grants, to the newly constituted Gram Panchayat in proportion to the last census population of the respective Gram Sabha areas;
- (i) grants given to the existing Gram Panchayats for specific schemes shall be transferred to such newly constituted Gram Panchayat, within whose jurisdiction the scheme is under implementation or was meant to be implemented;
- (ii) where the scheme, including construction of a road, is to be executed within the jurisdiction of two or more newly constituted Gram Panchayats, the sanctioned grants shall be distributed among the newly constituted Gram Panchayats proportionate to the corresponding cost of such scheme within the jurisdiction of the respective Gram Panchayat;
- (d) where the scheme, including construction of a building or well, a part of which falls within the jurisdiction of another newly constituted Gram Panchayat, the Collector of the District, within whose jurisdiction the Gram Panchayats are situated, shall decide as to which newly constituted Panchayat shall retain and utilise the grants given for such scheme.

CHAPTER VII

OFFICERS AND EMPLOYEES OF GRAM PANCHAYAT.

56. **Panchayat Secretary.**- (1) A Gram Panchayat shall have one whole time Panchayat Secretary.

- (2) The Panchayat Secretary may, by an order in writing by the Block Development Officer, be directed to perform functions and duties in some other Gram Panchayat for any short duration where the post of the Panchayat Secretary is lying vacant for any reason.
- (3) The Panchayat Secretary shall be an officer of the Administration drawing his salary and allowances from the Panchayat Fund.
- (4) The Panchayat Secretary shall perform functions and duties and exercise powers assigned to him by or under the Regulation, rules and orders made thereunder.
- (5) The term and conditions of service, qualifications and experience, manner of recruitment, salary and allowances of the Panchayat Secretary shall be such as may be specified by recruitment rules.

57. Functions, duties and powers of Panchayat Secretary.-Save as otherwise provided in the Regulation or these rules, the Panchayat Secretary shall perform the following functions and duties, namely:-

- (i) attend each meeting of Gram Sabha, committees of Gram Sabha, the Gram Panchayat and committees of the Gram Panchayat;
- (ii) write down the proceedings of all meetings of Gram Sabha, committees of Gram Sabha, Gram Panchayat and committees of the Gram Panchayat in the proceeding Register maintained under rules 20 and 47;
- (iii) place in the meeting of Gram Panchayat, for information and further directions, all papers, documents, records and instructions from the District Collector and other authorities, including sanctions, schemes and circulars;
- (iv) take action and make correspondence on all papers received in the Gram Panchayat;

- (v) finalise the agenda of every meeting of Gram Sabha, committees of Gram Sabha, the Gram Panchayat and committees of the Gram Panchayat in consultation with the Sarpanch;
- (vi) report within seven days to the Block Development Officer any vacancy in the office of the Sarpanch or Upa-Sarpanch or a member, as the case may be, caused due to death, resignation, absence or otherwise;
- (vii) report in writing immediately to the Block Development Officer any *ultra vires* action, misconduct, misuse or abuse of powers and any contradiction of the provisions of the Regulation and these rules by the Sarpanch or Upa Sarpanch or any member of the Gram Panchayat, as the case may be;
- (viii) report in writing immediately to the Block Development Officer, if any member of the Gram Panchayat attracts disqualification under section 14;
- (ix) maintain cash book, registers and record specified under these rules and directed by the Block Development Officer;
- (x) keep in safe custody funds, assets, registers, cash book and record of the Gram Panchayat;
- (xi) comply with instructions issued by the Block Development Officer and district authorities;
- (xii) maintain cordial relations with the elected representatives and assist them to arrive at a decision;
- (xiii) ensure utilisation of grants only for the purpose for which it is sanctioned;
- (xiv) send or cause to be sent to the Upa-Sarpanch and all members of Gram Panchayat the notice of meeting and the business to be transacted at such meeting;
- (xv) send copies of proceedings of each meeting of Gram Sabha, committees of Gram Sabha, Gram Panchayat and committees of

Gram Panchayat duly attested by the Sarpanch or Upa-Sarpanch or Chairperson, as the case may be.

58. Transfer of Panchayat Secretary.- (1) A Panchayat Secretary may be transferred in some other Gram Panchayat by the Collector of the District to ensure better efficiency in the Gram Panchayat administration.

59. Functions of Gram Sevak.-(1) A Gram Panchayat shall have one whole time Gram Sevak.

(2) The Gram Sevak shall perform such functions and duties which may be entrusted to him from time to time by the Block Development Officer.

(3) The manner of recruitment, qualifications and experience, term and conditions of service, salary and allowances of the Gram Sevak shall be such as may be specified by recruitment rules.

60. Other Officers and employees of Gram Panchayat.-(1) The District Collector may, with the prior approval of the Administrator, by order, create posts of officers and other employees in the Gram Panchayat.

(2) The term and conditions of service, qualifications and experience, manner of recruitment, salary and allowances of the Gram Sevak shall be such as may be specified by recruitment rules.

(3) The manner of recruitment, qualifications and experience, term and conditions of service, salary and allowances of officers and other employees shall be such as may be specified by recruitment rules.

61. The Goa, Daman & Diu Panchayat Rules, 1962, as extended to Daman & Diu on the above subjects, hereby cease to the extent in Daman & Diu from the date of implementation of these Rules.

By order and in the name of the
Administrator of Daman & Diu


(J. P. Agrawal)
Special Secretary(PRI)
