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सरकारी राजपत्र OFFICIAL GAZETTE

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U.T. ADMINISTRATION OF DADRA AND NAGAR HAVELI AND
DAMAN AND DIU

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UT Administration of Dadra & Nagar Haveli and Daman & Diu
Office of the Joint Secretary
(Panchayat Raj Institution / Rural Development) and
Chief Executive Officer, District Panchayat, Daman
Dholar, Moti Daman – 396 220

No. JS/PRI/PANCH/REG./AMD/2021-22/FTS-102

Dated : 17.04.2021

Subject :- Notification of the Dadra and Nagar Haveli and Daman and Diu Panchayat Regulation,
2012 in the Official Gazette of UT-reg

A copy of the Dadra and Nagar Haveli and Daman and Diu Panchayat Regulation, 2012 dated
09.04.2021 is hereby publish in the Official Gazette of this U.T. Administration of Dadra & Nagar
Haveli and Daman & Diu for general information.

Sd/–
(Ashish Mohan)
Joint Secretary (PRI/RD)
Dadra & Nagar Haveli and
Daman & Diu

ADMINISTRATION OF DADRA AND NAGAR HAVELI AND DAMAN AND DIU
LAW AND JUSTICE DEPARTMENT

**THE DADRA AND NAGAR HAVELI ⁽¹⁾[AND DAMAN AND DIU PANCHAYAT]
REGULATION, 2012**

NO. 5 OF 2012

Promulgated by the President in the Sixty-third Year of the Republic of India

A Regulation to provide for Panchayats in the Dadra and Nagar Haveli and ⁽²⁾[Daman and Diu] for matters connected therewith.

In exercise of the powers conferred by clause (1) of article 240 of the Constitution, the President is pleased to promulgate the following Regulation made by her.

CHAPTER I
PRELIMINARY

1. (1) This Regulation may be called the Dadra and Nagar Haveli ⁽³⁾[and Daman and Diu] Panchayat Regulation, 2012. Short title, extent and commencement.
- (2) It extends to the whole of the Union territory of Dadra and Nagar Haveli ⁽⁴⁾[and Daman and Diu].
- (3) It shall come into force on such date as the Administrator may, by notification in the Official Gazette, appoint.
2. In this Regulation, unless the context otherwise requires, - Definitions.
 - (a) "Administration" means the Union territory administration of Dadra and Nagar Haveli ⁽⁵⁾[and Daman and Diu];
 - (b) "Administrator" means the Administrator of the Union territory of Dadra and Nagar Haveli ⁽⁶⁾[and Daman and Diu] appointed by the President of India under article 239 of the Constitution;
 - (c) 'building' includes a house, an out-house, stable, privy,

(1). Inserted by the Dadra and Nagar Haveli and Daman and Diu (Adaptation of State Law and Presidential Regulations) Order, 2020, dated 8th Oct., 2020 (hereinafter referred to as "the Presidential Regulation Order, 2020.).

(2). Inserted by the Presidential Regulation Order, 2020.

(3). Inserted by the Presidential Regulation Order, 2020.

(4). Inserted by the Presidential Regulation Order, 2020.

(5). Inserted by the Presidential Regulation Order, 2020.

(6). Inserted by the Presidential Regulation Order, 2020.

- urinal, shed, hut, wall (other than a boundary wall not exceeding eight feet in height) and any other structure, whether of masonry, bricks, wood, metal or any other material but does not include any temporary structure erected on ceremonial or festive occasions or a tent;
- (d) "Chief Executive Officer" means an officer appointed by the Administrator as Chief Executive Officer, District Panchayat;
- (e) "Director Panchayat" means an officer in charge of Panchayats in the Department of Panchayati Raj working under the direct control and superintendence of the Secretary of that Department;
- (f) "District" means a district specified by the Administrator by a public notification to be district for the purposes of this Regulation;
- (g) "District Judge" means the District Judge of Dadra and Nagar Haveli ⁽⁷⁾[and Daman and Diu];
- (h) "District Panchayat" means the District Panchayat constituted under section 54;
- (i) "District Panchayat Fund: means the fund constituted under section 80;
- (j) "Election Commission" means the Election Commission referred to in sub-section (1) of section 99;
- (k) "Finance Commission" means the Finance Commission referred to in section 100;
- (l) "Gram" means a village;
- (m) "Gram Fund" means fund referred to in section 35;
- (n) "Gram Panchayat" means a Gram Panchayat constituted under this Regulation;
- (o) "Gram Sabha" means the Gram Sabha constituted under sub-section (2) of section 3;
- (p) "Notification" means a notification published in the Official Gazette and the expression "notified" shall be construed accordingly;
- (q) "Official Gazette" means the Dadra and Nagar Haveli ⁽⁸⁾[and Daman and Diu] Gazette;
- (r) "Panchayat area" means the territorial area of a Gram Panchayat declared by the Administrator under sub-section (1) of section 3;
- (s) "Panchayat Secretary" means a Panchayat Secretary

(7). Inserted by the Presidential Regulation Order, 2020.

(8). Inserted by the Presidential Regulation Order, 2020.

- appointed under sub-section (1) of Section 25;
- (t) "prescribed" means prescribed by rules made under this Regulation;
 - (u) "President" and "Vice-President" means the President and Vice-President of the District Panchayat respectively;
 - (v) "public street" means a pathway, road, street, square, court, alley, cart track, foot path or riding path over which the public have a right of way, whether thorough fare or not and includes –
 - (i). the road-way over any public bridge or cause-way;
 - (ii). the foot-way attached to any such street, public bridge or cause-way;
 - (iii). the drains attached to any such street, road, public bridge or cause-way; and
 - (iv). the land which lies on either side of the road-way,-
 - (a) up to the boundaries of the adjacent property, or
 - (b) up to the right of way duly notified by the Chief Executive Officer in this regard;
 - (w) "Regulation" means the Dadra and Nagar Haveli ⁽⁹⁾[and Daman and Diu] Panchayat Regulation, 2012;
 - (x) "Sarpanch" means the Sarpanch of a Gram Panchayat;
 - (y) "Schedule" means a Schedule to this Regulation;
 - (z) "Secretary Panchayat" means the Secretary incharge of the Department of Panchayati Raj in the Union territory of Dadra and Nagar Haveli ⁽¹⁰⁾[and Daman and Diu];
 - (za) "section" means section of this Regulation;
 - (zb) "tax" means a tax, cess, rate of other impost leviable under this Regulation but does not includes a fee;
 - (zc) "Union territory" means the Union territory of the Dadra and Nagar Haveli ⁽¹¹⁾[and Daman and Diu];
 - (zd) "Upa-Sarpanch" means an Upa-Sarpanch of Gram

(9). Inserted by the Presidential Regulation Order, 2020.

(10). Inserted by the Presidential Regulation Order, 2020.

(11). Inserted by the Presidential Regulation Order, 2020.

Panchayat;

(ze) 'village' means a village specified by the Administrator, by a public notification, to be a village for the purpose of this Regulation and includes a group of villages so specified;

(zf) "Ward" means a body consisting of persons registered in the electoral rolls relating to ward of a district.

CHAPTER II GRAM SABHA

3. (1) The Administrator shall, after making such inquiry as may be necessary, by notification, declare a local area, comprising of a village or a group of villages or any part or parts thereof or a combination of any two or more of them to be a Panchayat area, for the purposes of this Regulation and shall also specify its headquarters. Declaration of Panchayat area and constitution of Gram Sabha
 (2) The Administrator shall, by notification in the Official Gazette, constitute a Gram Sabha by a name for each Panchayat area.

4. A Gram Sabha shall consist of persons registered in the electoral roll relating to a village or group of villages comprising the Panchayat area: Composition of Gram Sabha.

Provided that a person shall be disqualified for being a member of the Gram Sabha if he is –

- (a) less than eighteen years of age;
- (b) not a citizen of India;
- (c) of unsound mind and stands so declared by competent court; and
- (d) not ordinarily a resident within the village for which the Gram Sabha is constituted.

Explanation.— For the purpose of this section, a person shall be deemed to be ordinarily resident in village if he has been ordinarily residing in such village or is in possession of a dwelling house therein ready for occupation.

5. Every Gram Sabha shall, by the name notified in the Official Gazette under section 3, be a body corporate having perpetual succession and a common seal and shall, subject to such restrictions and conditions as may be imposed by or Incorporation of Gram Sabha.

under this Regulation, have power to acquire, hold, administer and transfer property, both movable and immovable, and to enter into a contract and shall, by the said name, sue or be sued:

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

6. (1) The Administrator may, after such inquiry as he thinks necessary and in consultation with the Gram Sabha or the Gram Sabhas concerned, at any time by notification in the Official Gazette, -
 - (a) include any area in a Gram; or
 - (b) exclude any area from a Gram; or
 - (c) declare that any local area shall cease to be a Gram; or
 - (d) alter the Headquarter of any Gram Sabha; or
 - (e) alter the name of any Gram Sabha.
 - (2) Where, by a notification under sub-section (1), any area is included in a Gram, such area shall thereby become subject to all notifications, rules, bye-laws and orders made under this Regulation or any other law for the time being in force in the area within the jurisdiction of the Gram Sabha.
 - (3) Where, by notification under sub-section (1), the whole of the area of a Gram ceases to be a Gram, the Gram Sabha shall cease to exist and its assets and liabilities shall be disposed of in the prescribed manner, and if a part of such area is excluded from a Gram, the jurisdiction of the Gram Sabha shall be reduced by that part.
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7. (1) A member of a Gram Sabha shall cease to be member, if
-
 - (a) he is disqualified under section 4; or
 - (b) the area where he resides has been excluded from the jurisdiction of the Gram Sabha; or
 - (c) he ceases to be ordinarily resident within the jurisdiction of the Gram Sabha.

Alteration in area of Gram Sabha.

Cessation of membership

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

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

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

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

- (2) The Sarpanch or in his absence Upa-Sarpanch or in the absence of both any person chosen by the Gram Sabha shall preside at such meetings.
- (3) For any general meeting of the Gram Sabha, one-tenth of the total number of its members shall form the quorum and decisions shall be taken by a majority of the members present and voting.
- (4) The notice of time and place of meetings shall be given in the prescribed manner.

9. (1) The Sarpanch shall place before the Gram Sabha for its approval the following matters, namely: - Transaction of business at general meeting.
- (a) the annual statement of accounts;
 - (b) budget estimates;
 - (c) the developmental and other programmes of work proposed for the current financial year;
 - (d) proposals for fresh taxation or enhanced taxation;
 - (e) report of the administration of the preceding financial year;
 - (f) the last audit note and replies thereto.

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

Gram Panchayat, namely: -

- (a) annual administration report of the preceding financial year;
- (b) planning supervising, co-ordinating and monitoring the schemes of the Gram Panchayat;
- (c) recoveries of Panchayat dues;
- (d) the last audit report and replies made thereto;
- (e) proposals for organising community service, voluntary labour or mobilisation of the local people for any specific work included in any programme:

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

10. The Gram Sabha shall perform the following functions, namely: - Functions of Gram Sabha

- (i) identification of the beneficiaries and sites under various programmes of the Administration;
- (ii) determination of the priorities of the work to be undertaken by the Gram Panchayat;
- (iii) issuance of utilisation certificate in respect of the development work undertaken by the Gram Panchayat from the grants-in-aid or the Gram Panchayat funds;
- (iv) any other function as may be assigned by the Administrator from time to time.

11. (1) The Gram Sabha shall constitute a minimum of two Supervisory Committees in such manner as may be prescribed to supervise the Gram Panchayat work and other activities in the Gram. Supervisory Committees of the Gram Sabha.
- (2) The Supervisory Committees shall submit its report to the Gram Panchayat and also place a copy of their report in the meeting of the Gram Sabha.

CHAPTER III THE GRAM PANCHAYAT AND ELECTIONS

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

- (2) A Gram Panchayat shall, consist of such number of seats including the Sarpanch not being less than nine or more than fifteen, as the Director Panchayat may, with prior approval of the Administrator notify.
- (3) The ratio between the population of the territorial area of a Gram Panchayat and the number of seats in that Panchayat to be filled by election shall, so far as practicable, be the same throughout the Union territory.
- (4) Each Gram Panchayat area shall be divided by the Election Commission into territorial constituencies in such manner that the ratio between the population of each constituency and the number of seats allotted to it shall, so far as practicable, be the same throughout the Gram Panchayat area.
- (5) Seats shall be reserved for the Scheduled Castes and the Scheduled Tribes in every Gram Panchayat and the number of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of seats to be filled by direct election in the Gram Panchayat as the population of the Scheduled Castes and the Scheduled Tribes in that Gram Panchayat area bears to the total population of that area and such seats shall be allotted by the Election Commission by rotation to different constituencies in a Gram Panchayat, in such manner as may be prescribed:

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

- (6) Not less than one-half of the total number of the seats reserved under sub-section (5), shall be reserved for women belonging to the Scheduled Castes and the Scheduled Tribes.
- (7) Not less than one-half (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in every Gram Panchayat shall be reserved for women and such seats may be allotted by the Election Commission by rotation to different constituencies in a Gram Panchayat, in such manner as

may be prescribed.

- (8) The number of seats to be reserved under sub-sections (6) and (7) shall be determined by the Administrator, by an order published in the Official Gazette.
- (9) The Administrator shall reserve –
 - (a) the number of offices of Sarpanch in the Gram Panchayats for the Scheduled Castes and the Scheduled Tribes which shall bear, as nearly as may be, the same proportion to the total number of such offices in the Gram Panchayats as the population of the Scheduled Castes and the Scheduled Tribes in the area of Union territory to which this Regulation extends bears to the total population of such area;
 - (b) not less than one-half of the total number of offices of Sarpanch in the Gram Panchayats for women:

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

13.
 - (1) Every member of Gram Sabha shall, unless disqualified under this Regulation or any other law for the time being in force, be qualified to vote at an election to the Gram Panchayat or at a meeting of the Gram Sabha.
 - (2) Every member of a Gram Sabha shall, unless disqualified under this Regulation or under any other law for the time being in force, be qualified to be elected to fill up a seat in the Gram Panchayat as a member or as its Sarpanch or as both:

Person qualified to vote and be elected.

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

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

14. (1) No person shall be a member of a Gram Panchayat or continue as such who – ⁽¹²⁾Disqualification
- (a) has, whether before or after the commencement of this Regulation, been convicted –
- (i). of an offence under the Protection of Civil Rights Act, 1955 and a period of five years, or such lesser period as the Administrator may allow in any particular case, has elapsed since his conviction; or 22 of 1955
- (ii). of any other offence and been sentenced to imprisonment for not less than six months, and a period of five years, or such lesser period as the Administrator may allow in any particular case, has elapsed since his release; or
- (b) has been adjudged by a competent court to be of unsound mind; or
- (c) has been adjudicated as an bankrupt or insolvent and has not obtained his discharge; or
- (d) has been removed from any office held by him in any Gram Panchayat under any provision of this Regulation or in any gram panchayat before the commencement of this Regulation and a period of five years has not elapsed from the date of such removal, unless he has, by an order of the Administrator notified in the Official Gazette, been relieved from the disqualification arising on account of such removal from office; or
- (e) has been disqualified from holding office under any provision of this Regulation and the period for which he was so disqualified has not elapsed; or
- (f) holds any salaried office or place of profit in the gift or disposal of any panchayat, other than as such office or place as prescribed under this Regulation; or
- (g) has, directly or indirectly, any share or interest in any work done by order of the panchayat, or in any contract with, by or on behalf of, or employment with or under the panchayat; or
- (h) has, directly or indirectly, any share or interest in any transaction of loan of money advanced to or borrowed from any officer or servant of any

(12). Section 14 substituted by the Presidential Regulation Order, 2020.

panchayat; or

- (i) fails to pay any arrears of any kind due by him to the panchayat or any panchayat subordinate thereto or any sum recoverable from him under this Regulation, within three months after a special notice in accordance with the rules made in this behalf has been served upon him; or
- (j) is a servant of the Government or any local authority; or
- (k) has voluntarily acquired the citizenship of a Foreign State or is under any acknowledgement of allegiance or adherence to a Foreign State; or
- (l) has no facility of water closet or privy accommodation at the place of his ordinary residence:

Provided that a sitting member shall be deemed to have incurred disqualification if he does not submit to the Chief Executive Officer, within six months from the date of commencement of the Dadra and Nagar Haveli and Daman and Diu (Adaptation of State Law and Presidential Regulations) Order, 2020, a certificate issued by the Panchayat Secretary of the Gram Panchayat in whose jurisdiction his ordinary residence is situated, to the effect that he is having facility of water closet or privy accommodation at the place of his ordinary residence.

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

- (n) has more than two children:

Provided that a person having more than two children on the date of commencement of the Dadra and Nagar Haveli and Daman and Diu (Adaptation of State Law and Presidential Regulations) Order, 2020 shall not be disqualified under this clause so long as the number of children he had on the date of such commencement does not increase:

Provided further that a child or more than one child born in a single delivery within the period of one year from the date of such commencement shall not