

Chapter-II

Powers and duties of the Officers/officials of the Department

Powers and duties of Rural Development Department officers/officials emanates from the Punjab Panchayati Raj Act, 1994 and the Punjab Village Common Land (Regulation) Act, 1961 and rules framed there under. These rules are further supported by various manuals and administrative guidelines issued by the Government of India and the State Government from time to time. These powers and duties are further classified into following categories :-

Name of the Powers	To Whom Delegated
1. Administrative Powers Development and Department and Panchayats.	* Financial Commissioner Rural Panchayats. * Special Secretary to Govt. of Punjab, of Rural Dev. * Director Rural Dev. and Panchayats.
2. Financial Powers Development and Department and Panchayats.	* Financial Commissioner Rural Panchayats. * Special Secretary to Govt. of Punjab, of Rural Dev. * Director Rural Dev. and Panchayats.
3. Quasi Judicial Powers Department Collector.	* Special Secretary to Govt. of Punjab, of Rural Dev. and Panchayats. * Commissioner Panchayat lands. * Deputy Director (Exercising the powers of Director) * Divisional Dy. Director-cum-Collector. * Additional Dy. Coommissioner-cum- Collector * District Dev. & Panchayat Officers-cum-
4. Election related Powers and duties Development and	* Block Dev. & Panchayat Officers. * Financial Commissioner Rural Panchayats

Department	* Special Secretary to Govt. of Punjab, of Rural Dev. and Panchayats.
	* Director Rural Dev. and Panchayats.
5. Technical Powers	* Superintendent Engineer (Panchayati Raj)
	* Executive Engineer (P. R.)
	* Sub Divisional Officers (P.R.)
	* Asst. Engineer (P.R.)/Junior Engineer

Administrative Powers

(As per Punjab Panchayati Raj Act, 1994)

- 1) Under Section 5 of the Act Block Development and Panchayat Officer reports about the cessation of sarpanch for Gram Panchayat to the District Development & Panchayat Officer of the District caused due to his failure to hold two constitutive Gram Sabha meetings. District Development and Panchayat Officer then notifies this cessation from his/her post and intimate the same to the concerned Panchayat Samiti and Gram Panchayat for information and record.
- 2) The Director Rural Development and Panchayats (D.R.D.P.) is the competent authority to reinstate the ceased Sarpanch Under Section 5(3) *ibid*.
- 3) Divisional Deputy Director is the competent authority to accept the resignation of Sarpanch Under Section 17 and for Panch Under Section 18 of the Act *ibid*.
- 4) Under Section 19 of the Act Block Development and Panchayat Officer is the competent authority to receive application of 'No Confidence Motion' against the Sarpanch by 2/3 majority of panches. Block Development and Panchayat Officer Under Section 19(3) of the Act is also the competent authority to convene a meeting of Gram Sabha members to decide 'No Confidence Motion'. He can further delegate his power to S. E. P. O. to conduct such meeting.
- 5) Suspension & Removal of Sarpanch & Panch Under Section 20 of the Act on the grounds mentioned under section 208 *ibid*. The State Govt. under section 20(6) is the appellate authority to hear appeal against suspension of Sarpanch and Panch.
- 6) Under Section 21 of the Act, Block Development and Panchayat Officer intimates cessation of Sarpanch or Panch against whom. Gram Panchayat money is assessed under section 216 if he/she fails deposit the same into panchayat fund within 60 days.
- 7) D.D.P.O. is the officer under section 21 of the Act who intimates the cessation of the panch/sarpanch to the concerned Panchayat Samiti.
- 8) The Divisional Deputy Director is the final authority to decide the issue if sarpanch or panch is ceased or not from his/her post.

- 9) Under section 20(3) of the Act, the Director Rural Dev. and Panchayats (D.R.D.P.) is the competent authority to re-instate the ceased panch or sarpanch, if the appeal or the case is filed before him within 30 days of notification of such cessation.
- 10) Under section 23(3) of the Act, the Panchayat Secretary is the concerned official of the Panchayat who issues agenda notice of such meetings.
- 11) Under section 29 of the Act, the State Govt. is the competent to dissolve any Gram Panchayat if it failed to comply with the instructions issued by Panchayat Samitis/Zila Parishads or the Govt., or abuses its powers.
- 12) Under section 29 (A) of the Act, in exceptional circumstances, the State Govt. can also dissolve Gram Panchayats even before the expiry of its term, in public interest.
- 13) Under section 33(2) of the Act, the State Govt. has the authority direct the Panchayat Samitis and Zila Parishads to place certain funds at the disposal of Gram Panchayats to carry out specified delegated functions, if required.
- 14) Under section 37 of the Act, District Development and Panchayat Officer is the competent authority to hear appeals against the order passed by any Gram Panchayat as empowered under section 36 of the Act *ibid*.
- 15) Under section 38, the State Govt. is the notifying authority of the village level officials against whom panchayats can enquire into any act of misconduct.
- 16) Under section 39 of the Act, Panchayat is empowered to look into the working of village Patwari and Chowkidar to perform his duties and submits its report for his negligence in performing duties to the Deputy Commissioner who would take action under the rules.
- 17) Under section 41 of the Act, the Director Rural Dev. and Panchayats (D.R.D.P.) is the authority to lay down suitable condition of publication of bye laws framed by Gram Panchayat.
- 18) Under section 85, of the Act, the State Govt. is competent to grant approval for acquisition or disposal of immovable property by the Gram Panchayat.
- 19) Under section 87 of the Act, BDPO is the appropriate officer to nominate any panch, in the absence of Sarpanch, to keep in safe custody the immovable property or the record of panchayat. He is also the authorized officer to take back the entire Panchayat record on vacation of office by Sarpanch or Panch either by election or resignation or removal as the case may be .
- 20) Under section 87(5) of the Act, the Executive Magistrate is the competent authority to issue search warrant and authorize any police officer/official not below the rank of Sub Inspector, to enter and search, the place of panchayat land record.
- 21) Under section 92 of the Act, the Collector (i.e. D.C.) is competent to recover any sum due under the act *ibid* if the same is declared as arrear of land revenue.
- 22) Under section 112 of the Act, the State Govt. is the competent authority to accept resignation of Chairman/Vice Chairman of Panchayat Samiti.

- 23) Under section 112(3) of the Act, One fifth elected members of Panchayat Samitis can approach, in writing to the Deputy Commissioner, expressing their intention to carryout 'No Confidence Motion' against the Chairman/Vice Chairman of any Panchayat Samiti.
- 24) Under section 113 of the Act, the State Govt. is competent to suspend any member of Panchayat Samitis for reason sufficient to remove him or her from office during the pendency enquiry.
- 25) Under section 114 of the Act, the State Govt. can dissolve any Panchayat Samiti, if it is found to abouse its powers.
- 26) Under section 114 (A) of the Act, the State Govt. can dissolve any Panchayat Samiti, in exceptional circumstances, even before the expiry of its term.
- 27) Under section 116 (16) (A) of the Act, the Deputy Commissioner enjoys the power to direct any officer serving in the distt. to attend and advise the panchayat on matter concerning his department.
- 28) Under section 122 of the Act, Panchayat Samitis are empowered to formulate their by laws with the prior approval of the State Govt.
- 29) Under section 133 of the Act, the State Govt. is competent to acquire immovable property on behalf of Panchayat Samiti on receipt of request to do so.
- 30) Under section 137 of the Act, permission of the State Govt. is a must for acquisition or disposal of any immovable property held by the Panchayat Samiti.
- 31) Under section 139 (2) of the Act, the Panchayat Samiti can invest its funds in securities or such other manner with the specific permission of the Director Rural Development and Panchayats (D.R.D.P.)
- 32) Under section 140 (g) of the Act, the State Govt. has the powers to issue directions to fix priority of the schemes under community development programme.
- 33) The State Govt. has also powers to declare any expenses as fit charge on Panchayat Samiti funds.
- 34) Under section 154 of the Act, the Block Development and Panchayat Officer acts as Executive offices of Panchayat Samiti.
- 35) Under section 174 of the Act, the State Govt. is the competent authority to accept the resignation of Chairman and Vice Chairman of Zila Parishad.
- 36) Under section 176 of the Act, any member of Zila Parishad can tender his resignation to the Director Rural Development and Panchayats who is competent to accepted it.
- 37) Under section 178 and 178 A of the Act, the State Govt. is competent to dissolve any Zila Parishad, if it abuses its power or is not competent to perform its duties or commit serious irregularities as pointed out during inspection, even before the expiry of its term.

- 38) Under section 187 of the Act, Zila Parishad with prior approval of the state Government can acquire hold and dispose of property and can also enter into contracts with other bodies or individuals, as the case may be.
- 39) Under section 187 (4) of the Act, Deputy Commissioner on the request of Zila Parishad, can acquire land for public purposes, invoking the provisions of Land Acquisition Act, 1894 and hand it over to the Zila Parishad.
- 40) Under section 188(4) of the Act, the State Govt. can direct and prescribe the manner and mode under which the Zila Parishad funds are to be kept or invested.
- 41) Under section 195 of the Act, ADC (D) acts as Chief Executive Officer of Zila Parishad and an officer of the Rural Development and Panchayat Department, in the rank of District Development and Panchayat Officer, acts as Deputy Chief Executive Officer, Zila Prishad.
- 42) Under section 196 of the Act, the State Govt. is empowered to fix norms for recruitment of employees of Zila Parishad and can also transfer and exercise such other administrative control over the employees of the Zila Parishad.
- 43) Under section 198 of the Act, Chief Executive Officer is empowered to effect recovery of money, record or other property related matters by invoking and exercising the provisions of Punjab Land Revenue Act, 1887 read with provisions of chapter 7 of the Code of Criminal Procedure 1973.
- 44) Under section 199 of the Act, the Director Rural Development and Panchayats is competent to cancel and suspend resolution of Gram Panchayats, Panchayats Samities and Zila Parishad.
- 45) Under section 200 of the Act, if the panchayat fails in the performance of its duties, other than judicial functions, the District Development and Panchayat Officer can appoint administrator for carrying out of particular work of the panchayat.
- 46) Under section 200 (2) of the Act, the Director Rural Development and Panchayat can appoint administrator to administer the property of any Panchayat.
- 47) Under section 201 of the Act, the State Govt. has the power to call for and examine the record of any Panchayat or any or authority of the panchayat.
- 48) Under section 202 of the Act, the State Govt. can use emergency powers to issue notification declaring specific functions or powers to be exercised by any person notified for any specific period.
- 48) D.R.D.P. under section 203 of the Act, has the power to have excess to or seize or cause to be produced before him any record of the Panchayat and inspect any immovable property or any work or institution of the panchayat in the State of Punjab.
- 50) Under section 204 of the Act, the State Govt. has the power to issue directions.
- 51) Under section 205 of the Act, the State Govt. can enquire into the affairs of any Panchayat and its officers.

- 52) Under section 206 of the Act, the State Govt. can order to attend and speak in the proceeding of any Panchayat and of its standing committee.
- 53) Under section 207 of the Act, the State Govt exercise control on Deputy Commissioner and Commissioner as per procedure of the Revenue Act.
- 54) Under section 215 of the Act, if any dispute arising between the panchayat and Municipal Committee, the competency to settle the same lies with the Department of Rural Dev. and Panchayats.
- 55) Under section 216 of the Act, if any member of the panchayat causes loss to Panchayat funds and its property, the same is made good by the Block Development and Panchayat Officer. If the defaulting person is a Panchayat Member or Chairman/Vice Chairman of Panchayat Samiti, proceeding against him is initiated by the District Development and Panchayat Officer and if the person is the Chairman/Vice Chairman of Zila Parishad, such proceedings are initiated by the concerned Divisional Deputy Director Panchayat.
- 56) Under section 217 of the Act, an employee of the panchayat can appeal against the order of Panchayat to the Block Development and Panchayat Officer. Employee of the Panchayat Samiti to the Deputy Commissioner and employee of Zila Parishad to the Commissioner within prescribed time limit.
- 57) Under section 221 of the Act, the State Govt. can delegate powers except the powers to make rules.
- 58) Under section 221 (2) of the Act, D.R.D.P. can delegate his powers to such officer as may be mentioned in the delegation order.
- 59) Under section 223 of the Act, the State Govt. has the power to remove difficulties *vis-a-vis* the confrontation, if surfaced, with other enactments.
- 60) Under section 225 of the Act, Panchayat may make regulations to carry out its functions with the prior approval of the State Govt.
- 61) Under section 226 of the Act, the State Govt. has the powers to frame modal regulations to carry out the provisions of the act and rules *ibid*.
- 62) Under section 227 of the Act, the State Govt. by notification has the power to make rule to carrying out any purpose of the act *ibid*.
- 63) Under the Punjab Village Common Land (Regulation) Act, 1961 and Rules 1964, the officers and officials are required to assist the Gram Panchayat in measuring the shamlat land for the benefit its inhabitants.

FINANCIAL POWERS

- 1) Under section 31 of the Act, the State Govt. can assign functions mentioned in section 30 of the Act and can also place requisite funds to carry out such functions.
- 2) Under section 86 (2) of the Act the State Govt. can assign any portion of the land revenue collected from the Gram Sabha area, but not less then 40% of the total land revenue collect from the Sabha area, to the Gram Panchayat funds.

- 3) Under section 88 of the Act, the State Govt. has the power to issue order authorizing Gram Panchayat to levy taxes, on land and transfer sale deed etc.
- 4) The State Govt. is also competent to levy surcharge under the Indian Stamp Duty Act, 1999.
- 5) The Govt. is also competent to authorize gram panchayat to charge fees i.e. user charges on sanitary and water services.
- 6) Under section 89 of the Act, on the recommendation of the State Election Commission, the Gram, Panchayats are entitled to receive grant-in-aid from the consolidated fund of the State.
- 7) Under section 93 of the Act, the State Govt. can grant permission to the Gram Panchayat to raise loan or borrow money to fulfill the obligations of the Act.
- 8) Under section 94 of the Act, special tax for community services can be imposed.
- 9) Under section 97 of the Act, the State Govt. can appoint any authority to carryout the audit of accounts of the Gram Panchayats.
- 10) Under section 120 of the Act, the State Govt. can entrust additional functions along with funds to execute schemes and projects of the Panchayats.
- 11) Under section 143/194 of the Act, State Govt. appoint Examiner to conduct audit of the accounts of the Panchayat Samiti.
- 12) Under section 146 of the Act, the State Govt. could assign @ 25% of the local rate to the credit of the Panchayat Samiti funds.
- 13) Under section 148 of the Act, the local rate proceeds are apportioned between Panchayat Samiti and Zila Parishad by the State Govt.
- 14) Under section 149 of the Act, the State Govt. exercises general control over the taxation measures of the Panchayat Samiti.
- 15) Under section 150 of the Act, with the approval of the State Govt. Panchayat Samiti can impose any tax, duty or fee.
- 16) Under section 150 (A) of the Act, Panchayat Samiti can barrow money or raise loan with the approval of State Govt. from banker to carryout its functions.
- 17) Under section 155 and 157 of the Act, the State Govt. places at the disposal of Panchayat Samiti, the Govt. staff, required for carrying out the functions of Panchayat Samiti.
- 18) Under section 181 f, g & h of the Act, the State Govt. can delegate functions and powers along with funds to carry out development activities of the Zila Prishad.
- 19) Zila Parishad under section 181 (3) of the Act, can levy certain contribution on the Panchayat Samiti with the approval of State Govt.
- 20) Under section 189 of the Act, Zila Parishad can levy tax with the permission of State Govt. and can frame bye laws with respect to scales of fees and the manners and procedure to collect it.

- 21) Under section 190 of the Act, the Gram Panchayat is competent to grant approval to Zila Parishad to raise loans and barrow money from banker or financial institution.

Quasi judicial Powers

The State Govt. has notified District Development and Panchayat Officer of all the districts, Divisional Deputy Director of all the divisions and some of the Additional Deputy Commissioners (Development), as collector in respect of the Punjab Village Common Lands (Regulation) Act, 1961 and Rules, 1964, to function as collector. Director Rural Development and Panchayats and Joint Development Commissioner work as Commissioner under the Act. These officer hold Revenue Courts and pass quasi judicial Orders with regards to :-

- 1) Under section 7 of the Act, if any Panchayat or an officer authorized to file application approaches the collector, seeking eviction of unauthorizely encroaching upon any shamlat land.
- 2) The appeal against the order of the collector lies with the Commissioner, within 60 days from the date of such the order.
- 3) The common purpose land described as 'Jumla Mustrka Malkan, Bachat Land etc.' are covered for eviction from unauthorized encroachment under the Punjab Public Premises and Land (Eviction and Rent Recovery) Act, 1973. The power under this Act lies with the Sub Divisional Magistrates of the divisions who act under section 4 and 5 of the Act and pass eviction orders accordingly. The appeal against such orders lies with the Commissioner i. e. Director Rural Development and Panchayats and Joint Development Commissioner under the Act.
- 4) Collector, under section 10 A of the Act, looks into the legality or propriety of lease, contract or agreement executed by any Gram Panchayat under his jurisdiction and pass appropriate order upholding the contract or cancel the lease contract or agreement or may vary the term thereof.
- 5) Appeal against the order passed under section 10 A, lies with the Commissioner, i.e. DRDP & JDC within 30 days from the date of the order appealed against.
- 6) Under section 11 of the Act, collector decides the claim of right title or interest in Shamlat Deh, if any person or Gram Panchayat approach the Collector in writing through application duly verified and signed.
- 7) Appeal against the order under section 11, lies with the Commissioner with 60 days from the date of the order appealed against.
- 8) Under section 15 of the Punjab Village Common Lands (Regulation) Rules, 1964 the Collector determines the quantum of compensation to the person who is entitled to such benefits under, Act.

Election Related Powers and Duties

- 1) The State Government through the Department of Rural Dev. and Panchayats issues notification under section 3 of the Act, for establishment of Gram Sabha for suitable rural population including revenue estate, village or part thereof or group of contiguous villages.

- 2) Under section 10 of the Act, for each Gram Sabha in the name of Gram Panchayat is constituted through gazette notification and number of Panches representing that Gram Panchayat is determined on the basis of population of the said Gram Sabha.
- 3) Under section 11 of the Act, seats for the offices of panches is reserved for women and Scheduled Caste. In village having 20% population of backward classes, one seat is reserved for them.
- 4) Under section 12 of the Act, for the offices of Sarpanches are reserved for women upto one third of the total seats in the block. Seats for Schedule Caste is reserved in proportion to the ratio of the Schedule Caste population in the block.
- 5) Oath to the Sarpanches and Panches is solemnized by the officer deputed by the Govt., under section 13 of the Act.
- 6) Under section 98 of the Act, the State Govt. Constitutes a Panchayat Samiti for every block in the District . The area included or excluded in the Panchayat Samitis jurisdiction is re-delimited by the State Govt.
- 7) Under section 101 of the Act, territorial constituencies for each Panchayat Samiti are delimited and adequate number of them are reserved for women and S.C. person by the State Govt.
- 8) Under section 101 of the Act, a territorial constituency for the member to be elected from amongst the Sarpanch of the Panchayats, are also delimited by the State Govt.
- 9) Under section 102 of the Act, Panchayat Samiti seats for S.C., B.C. and women are reserved by the State Govt.
- 10) Under section 104 of the Act, notification of the election and oath allegiance by members of Panchayat Samiti is administered by the official as notified by the State Govt.
- 11) Under section 105 of the Act, Deputy Commissioner conducts the election of Chairmen and Vice-Chairmen of Panchayat Samiti from amongst the elected members of Panchayat Samiti.
- 12) Under section 106 of the Act, requisite no. of reservation for the office of Chairman and Vice-Chairmen is notified by the State Govt.
- 13) Under section 107 of the Act, rotation of reserve seats for various categories is carried out by rotation chart as notified by the State Govt.
- 14) Under section 115 of the Act, if any casual vacancy to the post of Chairmen or Vice-Chairmen arises, it is filled by adopting appropriate procedure prescribed by the State Govt.
- 15) Under section 161 of the Act, the State Govt. notifies the Zila Parishad with its name and specify its jurisdiction.
- 16) Under section 162 of the Act, the constitution of Z.P. with respect to directly elected members, ex-officio members and also the M.Ps and M.L.As of the area whose major portion falls under the Z.P. is notified.

- 17) Under section 163 of the Act, the ratio of directly elected members and other members is notified.
- 18) Under section 164 of the Act, territorial constituencies of the Z.P. are delimited and reserved or non-reserved seats are also notified.
- 19) Under section 165 of the Act, Z.P. seats for S.C., B.C. and Women are reserved as per the Act.
- 20) Under section 167 of the Act, notification of election and oath and allegiance is administered by the officer deputed by the State Govt.
- 21) Under section 168 of the Act, Deputy Commissioner makes arrangement and conduct election for the post of Chairmen and Vice-Chairmen of the Z.P.
- 22) Under section 169 of the Act, post for the office of Chairmen and Vice-Chairmen are reserved.
- 23) Under section 170 of the Act, provision is made for the rotation of reserve seats with other seats.
- 24) Under section 177 of the Act, the casual vacancies are filled up from amongst that category from which it fall vacant.
- 25) Under section 209 of the Act, the State Govt. declares general elections for the panchayat as per provision of the Act read with and election rules.
- 26) Under section 213 of the Act, election to the panchayat or vacant vacancy is to be filled in within six months. Occurrence of such vacancies are reported by Govt. official to the State Election Commissioner to make necessary arrangement to hold the election.

Technical Powers

The Punjab Village Panchayat Work Rules, 1952 are applicable to the works executed through Panchayats. Technical advice, as well as, help to prepare estimates is also rendered by a technical wing of the department. A perusal of the work is calculated on the basis of entries made in the Measurement Book by Junior Engineer and checked by Sub Divisional Officer (Panchayati Raj) and Xen (Panchayati Raj) etc. Utilization Certificate of the grants spent through Panchayat is issued on the basis of technical perusal made by the engineering wing.

Administrative approval is accorded on the basis of detailed estimates prepared by technical wing. Administrative approval is accorded by the Govt. for Works Presently works costing upto 10 lakh competency lies with the Gram Panchayat whereas works for costing upto 20 lakh, the competency lies with the Panchayat Samiti and works costing more than 20 lakh, the competency lies with the Zila Parishad.