Jharkhand Panchayat Raj Act, 2001

[Jharkhand Act - 06 of 2001]

An Act to provide for constitution of Panchayat Raj in the state of Jharkhand. Be it enacted by the Legislature of the State of Jharkhand in the fifty second year of the Republic of India as follows :-

Chapter - 1

Short Title and Definitions

Section 1
Short title, extent and commencement:-
(i) This Act may be called The Jharkhand Panchayat Raj Act, 2001.
(ii) It extends to the whole of the state of Jharkhand excepting the areas to which provisions of the Patna Municipal Corporation Act, 1951 (Bihar Act XIII of 1952); Bihar & Orissa Municipal Act, 1922 (Bihar Act VII of 1922) or Cantonment Act, 1924 (Act II of 1924) apply.
(iii) It shall come into force on such date as the Jharkhand Government may, by notification in the official gazette, appoint and different dates may be appointed for different areas and for different provisions.

Section 2
Definitions : In this Act unless there is anything repugnant in the context :
(i) "Population" means the population as ascertained at the last preceding census of which the relevant figures have been published;
(ii) "Village" means a village specified by the State Government, by notification in the official gazette to be a village for the purposes of this Act, and includes a village or a group of villages/ Tolas so specified. The
word "village" includes a revenue village; but in the scheduled area, a 'village' means any such village in The scheduled area in which there will ordinarily be a residence or a group of residences, or a tola or a group of tolas, comprising such community as manages its activities according to its customs and usages;

(iii) "Gram Sabha" means a body consisting of persons registered in the electrol rolls relating to a village comprised within the area of the Gram Panchayat and constituted under section 3;

(iv) "Gram Panchayat" means a Gram Panchayat constituted under section 12;

(v) "Panchayat Area" means territorial area of a Panchayat constituted under this act;

(vi) "Member" means an elected/nominated member of any territorial/local constituency of a Gram Panchayat, Panchayat Samiti or Zila Parishad;

(vii) "Mukhia" means a Mukhia of a Gram Panchayat elected under the provisions of this Act;

(viii) "Up-Mukhia" means an Up-Mukhia of a Gram Panchayat elected under this Act;

(ix) "Panchayat Samiti" means a Panchayat Samiti constituted under section 32 of this Act;

(x) "Block" means such local area in a district as the State Government may constitute to be a Block;

(xi) "Pramukh" means a Pramukh of Panchayat Samiti elected under this act;

(xii) "Up-Pramukh" means an Up-Pramukh of Panchayat Samiti elected under this Act;
(xiii) "District" means a district as notified by the State Government to be a district;

(xiv) "Zila Parishad" means a Zila Parishad of a district constituted under section 47 of this Act;

(xv) "Adhyaksha" means an Adhyaksha of Zila Parishad elected under the provisions of this Act;

(xvi) "Upadhyaksha" means an Upadhyaksha of Zila Parishad elected under the provisions of this Act;

(xvii) "Election" means an election to fill up a seat or seats in a Panchayat;

(xviii) "Election Proceedings" means proceedings starting with issuance of notification for election and ending with declaration of result thereof;

(xix) "State Election Commission" means a State Election Commission constituted by the Governor under section 66 of this Act in the light of Article 243 K (1) of the constitution;

(xx) "Secretary" means Secretary appointed in prescribed manner by the prescribed authority for Gram Panchayat, Panchayat Samiti and Zila Parishad under this Act;

(xxi) "Assistant Secretary" means an officer especially appointed by the State Government through the Panchayat Raj Directorate to carry on functions to be prescribed;

(xxii) "Block Development Officer" means an officer appointed as such by the State Government;

(xxiii) "Sub Divisional Officer" means the Magistrate-in-Charge of a sub division in which a Gram Panchayat has been established and includes any other Magistrate who may be specially appointed by the Government
to discharge all or any of the functions of (The Sub Divisional) Magistrate under this Act;

(xxiv) **"Executive Officer"** means an Executive Officer of a Panchayat Samiti, appointed under the provisions of this Act;

(xxv) **"District Panchayat Raj Officer"** means an officer appointed as such by the State Government;

(xxvi) **"Chief Planning Officer"** means a District Planning Officer appointed as such by the State Government;

(xxvii) **"Chief Executive Officer"** means a Chief Executive Officer of a Zila Parishad appointed by the State Government under the provisions of this Act;

(xxviii) **"District Magistrate"** means a District Magistrate or a Deputy Commissioner of a District so appointed by the State Government and includes any other officer, who may be especially appointed by the State Government to discharge all or any of the functions of the District Magistrate under this Act;

(xxix) **"Commissioner"** means the Divisional Commissioner or such other officer as may be especially appointed by the State Government to exercise the powers of a Commissioner under this Act;

(XXX) **"Director"** means a Director employed as such by the State Government;

(XXXI) **"Government"** means the State Government of Jharkhand;

(XXXII) **"Prescribed"** means prescribed under this Act or Rules made hereunder;

(XXXIII) **"Prescribed Authority"** means an officer of a particular rank and designation appointed by the State Government under this Act or Rules made thereunder;
(xxxiv) "Notification" means a notification published in the state or District Gazette;

(xxxv) "Scheduled Area" means a scheduled area referred to in Clause (1) of Article 244 of the Constitution of India;

(xxxvi) "Other backward Classes" means all such classes as have been specified by the State Government;

(xxxvii) "Public Servant" means a public servant as defined in section 21 of the Indian Penal Code (I.P.C. 45 of 1860);

(xxxviii) "Public Market" or "Public Fair" means a market or a fair, as the case may be, notified under section 83 of this Act;

(xxxix) "Public Property" or "Public Land" means such public building, garden, orchard or other place where people for the time being, either on making any payment or otherwise, make use of it or have permission of access;

(XXXX) "Public Road" means such a road, footpath, street, lane, flank or passage over which people have the right of way;

(XXXI) "Cooperative Society" means a society mentioned by the State Government in the Act relating thereto;

(XXXII) "Standing Committee" means a standing committee constituted under this Act;