

Bihar Panchayat Raj (Amendment) Act, 2007

AN

ACT

To amend the Bihar Panchayat Raj Act, 2006 (Bihar Act 6, 2006)

Be it enacted by the Legislature of the State of Bihar in the fifty eighth year of the Republic of India as follows :-

1. Short title, extent and commencement :- (1) This Act may be called the Bihar Panchayat Raj (Amendment) Act, 2007.

(2) It shall extend to the whole of the State of Bihar.

(3) It shall come into force at once.

2. Amendment of Section-18 of Bihar Act 6, 2006 :-

(i) In the first para of Section-18(5) of the Bihar Panchayat Raj Act, 2006 (Bihar Act 6, 2006) (hereinafter referred to as the Act) the word "Commissioner" shall be substituted by the word "Government".

(ii) The second paragraph of Section-18(5) of the said Act " The Mukhiya or Up-Mukhiya so removed shall not be eligible for re-election as Mukhiya or Up-Mukhiya or Member of Gram Panchayat during the remaining term of office of such Gram Panchayat.", shall be substituted by the following para, namely :—

"The Mukhiya or Up-Mukhiya so removed on the charge of being found guilty of misuse of vested powers or of misconduct in the discharge of his duties shall not be eligible for election to any panchayat bodies till further five years from the date of such removal. The Mukhiya or Up-Mukhiya so removed on rest of the charges shall not be eligible for re-election as Mukhiya or Up-Mukhiya or Member of Gram Panchayat during the remaining term of office of such Gram Panchayat.",

(iii) Section-18(6) of the Act shall be deleted.

3. **Amendment of section–44 of Bihar Act 6, 2006 :-** (i) In Section – 44(4) of the Act, the word "Commissioner" shall be substituted by "Government".

(ii) The second paragraph in section–44(4) of the said Act “The Pramukh or Up-Pramukh so removed shall not be eligible for re-election as Pramukh or Up-Pramukh of Panchayat Samiti during the remaining term of office of such Panchayat Samiti. Appeal shall lie before the Member, Board of Revenue against the order of the Commissioner”, shall be substituted by the following para, namely:—

"The Pramukh or Up-Pramukh so removed on the charge of being found guilty of misuse of vested powers or of misconduct in the discharge of his duties shall not be eligible for election to any panchayat bodies till further five years from the date of such removal. The Pramukh or Up-Pramukh so removed on rest of the charges shall not be eligible for re-election as Pramukh or Up-Pramukh during the remaining term of office of such Panchayat Samiti."

4. **Amendment of section–70 of Bihar Act 6, 2006 :-** (i) In the first para of Section–70(5) of the Act the word "Commissioner" shall be substituted by the word "Government".

(ii) The second paragraph in section–70(5) of the said Act “The Adhyaksha or Upadhyaksha so removed shall not be eligible for re-election as Adhyaksha or Upadhyaksha during the remaining term of office of such Zila Parishad. Appeal shall lie before the Member, Board of Revenue against the order of the Commissioner”, shall be substituted by the following para, namely:—

"The Adhyaksha or Upadhyaksha so removed on the charge of being found guilty of misuse of vested powers or of misconduct in the discharge of his duties shall not be eligible for election to any panchayat bodies till further five years from the date of such removal. The Adhyaksha or Upadhyaksha so removed on rest of the charges shall not be eligible for re-election as Adhyaksha or Upadhyaksha during the remaining term of office of such Zila Parishad."

5. **Amendment of section – 97 of Bihar Act 6, 2006 :-** (i) In the first para of section–97(5) of the Act the word "Commissioner" shall be substituted by the word "Government".

(ii) The second paragraph in Section–97(5) of the said Act “ The Sarpanch or Up-Sarpanch so removed shall not be eligible for re-election as Sarpanch or Up-Sarpanch or Panch of Gram Katchahry during the remaining term of office of such Gram Katchahry.”, shall be substituted by the following para, namely :—

"The Sarpanch or Up-Sarpanch so removed on the charge of being found guilty of misuse of vested powers or of misconduct in the discharge of his duties shall not be eligible for election to any panchayat bodies till further five years from the date of such removal. The Sarpanch or Up-Sarpanch so removed on rest of the charges shall not be eligible for re-election as Sarpanch or

Up-Sarpanch or Panch of Gram Katchahry during the remaining term of office of such Gram Katchahry.”

6. **Amendment of Section-97 of Bihar Act 6, 2006 :-** Section-97(6) of the Act is deleted.

7. **Amendment of Section-152 of Bihar Act 6, 2006 :-** In Section -152(1) and 152(3) of the Act the words "or Commissioner" are deleted.