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The Jharkhand Panchayat Raj Act, 2001

(Excerpts - water supply and sanitation provisions)

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JHARKHAND PANCHAYAT RAJ ACT, 2001

[Jharkhand Act - 06 of 2001]

[Jharkhand Gazette, Extraordinary, 10 May 2001]

An Act to provide regulating provisions for the establishment of Panchayat Raj in 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 VII - FUNCTIONS OF PANCHAYATS

75 (A) Functions of Gram Panchayat

Subject to such conditions as may be specified by the Government from time to time, and to the extent the fund of Gram Panchayat also the Gram Panchayat shall perform the functions specified below:

(11) Drinking water facilities:

- (i) Construction, repair and maintenance of public wells, ponds and hand -pumps for drinking water, washing clothes and bathing;
- (ii) Taking measures for control and prevention of water pollution;
- (iii) Regulation and maintenance of rural water supply scheme;
- (iv) Management of drinking water sources.

(12) Roads, Buildings, Bridges, Culverts, Water ways and other means of communication:

- (i) Construction and maintenance of rural roads, drains and bridges - culverts.
- (ii) Maintenance of building under its control or transferred by the Government or any public Authority.
- (iii) Maintenance of boats, ferries and waterways.

(22) Medical Facilities and Sanitation

- (i) Promotion of village sanitation;
- (ii) Cleaning of public streets, ponds, wells and roads;
- (iii) Construction and maintenance of public latrines;
- (iv) Management and control of bathing and washing ghats;
- (v) Vaccination;
- (vi) Prevention against epidemics;
- (vii) Maintenance and regulation of burning and burial grounds;
- (viii) Disposal of unclaimed corpses and carcasses;
- (ix) Preventive measures against stray animals.

76 (A) Functions of Panchayat Samiti

Subject to such conditions as may be prescribed by the Government from time to time, as far as in keeping with the Panchayat Samiti Fund, the Panchayat Samiti shall perform in its area the functions enumerated as follows:-

(i) It shall make schemes for its balanced uplift and for ensuring their implementation in the following fields:

(e) Integrated health and sanitation;

(m) Integrated minor irrigation

(v) Development of minor irrigation, water management and water shed as well as drainage of slanting water:

(a) Assistance the Government and Zila Parishad in providing and maintaining minor irrigation works;

(b) Preparation of integrated plan for community and private minor irrigation and ensuring implementation thereof.

(xi) Drinking water facility:

(a) Control and prevention of water pollution;

(b) Integrated provision for rural water supply schemes, their repairs and maintenance;

(c) Integrated management of drinking water sources.

(xii) Roads, buildings, bridges and culverts, water - ways and other means of communication:

(a) Ensuring construction and maintenance of village roads, drains and bridges culverts benefiting two or more than two villages within its jurisdiction.

(b) Maintenance of buildings under its control or transferred to its by the Government or any Public Authority;

(c) Aiding integrated development of boats, ferries and waterways.

(xxi) Hygiene and Sanitation:

(a) Aiding and guiding Gram Panchayats by making an integrated plan for encouraging village sanitation, for cleanliness of public streets, ponds, wells and roads, for management and control of bathing and washing ghats, for vaccination, for prevention and control of epidemics, for Maintenance as running of burning and burial grounds, for disposal of unclaimed corpses and carcasses, for preventive measures against stray animals.

76 (B) Additional Powers of Panchayat Samiti in Scheduled Area

Without prejudice to the generality of the powers endowed by this Act, a Panchayat Samiti in any of the scheduled areas shall have the following powers:

1. Preparing a plan for minor reservoirs belonging up to a specified water area, owning and managing the same.

77 (A) Functions of Zila Parishad

Subject to such conditions as may be prescribed by the Government from time to time, the Zila Parishad shall perform the following functions:

- (iv) Minor irrigation, water management and water shed – development:
 - (a) Construction and management of lift irrigation;
 - (b) Extension of water shed programme;
 - (c) Maintenance of available water sources;
 - (d) Development of under ground water resources;
 - (e) Encouraging community water committees and installing community pump sets.
- (x) Drinking water facility:
 - (a) Control and prevention of water pollution;
 - (b) Extension of rural water supply;
 - (c) Management of drinking water sources.
- (xx) Hygiene and Sanitation:
 - (a) Ensuring promotion of rural sanitation and cleanliness of public streets, ponds, wells and roads;
 - (b) Preparing an integrated plan for public toilets, causing its implementation and maintenance;
 - (c) Carrying out extensive programme for immunization and vaccination against diseases;
 - (d) Preparing and causing implementing of a comprehensive plan for control and prevention of epidemics;
 - (e) Establishment and maintenance hospitals, primary health centers and dispensaries other than hospitals of medical College, T.B.-Sanitoriums, leprosy and mental hospitals;
 - (f) Activities appertaining to maternity and Child - care;
 - (g) Convening Health-camps in coordination with Gram Panchayats and Panchayat Samities;
 - (h) Taking measures for prevention against environmental pollution

CHAPTER VIII - FUND AND PROPERTY OF PANCHAYAT

84. Fund of Gram Panchayat and its Property

(2) All property within the local limits of the jurisdiction of the Gram Panchayat of the nature herein after in this section specified, other than property maintained by the Central or the State Government or a local Authority or any other Gram Panchayat shall vest in and belong to the Gram Panchayat and shall with all other property of whatsoever nature of kind which may become vested in the Gram Panchayat, be under its, direction, management and control, that is to say;

(c) All public sewage systems and drains and all constructing materials and articles appertaining thereto and other sewage works;

Provided that the sub soil for the purposes of enlarging, deepening or repairing otherwise or maintaining such sewage and drains or attached therewith shall be deemed vested in the Gram Panchayat;

(d) The entire night soil, garbage and obnoxious material collected from streets, lavatories, urinals, sewage system, cesspits and other places or dumped on street by the Gram Panchayat;

(g) All public channels, water courses, springs, tanks, ghats, reservoirs, cisterns, wells, aqueducts, conducts, tunnels, pipes, pumps and other water works whether made, laid or erected at the cost of the Gram Panchayat or otherwise and all bridges, buildings, fuel, works materials and things connected therewith or appertaining thereto and also any adjacent land (not being private property) appertaining to any public tank.

Provided that water pipes and water works, connected therewith or appertaining thereto which with the consent of the Gram Panchayat are laid or set up in any street by the owners of any mill, factory, industry, works-shop or the like, primarily for the use of their employees shall not be deemed to be public water works by reason of their being used by the public.

CHAPTER X - TAXATION AND REALISATION OF CLAIMS

Section 93

(1) Taxation by a Gram Panchayat

(ii) Subject to the maximum rate as the Government, may prescribe, a Gram Panchayat may realize the following fees and rates, namely:

(c) Water tax, where arrangement for the supply of water for drinking, irrigation or any other purpose is made by the Gram Panchayat within its jurisdiction.

(2) Taxation by a Panchayat Samiti

(i) Subject to such rules as may be made in this behalf and the maximum rates specified a Panchayat Samiti:

(b) May realize the following fees and rates:

2) Fee for providing sanitary arrangements at such places of pilgrimages, Hats Melas within its jurisdiction as may be specified by the Government by notification;

4) Water tax, where arrangement for the supply of water for drinking, irrigation or any other purpose is made by the Panchayat Samiti, within its jurisdiction.

(3) Taxation by a Zila Parishad

(i) Subject to the maximum rate as specified by the government, a Zila Parishad may impose the following taxes:

(b) May impose fees and taxes on the following, namely:

5) Water tax, where arrangement for supply of water for drinking, irrigation or any other purpose is made by the Zila Parishad within its jurisdiction.

CHAPTER – XIII: DISTRICT PLANNING COMMITTEE

Section 123

(i) In the light of the Provisions of Articles 243ZD of the constitution of India, there shall be constituted in every district a District Planning committee to consolidate the plans Prepared by the Panchayats and the Municipalities in the district and to prepare a draft development plan for the district as a whole and to exercise such other powers as may be assigned to it from time to time by the State Government.

Section 129 - Constitution of Sub- Committees

(i) Keeping the functions of the District Planning Committee in view, the following Sub- Committees consisting of members from amongst the members of the District Planning Committee shall be constituted in the prescribed manner:

(d) Irrigation Development Programme Sub-Committee;

(i) Water supply Sub-Committee.