

PUNJAB GRAM PANCHAYAT ACT, 1952

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Chandigarh and areas of the erstwhile State of Punjab transferred to the Union territory of Himachal Pradesh under the Punjab Reorganisation Act, 1966 (Act 31 of 1966)]. (3) It shall come into force at once

2. The Punjab Village Panchayat Act, 1939 is Repeal and hereby repealed. But notwithstanding such repeal, any- Transitional provision. thing done or any action taken in exercise of powers conferred by the repealed Act shall be deemed to have been done or taken under this Act to the extent that it is not inconsistent with the provisions of this Act : Also see sections 21 to 25 *ibid.* reproduced below 21. Nothing in this Act shall affect the continuance of the Panchayats under the principal Act which are in existence immediately before the coming into force of this Act, or the exercise by them of the powers and functions under the principal Act as amended by this Act, till such time as the Sabha areas are demarcated, Sabhas therein are established and constituted and Gram Panchayats are elected in accordance with the provisions of this Act, and the aforesaid Panchayats shall continue so to exist as if this Act had not been passed and to exercise the powers and functions accordingly. Failure of conciliation proceedings not to affect the proceedings of Gram Panchayat, 23. In the principal Act as amended by this Act, any reference to a law which was in force in territories which, immediately before the 1st November, 1956, were comprised in the State of Patiala and East Punjab States Union shall, in relation to such territories, be construed as a reference to the corresponding law, if any, in force in such territories. 24. (1) The Pepsu Panchayat Raj Act, 1953, is hereby repealed, Repeal and Saving. Provided that the repeal shall not effect— (a) the previous operation of the Act so repealed or anything duly done or suffered thereunder, or (b) substituted by the Punjab Zila Parishads, Panchayat Samitis and Gram Sabhas (Reconstitution and Reorganisation) Order, 1969. Scanned with OKEN Scanner 1953 : Pb GRAM PANCHAYAT 129 Provided that the Panchs in an existing panchayat shall not be affected by the provisions of section 5 of this Act

3. In this Act, unless the context otherwise requires,—Definitions. (a) "adult" means a person, male or female, who has attained the age of 21 years ; "building" means any shop, house, hut, out-house, shed, or stable, whether used for the purpose of human habitation or otherwise and whether of masonry, bricks, wood, mud, thatch, metal or any other material whatever ; and includes a wall and a well ; (c) "by-laws" means by-laws made by the Panchayat under this Act ; "common land" means land which is not in the exclusive use of any individual and has by usage, custom or prescription been reserved for the common purposes of village community or has been acquired for such purposes ; (b) any right, privilege, obligation or liability acquired) accrued or incurred under the Act so repealed, or (c) any penalty, forfeiture or punishment incurred in respect of any offence committed against the Act so repealed, or (d) any investigation, legal proceedings or remedy in respect of any such right privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid : and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed as if this Act had not been passed, (2) Subject to the provisions of the proviso to sub-section (1) anything done or any action taken (including any appointment or delegation made, notification, order, instruction or direction issued, rule, regulation, bye-law or form framed), under the Act repealed by sub-section (1) shall, in so far as it is not inconsistent therewith be deemed to have been done or taken under the corresponding provision of the principal Act as amended by this Act and shall continue to be in force accordingly, unless and until superseded by anything done or any action taken under the principal Act as so amended Provided that Panchayati Adalats, Class I and Panchayati Adalats, Class II, shall cease to function on the date of commencement of this Act

25. If any difficulty arises in giving effect to the provisions of the principal Act as amended by this Act, the State Government may, by order notify in the Official Gazette. make such provisions or give such directions as appear to it to be necessary or expedient for the removal of the difficulty. Scanned with OKEN Scanner (1953 : Ph. Act GRAM PANCHAYAT 130 (c) "Director" means the Director of Panchayats appointed under this Act 9 (g) "Gram Panchayat" means the Panchayat constituted under 5 of] this Act ; "Government" means the State Governments of Punjab and Haryana and the Administrators of the Union territories of Himachal Pradesh and Chandigarh in relation to the areas falling within their territorial limits as specified in Part II of the Punjab Reorganisation Act, 1966. (Act 31 of 1966).] (i) "Panch" means a member of Gram Panchayat,] or an Adalati Panchayat elected or appointed under this Act and includes a Sarpanch , 6L(ii) A Panchayat means a Gram Panchayat and

includes an Adalti Panchayat J. "Panchayat Samiti" means a Panchayat Samiti constituted under the Punjab Panchayat Samitis and Zila Parishads Act, 1961, and having jurisdiction over the Sabha area.] (j) "prescribed" means prescribed by rules made under this Act (k) "public place" means any place, building or / structure situated within the jurisdiction of a Gram Panchayat area to which the public has free access , iClause (f) omitted by Punjab Act No. 26 of 1960, section 3(1). 'Inserted by the Punjab Gram Panchayat (Amendment) Act, 1953 (Punjab Act No. of 1953). section 2 •Substituted by the Punjab Zila Parishads panchayat Samiti and Gram Sabhas (Reconstitution and Reorganisation) Order, 1969. 'The word "Thana" omitted by Punjab Act XXX of 1954. 'The words "Panchayat Union" omitted by Punjab Act No. 26 of 1960, section 13 inserted by Punjab Act No. 19 of 1963. Scanned with OKEN Scanner 1953 : Pb. Act NJ GRAM PANCHAYAT (l) "public servant" means a public servant as defined in section 21 of the Indian Penal Code, 1860, and shall include a panch and a sarpanch (m) 'public street" means a pathway, road, street, bridge, lane, square, court, alley or passage in a village, which the public has a right to use, and includes the drains or gutters on either side and the land upto the defined boundary of any abutting property, notwithstanding any projection over such land of any verandah or other super-structure (mm) 'Sabha' means a Gram Sabha established under section 5 ; (mmm) 'Sabha area' means an area declared to be a Sabha area under section 4 ; J / (n) 'Schedule" means the Schedule appended to this Act (o) "sub-committee" means sub-committee appointed under section 33 of this Act ; "Sub-Divisional Officer" means the Officer- in-charge of a Sub-Division of a District constituted for revenue and general purposes (p) "tax" includes a cess, duty, fee, rate, toll or other impost leviable under this Act ; (q) "village" means any local area, recorded as a revenue estate in the revenue records of the district in which it is situated ; (r) "watercourse" means any channel which is maintained at the cost of the irrigators and is supplied with water from any canal to which either the Northern India Canal and Drainage of 1873. Act, 1873, or the Punjab Minor Canals Act, 111 of 1905 1905, 3[or any other Act for the time being] applies and includes all subsidiary works connected with such channel except the sluice or outlet through which water is supplied to such channel New clauses (mm) and (mtwn), inserted by Punjab Act, 26 of 1960, section 3 (2) 2 Added by Punjab Act XV of 1954. 8 Inserted by- the Punjab Zila Parishads, Panchayat Samities and Gram Sabhas Reconstitution and Reorganisation Order, 1969, Schedule second. Scanned with V of 1908. xvii of 1887. [1953 : P". Act xv GRAM PANCHAYAT 132 (s) the expressions "offence", 'non-bailable offence', "cognizable offence", "complaint", "officer- in-charge of a police station", and "police station" have the same meaning as in section 4 of the Code of Criminal Procedure, 1898 • "decree", "decree-holder" (t) the expressions "judgment debtor", "legal representative" and "movable property" have the same meaning as in section 2 of the Code of Civil Procedure, 1908 • r/ (u) the expressions "landowner", "tenant", "rent" and "land revenue" have the same meaning as in the Punjab Land Revenue Act, 1887, or any other Act for the time being in force]. Inserted by the Punjab Zila Parishads Panchayat Samities and Gram Sabhas Reconstitution and Reorganization Order, 1969, Schedule second. Scanned with OKEN Scanner 1953 : Pb. Act GRAM PANCHAYAT [CHAPTER III 133 SABHA AREAS AND ESTABLISHMENT AND CONSTITUTION OF GRAM SABHAS AND GRAM PANCHAYATS 4. (I) Government may, by notification, declare any Demarcation of village or group of contiguous villages with a population Sabha areas. of not less than five hundred to constitute one or more Sabha areas Provided (that neither the whole nor any part of— (a) a Notified Area under section 241 of the Punjab Municipal Act, 1911 2[or any other Act for the time being in force] ; or (b) a Cantonment; or (c) a Municipality of any class ; shall be included in a Sabha area unless the majority of voters in any Notified Area or Municipality of the Third Class desire the establishment of a Gram Sabha in which case the assets and liabilities, if any, of the Notified Area Committee or the Municipal Committee, as the case may be, shall vest in the Gram Sabha (hereafter established and the Notified Area Committee or the Municipal Committee shall cease to exist : Provided further that. the Government may, in any particular case, relax the limit of five hundred. (2) Government may, by' notification, include any area in or exclude any area from the Sabha area. / (3) If the whole of the Sabha area is included in a municipality, Cantonment, or Notified Area under section 241 of the Punjab Municipal Act, 1911, 2[or any other Act for the time being in force] the Sabha shall cease to exist and its assets and liabilities shall be disposed of in the manner prescribed. whole Chapter 11 substituted by Punjab Act No. 26 of 1960, section 4. 'Inserted by the Punjab Zila Parishads, Panchayat Samitis and Gram Sabhas (Reconstitution and Re-organisation) Order, 1969, Second Schedule. Scanned with OKEN Scanner 134 [1953 : Act GRAM PANCHAYAT 134. (t)

Government may, by notification, establish Gram Sabhas. Gram Sabha by name in every Sabha area. (2) Every Gram Sabha shall, by the name notified under sub-section (1), be a body corporate having perpetual succession and a common seal, and, subject to any restriction by or under this Act or any other law, shall have power to acquire, hold, administer and transfer property, movable or immovable, and to enter into contracts, and shall by the said name sue or be sued and do all such things as are necessary for which it is constituted. (3) Every person who, for the time being, is entered as a voter on the electoral roll of the Punjab Legislative Assembly, the Haryana Legislative Assembly, the Himachal Pradesh Legislative Assembly and the Parliamentary constituency of the Union Territory of Chandigarh for the time being in force, and pertaining to the Sabha area, as the case may be, shall be a member of the Sabha of that Sabha area.] 6. (1) Every Sabha shall, in the prescribed manner, constitute of gram panchayats and disqualify elect from amongst its members a Chairman of the Sabha to be members and an executive committee consisting of such number of thereof persons not being less than five or more than nine including the Sarpanch of the Executive Committee as the Government may determine taking into account the population of the Sabha area Provided that (if no woman is elected as a Panch of any Sabha, the woman candidate securing the highest number of votes amongst the women candidates in that election shall be co-opted by the Panchayat as a Panch of that Sabha and where no such woman candidate is available the prescribed authority shall co-opt as such Panch a woman member of the Sabha who is qualified to be elected as a Panch. (2) The Chairman shall also be called 'the Sarpanch Of the Executive Committee which shall be styled as the Gram Panchayat (the members thereof to be called Panches. (3) Every woman co-opted as a Panch under the proviso to sub-section (1) shall have the right to vote at meeting of the Gram Panchayat. (Substituted by the Punjab Zila Parishads, Panchayat samitis and 'Reconstitution and Reorganisation) Order, 1969. Scanned with OKEN Scanner 1953: pr. GRAM j) ANCHAYAT 135 (4) The election shall be by secret ballot and direct vote in the manner prescribed and the prescribed number of candidates securing the highest number of valid votes shall be deemed to have been duly elected. Provided that for the period expiring on 26th January, 1970— (a) every Gram Panchayat shall, subject to the provisions of sub-clause (b), have one panch belonging to the Scheduled Castes if their population is five per centum or more of the population of the Sabha area concerned (b) every Gram Panchayat with seven or more panches shall have two panches who are members of Scheduled Castes if the population of the Scheduled Castes is ten per centum or more ; (c) if the required number of successful candidates does not include one or two members from the Scheduled Castes, as the case may be, then the Scheduled Caste candidate or candidates, as the case may be, securing the highest number of votes from amongst themselves shall be deemed to have been elected as the last, or the last two panches ; (d) in case the requisite number given in sub-clauses (a) and (b) of members of Scheduled Castes are not elected in the manner given above, the prescribed authority shall make up the deficiency by nominating duly qualified person or persons of such castes: Provided further that the expiry of the period referred to above shall not affect the Constitution of a Gram Panchayat existing at the time . Provided further that if Government is of the opinion that the basis of population adopted for the purposes of determining the representation of members belonging to Scheduled Castes for any particular Gram Panchayat is incorrect, with the result that the requisite number of panches belonging to such castes is not elected, the Government may nominate the required number of duly qualified persons as additional panches and on such nomination being made the number of panches determined under sub-section (1) shall be deemed to have been increased by the number of panches so nominated. The number of the Panches so increased and their term of office shall cease to have any effect after the next election of the Gram Panchayat concerned, when the number of Panches of that Gram Panchayat shall be determined afresh under sub-section (1). (5) No person who is not a member of the Sabha and who— (a) is not qualified to be elected as a member of the Legislative Assembly ; or (b) has been convicted of any offence involving moral turpitude unless a period of five years has elapsed since his conviction ; or (c) has been subjected to an order by a criminal court and which order in the opinion of Government or of the officer to whom Government has delegated its powers of removal, implies a defect of character unfitting him to be a Sarpanch or Panch, unless a period of five years has elapsed since the date of order ; or (d) has been convicted of an election offence ; or (e) has been ordered to give security for good behaviour under section 110 of the Code of Criminal Procedure, 1898 or (f) has been notified as disqualified for appointment in public service, except on

medical grounds or (g) is a whole-time salaried servant of any local authority or State or the Union of India ; or Scanned with OKEN Scanne 1953 : Pb Act GRAM PANCHAYAT 137 (h) is registered as habituat offender under the Punjab Habitual Offenders (Control and Reform) Act, 1952 Ilor any other Act for the time being in force ; or (i) is an undischarged insolvent ; or (j) has not paid the arrears of the tax imposed by the Gram Panchayat 2[or the Panchayat Samiti; or (k) is an employee of Sabha or Gram Panchayat ; or is a member of either House of Parliament or of the Legislature of the Punjab State ; or] (l) is a tenant or lessee holding a tenancy or lease under the Gram Sabha or is in arrears of rent of any lease or tenancy held under the Gram Sabha, or is a contractor of the Gram Sabha shall be entitled to stand for election as, or continue to be a Sarpanch or Panch • '[Provided that if, on the commencement of the Punjab Gram Panchayat (Amendment) Act, 1963, a member of either House of Parliament or of the Legislature of the Punjab State is holding the office of a Sarpanch or Panch such member shall not be disqualified under clause (kk) to continue as a Sarpanch or Panch, as the case may be, for the term of his office Provided further that a member of either House of Parliament or of the Legislature of the Punjab State may be elected as a Sarpanch or Panch if, along with his nomination paper he gives a written undertaking to the effect that he shall resign his membership of either House of Parliament or of the Legislature of the Punjab State, as the case may be, and so resigns before taking the oath under sub-section (l) of section 9.]

7. (1) A Gram Panchayat shall exercise powers as an Powers diction of Gram ordinary Panchayat, and shall have jurisdiction over and Adalti Pan- matters laid down in Schedule I-A. chayats. Alnserted by the Punjab Zila Prishads, Panchayat Samities and Gram Sabhas (Reconstitution and Reorganisation) Order, | 969, Second Schedule 'Added by Act No. 19 of 1963, 'Clause (kk) inserted by ibid, OAdded by Ibltd Scanned with OKEN Scanner [1953 •.Pb. Act GRAM PANCHAYAT 138 (2) The Government shall have powers to confer upon any Gram Panchayat or elected representatives of a group of Gram Panchayats, enhanced powers. Such Panchayats or representatives shall have jurisdiction over matters laid down in Schedule I-B. (3) When enhanced powers are to be conferred representatives of a group of Panchayats, the Panches of the Panchayats concerned, shall elect five Adalti Panches from amongst themselves by direct voting, the five Panches securing the highest number of votes being deemed to have been elected and such Panches shall elect an Adalti Sarpach from amongst themselves in the manner prescribed. (4) The Adalti Panches elected as aforesaid shall exercise the enhanced powers referred to in sub-section (2) and shall have jurisdiction over the combined Sabha areas of the Panchayats concerned, and when acting as such shall together be known as an Adalti Panchayat. (5) No proceeding of a Gram Panchayat or an Adalti Panchayat shall be invalid for the mere fact of there being a vacancy amongst its members. 9. (1) Before entering upon the duties of their office' Oath and term of Office, resignation or removal. the Sarpanch and Panches shall take an oath in the form specified in Schedule I V. (2) The Sarpanch and Panches shall hold office for a period of three years : 2[Provided that, after the first general election of Chait' man and members of executive committees of the Sabhas, and co-option of members of such committees, held and made or deemed to be held and made under section 95•A' the Sarpanches and Panches shall hold office for a period of five years.] Provided 2[furtherj that an outgoing Panch shall, unless the Government otherwise directs, continue to hold office, until his successor has taken the oath : Provided further that subject to the approval of be removed from office by a two-thirds majority of the votes of the 1 meeting held WI of the Sabha at its extraordinary genera the previous permission of the Director. •Omitted by Punjab Act No. 26 of 1962• Scanned with OKEN Scanne 1953 : Pb. Act GRAM PANCHAYAT 139 10. Whenever a vacancy occurs by the (Ica(h, resigna- Filling of (ion or removal of a Panch, or a Sarpanch, vacancieq, a new Panch or Sarpanch, as the case may be, shall be elected in such manner as may be prescribed, and (he person so elected shall hold office for the unexpired portion or the term for which the person in whose place he was elected would have otherwise continued in office

11. If for any reason a Sarpanch or a sufficient number Appointments in of Panches are not elected, or a casual yacancy is hot cases of default.filled within the tilne prescribed the prescribed authority may appoint the necessary number of duly qualified persons as a Sarpanch or Panch, as the case Inay be, and any such person shall hold office for the unexpired porcion of the term for which the person in whose place he was appoin- ted would have otherwise continued in office. 1[12. (1)Every Sabha shall hold two general meetings in Meeting and quo. rum of Sabha. each year, one after the harvesting of Sawani crop (herein- after called the Sawani meeting) and the other after the harvesting of the Hari crop (hereinafter called the Hari meeting) on such dates as may be fixed by the Panchayat Samiti.J 13. The Sabha shall at its Sawani meeting consider Budget of Sabha the budget prepared by the Gram Panchayat and at its Hari meeting consider the reports of the working of the Gram Panchayat and draw out developnment plan for the Sabha area.] 2[CHAPTER Disputes Regarding Elections 13-,4. In this Chapter, unless the context otherwise Definition', requires,— (a) "agent?" means any person appointed in writing by a candidate at an election to be his agent for the purposes of his election with the written consent of such person , 2Substituted by Punjab Act No. 19 of 1963. *Chapter JI-A inserted by Punjab Act No. 26 of 1962, Scanned with OKEN Scanner (1953 : Ph. Activ GRAM PANCHAYAT 140 (b) "candidate" means a person who has been or claims to have been duly nominated as a Candi. date at an election, and any such person shall be deemed to have been a candidate as from the time when, with the election in prospect, he began to hold himself out as a prospective candidate (c) "corrupt practice" means any of the practices specified in section 13-U (d) "costs" means all costs, charges and expenses of, or incidental to, a trial of an election petition (e) "election" means an election to fill the office ofa Sarpanch or Panch ; CD "electoral right" means the right of a person t.o stand or not to stand as, or to withdraw from being a candidate or to vote or refrain from voting at an election (g) "pleader" means any person entitled to appear and plead for another in a Civil Court and includes an Advocate. 13-B. No election of a Sarpanch or Panch shall be Election peti- tions. called in question except by an election petition presented in accordance with the provisions of this Chapter. Presentation of 13-C. (1) Any member of the Sabha may, on furnish peti- tions. ing the prescribed security in the prescribed manner,— (a) where an election was held after the 12th August' 1960 and before the 27th September, 1962' within thirty days of the latter date; or (b) where an election is held after the 27th Septem- bers 1962, within thirty days of the- date Of announcement of the result thereof ; 3 present on one or more of the grounds specified in sub' section (1) of section 130 to the prescribed authority an election petition in writing against the election Of any person as a Sarpanch or Panch. Scanned with OKEN Scanne 1953 : Pb. Act IVJ GRAM PANCHAYAT 141 (2) The election pe(ition shall be deemed to have been presented to the prescribed authority— (a) when it is delivered to the prescribed authority— (i) by the person making the petition ; or (ii) by a person authorised in writing in this behalf by the person making the petition or (b) when it is sent by registered post and is delivered to the prescribed authority. (3) An election petition pending before the prescribed authority immediately before the 27th September, 1962, shall be decided and disposed of by the prescribed au- thority in accordance with the provisions of this Chapter after affording to the person who presented the election petition an opportunity to amend the petition. 13-D. (I) An election petition— Contents of Petition. (a) shall contain concise statement of the material facts on which the petitioner relies (b) shall set forth full particulars of any corrupt practice that the petitioner alleges, including as full a statement as possible of the names of the parties alleged to have committed such corrupt practice and the date and place of the commission of each such practice ; and (c) shall be signed by the petitioner and verified in the manner laid down in the Code of Civil Procedure, 1908 (5 of 1908), for the verification of pleadings Provided that where the petitioner alleges any corrupt practice, the petition shall also be accompanied by an affidavit in (he prescribed

form in support of the allegation of such corrupt practice and the particulars thereof. (2) Any schedule or annexure to the petition shall also be signed by the petitioner and verified in the same manner as the petition. Scanned with OKEN Scanner Procedure on receiving election petitions. 1953 : Pb. Act GRAM PANCHAYAT 142 13-E. If (he prescribed security is not furnished in the prescribed manner or the petition is not presented within the period specified in section 13-C, the prescribed authority shall dismiss the petition. Provided that the petition shall not be dismissed without giving the petitioner an opportunity of being heard. 13-F. The Deputy Commissioner of the district Powers of Deputy concerned may, at any stage after notice to parties and transfer petitions. for reasons to be recorded, withdraw any election petition pending before a prescribed authority and transfer it for trial to another prescribed authority within his district; and upon such transfer, that prescribed authority shall proceed with the trial from the stage at which it was withdrawn: Provided that such authority may, if it thinks fit, recall and re-examine any of the witnesses already examined. 13-G. (1) Subject to the provisions of this Act and Procedure before the prescribed of any rules; made thereunder, every election petition authori tY shall be tried by the prescribed authority, as nearly as may be, in accordance with the procedure applicable under the Code of Civil Procedure, 1908 (5 of 1908), to the trial of suits Provided that the prescribed authority shall have the discretion to refuse for reasons to be recorded in writing to examine any witness or witnesses if it is of the opinion that their evidence is not material for the decision of the petition or that the party tendering such witness or witnesses is doing so on frivolous grounds or with a view to delay the proceedings. (2) The provisions of the Indian Evidence Act, 1872 (I of 1872), shall, subject to the provisions of this Act be deemed to apply in all respects to the trial of an election petition. 13-H. Any appearance, application or act before the prescribed authority may be made or done by the party in person or by a pleader duly appointed to act on authority. his behalf. Scanned with OKEN Scanner 1953 : Pb. Act GRAM PANCHAYAT provided that it shall be open (o (he prescribed authority to direct any party to appear in person whenever the prescribed authority considers it necessary. 13-I. The prescribed authority shall have the power Powers or the which are vested in a Court under the Code of Civil Procedure, 1908 (5 of 1908), when trying a suit in respect of the following matters. (a) discovery and inspections (b) enforcing the attendance of witnesses and requiring the deposit of (their expenses (c) compelling the production of documents (d) examining witnesses on oath (e) granting adjournments, (f) reception of evidence taken on affidavit; and (g) issuing commissions for the examination of witnesses and may summon and examine suo moto any person whose evidence appears to it to be material; and shall be deemed to be a civil court within the meaning of sections 480 and 482 of the Code of Criminal Procedure, 1898 (5 of 1898). Explanation.—For the purpose of enforcing the attendance of witnesses, the local limits of the jurisdiction of the prescribed authority shall be the limits of the Union Territory of Chandigarh.) 13-J. Notwithstanding anything in any enactment subordinate to the contrary, no documents shall be inadmissible in evidence at the trial of an election petition on the ground that it is not duly stamped or registered. 13-K. No witness or other person shall be required to disclose voting to state for whom he has voted at an election. Substituted for the words "State of Punjab" by the Punjab Zila Parishads, Panchayat Samitis and Gram Sabhas (Reconstitution and Reorganisation) Order, 1969. Scanned with OKEN Scanner Answering of questions. 13-L. (1) No witness shall be excused from answering any question (o any matter relevant to a matter in issue in the trial of an election petition upon the ground that the answer to such question may criminate or may tend to criminate him, or that it may expose or may tend to expose him to any penalty or forfeiture Provided that— (a) a witness who answers truly all questions which he is required to answer shall be entitled to receive a certificate of indemnity from the prescribed authority; and (b) an answer given by a witness to a question put by or before the prescribed authority shall not, except in the case of any criminal proceeding for perjury in respect of the evidence, be admissible in evidence against him in any civil or criminal proceeding. (2) When a certificate of indemnity has been granted to any witness, it may be pleaded by him in any court and shall be a full and complete defence to or upon any charge under Chapter XX-A of the Indian Penal Code (45 of 1860), arising out of the matter to which such certificate relates, but it shall not be deemed to relieve him from any disqualification in connection with an election imposed by this Act or any other law. 13-M. The reasonable expenses incurred by any of person in attending to give evidence may be allowed by the prescribed authority to such person, and shall, unless the prescribed authority otherwise directs, be

deemed to be part of the costs. 13-N. (1) Where an election petition has not been Decision of the dismissed under section 13-E, the prescribed authority prescribed authority shall inquire into the election petition and at the conclusion of the inquiry shall make an order— (a) dismissing the election petition ; or (b) setting aside the election. Scanned with OKEN Scanner 1953 :Pb. Act GRAM PANCHAYAT 145 (2) (he (imc oc making an order 'under sub-section (1) (he prescribed authority shall also make an order— (a) where any charge is made in the petition of any corrupt practice having been committed at the election, recording— (i) a finding whether any corrupt practice has or has not been proved to have been committed at the election and the nature of that corrupt practice ; and (ii) the names of all persons, if any, who have been proved at the trial to have been guilty of any corrupt practice and the nature of that practice ; and (b) fixing the total amount of costs payable, and specifying the persons by and to whom costs shall be paid : Provided that a person who is not a party to the petition shall not be named in the order under sub-clause (ii) of clause (a) unless— (a) he has been given notice to appear before the prescribed authority and to show cause why he should not be so named ; and (b) if he appears in pursuance of the notice, he has been given an opportunity of cross-examining any witness who has already been examined by the prescribed authority and has given evidence against him, of calling evidence in his defence and of being heard. 13-O. (1) If the prescribed authority is of the Grounds for opinion— setting aside elections. (a) (that on the date of his election the elected person was not qualified, or was disqualified, to be elected under this Act or (b) that any corrupt practice has been committed by the elected person or his agent or by any other person with the consent of the elected person or his agent or (c) that any nomination has been improperly rejected ; or Scanned with OKEN Scanner 11953 : Pb. Act IV GRAM PANCHAYAT 146 (d) that the result of the election in so far as it concerns the elected person, has been materially affected— (i) by the improper acceptance of any nomination; or (ii) by the improper reception, refusal or rejection of any vote or the reception of any vote which is void ; or (iii) by any non-compliance with the provisions of this Act or of any rules made under this Act , the prescribed authority shall set aside the election of the elected person. (2) When an election has been set aside under sub-section (1), a fresh election shall be held. 13-P. An election petition shall abate only on the Abatement of death of a sole petitioner or of the survivor of several election petitioners. 13-Q. (1) Costs including pleaders' fees shall be in Costs and payment thereof out of security the discretion of the prescribed authority. deposits and (2) If in any order as to costs under the provisions of this return of such deposits. Chapter there is a direction for payment of costs by any party to any person, such costs shall, if they have not been already paid, be paid in full, or so far as possible, out of the security deposit made by such party under this Chapter' on an application made in writing in that behalf within period of one year from the date of such order to the Deputy Commissioner by the person in whose favour the costs have been awarded. (3) If there is any balance left of the security deposit under this Chapter after payment under sub-section (.1) of the costs referred to in that sub-section, such balance ' or where no costs have been awarded or no application as aforesaid has been made within the said period of one on an year, the whole of the said security deposit may, application made in that behalf in writing to the Deputy Commissioner by the person by whom the security Scanned with OKEN Scan o: 1953 : Pb Act IVJ GRAM PANCJIAYAT 147 been deposited or if such person dies after making such deposit, by the legal representative of such person, be returned to the said person or to his legal representative, 13-R. Any order as to costs under the provisions of Execution of this Chapter may be produced before the principal civil costs. orders ag to court within the local limits of whose jurisdiction any person directed by such order to pay any sum of money has a place of residence or business and such court shall execute the order or cause the same to be executed in the same manner and by the same procedure as if it were a decree for the payment of money made by itself in a suit : Provided that where any such costs or any portion thereof may be recovered by an application made under sub-section (2) of section 13-Q, no application shall lie under this section within a period of one year from the date of such order unless it is for the recovery of the balance of any costs which has been left unrealised after an application has been made under that sub-section owing to insufficiency of the amount of the security deposit referred to in that sub-section. 13-S. (I) Subject to the result Of an election petition Restoration made under sub-section (1) of section 13-C, a person, persons whose whose election as a Sarpanch or Panch held after the 12th was set August, 1960, and before the 27th September, 1962, was set aside by the prescribed authority before such commencement, shall be deemed to be duly elected as such Sarpanch or Panch, as the case may be, and shall be restored to the omce of such Sarpanch or Panch. (2) On the restoration of a

person under sub-section (1), any other person elected to fill the vacancy caused as a result of the election of such person having been set aside shall cease to be a Sarpanch or Panch. 13-T. The corrupt practices specified in section 13-U Corrupt practices shall entail disqualification for membership of Gram Panchayat.

Panchayat for a period of five years counting from the date on which the finding of the prescribed authority as to such practice has been given; Provided that the Government may, for reasons to be recorded, remove the disqualification or reduce the period thereof. Scanned with OKEN Scanner [1953 : Pb. GRAM PANCHAYAT 148 13-U. The following shall be deemed to be corrupt practices for the purposes of this Chapter (1) Bribery, that is to say,— (A) any gift, offer or promise by candidate or his agent or by any other person with the consent of a candidate or his agent of any gratification to any person whomsoever, with the object, directly or indirectly of inducing— (a) a person to stand or not to stand as, or to withdraw from being, a candidate at an election; or (b) a member of the Sabha to vote or refrain from voting at an election or as a reward to— (i) a person for having so stood or not stood, or for having withdrawn his candidature or (ii) a member of the Sabha for having voted or refrained from voting (B) the receipt of, or agreement to receive any gratification, whether as a motive or a reward— (a) by a person for standing or not standing as, or for withdrawing from being, a candidate; or (b) by any person whomsoever for himself or any other person for voting or refraining from voting, or inducing or attempting to induce any member of the Sabha to vote or refrain from voting, or any candidate to withdraw his candidature. Explanation.—For the purposes of this clause, the term "gratification" is not restricted to pecuniary gratification or gratifications estimable in money and it includes all forms of entertainment and all forms of employment for reward but it does not include the payment of expenses. Scanned with OKEN Scanner 1953 : Pb. Act GRAM PANCHAYAT 149 of any expenses bona fide incurred at, or for the purpose of, any election. (2) Undue influence, that is to say, any direct or indirect interference or attempt to interfere on the part of the candidate or his agent, or of any other person with the consent of the candidate or his agent, with the free exercise of any electoral right: Provided that— (a) without prejudice to the generality of the provisions of this clause, any such person as is referred to therein who— (i) threatens any candidate or a member of the Sabha, or any person in whom a candidate or such member is interested, with injury of any kind including social ostracism and ex-communication or expulsion from any caste or community; or (ii) induces or attempts to induce a candidate or a member of the Sabha to believe that he, or any person in whom he is interested, will become or will be rendered an object of divine displeasure or spiritual censure shall be deemed to interfere with the free exercise of the electoral right of such candidate or a member of the Sabha within the meaning of this clause (b) a declaration of public policy, or a promise of public action, or the mere exercise of a legal right without intent to interfere with an electoral right, shall not be deemed to be interference within the meaning of this clause. (3) The appeal by a candidate or his agent or by any other person with the consent of a candidate or his agent to vote or refrain from voting for any person on the ground of his religion, race, caste, community or language or the use of, or appeal to, religious symbols or the use of, Scanned with OKEN Scanner 150 [1953 : VI]. Act IV GRAM PANCHAYAT or appeal to, national symbols, such as the national flag or the national emblem, for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate. (4) The promotion of, or attempt to promote, feelings of enmity or hatred between different classes of the citizens of India on grounds of religion, race, caste, community, or language by a candidate or his agent or any other person with the consent of a candidate or his agent for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate. (5) The publication by a candidate or his agent or by any other person, with the consent of a candidate or his agent, of any statement of fact which is false, and which he either believes to be false or does not believe to be true, in relation to the personal character or conduct of any candidate, or in relation to the candidature or withdrawal, of any candidate, being a statement reasonably calculated to prejudice the prospects of that candidate's election. (6) The hiring or procuring, whether on payment or otherwise of any vehicle by a candidate or his agent or by any other person with the consent of a candidate or his agent, for the conveyance of any member of the Sabha (other than the candidate himself, the members of his family or his agent) to or from any polling station provided or a place fixed for the poll. Provided that the hiring of a vehicle by a member of the Sabha or by several members at their joint costs for the purpose of conveying him or them to and from any such polling station or place fixed for the poll shall not be deemed to be a corrupt practice under this clause if the vehicle so hired is a vehicle not

propelled by mechanical power : Scanned with OKEN Scan • Pb. Act GRAM PANCHAYAT 1953 • 151
 Provided further that (he use of any public transport vehicle by any member of the Sabha at his own cost for (he purpose of going to or coming from any such polling station or place fixed for the poll shall not be deemed to be a corrupt practice under this clause. Explanation.—In this clause, the expression "vehicle" means any vehicle used or capable of being used for the purpose of road transport, whether propelled by mechanical power or otherwise and whether used for drawing other vehicles or otherwise. (7) The obtaining or procuring or abetting or attempting to obtain or procure by a candidate or his agent, or by any other person with the consent of a candidate or his agent, any assistance (other than the giving of vote) for the furtherance of the prospects of that candidate's election, from any person in the service of the Government, the Government of India or the Government of any other State or a local authority

CHAPTER 11 GRAM PANCHAYATS—CONDUCT OF BUSINESS, DUTIES, FUNCTIONS AND POWERS

14. (1) The meeting of the Gram Panchayat shall be public and shall be held at least once a month at some place within the Gram Panchayat area for which it is established, whenever called by the Sarpanch: Provided that the Sarpanch, when required in writing by a majority of the Panches to call a meeting, shall do so within three days, failing which (these Panches, shall, with the previous approval of the prescribed authority, be entitled to call a meeting after giving a week's notice to the Sarpanch and the other Panches, Quorum. (2) Three Panches shall form a quorum. (3) The decisions of the Panchayat shall be by majority and when the voting is equal, the Chairman shall have an additional or casting vote. Scanned with OKEN Scanner [1953 : Pb. Act IV GRAM PANCHAYAT 152] 15. (1) The Sarpanch and, in his absence, (he Panch etc., and liability elected by the Panchayat for the purpose shall be responsible for the maintenance of all prescribed records and registers and other property belonging to or vested in hand them over. the Sabha or the Panchayat and, on the vacation of his office, the outgoing Sarpanch or Panch shall hand them over to the Sarpanch or to such other Panch as may be authorised in this behalf by the Deputy Commissioner. (2) If on a requisition made in this behalf by the Executive Officer of the Panchayat Samiti, any person within a period of ten days of such requisition fails under sub-section (1) to hand over the prescribed records and registers and other property belonging to or vested in the Sabha or the Panchayat to the Sarpanch or Panch referred to in that sub-section, the Executive Officer of the Panchayat Samiti shall apply to 2[an Executive Magistrate] of the First Class within whose jurisdiction the Sabha area is situated for securing from such person such records, registers and other property. (3) On receiving an application under sub-section (2), the Magistrate may by a warrant authorise any police officer not below the rank of a Sub-inspector to enter and search any place where such records and registers and other property are kept or are believed to be kept and to seize them ; and the records, registers and property so seized shall be handed over to the Sarpanch or the Panch authorised by the Deputy Commissioner, as the case may be. (4) Whoever, wilfully evades under this section the handing over of the prescribed records and registers or other property belonging to or vested in the Sabha or the panchayat shall, on conviction by a 3[Judicial Magistrate] of the First Class, be punishable with imprisonment which may extend to six months, or with fine, or with both notwithstanding anything to the contrary contained in this Act. (5) The 31 Judicial Magistrate] of the First Class shall not take cognizance of an offence under this section save on a complaint (made by the Executive Officer of the Panchayat Samiti or such other officer as may be authorised in writing in this behalf by the Government.] i. Substituted by Punjab Act No. 11 of 1964. 2 Substituted for the words 'a Magistrate' by Punjab Act No. 25 of 1964. 3 Substituted for the word 'Magistrate' by ibid. Scanned with OKEN Scanner 1953 : Pb. Act VI GRAM PANCHAYAT 153] 16. (1) There shall be Secretary for a Gram Panchayat Appointment or or a group of Gram Panchayats who shall be appointed by Secretary. the Panchayat Samiti (in the manner prescribed provided (that any person appointed as a Secretary of any Gram Panchayat or a group of Gram Panchayats before (he commencement of (he Punjab Gram Panchayats (Amendment) Act, 1963, shall be deemed to have been appointed by the Panchayat Samiti. (2) Subject to such rules as may be made in this behalf, (he Panchayat Samiti may, for making payment of the remuneration, leave salary and allowances to the Secretary so appointed or deemed to have been appointed, levy contributions from (he Sabha Funds concerned in such proportion as may be fixed by it. (3) Subject to such rules as may be made in this behalf a Panchayat Samiti may, either suo motu or on receiving a report from the Gram Panchayat, transfer, suspend, dismiss or otherwise punish a Secretary of a Gram Panchayat or a group of Panchayats. (4) It shall be the duty of the Secretary, under the general supervision of the Sarpanch, to assist the Gram Panchayat or Gram

Panchayats, as the case may be, in the discharge of its or their functions under this Act or under any other law for the time being in force. 17. (1) Subject to such rules as may be made in this Employment or behalf and with the previous approval of the Panchayat 0 Sami(i, a Gram Panchayat may employ such other servants as are considered necessary for carrying out the duties imposed on it by this Act and may suspend, dismiss or otherwise punish such servants. (2) A Gram Panchayat shall pay the remuneration to such servants out of the Sabha Fund.] 18. A Gram Panchayat may, in accordance with provident Fund and gratuity for rules made under this Act— servants. (a) establish and maintain a provident fund on behalf of its servants ; and (b) grant a gratuity to any servant subject to the previous approval of the Director. 1Substituted by Punjab Act No. 19 of 1963. Scanned with OKEN Scanner GRAM PANCHAYAT [1953 : Pb. Act Iv 154 19. (1) Subject to such rules as may be prescribed, Administrative it shall bc (hc duty or (he Gram Panchayat within the duties. litüits of the funds its disposal, to make arrangements for carrying out the requirements of the I(Sabha areal following matters including all sub. in respect of the sidiary works and buildings connected therewith:— (a) any public place including its sanitation and drains ; (b) wells, water-pumps, baolies, spring, ponds and tanks for (he supply of water for drinking, washing and bathing (c) burial and cremation grounds (d) the lighting of public places , (e) building for the accommodation of travellers ; (f) pounds for animals ; (g) the relief of the poor , (h) public health and sanitation ; (i) the organization and celebrations of public festivals, other than religious festivals (j) the improvement of the breeds of animals used for agricultural or domestic purposes ; (k) public gardens, playgrounds, establishment and maintenance of recreation parks, organization of games and sports, supply of sports materials and hold ing of tournaments ; (I) libraries and reading rooms ; (m) the voluntary registration of the sales of cattle, camels, and horses (n) the development of agriculture and village industries, and the destruction of weeds and pests , JSubstituted by punjab Act No. 26 of 1960, section 5(a). Scanned with OKEN Scanner 1953 : l'b. Act rvJ GRAM PANCHAYAT 155 (o) starting and nurintaining a grain fund for the cultivators and lending (hem seed for sowing purposes on such condit ions as the Gram Panchayat Inay approve (p) (he construction repair and maintenance of public places and buildings of public utility (q) allotment of places for preparation and conser- vat ion of manure , (r) construction and maintenancce of culverts and bridges (s) the laying out of new roads and pathways and maintenance of existing ones [2(t) framing and carrying out schemes for the im- proved methods of cultivation and management of land to increase production ; I [3(u) supply of water for domestic use and for cattle , (p) the organization of Young Farmers' Club and Mahila Mandal for the organization of games and sports and execution of developmental, social and cultural works in the Sabha area , (w) planning and preservation of trees , (x) measures to promote the moral, social and material well being or convenience of the inhabitants of the Sabha area , (y) promotion of pisciculture , (z) community listening , (zz) organizing of village voluntary force for watch and ward and for assisting the Gram Panchayat in (he discharge of its functions.] IThe word "and" at the end of clause (r) omitted by Punjab Act, XV of 1954. 2Added by Punjab Act XV of 1954. a Added by Punjab Act No. 26 of 1960, section 5(b). Scanned with OKEN Scanner : P b. Act J V GRAM PA scrfÂYAT Subject Io such exceptions as; Government may, by generaJ or special or •cry ynake, a Gram Panchayat and shall, if Governtnent so directs or prescribe; male provisions for . (a) the c<abliqhtncnt, numintenance and management of maternity and child welfare centres and the construction and repair or all buildings con- nected therewith (h) medical relief and _first-aid , (c) the promotion of agricultural credit and of measurcs including establishment of provision and implement stores and credit centres to relievce rural indebtedness and poverty (d) establishment and maintenance of first-aid centres for animals ; (e) relief against famine or other calamity • (f) providing such educational facilities as may be deemed necessary and desirable ; and (g) any other matter which Government may declare to be fit and proper to be taken under the control and administration of the Gram Panchayat Provided that nothing in this section shall be deemed to impose any duty or confer any power on ihe Gram Panchayat with respect to any matier which is under the direct ad- ministrative control of any department of Government or local authority, unless such d uity or power has been transferred or delegat- ed to the Grani Panchayat by order of Go- vernjnent or, as the case Inay be, of the local authority Provided further that where Government makes any such direction, Government shall from 'iiJJIC to tillie allot to lhe Panchayat such funds or place at the disposal of the Gram Panchayat such sources of incojne as it may deem sufficient. Scanned with OKEN Scanner Act 1953 : Pb. Act I V] GRAM PANCHAYAT 157 (3) It shall bc (he duty of (he Gram Panchayat with- in l[the Sabha area] to perform— (a) the duties of the Panchayat uncler the Punjab

Village and Snuttl Town Patrol Act, 1918 2[or any other Act for the time being in force] (b) such duties of village headmen in connection with village watchmen as Government may prescribe by rules under section 39-A of the Punjab Laws Act, 1872 2[or any other Act for the time being in force]

20. Notwithstanding anything to the contrary in the Functions of the Punjab District Boards Act, 1883 2[or any other Act district board which for the time being in force] the district board may and the Gram Pancha- shall, if so required by Government, delegate any of the following duties to the Gram Panchayat, namely—(a) any matter under the direct administrative control of the District Board , (b) the maintenance or improvement of any property under the control or management of the District Board (c) the control and management of cattle pounds which are under the control of the District Board Provided (hat the funds necessary for the performance of the duties so delegated shall be placed by the District Board at the disposal of the Gram Panchayat, and in case of de- fault the Government may, by an order in writing, direct the person having the custody Of ihe District Board Fund to place the fund at the disposal of the Gram Panchayat. 1Substituted by Punjab Act No. 26 of 1960, section 5(c). *Inserted by the Punjab Zila Parishads, Panchayat Samitis and Gram Sa bhas (Re- Constitution and Reorganisation) Order, 1969. Scanned with OKEN Scanner 158 [1953 : 1)1). Act lv GRAM PANCIfAYA'1' (I) A Grani Panchayat on receiving a report Power to requite 21. removal of and or other intornmtion and on laking such evidence, if any croachments as it thinks fit, may make a conditional order requiring nuisance. within a time to be fixed in the order . (a) the owner or the occupier of any building or land— (i) to remove any encroachment on a public street, place or drain (ii) to close, remove, alter, repair, cleanse, dis- infect or. put lin good order any latrine, urinal, water-closet, drain, cess-pool or other receptacle for filth, sullage-water, rubbish or refuse or to remove or alter any door or trap or construct any drain for any such latrine, urinal or water- closet which opens on to a street drain, or to shut off such latrine, urinal or water- closet by a sufficient roof and wall or fence from the view of persons passing by or dwelling in the neighbourhood (iii) to cleanse, repair, cover, fill'.tp, drain off, deepen or to remove water from a private well, tank, reservoir, pool, pit, ditch, depression or excavation therein which may appear to the Gram Panchayat to be injurious to health or offensive to the neighbourhood (iv) to remove any dirt, dung, night-soil, manure or any noxious or offensive matter there- from and to cleanse the land or building ; is (b) the owner of any wall or building, which deemed by the Gram Panchayat to be in any way dangerous, to remove or repair such wall or building or (c) the owner or occupier of any building property to keep lus building or property in a samtary state Scanned with OKEN Scanner 1953 : 1>1). Act GRAM PANCJIAYAT 159 (d) (he owner of any dog or other animal stiffer- ing or reasonably suspected to be suffering from rabies or which is dangerous, to destroy or confine or cause to be confined such do g or anitnal (c) the owner or occupier of any agricultural land to destroy Pohli or any other such harmful weed from such land (f) (he owner or occupier concerned to reclaim an unhealthy place (g) the owner or occupier of any building or Jand to maintain in proper repair the level and surface of any road or street passing in front of the building or through his land (h) the owner or person-in-charge of a private "Khal" to keep it in a state of reasonable repair. Or if he objects so to do to appear before it, at a time and place to be fixed by the order, and to move to have the order set aside or modified in the manner hereinafter provided. If he does not perform such act or appear and show cause, the order shall be made absolute. If he appears and shows cause against the order the Gram Panchayat shall take evidence and if it is satisfied that the order is not reasonable and proper no further proceedings shall be taken in the case. If it is not so satisfied the order shall be made absolute. (2) If such act is not performed within the time fixed, the Gram Panchayat may cause it to be performed and may recover the costs of performing it frotn such person

22. A Gram Panchayat may by general order to be Power to make published in the manner prescribed—(a) prohibit the use of water of a well, pond or other excavation suspected to be dangerous to the public health , (h) regulate or prohibit the watering of cattle or bathing or washing at or near wells, ponds, or other excavations reserved for drinking water Scanned with OKEN Scanner 160 [1953 : Act GRAM PANCHAYAT (c) regulate or prohibit the sleeping of hemp or any other plant in or near ponds or other excavations within two hundred and twenty yards of the residential area of a village (d) regulate or prohibit the dyeing or tanning of skins within four hundred and forty yards of the residential area of a village Provided that where the dyeing or tanning of skins was so practised at the time of the establishment of the Gram Panchayat under the Punjab Village Panchayat Act, 1939, or Punjab Panchayat Act, 1921 Ilor any 111 Of other Act for the time being in force] it shall not be prohibited unless the Gram Panchayat

provides reasonable facilities for practising it outside the four hundred and forty yards limits (e) regulate or prohibit the excavation of earth or stone or other materials within two hundred and twenty yards of the residential area of a village Provided that nothing shall be done under this clause to prevent excavations meant to be filled by the foundation of buildings or other structures (f) regulate or prohibit the establishment of brick- kilns and charcoal kilns within eight hundred and eighty yards and pottery-kilns within two hundred and twenty yards of the residential area of a village Provided that where a pottery-kiln was working at the time of the establishment of Gram Panchayat under the Punjab Village Panchayat Act, 1939, and the Punjab Panchayat Act, of 1939' 1921, or any other Act for the time being in force it shall not be prohibited unless the Gram Panchayat provides reasonable facilities for practising it outside the two hundred and twenty yards limits •Inserted by the Punjab Zila Parishads, Panchayat Samitis and Gram Sabhas (Reconstitution and Reorganisation) Order, 1969, Scanned with OKEN Scanner 1953 Pb. Act GRAM PANCHAYAT 161 (g) direct (that) the carcasses or all animals dying within the village, except animals slaughtered for consumption shall be disposed of within a radius of 440 yards of the residential area of the village Provided that nothing shall be done under this clause to interfere with the legal rights of any person (h) regulate the construction of new buildings or the extension or alterations of any existing building or the abadi (i) regulate with the previous permission of Government the parking of public vehicles, (j) regulate such matters as may be necessary for the general protection of standing crops and trees on common land and the planting of such trees; (k) regulate the observance of sanitation and taking curative and preventive measures to remove and prevent the spread of epidemics, (l) regulate the maintenance of watercourses meant for irrigation purposes, (m) regulate the killing of stray dogs; (n) regulate the slaughter of animals; and (o) prohibit beggary; direct the taking of measures (or the prevention of waterlogging, (q) regulate the flaying and disposal of dead animals, (r) prohibit the sale of harmful eatables within the Sabha area; (s) regulate offensive and dangerous trades or practices.] Added by Punjab Act, No. 26 of 1960, section 6. Scanned with OKEN Scanner Penalty for disobedience or general order of the Panchayat to enquire and make report (1953 : Pb. Act IV GRAM PANCHAYAT 162 23. Any person who disobeys an order of the Gram Panchayat made under the two last preceding sections shall be liable to a penalty which may extend to twenty-five rupees : and if the breach is a continuing breach with a further penalty which may extend to one rupee for every day after the first during which the breach continues : Provided that the recurring [penalty] shall not exceed the sum of rupees five hundred. 24. (1) On a complaint being made to the Gram Panchayat by any person that a peon, bailiff, constable of petty officials chaukidar, patrol of the Irrigation Department, forest Supervisor of Patwaris, guard, patwari, or vaccinator, canal overseer, head constable, game watcher or any other class of public servants to which Government may by notification extend the provisions of this section has misconducted himself in his official capacity, the Gram Panchayat may enquire into the matter and submit a report along with the prima facie evidence to the superior officer whom it may concern, or to the Deputy Commissioner [or the Sub-Divisional Officer as the case may be]. The authority shall, after such further enquiry as may be required, take suitable action and inform the Gram Panchayat of the result : Provided that nothing in this section shall be construed as empowering the Gram Panchayat to summon any such officials or to exercise control, disciplinary or otherwise, over them. (2) On the report being made by any person that a patwari, or chaukidar has failed to perform any duty imposed upon him by any laws or rules, the Gram Panchayat may by notice fixing a reasonable period require him to perform the said duty and on his failure to do so shall report the matter to the superior officer whom it may concern, or to the Deputy Commissioner [or the Sub-Divisional Officer as the case may be]. Result Of the action taken thereon shall be communicated to the Gram Panchayat. Substituted for the word "fine" by Punjab Act No. XLI of 1953, section 25. *Inserted by Punjab Act XV of 1954. Scanned with OKEN Scanner 1953 Act GRAM PANCHAYAT 163 25. A Gram Panchayat may notwithstanding any law to the contrary, in respect of any area within its jurisdiction, enter into contract with Government or a local body (a) to collect land revenue or any tax or dues payable to a local body on being allowed such tax or collection charges as may be prescribed. 26. (1) A Gram Panchayat may, by vote of at least two-thirds majority of its members, direct (that) intoxicating liquor may not be sold at any licensed shop within the local area or the Gram Panchayat. (2) When a resolution has been passed under sub-section (1) above, it shall notwithstanding any resolution passed by an empowered District Board under section 5 of the Punjab Local Option Act, 1923 or any other Act for the time being in force take effect from the first day of April of the year next after such resolution. (3)

Notwithstanding anything contained in the Punjab Excise Act, 1914 [or any other Act for the time being in force] and the rules made thereunder with regard to the powers and functions of the Collector under the said Act. such a resolution will be binding upon the Excise and Taxation Commissioner : Provided (that if the Excise and Taxation Commissioner is of opinion for reasons to be recorded in writing that within such local area illicit distillation or smuggling of alcohol has been carried on or connived at, within (two years preceding the date of the passing of such resolution, in such local area, such resolution shall not be binding upon him, unless the Government orders that it shall be so binding. 27. (1) A Gram Panchayat may, from time to time, make by-laws consistent with this Act and with any rules made thereunder generally for carrying out all or any of the purposes of this Act. Inserted by the Punjab Zila Parishads, Panchayat Samitis and Gram Sabhas Reconstitution and Reorganisation) Order, 1969. Scanned with OKEN Scanner 11953 : lib. Act GRAM PANCHAYAT 164 (2) In making a by-law under sub-section (1) the Gram Panchayat may direct that a breach of it shall be punishable with fine, which may extend to ten rupees and if the breach is continuous with a further fine of one rupee for every day after the first during which the breach continues. (3) The power conferred under this section to make by-laws is subject to (the condition of previous publication for such time and in such manner as the Director may determine, and no by-law shall come into force until it has been confirmed by the Director

28. The Sarpanch of the Gram Panchayat and, if authorised in writing in this behalf by the Gram Panchayat, any other Panch may enter into or upon any building or land, with or without assistants or workmen, in order to make an inspection or survey or to execute a work which a Gram Panchayat is authorised by this Act or by rules or by-laws made thereunder to make or execute, or which it is necessary for a Gram Panchayat for any of the purposes or in pursuance of any of the provisions of this Act or of rules or by-laws, to make or execute : Provided that— (a) except when it is under this Act otherwise expressly provided no such entry shall be made between sunset and sunrise, (b) sufficient notice shall in every instance be given even when any premises can otherwise be entered without notice to enable the inmates of an apartment occupied by women to remove themselves to some part of the premises where their privacy shall not be disturbed ; and (c) due regard shall always be had to the social and religious usages of the occupants of the premises entered. Transfer of forest 29. (1) Government may, subject to such conditions area or irrigation as may be prescribed, transfer to any Gram Panchayat work. the management and maintenance of a forest and Government waste land within and near the boundaries of its jurisdiction. Scanned with OKEN Scanner 11953 : lib. Act GRAM PANCHAYAT 165 (2) Government may, subject to such conditions as be prescribed, transfer to any Gram Panchayat the of any irrigation work and its extensions and (the regulation of (the distribution of water from any such work

30. When a Gram Panchayat requires any land to Acquisition of land. carry out any purpose of this Act, it shall first try to obtain the land by private negotiations and if the parties concerned fail to arrive at an agreement, such Gram Panchayat may make an application in the prescribed form to the Collector to acquire the land and the Collector may acquire such land under the provisions of the Land Acquisition Act, 1894. Explanation.—In this Chapter the expression 'land' includes benefits to arise out of land, and things attached to the earth or permanently fastened to anything attached to the earth

31. The Gram Panchayat may with the consent Of Power to manage district board start, manage and regulate new fairs and fairs and markets. markets with such conditions as to the share of income accruing therefrom as may be mutually agreed upon

32. A Gram Panchayat shall have control of all Power over water. ways, etc. public streets, waterways, other than canals as defined in sub-section (1) of section 3 of the Northern India Canal and Drainage Act, 1873 [or any other Act for the time being in force] a private street or waterway and not being under the control of Government or district board or any other authority specified by Government and may do all things necessary for the maintenance and repair thereof, and may— (a) construct new bridges or culverts ; (b) divert, discontinue or close any public street, culvert or bridge (c) widen, open, enlarge or otherwise improve any public street, culvert or bridge with minimum damage to the neighbouring fields, Inserted by the Punjab Zila Parishads, Panchayat Samitis and Gram Sabhas (Reconstitution and Reorganisation) Order, 1969. Scanned with OKEN Scanner Powers regarding naming of streets and numbering of buildings. [1953 : GRAM PANCHAYAT 166 (d) deepen or otherwise improve waterways. (e) with the sanction of the prescribed authority and where a canal exists

under the Northern India Canal and Drainage Act, 1873, other Act for the time being in force] with the sanction of such officer of the Irrigation Department as Government may appoint undertake small irrigation projects; (f) cut any hedge or branch of any tree projecting on a public street; (g) notify the setting apart of any public water-course for drinking or culinary purposes, and prohibit bathing, washing of clothes and animals or doing of other acts likely to pollute the course so set apart: Provided that nothing shall be done under clause (g) which may affect a canal governed by the Northern India Canal and Drainage Act, 1873, or any other Act for the time being in force] without the prior permission of the authority prescribed by Government in this behalf. [32-A. (1) A Gram Panchayat may— (a) cause a name to be given to a street by affixing it to or painting it on any building or otherwise in such a position or manner as it may think fit; (b) cause a number to be affixed to or painted on any building in such a position or manner as it may think fit. (2) The Gram Panchayat may require the owner or occupier of any building to paint thereon a number or itself cause such a number to be painted on any building. (3) Any person, destroying, pulling down, defacing or altering any name plate of a street or number affixed to or painted on a building under sub-sections (1) and (2) or affixing to or painting on a building a false name or number from that affixed or painted by or under the order of the Gram Panchayat, shall, on conviction, be liable to a fine which may extend to ten rupees.] Inserted by the Punjab Zila Parishads, Panchayat Samitis and Grain Sabhas (Reconstitution and Reorganisation) Order, 1969. 21 Inserted by Punjab Act No. 26 of 1960, section 7, Scanned with OKEN Scanner 1953 : Act IV] GRAM PANCHAYAT 167 1133. (1) A Gram Panchayat shall for the discharge of its administrative functions and other duties appoint Local Committees Functional Sub-Committees and Local Committees. of Gram Panchayat (2) The Functional Sub-Committees shall strengthen the Panchayats by assisting them with suggestions at the stage of planning and help in execution of development (3) In case a Sabha area is constituted of more than one village, each village shall have a Local Committee consisting of the Panches of the village and co-opted members of the village, which will look after the development of the village and will be considered as Functional Sub-Committees for all purposes.] 34. 2(1) The Gram Panchayat shall give such help in maintaining as may be prescribed to the department concerned in the maintenance and improvement of the running of the schools, hospitals and dispensaries hospitals or dispensaries in or near its jurisdiction. The Gram Panchayat may contribute funds to any charitable or national cause or any work or scheme for removing distress, and ameliorating the conditions of the people in the rural areas in the State-sponsored or approved by Government.] 35. Where a group of neighbouring Gram Panchayats or Establishment of areas have no primary school, hospital or dispensary, primary schools, hospitals or dispensaries the Gram Panchayats thereof shall, if so directed by the Government for a prescribed authority, combine to help in establishing such group of Panchayats a school, hospital or Ayurvedic or Unani dispensary and it shall be managed in the manner prescribed: Provided that Government or the District Board shall place such funds, as may be necessary for the purpose at the disposal of the Gram Panchayats concerned

36. A Gram Panchayat shall do so prescribed by Assistance to Government and so far as practicable assist any Government servant in the performance of his duties within its area. Inserted by Punjab Act No. 26 of 1960, section 8. 34, amended as sub-section (1) and sub-section (2), added by Punjab Act No. 26 of 1969, section 9. Scanned with OKEN Scanner 1953 : 1951. Act IV GRAM PANCHAYAT 168 37. Subject to the rules made under this Act and to the management conditions agreed upon in writing a Gram Panchayat may entrust to any person any property vested in him or institutions, etc. or the management of any institution, or the execution or maintenance of any work, or the performance of any duty, within its area Provided that no work costing more than five hundred rupees shall be entrusted to, or undertaken by, a Panchayat except with the previous approval of the Director

CHAPTER IV CRIMINAL JUDICIAL FUNCTIONS 38. The criminal jurisdiction of a Gram Panchayat shall be confined to the trial of offences specified in I [Schedule I-A]

39. Every Panchayat with enhanced powers, and every Additional power of Gram Panchayat shall have jurisdiction to try— (1) the offences mentioned in Schedule I-B, provided that the value of the property concerned with the offence is not in excess of two hundred and fifty rupees, but shall not empower the said Panchayats to try any person liable to enhanced punishment under section 75 of the I.P.C. (2) any other offence, not punishable with imprisonment for more than two years, which Government may by notification, declare to be triable by such Panchayats. 40. (1) For the purpose of deciding whether an offence falls within the jurisdiction of a Gram Panchayat, the

provisions of sections 179 to 182 of the Code of Criminal Procedure, 1898, shall apply. (2) 3[Al Panchayat shall be deemed to be Criminal Court when trying a criminal case. ISilbstituted for "Schedule 1" by Punjab Act No. of 1953, section S. 3 The word "Gram" omitted by Punjab Act No. XLI of 1953, section 17, iSubstituted for the words "The Gram", by ibid, section 18. Scanned with OKEN Scan crq o 0 30 Scanned with OKEN Scanner (1953 lil). Act GRAM PANCHAYAT 170 Provided that if the court-fee stamp is not available * Panchayat ordinarily sits at the place where the an equivalent amount in cash shall be paid. (2) If the complaint is made orally, such particulars as may be prescribed shall be recorded by the Sarpanch' or the Panch, as the case may be. (3) Notwithstanding anything contained in sub-section (1) a Panchayat shall be competent to take cognizance suo Inoto of cases falling under sections 160, 228, 264 277, 289, 290, 294, 510 of the Indian Penal code, and under sections 3 and 4 of the Punjab Juvenile Smoking (or any other Act for the time being in force) Act, 1918, 2 44. (1) The 1* * Panchayat may, after examining the complaint, if any ; and after further enquiry, if plaintiff necessary, either dismiss the complaint or summon the accused to attend. (2) If the complainant fails to appear on the date fixed for hearing or if in the opinion of the 1* * Panchayat he shows negligence in prosecuting the case, the 1* * Panchayat may dismiss the case and such order shall be subject to the provisions of the sub-section (3) operate as an acquittal. (3) If the complainant satisfies the 1* * Panchayat that his absence was due to some unavoidable cause and that he could not notify the 1* * Panchayat thereof before the hearing the 1* * Panchayat may revive the proceeding Provided that no order of dismissal shall be set aside without a notice to the accused if it has been passed after his appearance before the 1* * Panchayat. Power of Panchayat. 45. If at any time it appears to the * Panchayat to refuse that the offence is one for which (he sentence which to entertain criminal case. 1* * Panchayat is competent to pass would be the inadequate, it shall send the record of the case by order in writing to the 41Chief Judicial Magistrate). iThe word "Gram" omitted by Punjab Act No. XLI of 1953, sections 12 and 13' 21Inserted by the Punjab Zila Parishads, Panchayat Samitis and Gram Sabhas* (Reconstitution and Reorganisation) Order, 1969. SSubstituted for the word 'Complaint' by Punjab Act 26 of 1960, section 10' 'Substituted for the words "District Magistrate" by Punjab Act No. 25 Of 1964' Scanned with OKEN Scanner Act IVI GRAM PANCHAYAT 1953 . 46. (1) If the accused fails to appear or cannot be * Panchayat shall report the fact to the he found, nearest magistrate. (2) The Magistrate shall issue a warrant for the arrest of the accused and shall direct by endorsement on the warrant that if such person executes bond with sufficient sureties for his attendance before himself in the manner provided by section 76 of the Code of Criminal Procedure, 1898, he shall be released from custody. (3) When the accused appears before the Magistrate he shall direct him to execute a bond with or without sureties to appear before the 1* * Panchayat, Sarpanch, or any Panch on such date as he may direct and thereafter to continue to appear before (he 1* * Panchayat as directed by such person or the 1* * Panchayat. (4) On his failure to execute such bond the Magistrate shall order that the accused be produced in custody before the person mentioned in sub-section (3) 2[or] the * Panchayat on such date not more than fifteen days later as he may direct. (5) If the accused fails to appear before the Panchayat after executing a bond under sub-section (3) the Panchayat shall report the fact to the Magistrate before whom the bond was executed, and such Magistrate shall proceed in accordance with the provisions of Chapter XLII of the Code of Criminal Procedure, 1898. 47. (1) The 1* * Panchayat shall, if possible, try criminal cases. a criminal case and pass orders on the day on which the accused appears and, if that is not possible, may, if he is not already on bail, require him to execute a bond with or without sureties for a sum not exceeding five hundred rupees to appear before the 1* * Panchayat on any subsequent day or days to which the trial may be adjourned. (2) The amount of such bond if forfeited shall be recoverable by the * Panchayat as if it were a fine imposed by it. iThe word "Gram" omitted by Punjab Act No. XLI of 1953, sections 13 (i) and 14. *Substituted for the word "of" by section 13 (ii), Ibid. Scanned with OKEN Scanner Punishment. (1953 • FI). Act M PANCHAYAT (3) the accused fails to execute the bond required by * Panchayat shall inform the sub-section (1) the Magistrate of the fact and the date fixed for the next hearing ; and the Magistrate shall proceed as provided 48. (1) A * Panchayat may on conviction— (a) sentence the accused to a fine not exceeding one hundred rupees or if given enhanced powers under his Act, to a fine not exceeding two hundred rupees or double the value of the damage or loss caused by this Act, whichever is greater . Provided that no fine shall exceed the maximum fine prescribed by law for that offence (b) discharge him after due admonition ; (c) require him to execute within such time as the 1* * Panchayat may fix, a bond with or without sureties, of an amount not

exceeding one hundred rupees, binding himself that he will not be again guilty of any offence triable by the Panchayat for any period not exceeding twelve months; or (d) where in the opinion of the Panchayat he is under eighteen years of age, require his father or his guardian to execute within such time as the Panchayat may fix, a bond, with or without sureties of an amount not exceeding one hundred rupees, binding himself to prevent such offender from committing any offence triable by the Panchayat for any period not exceeding twelve months. (2) The amount of any bond taken under clauses (c) and (d) of the foregoing sub-section if forfeited, shall be recoverable by the Panchayat as if it were a fine imposed by itself and if the accused or his father or his guardian, as the case may be, fails to execute such a bond within the time fixed, the accused shall be punishable with fine which may extend to one hundred rupees. (The word "Gram" omitted by Punjab Act No. XLI of 1953. Scanned with OKEN Scanner, Act IVJ GRAM PANCHAYAT 1953 173 J) Panchayat imposes a fine under (3) Where a provision of (his section and such a fine is not paid as required, it shall record an order declaring the amount of fine imposed and that it has not been paid, and shall forward the same to the District Magistrate. (The District Magistrate shall proceed to execute it as if it were an order passed by the District Magistrate, and such District Magistrate may also sentence (the accused to imprisonment in default of payment. 49. (1) If a fine is imposed under this Act, the Panchayat may order (the whole or any part of the fine Compensation. recovered to be applied— (a) in defraying expenses properly incurred in the case by the complainant; and (b) in compensation for any material damage or loss caused by the offence committed. (2) If the Panchayat considers that a case is false or frivolous or vexatious it may call upon the complainant to show cause why he should not pay compensation to the accused. The Panchayat shall record and consider any cause which the complainant may show and if it is satisfied that the case was false, frivolous or vexatious, may, for reasons to be recorded, direct that compensation not exceeding rupees fifty, shall be paid by the complainant to the accused.

50. No conviction under this Act shall be deemed to be a previous conviction for the purpose of section 75 of the Indian Penal Code, 1860, or section 562 or 565 of the Code of Criminal Procedure, 1898. (1) The District Magistrate, if satisfied supervision of criminal proceedings by (Chief Judicial motion or on an application of the party aggrieved, Magistrate). by order in writing after notice to the accused, or the complainant as the case may be; cancel or modify any order in a judicial proceeding made by the Panchayat or direct (the retrial of any criminal case by the same or any other Panchayat of competent jurisdiction or by a court of competent Jurisdiction subordinate to him. (2) A fee of one rupee shall be paid on every such application. (Substituted for the word "Gram" by Punjab Act XLI of 1953. Substituted for the word "Magistrate" by Punjab Act No. 25 of 1964. a Substituted for the words "District Magistrate" by Punjab Act No. 25 of 1964. Substituted for the word "Gram" by Punjab Act No. 41 of 1953. Scanned with OKEN Scanner 174 [1953 : Act GRAM CHAPTER V CIVIL AND REVENUE JUDICIAL FUNCTIONS Powers 52. (1) Notwithstanding any other law for the time being in force and subject to the other provisions of this Act, the jurisdiction to try any of the suits mentioned in Panchayat— hereunder shall vest in (a) suits for the recovery of movable property or the value of such property, (b) suits for money or goods due on contracts, or price thereof, (c) suits for compensation for wrongfully taking or injuring movable property, and (d) suits mentioned in clauses (j), (k), (l) and (n) of sub-section (3) of section 77 of the Punjab Tenancy Act, 1887 [or any other Act for the time being in force]. (2) The pecuniary limits of the jurisdiction of a Panchayat with enhanced powers shall be five hundred rupees in respect of suits falling under clauses (a), (b) and (c) of sub-section (1) and two hundred rupees in respect of suits falling under clause (d) of the said sub-section. The pecuniary limits of jurisdiction of other Panchayats shall be two hundred rupees in respect of suits falling under clauses (a), (b) and (c) of sub-section (1) and one hundred rupees in respect of suits falling under clause (d) of the said sub-section. 53. (1) The Panchayat when trying such suits Panchayat to be or court. shall be deemed to be a civil or revenue court as the case may be. Unless relinquished in part, the suit shall include the whole of the claim and no subsequent suits shall lie before the Panchayat or any other court for any claim or a part thereof relinquished or omitted. Panchayat unless the defendant or one of the defendants, sought to be made Limits to jurisdiction. liable for the claim, where there are more than one at the time of the institution of the suit resides or carries on business or personally works for gain, or has within year of the institution of the suit resided or carried business or personally worked for gain, within the limits of

its jurisdiction or the cause of action has arisen wholly or in part within these limits. IIThe word "Gram" omitted by Punjab Act No. XLI Of 1953, section 17. Scanned with OKEN Scanner Puniab Act V• of 1939. 1953 : Ph. Act GRAM l)ANcjrAYA'r 175 54. (I) Any other court before whom a snit triable Tranqfer of * Panchayat is filed shall transfer (he suit to the by a Panchayat of conve(ent jurisdiction. (2) The District Judge or Collector may, for reasons (0 be recorded in writing, (ranster, any civil or revenue suit J* * Panchayat to another 1* * respectively froin one Panchayat of coinpeten(jurisdic(ion or to another court subordinate to hilli

55. No suit shall lie in a * Panchayat— Exclusion of Pan• chayat3 jurisdiction. (a) on a balance of a partnership account (b) for a share or a part of a share under an intestacy or for a legacy or part of legacy under a Will ; (c) by or against the Central Government or a State Government or a local authority or a public servant or a 1* * Panchayat or Market Commi(tee constituted under the Punjab Agri- cultural Produce Markets Act, 1939, 2[or any other Act for the lime being in force], or when any such party is, in (he opinion of [he 1* * Panchayat, a necessary party (d) by or against a minor ora person 0l' unsound mind or when any such person is in the opinion of the 1* * Panchayat, a necessary party (e) against an insolvent for a claim pertaining to the time prior to the admission of his insolvency petition (f) on account of any dispu(e or matter regarding which any suit or application may be made in a Revenue Court as defined in the Punjab Tenancy Act, J 887, except as provided by clause (d) of sub-section (l) of sec(1011 52 ; (g) in which lhe direc(ly and substantially in issue is pending for decision in or has been heard and finally decided by a court of com- pe(ent jurisdiction in a fornler suit between the same parties or (hose under whom they claim. IThe word "Gram" omitted by Punjab Act No. XLI of 1953, section 17. 'Inserted by the Punjab Zila Parishads, Panchayat Satnitis and Gram Sabbas (Reconstitution and Reorganisation) Order, 1969. Scanned with OKEN Scanner Limitation. DI astitution. GRAM PANCI tAYAT [1953: FI). 176 56. (l) The provisions of any law fixing a period of limitation civil or revenue proceedings shall be deemed to be atuended to the extent that the period ot' limitation of' any suit triable by 1* Panchayat shall not exceed three years or the period fixed in Schedule 11 it the claim arose before the commencernent or this Ac(. (2) Any lime spent on proceedings before a Panchayat to which the provisions of sections 58 and 71 are applicable shall be excluded from any period ot' lirn. itation prescribed by law for suits in other courts. 57. (l) Any person who wishes to institute a suit * Panchayat shall present a petition in before a writing to (he Sarpanch or in his absence to any Panch and shall at (he same time pay the fees prescribed in Schedule 111: Provided that if the court-fee stamp is not available at the place where the Panchayat ordinarily sits, an equivalent amount in cash shall be paid. (2) Any petition so presented shall be entered in a register of suits, io be maintained in such form and by such person as Government may prescribe. Wrong institution 58. Ifat any time, it appears to the * Panchayat of suits. that it has no jurisdiction to try a suit, it shall direct the petitioner, by order in writing, to file his suit in the proper court

59. If upon the face of the petition, or on examining Summary dismissal.the petitioner, a Panchayat is of opinion that the petition is vexatious or frivolous or barred by limitation or discloses no cause of action, it shall dismiss the petition by order in writing. 60. (1) Subject Io the provisions of clauses (c) and Necessary parties in suits. (d) of section 55, the 1* * Panchayat shall add as parties to suit any persons whose presence as parties it considers for a proper decision thereof, and shall enter the names of such v arties in the register of suits, avd the suit shall be tried as between the parties whose names are entered in the said register Provided that when any party is added notice shall be given to him and he shall be given an opr ortunity Of appearing before the trial of the suit is I a•oceeded with, (2) In all cases where a new party appears under the proviso to sub-section (l) during the trial of a civil suit, he may require that the trial shall begin de no)0• The word "Gram" otuitted by Punj b Act No. XLI of 1953, Section 17. Scanned with OKEN Scanne GRAM PANCI(AYAT Act IVI 177 (953 • (3) If IIIC plaintiff or in any suit dies be- a ca<C liens becn C in ft lly decided and the right to (he sui(shall, subject (o the provi- sue still sucvives Sion of clause (d) ion 55. bc proccded with at the instance Of. or against deccased plainliIT ov (he (lercdant, as the case may bc ided that application in (his bellatr hag been Panchayat Nvithin thirty days of presented to the the death or within such rur(her period ag the Panchayat may, ror sufficient cause. allow. Ifa suit is disinissed under section 59 the Summons. 61. panchayat shalt by sununons requirc the defendant to appear before it and answer (he petition. 62. (1) If the petitioner rails to appear on the date fixed for hearing or if in the opinion of the 1* * Pane and restoration chayat he shovns negligence in pro ecuting his suit, the * Panchayat nnay dismiss (he suit unless the de- fendat admits alJ or any par(of the claim, when

it shall be decreed accordingly. * Panchayat shall restore a suit dismissed for failure to appear, if, within fifteen days from the date of such dismissal, or such further period which for sufficient cause the 1* * Panchayat may * Panchayat that he allow, the plaintiff satisfies the 1* was prevented by any sufficient cause from appearing but no order of dismissal shall be set aside without notice to the defendant if it has been passed after his appearance before the * Panchayat. A fee of one rupee shall be paid on every such application for restoration. 63. (1) If the defendant fails to appear and the Ex parte decision * Panchayat is satisfied that he has received notice of the date fixed for the hearing or that he is intentionally evading service the Panchayat may proceed ex parte. The word "Gram" omitted by Punjab Act No. XLI of 1953, section 17. Scanned with OKEN Scanner GRAM PANCHAYAT [1953 : Act 178 (2) Any defendant against whom a suit has been decided ex parte, within thirty days from the date of cutting any process for enforcement of the decision or within such further period as the 1* * Panchayat for sufficient cause allow, apply orally or in writing to the * Panchayat, to set aside the order ; and the * Panchayat, if satisfied that the defendant did not receive due notice of the hearing, or was prevented from appearing by any sufficient cause or was not intentionally evading service of summons, shall set aside the decision and shall appoint a day for proceeding with the suit, but no such order shall be passed without notice to the opposite party. A fee of one rupee shall be paid on every such application for setting aside an ex parte decision. Fial decision 64. (1) At the conclusion of the trial the 1* Panchayat shall pass a decree in writing with or without costs of the suits in such form as Government may by rule prescribe and shall enter particulars of the decision under supervision in the register of suits. (2) If any money is paid over or if any property is transferred in the presence of * Panchayat in satisfaction of a decree it shall enter the payment or the transfer in the register of suits. * Panchayat shall be (3) A decree passed by a Panchayat shall be executed by it in such manner as may be prescribed. If the 1* * Panchayat finds any difficulty in executing a decree, it may forward the decree to the civil revenue court having jurisdiction and such court shall thereupon proceed to execute the decree as if it were a decree passed by itself

65. The District Judge in respect of civil suits or the Collector in respect of revenue suits may of his own motion or on an application of the party aggrieved set aside or modify any decree or order made by a Panchayat in a civil or revenue suit or direct the retrial of the suit by the same or any other 1* * panchayat Of competent jurisdiction or by any other court subordinate to him if he is satisfied that there has been a failure of justice whether on a point of fact or law. The word 'Gram' omitted by Punjab Act No. of 1953, section Scanned with OKEN Scanner 1953 : Vb. Act I VJ GRAM PANCHAYAT 179 CHAPTER VI GENERAL PROVISIONS APPLICABLE TO JUDICIAL PROCEEDINGS 66. (1) The provisions of the Code of Criminal Procedure, 1898, (the Code of Criminal Procedure, 1908, and of the Indian Evidence Act, 1872, shall not apply to proceedings before a Panchayat, save to the extent mentioned in this Act, but the 1* * Panchayat may ascertain the facts of any criminal case or civil or revenue suit by all means in its power and thereafter pass such order, sentence or decree as may be in accordance with justice, equity and good conscience. (2) Every 1* * panchayat shall maintain a brief memorandum of proceedings of each case tried by it. 67. (1) No member of a 1* * Panchayat shall take part in any case, suit or proceeding to which he or his employer, employee or partner in business or near relative is a party or in which any of them may be personally interested. (2) If by reason of the number of Panchayat members disqualified under sub-section (1) there remains no quorum the * Panchayat shall send the case or the suit to the 2[Chief Judicial Magistrate] or the District Judge or the Collector having jurisdiction, as the case may be, for disposal in accordance with law. 68. (1) Notwithstanding anything contained in this Act or any other law for the time being in force, it shall be lawful for the 1* * Panchayat to allow any criminal case to be compounded or to decide any suit within its jurisdiction in accordance with any lawful and valid compromise agreed upon between the parties. 1873, (2) Sections 8 to 11 of the Indian Oath Act, 1872 shall apply to judicial proceedings before a Panchayat. The word "District Magistrate" by Punjab Act No. 25 of 1964 Scanned with (1953 Vb. Act GRAM PANCHAYAT ISO 69. Notwithstanding anything contained in the Legal Practitioners Act, 1879, no legal practitioner shall be entitled to practice before a * Panchayat for any party in any judicial proceedings under this 70. (1) A woman or any other person specially * * Panchayat, being a party to any judicial proceedings permitted by a Panchayat may appear through an agent authorized in (his behalf. (2) For the

purposes of this section 'agent' shall not include any legal practitioner or any person employed as a clerk to any legal practitioner or any petition-writer or a tout declared as such under section 36 of the Legal Practitioners Act, 1879. If at any time, it appears to a Magistrate that it has no jurisdiction to try a case or a suit, (b) that a case or a suit is of such a nature or of such difficulties that it should be tried by another court. It shall, by order in writing, stating therein the facts of presentation and return of the petition, direct the complainant or the petitioner, as the case may be, to present the complaint or petition to the proper court.

72. (1) A Gram Panchayat may by summons send for any person to appear and give evidence or to produce or cause the production of any document. Provided that— (a) no person who is exempt from personal appearance in court under sub-section (1) of section 136 of the Code of Civil Procedure, 1908 shall be required to appear in person before a Gram Panchayat in a civil suit (b) a Gram Panchayat may refuse to summon a witness or to enforce a summons already issued against a witness, when in its opinion the attendance of the witness cannot be procured without an amount of delay, expense or inconvenience which in the circumstances would be unreasonable. The word "Gram" omitted by Punjab Act No. XLI of 1953, section 17. 2 Substituted for the words 'The Gram' by ibid. Scanned with OKEN Scanner [1953 : GRAM PANCHAYAT 181 (1) A Gram Panchayat shall require any person living beyond its jurisdiction to give evidence or to produce a document unless such a sum of money be paid to him as appears to the Gram Panchayat to be sufficient to defray his reasonable expenses (d) no woman shall be compelled to appear as a witness in person before a Gram Panchayat. She may be examined on commission in the manner prescribed; and (e) if a document is produced in obedience to a summons issued under this section the Gram Panchayat shall cause the document to be copied, mark the copy after comparing with the original to be a true copy and return the original document to the person producing the same. (2) If any person, whom the Gram Panchayat summons by written order to appear or give evidence or to produce any document before it, wilfully fails to obey such summons the Gram Panchayat may take cognizance of such disobedience and after giving such person an opportunity to explain may, on conviction, sentence him to a fine exceeding twenty-five rupees.

73. (1) Every summons issued by a Gram Panchayat shall be drawn up in such form and shall be signed or sealed in such manner as may be prescribed. (2) When the person on whom the summons is to be served resides within jurisdiction such summons shall ordinarily, be served by one or more of the chukidars of the local area or the Gram Panchayat may in its discretion have it served by any other person willing to do so. (3) If the accused or the defendant resides at the time of the issue of the summons outside the local area of its jurisdiction the Gram Panchayat may forward the summons to the Gram Panchayat within the local area of whose jurisdiction the accused or the defendant resides and such Gram Panchayat shall cause it to be served as if it were a summons issued by itself. The word "Gram" omitted by Punjab Act No. XLI of 1953, sections 18 and 19. 2 Substituted for the word 'Gram' by ibid. 8 Substituted for the words 'The Gram' by Punjab Act No. XLI of 1953, section 17. Scanned with OKEN Scanner [1953 : GRAM PANCHAYAT 182 (4) If the accused or the defendant resides at the time of the issue of the summons outside the jurisdiction of a Gram Panchayat may, where it is not possible for the Gram Panchayat to serve the summons through another Gram Panchayat forward the summons to the nearest Gram Panchayat [Judicial Magistrate] who shall cause it to be served as if it were a summons issued by himself.

74. (1) If in any criminal case or civil or revenue Transfer application suit before a Gram Panchayat any party intimates at any stage before the announcement of the final order or decree that he intends to make an application under this section to the Chief Judicial Magistrate or the District Judge or the Collector, as the case may be, for the transfer of the case or suit to the Gram Panchayat, shall, upon his executing, if so required, a bond without sureties of an amount not exceeding ten rupees, that he will make such application within a reasonable time to be fixed by the Gram Panchayat, which shall not be less than fifteen days adjourn the case or suit for such a period as will afford sufficient time for the application to be made and an order to be obtained thereon: Provided that nothing herein contained shall require the Gram Panchayat to adjourn the case or suit upon a second or subsequent intimation from the same party. (2) If the application is not made within the time allowed, the amount of such bond shall be forfeited and may be recovered by the Gram Panchayat as if it were a fine recoverable by the Gram Panchayat.

75. The Chief Judicial Magistrate or the District Judge or the Collector, as the case may be, on an application for transfer, order a Gram Panchayat to stay the proceedings pending before it and on receipt of such order the Gram Panchayat shall stay the proceedings. Substituted for the word "Gram" by Punjab Act No. XLI of 1953. The word "area" omitted by ibid. The word "Gram" omitted

by Punjab Act No. XLI of 1953. 'Substituted for the words' 'District Magistrate' by Punjab Act No. 25 of 1964 •Substituted for the word "Gram" by Punjab Act XLI of 1953. o Scanned with OKEN Scanner 1953 : l'b, Act GRAM PANCHAYAT 183 76. I[AJ Panchayat may, when imposing a fine or Payment by in. ordering the payment of a of money or the delivery of any movable property, direct that the money be paid, instalments. or the movable property be delivered, by instalments. 77. (1) A '2* * Panchayat shall not be compe- Finality or deci- tent to cancel, revise or alter any sentence, decree or final sion• order passed by it in any judicial proceedings, except ex parte decrees or orders ; and subject to the provisions of sections 51 and 65, no sentence, decree or other order 2* * Panchayat in judicia proceedings passed by a shall be subject to appeal, or revision by any other court or authority. (2) The provisions of sections 10 and 11 of the Code of Criminal Procedure, 1908 and section 403 of the Code Res Judicata. of Criminal Procedure, 1898 shall apply to all civil, revenue 'Of 1898. and criminal proceedings before a 2* * yat

78. Any sum realized by a 2* * Panchayat Custody by way of judicial fees or of judicial fines shall be 3[cre- money• dited to the consolidated fund of the State in the manner prescribed].79. (1) The provisions of sections 480 to 482 of Contempt v of 1898. the Code of Criminal Procedure, 1898, shall apply to judicial proceedings under this Act : Provided that, the fine imposed for contempt of court shall not exceed twenty-five rupees. (2) The provisions of sections 512, 517 and 522 of Conjunctive Of 1898' the Code of Criminal Procedure, 1898, shall apply to powers. criminal proceedings before Panchk yat, and in any order made by a Panchayat in re ation to sections 517 and 522 of the Code of Criminal Procedure, 1898, is not com- plied with, the panchayat shall forward the same to the nearest 41 Judicial Magistrate] who shall proceed to exe- cute it as if it were an order passed by himself. iSubstituted for the words "the Gram" by Punjab Act No. 41 of 1953, sections 21 ZThe word "Gram" omitted by Punjab Act No. XLI of 1953. and 22. 8Substituted for the words • 'kept in such custody as Government may prescribe' 'Substituted for the word "Magistrate" by Punjab Act No. 25 of 1964. by ibid, section 254 (11). of Scanned with OKEN Scanner 184 11953 : 1>1). Act GRAM PANCILÆYAT CHAPTER VII FINANCE AND TAXATION ItSabha Fdndl Sources of Gram Fund

1180. There shall be a Sabha Fund] for each Panchayat and the same shall be utilised for carrying out the duties and obligations imposed on the Panchayat or any Committee thereof by this or any other enactment and for such other purposes of the Panchayat as the State Government may prescribel.3181. (1) The following moneys shall be credited to the Gram Fund— (a) all grants from Government or other Local authorities ; (b) the balance (if any) standing at the credit of the Panchayat at the commencement of this Act ; (c) the balances and proceeds of all funds which in the opinion of the collector were or are being collected for common secular purposes of the village or villages comprised in the Sabha area , (d) all donations ; (e) all taxes, duties, cesses and fees imposed and realized under this Act • (f) the sale proceeds of all dust, dirt, dung or refuse collected by the servants of the Panchayats and dead bodies of animals not claimed by any person in accordance with any custom or usage and the trees and other produce Of the land vested in 'the Sabha. Substituted by Punjab Act No. 32 of 1956, section 3. 2Substituted by Punjab Act No. 26 of 1960, section 11. 8Sections 81 and 82 substituted by Punjab Act No. 26 of 1960, section12• .1 Scanned with OKEN Scan 1953 Pb. Act GRAM PANCIfAYAT 185 (g) income dorived Croni (hc village fisheries which arc under (he rmanagemont or Panchayats ; (n) incolnc derived Cron) conunon lands ves(ed in (hc Panchaya(under any law for the time (2) The Government shall every year assign to every Panchayat a portion ot (he land revenue not being less than (en per cen(urn of the (otal annual land revenue realized within the limits of the Sabha area which shall be credited to the Gram Fund. 82. (1) Subject to rules made under .this Act or any Pever of Taxa. ordermadeby Government in this behalf, Gram Panchayat shall impose,— (a) a house-tax payable by the occupier or, where a house is vacant, by the owner : Provided that if any house remains vacant for a period of one year or more, it shall be exempt from payment of the house-tax (b) with the previous approval of Government, a tax on persons carrying on any profession, trade, calling and employment (other than agriculture) in the Sabha area provided such tax has not been imposed in (he Sabha area by any other local authority under any law for the time being in force ; (c) if so authorised by the Government, a duty on transfers of property in 11-e form ofa surcharge on the duty imposed by the Indian Stamp Act, 1899, on instruments of sale, gift and mortgage with possession oc itnmovable pro- perty situated in (he Sabha area at such rate as may be fixed by (he Government not exceed- ing two per centum on, as (he case may be, the amount of (he consideration, the value Of the properly or (he amount secured by the mortgagee, as set forth in the

instrument . (c) if so authorised by (he Government, any other tax, duty or cess which (he Legislature of the has power (o impose : Scanned with OKEN Scanner Power to empt from and write amounts. Expenses Gram chayats. t19S3 Jib. Act Iv GRAM I)ÄNCIIAYAT ts6 Provided illat if (he Gram Pancha,yat fa,ilfi to itnpose (hc lax, duty or cess Government may lake necessary steps to impose it and the tax duty or cess so imposed shall be deemed t; have been imposed by lhe Gram Panchayat Provided further, (hat the Government may at any lime withdraw lhe authorisation under clause (c) or clause (d) whereupon the tax, duty or cess shall cease to be levied. (2) The following fees may be levied by a Gram Panchayat— (i) teh-bazari from (he shop-keepers in fairs other than cattle fairs , (ii) service fee including fee on cleaning of streets and lighting of streets and sanitation ; (iii) fees for registration of animals sold in the Sabha area ; and (iv) water rate where water is supplied by the Gram Panchayat.] taxes 83. Subject Io such restrictions and control as may off ire be prescribed a Gram Panchayat niay write off any tax, fee or other amount whatsoever, due to it, whether under a contract or otherwise or any sum payable in connection therewith, if in its opinion such tax, fee amount or sum is irrecoverable

84. The expenses of the Gram Panchayats shall be of Pan- charged to lhe 1[Sabha FundI and those of the Adalti Panchayat on lhe funds of the Gram Panch yats concern- edin such proportion as may be determined by the pres- cribed authoriij. l. ecovery of rears

85. The Collector shall recover any sum due undet this Act other than sums due under a decree passed by the * Panchayat in exercise ot its civil jurisdic- lion or as fines imposed in the exercise Of its criminal jurisdiction as if they were arrears of land revenue.iSubstituted by Punjab Act No. 26 of 1960, section 11. •Added by Punjab Act NO. XLI of 1953, section 27. 'The words 'iGram9' omitted by ibid, section 28. Scanned with OKEN Scanne GRAM PANCHAYAT b. Act IVj 187 jp 63 the sanction of Government and subject such conditions as Inay be prescribed, a Gram row. Power to bor. panchayat Inay borrow money for carrying out of any of of this Act

87. A Gram Panchayat may, with the previous per- of the Director, impose a special tax on the community male members of the Panchayat area for the 'construction of any public work of general utility for the inhabitants of the said area ; provided that it may exempt any member from payment of this tax in lieu of doing voluntary •labour or having it done by another person on his behalf; provided further, that in the case of an emergency manual labour may be com- pulsorily imposed without payment ILand if any person does not perform such labour without sumcient cause he shall be liable to be punished with a fine which may extend to twenty-five rupees.] 2[CHAPTER VIIIJ THE PANCHAYAT UNION CHAPTER lx CONTROL 95. (1) Government may, by notification, delegate Delegation of all Or any o: its powers under this Act other than the power P to make rules, to a Deputy Commissioner 3[or the Sub- Divisional Officer as (he case may be] or the Director. (2) The Director may, with the previous permission Of Government, delegate any of his powers, other than those delegated (o him not below (he rank of District Panchayat Officer. at the end of section 87, by Act No. XLI of 1953, section 88, 89, 90, 91, 92, 93 and 201 f tli%, section 13. by Punjab Act XV of 1954. 1964 specified in section 102 and 103" by Punjab 11. Scanned with OKEN Scanner 11953 : GRAM PANCHAYAT 188 It (3) The Chief Judicial Magistrate may delegate any of his powers to a Judicial Magistrate 01' the first classl. (4) The District Judge may delegate any of his powers to a Subordinate Judge of the first class. (5) The Collector may delegate any of his powers to an Assistant Collector of the first grade. (6) The Deputy Commissioner or 21the Sub-Divisional Offcer, as the case may bel, may delegate any of his powers of control to an offcer not below the rank of an Extra Assistant Commissioner or to a District Panchayat Officer. 31Provided that the power specified in section 102 shall not be delegated by the Deputy Commissioner.] 4195-A. (1) Notwithstanding anything contained in this Power of Govern- ment to hold Act or the rules made thereunder, Government may by general election etc. of Chairmen and notification direct that a general election of Chairman and committees of members of executive committees of all Sabhas, of which election and co-option has not been held and made after S abhas. the first day of December, 1963, shall be held and made by such date as may be specified in such notification and different dates may be appointed for different Sabhas or groups thereof. (2) Notwithstanding anything contained in this Act or the rules made ihereunder, the Government may by notification direct [hat, by such date as may be specified in the notification, a general election of Chairman and members of executive commii(ees of all Sabhas, 'ënd co- option of members of such committees, shall be held and made in the 61 Union Territory ot' Chandigarhl; and different dates may be appointed for different areas or for

different Sabhas or groups thereof . Provided that the election of Chairman and members of executive committees of Sabhas, and co-option of members of such committees, held and made after the first day of December, 1963, whether such election and co-option is held and made under sub-section (1) or has been substituted by Punjab Act No. 25 of 1964. 'Added by Punjab Act No. 11 of 1964. 'Added by ibid. 'Inserted by ibid. 'Substituted for the words "State of Punjab" by the Punjab Zila Parishads' Panchayat Samitis and Gram Sabhas (Reconstitution and Reorganisation) Order' 1969. Scanned with OKEN Scanner

